



Developers' Contributions towards Children's Services Facilities

This document sets out the principles to be applied to all negotiations. Details are subject to review in the context of changes to local and national policies and priorities

Children's Services Department
Elizabeth II Court North
The Castle
Winchester
Hampshire SO23 8UG

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1. Introduction

1.1 In line with central government guidance on developers' contributions given in paragraph 34 of the National Planning Policy Framework (NPPF) 2019 and Regulation 122 of the Community Infrastructure Regulations 2010, the County Council expects developers' contributions to meet the cost of children's services facilities required as a direct consequence of development. The purpose of this document is to establish consistent and open criteria so that Local Planning Authorities and Developers can make informed decisions about the potential level of contributions they may be required to make towards Children's Services facilities. These facilities include primary and secondary schools, provision for children with special educational needs and disabilities (SEND) and early years facilities to support young children and their families.

1.2 Where a Local Authority identifies the need for a new school, specifically to meet increased basic need in their area, section 6A of Education and Inspections Act 2006 places the Local Authority under a duty to seek proposals to establish an academy (free school) via the 'free school presumption' process. The Local Authority is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening costs and these costs will be recovered from the housing developer in full.

2. When are contributions required?

2.1 District and Borough Planning Departments are expected to consult Hampshire Children's Services Department on any planning proposals relating to a development of 10 dwellings or more. This consultation should take place when sites are allocated in local development frameworks, when development briefs are published and when planning applications are received. This should also be part of pre-application/scoping discussions so that developers are aware of the potential requirement for a contribution from the outset.

2.2 In order to satisfy the requirements in the NPPF and CIL Regulation 122, the County Council will make an assessment of the extent of capacity in schools in the appropriate area. This will indicate whether additional capacity will be required to cater for the additional demand. This can be referred to as the "sufficiency" factor. It is the County Council's policy that new primary schools be provided within major new housing areas, where justified by the number of children likely to be living there when the development is complete. Where the additional demand is not enough for a new school, in the interests of integrating new development into existing communities and to promote sustainability principles relating to travel to school, it is expected that a new development will be served by its nearest schools.

2.3 It has been accepted by the Audit Commission¹ that not all unfilled places in a school are surplus places, but that some margin of capacity is necessary to allow

¹ National Audit Office Report "Capital funding for New School Places (2013)"

parents' choice, given that there will be volatility in preferences from one year to the next, and to allow for differences in the size of individual cohorts. Whilst no specific margin was suggested by the Audit Commission, the County Council's position is that a school should be considered as full when it has less than 5% of its places unfilled.

2.4 Taking this into account, in those cases where there will be a shortfall in places to meet the assessed demand, the amount of contribution can be assessed in accordance with the figures set out in section 5.2 below.

2.5 Even where there is apparently sufficient capacity to cater for all, or part, of the additional demand, there may still be a need for additional facilities at a school. The reason for this is that the method of assessing capacity does not take full account of the need for schools to have dedicated space for specialist facilities, such as ICT (Information and Communications Technology). Also, the inclusion of children with Special Educational Needs and Disabilities (SEND) in mainstream schools means that schools need spaces which can be used for individual or small group teaching, which is unlikely to have been provided in the original room allocations. In other words, schools which have theoretical spare capacity will be using those spaces for legitimate educational uses, which will need to be rehoused before those teaching spaces can be brought back into use for general teaching purposes. There may also be factors, such as an undersized hall, the need to provide a music/drama room as the school grows or other factors, which would mean that it would be difficult to meet present day educational requirements if the school was full to its assessed capacity. These can be referred to as "suitability" issues.

2.6 Developers' contributions will be expected where it is necessary to remove limitations to the delivery of the curriculum, so that existing nominal capacity can be fully used to meet additional demand from a development. The cost of alleviation will vary and will need to be assessed on a case by case basis, as proposed in section 5.7.

2.7 The Department for Education has recently published guidance for Local Education Authorities seeking to secure contributions from developers. The document can be found at this link:

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

3. School sites

3.1 Where a new school is required to cater for new development, the County Council will expect the developer to provide, within the required timescales, a cleared, fully serviced and accessible site free of charge, in addition to the normal level of contributions towards school buildings. The site should be level and of a regular shape to allow the laying out of the new school and playing pitches. The Children's Services Department needs to be consulted early in any master planning of such developments to ensure that any proposed school sites are appropriate and

suitable for its requirements. In general terms any new school should be centrally located within a new development, with a maximum walking distance of 800 metres from the furthest dwelling, with good footpath and cycle links to promote walking to school rather than rely on the use of cars. Any site transferred to the County Council will be free of any services running through the site and, for the avoidance of doubt, these will be diverted at the expense of the developer.

