

# Education and New Housing Development

Supplementary Planning Guidance Note

August 2011



**Falkirk Council**

*Development Services*



August 2011



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## Education and New Housing Development

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### 1. General Principles

- 1.1 The development strategy of the Falkirk Council Structure Plan is one of Promoting Sustainable Growth in all our Communities and a target population of 152,000 has been set for 2020. To support this strategy the Structure Plan makes provision for 11,000 new houses distributed across the Council area and up to 2,800 in four key regeneration locations. The development strategy takes into account the physical and environmental capacity and social and economic needs of each community, in order to ensure their future viability and a healthy level of self-containment.
- 1.2 The Council is firmly committed to ensuring that developers provide for the physical, environmental and community infrastructure which is required to serve new development and make it sustainable. This is particularly important in the context of a strategy of growth, where the impact of new households may place a serious burden on existing infrastructure in some areas. Such provision will normally be secured either through conditions or legal agreements.
- 1.3 This guidance note is one of a suite of SPGs on Developer Contributions which the Council is in the process of preparing. SPGs are principally intended to elaborate on key policies contained in the Development Plan, as discussed below, and to provide advice to developers and others on issues to take into account when approaching the Council with proposals for development.

### 2. Planning policy context

**2.1** The Town and Country Planning (Scotland) Act 1997, Section 75, as amended by the Planning etc (Scotland) Act 2006, sets out powers for planning authorities to enter into agreements with developers. This can include agreements for the developer to make financial contributions. Scottish Government Circular 1/2010 sets out government policy with regard to the use of such agreements. Benefits should be sought only when required to make a development proposal acceptable in land use planning terms i.e. to overcome obstacles which would justify refusal by eliminating or compensating for potentially negative impacts. Planning authorities may request a financial contribution, to be used towards the provision of infrastructure which they would not otherwise have had to provide. Any payments must be consistent with the scale of development proposed.

**2.2** Scottish Government advice also encourages planning authorities to make their requirements known at an early stage in the planning process, so that these may be reflected in land values prior to planning permission being granted. Provisions in the Planning etc (Scotland) Act 2006 require that planning agreements are publicised by Planning Authorities and that there is greater transparency in negotiating developer contributions. These guidance notes should assist with these objectives.

**2.3** The Falkirk Council Structure Plan was approved by Scottish Ministers in June 2002. Policy COM.5 sets out the strategic rationale for seeking developer contributions in appropriate circumstances. The accompanying Schedule COM.5 lists the circumstances where developer contributions may be sought and this is reproduced here for guidance.

**2.4** The Council has consolidated the area Local Plans into a single council-wide Local Plan, the Falkirk Council Local Plan, which was adopted in December 2010. The Falkirk Council Local Plan sets out the detailed housing land allocations up to 2015 and also indicates some longer term development opportunities. It contains general policy SC11, Developer Contributions to Community Infrastructure, which states:

*'Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 1/2010.'*



### Schedule COM.5 : Examples of Developer Contributions

Type of Provision	Circumstances Where Provision May Be Required
<b>Environmental Enhancement</b>	
<b>Woodland Planting &amp; Management/ Landscape Renewal &amp; Enhancement</b>	Sites relating to Greenspace and urban fringe locations, planting/management to reinforce existing or adjacent woodland, to integrate site into landscape setting or impact on designed and historic landscapes.
<b>Habitat Creation &amp; Management</b>	Sites relating to existing wildlife sites or corridors, especially loss of habitat requires mitigation/compensation.
<b>Countryside Access Provision</b>	Sites relating to Greenspace or urban fringe locations and where opportunities exist to enhance the local access network.
<b>Archaeological Investigation/Interpretation</b>	Sites containing archaeological remains.
<b>Historic Building Repair/Conservation</b>	Sites containing buildings of historic or townscape importance.
<b>Physical Infrastructure</b>	
<b>Road Improvements</b>	Sites where improvements will be necessary as demonstrated by TIA in order to ensure safe vehicular access for the proposed development.
<b>Public Transport Facilities &amp; Services</b>	Larger sites where access by public transport needs to be secured to meet sustainability objectives.
<b>Pedestrian/Cycling Facilities</b>	Sites where pedestrian/cycle links into the wider network and to key community/public transport nodes need to be established.
<b>Sewerage Improvements</b>	Sites where additional sewerage infrastructure must be provided in order to serve the development.
<b>Community Facilities</b>	
<b>Open Space Provision/Maintenance</b>	All housing sites must provide for, or contribute to, open space on- or off-site, as well as maintenance.
<b>Play Area Provision/Maintenance</b>	All housing sites must provide for, or contribute to, play facilities on- or off-site, as well as maintenance.
<b>Schools</b>	Sites where school capacity/facilities are inadequate to cope with the proposed development.
<b>Community/Sports Halls</b>	Sites in areas where there is a recognised deficiency in the quantity or quality of provision.
<b>Health Care Facilities</b>	Sites in areas where there is a recognised deficiency in the quantity or quality of provision.
<b>Shopping Centre Enhancement</b>	Major housing developments in areas where the environment of the local centre requires upgrading. Out-of-centre retail developments where impact on an existing centre requires mitigation.

- 2.5 Advice on developer contributions on the Education policy area is contained in the succeeding sections of this SPG.



### 3. Objective

3.1 Falkirk Council, in its Structure Plan, has set a population growth target of 152,000 by 2020. In general it is anticipated that there will be adequate school provision. However, in particular locations increases in school capacity may be necessary and it is Falkirk Council's policy that where this is directly related to new residential development, the developer should make a financial contribution.

3.2 The objectives of this Supplementary Planning Guidance Note (SPG) are:

- ◆ To provide detailed guidance on the implementation of development plan policies relating to developer contribution to education provision; and thereby
- ◆ To assist in the delivery of the Council's growth strategy