3.2 The actual site required for a new school will depend on several factors, including location, access, shape, topography and the relationship with adjacent community and other land uses. The minimum useable areas should be as follows:

	School size	Total site area
Primary	1fe (210 places)	1.2 ha
	2fe (420 places)	2.0 ha
	3fe (630 places)	2.8 ha
Secondary	5fe (750 places)	5.83 ha
	6fe (900 places)	6.77 ha
	7fe (1,050 places)	7.72 ha
	8fe (1,200 places)	8.66 ha
	9fe (1,350 places)	9.61 ha

These figures are to be seen as the site area required for a school of the appropriate size. Sites should not be seen to be delivering any public open space or community requirements (including the provision of a pre-school setting on the site) for the developer or the Local Planning Authority. It should be noted that grass pitches provided on school sites are of a standard to provide seven hours of playing time per week. Should there be a need to make these pitches available outside of school hours which extends the hours of use it is expected that additional funding will be made available by either the developer or the local authority approving the planning application for the new housing to provide a pitch that is capable of more intensive use.

3.3 Should the developer make additional funding available to provide facilities over and above the “usual” provision on site or as part of the accommodation Hampshire County Council will seek to ensure the Academy Trust can make these facilities available. In order to facilitate the use of the additional facilities a Community Use Agreement will need to be set in place. This will outline the timing of the use of the additional facilities other than by the school. For the avoidance of doubt any use of the additional facilities can only take place outside of school hours (which includes outside the hours set aside for extra curricula activities by the school).

3.4 Where no additional funding is being made available Hampshire County Council will use reasonable endeavours to ensure the Academy Trust promotes community use of the site.

3.5 Detailed discussion will be necessary in order to agree the actual boundaries of any school site allocated, including the location and timing of access and services. Further land may be required where it is necessary to provide additional facilities co-located with the school, e.g. a pre-school provision.

3.6 Where a large development is shared between several developers, it may be appropriate to make provision in the Section 106 agreements so that the burden falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable.

3.7 When seeking to secure a new school site the County Council will, in general, ask for a site capable of expansion by one form of entry to “future proof” the site for any further housing developments brought forward in the area. It is expected that the Local Planning Authority (LPA) will support the County Council in its endeavours to ensure that additional school places can be provided should additional housing occur in the future.

3.8 Where the County Council has to purchase additional land in order to future proof the site for further housing developments it is expected that future developer(s) will repay the cost of the additional land to Hampshire County Council as part of the mitigation of their development, together with the appropriate contribution as set out in this document.

3.9 Where the County Council finds or provides land to build a new school, relieving the developer of the need to provide a school site, a contribution will be sought from the developers for payment towards the cost of this land when it is used to mitigate their housing development.

3.10 There may be cases where a new school is proposed within a new development, but the agreed location cannot be provided with access and/or services by the time that the school is required or where a school site is delivered late to the County Council which does not allow the delivery of the new school in a timely manner. It is expected that the developer(s) will provide a site and pay for the cost of a fully equipped temporary school pending the completion of the permanent school.

3.11 It is expected that a new primary school site be delivered to the County Council to allow the opening of the school during the year when 400 dwellings will be completed on a new development. New secondary schools will be delivered predominantly to serve the pupils of the housing development on which it stands but the timing of the transfer of the school site to provide the new school will be subject to further discussions with the appropriate officer(s) within Hampshire County Council.

3.12 Where the new build cannot be completed on time as a whole project owing to the late delivery of the site to the County Council and there is a need to deliver the building in phases it is expected that the developer(s) will pay the additional cost incurred for providing the school in phases.

In these cases the cost of the temporary buildings, access and services would also need to be met by the developer in addition to the normal level of contributions.

4. How many places are required?

4.1 At present, in order to assess the long term demand arising from a new development, the Children’s Services Department uses the following yields, derived from known average yields across the County:

Age Group	Yield/dwelling
0 – 3 (pre-school)	0.09
4 – 11 (primary)	0.30
11 – 16 (secondary)	0.21
Post - 16	0.06

The lower secondary factor is because secondary schools cater for five year groups, compared with seven for primary schools.

The post-16 factor has been calculated using the secondary factor which has been discounted to the full time equivalent places required.

4.2 Where it can be evidenced that the yield of pupils is higher than those quoted in section 4.1 the contribution sought from the developer will reflect this higher factor.

4.3 These factors apply to all dwellings with two or more bedrooms, excluding those specifically for elderly persons (dwellings expected to make education contributions can be referred to as “eligible dwellings”). It is not appropriate to make any deduction in respect of “social” or “affordable” housing, as these will still increase the overall number of dwellings in an area which can be occupied by families with children.

5. What level of contribution is required?

5.1 The values for the developer contributions cost multipliers are derived from the latest LGA/EBDOG (Local Government Association/Educational Building and Development Officers Group) schools benchmarking study dated February 2018 version 4 and updated to 4Q2018 price base:

<http://www.local.gov.uk/productivity-construction-procurement>

The calculation uses the average gross cost per square metre according to the size of school, against which a number of adjustments are made to arrive at the values stated in the guidance. Figures are then adjusted for Hampshire as set out below.

Firstly, an adjustment is made for location using the Building Cost Information Service of the Royal Institution of Chartered Surveyors’ data - in February 2018 the

location factor for the South East, including Hampshire, was 110 (i.e. 10% higher than the UK average used in the benchmarking study).

Adjustments are also made to include furniture, fittings and equipment and uplift for Hampshire fee levels to 16.5%. This fee element covers all design fees, surveys, statutory charges and client side work involved in progressing a scheme at a school.

As average costs from the benchmarking study have been used in the guide, these figures carry with them an allowance for typical site abnormalities at this cost level; however significant known one-off site abnormal costs identified relating to any specific site planning requirements, infrastructure, services or other aspects of the proposed site, will be added to the calculation to establish the overall financial contribution required for the primary, secondary and special school provision.

As set out in paragraph 1.2 above the Local Authority is responsible for the pre-/post- opening revenue costs associated with a new school, Developers will be expected to meet these costs in full which, at present, is set at £65,000.

5.2 The following contribution costs are indicated, at 4th Quarter 2018 prices (BCIS All-in TPI Index 322):

Primary schools: New Schools –

Size of school	Total cost	Cost/pupil
1fe (210 places)	£5,229,096	£24,900
1.5fe (315 places)	£6,909,376	£21,935
2fe (420 places)	£8,462,591	£20,149
3fe (630 places)	£12,937,276	£20,535

Extensions to existing schools –

Size of expansion	Total cost	Cost/pupil
0.5fe (3 classrooms)	£1,597,383	£17,749
0.5fe (4 classrooms)	£2,294,961	£19,125
1fe	£4,231,295	£20,149

Where the expansion requires additional classrooms (other than an expansion of 0.5fe or 1fe) the cost is £430,275 per classroom which includes any changes required to existing infrastructure, the equivalent of £14,343 per pupil place.

5.3 Where the number of pupils from a development is less than would require a classroom to be provided the contribution will be calculated on a pro-rata basis and contributions pooled together from other developments to provide an appropriate local education offer.

The figures quoted above in section 5.2 should be seen as indicative figures in order to establish, at an early stage, the approximate level of financial contributions. As more detailed work is undertaken on specific proposals the County Council will provide a site specific estimate of costs and the financial contributions may rise or fall depending on local on-site factors, the extent of infrastructure and alterations that may be required and type of building. Where there is a requirement to expand both an infant and junior school to accommodate the anticipated yield from a development then the cost could be significantly higher. Developers are encouraged to contact the appropriate Strategic Development Officer to discuss the needs arising from their development.

Secondary Schools

5.5 The costs quoted in section 5.2 in this policy are at 4Q2018 price base and the indexation for future adjustment/inflation shall be calculated using the BCIS All-in TPI tender price index. The financial contributions for any particular development will be adjusted in line with inflation using this index from the date of the resolution to grant planning to the date of payment of each of the contributions.

Secondary schools: New Schools –

Size of school	Total cost	Cost/pupil
5fe (750 places)	£18,948,680	£25,265
6fe (900 places)	£22,070,942	£24,523
7fe (1,050 places)	£25,193,205	£23,994
8fe (1,200 places)	£27,096,539	£22,580
9fe (1,350 places)	£30,389,150	£22,510

The cost of schools larger than 9 forms of entry will be determined as required.

Extensions to existing secondary schools –

Size of expansion	Total cost	Cost/pupil
1fe (150 places)	£5,284,020	£25,162
2fe (300 places)	£10,568,040	£25,162

Where the expansion requires additional classrooms (other than an expansion of 0.5fe or 1fe) the cost is £754,860 per teaching space which includes any changes required to existing infrastructure, the equivalent of £25,162 per pupil place.

Where the number of pupils from a development is less than would require an additional teaching space the contribution will be calculated on a pro-rata basis.

Owing to the complexities of providing a new secondary school the figures quoted are guideline only and a site specific calculation will be necessary to derive the actual

cost of a new school or if the development is in an area where secondary schools cater for the 11-18 age range. As more detailed work is undertaken on site specific proposals the County Council will provide a site specific estimate of costs and financial contributions may rise or fall depending on local on-site factors, the extent of infrastructure and alterations that may be required and type of building.

Similarly, the cost of expansion of an existing school will be based on the need for that school but this is likely to require the provision of specialist curriculum spaces that are, generally, larger and require a higher level of fitting out.

5.6 Where a Local Planning Authority (LPA) seeks a BREEAM rating for new schools it is expected that the LPA will support the County Council in securing from the developer, through the s106 agreement, the additional funding required to achieve this rating. Costs will vary depending upon the size of school being provided and will be subject to an individual assessment of each scheme.

5.7 As noted above in section 2.6, the cost of alleviating suitability factors will vary, depending on individual circumstances. Where a specific facility can be identified and costed, for example where a primary school lacks an adequate school hall or other suitability issues, the contribution will be based on the projected cost.

6. Special Educational Needs and Disabilities (SEND)

6.1 Wherever possible, children with SEND are educated in mainstream schools. For some specific needs, it is appropriate to provide additional resources and, in a small number of cases, to provide places in special schools or resourced provision attached to a mainstream school.

6.2 Analysis of pupils with Special Educational Needs and Disabilities (SEND) has taken place and highlighted that over 3% of pupils currently have an Education, Health and Care Plan (EHCP). Where possible these pupils are supported within mainstream settings however 40% of these pupils require a specialist place, either within a Resourced Provision (RP) Unit or a Special School. Detailed discussions will be required with the developer to ascertain the need for a contribution towards the additional educational facilities required for these pupils and where these will be located in relation to the development.

6.3 For developments over 500 dwellings an assessment will be made of the need to secure additional accommodation for pupils with SEND at an appropriate local school and will be subject to an assessment of the individual situation. Special school provision across the County is already at capacity with significant numbers of temporary classrooms in place to cope with existing demand from within county. Based on the Department for Education Building Bulletin 102, a special school pupil requires in the region of four times the area of a pupil in mainstream provision. The cost per pupil for providing a special school place is therefore estimated at approximately four times the build cost of mainstream provision. Costs for the additional classroom will be based upon the primary age phase costs, i.e. £430,275.

Estimated number of pupils with SEND from developments

Number of dwellings	Number of primary age pupils	Number of secondary age pupils	Total Number of SEND pupils	Number of pupils requiring a place in a RP or special school	Number of classrooms required in a RP or special school
500	150	105	8	3	1
600	180	126	9	4	1
700	210	147	11	4	1
800	240	168	12	5	1
900	270	189	14	6	1
1,000	300	210	15	6	1

6.4 Large strategic development sites may require the provision of a new special school or the expansion of an existing school in the locality and the costs of these schools will be determined as required. Where a new site is required for a special school it is expected that the developers will make the appropriate size of site available at nil consideration together with a contribution towards the cost of the new school. Developers are encouraged to contact the appropriate Strategic Development Officer to discuss the need for a new special school.

7. Contributions towards Early Years provision

7.1 In addition to the provision of schools for children of statutory school age, the County Council has a duty to ensure that there is sufficient provision for pre-school education and childcare (although not normally as a provider itself). Traditionally, pre-schools and playgroups have been considered as potential users of community buildings. However, with the increasing demand for early years places and the number of hours that have to be offered, there is a strong movement towards pre-school providers looking for exclusive use of space. This will also facilitate the establishment of full day care and after school clubs.

7.2 The provision of the pre-school facilities should be programmed to be available at an early stage of the development to ensure a sufficiency of places. This will require the land being accessible and the statutory utilities provided to ensure that these places can be provided.

7.3 The County Council expects local planning authorities to keep this in mind when considering allocations of space for, and contributions towards the cost of providing, community facilities within any new development.

A table showing the level of demand for Early Years places, and based on the size of the housing development, is set out below:

Demand for Early Education places from new housing developments					
Number of dwellings	Number of primary age pupils	2 year olds (20% of cohort)	3 year olds (93% of cohort)	4 year olds (32% of cohort)	All EYE Age Groups
100	30	1	6	2	9
500	150	6	28	10	44
800	240	10	45	15	70
1,000	300	12	56	19	87
3,000	900	36	167	58	261
5,000	1,500	60	279	96	435

Further information can be found at the following link:

<http://documents.hants.gov.uk/education/EarlyYearsRequirementsinMajorNewDevelopments.pdf>

7.4 Where Hampshire County Council considers that the best way of delivering the pre-school provision is within a school setting additional funding will be sought to enable the pre-school accommodation to be provided. This will also lead to the need for a larger site.

8 Post-16 provision

8.1. The Local Authority shall require the Developer to create and deliver an Employment and Skills Plan (ESP) in order to achieve social and economic objectives relating to education and skills, in accordance with guidance set by the Construction Industry Training Board (CITB) National Skills Academy for Construction, Client Based Approach (or equivalent). The Local Authority shall set out the local priorities for employment and skills activity, to include Apprenticeships, Traineeships, Work Experience opportunities and Careers Activity with schools. ESPs are monitored and reviewed by the Employment and Skills Hub team, working with developers and brokering relationships with other strategic partners/providers to ensure the outcomes are achieved. Regularity and scope of review meetings are agreed between partners at the commencement of the ESP.

8.2. The Local Authority may require the developer to make a capital contribution towards the development of additional post-16 education and skills provision in support of the Local Authority's statutory duty for sufficiency, post 16. The yield for the post-16 sector should be based on a factor of 0.06 per dwelling, as set out in

section 4.1 of this document. Should this contribution be required the cost per additional learner is £24,095.

9 The mechanism for obtaining contributions

- a. The County Council is pleased to work in partnership with local planning authorities to negotiate contributions. The Children's Services Department should be involved at all stages of the planning process and the County Council should be a signatory to any Section 106 agreements to allow them to collect contributions.
- b. The agreed requirements are included as obligations in a Section 106 agreement and/or through the planning authorities' charging schedule in relation to the Community Infrastructure Levy.
- c. Section 106 agreements will provide for the agreed contributions to be index-linked to building costs (the BCIS All-in TPI Index published by the Department for Business, Innovation and Skills) and for appropriate triggers for payment, related to the intended phasing of development.

10 Other contributions that may be sought by Hampshire County Council

10.1 Should there be a need to provide **short term** Home to School Transport for pupils from a development it is expected that the developer will provide the revenue funding for the transportation costs incurred.

10.2 Other departments within Hampshire County Council may also wish to seek a contribution in relation to developments. Developers should ensure that they have contacted the relevant department for advice on other potential contributions.

11 Status of this document

11.1 This document was approved by the County Council's Executive Lead Member for Children's Services on 24 July 2008. Costs have been updated to November 2018 prices and updates have been made to the text.

Any enquiries about individual proposals should be addressed to the appropriate Strategic Development Officer as follows:

New Forest, New Forest National Park, Rushmoor and Winchester – Gemma Bowry
Telephone 01962 846686
email: gemma.bowry@hants.gov.uk

Basingstoke and Deane, Fareham and Gosport – Glenn Parkinson
Telephone 01962 846664
email: glenn.parkinson@hants.gov.uk

Eastleigh and Hart – Mark Saunders
Telephone 01962 846293
email: mark.saunders@hants.gov.uk

East Hampshire, South Downs National Park, Havant and Test Valley – Martin Shefferd
Telephone 01962 845746
email: martin.shefferd@hants.gov.uk

or addressed to the appropriate Strategic Development Officer at:

Hampshire County Council
Children’s Services Department
3rd Floor, Elizabeth II Court North
The Castle
Winchester
Hampshire SO23 8UG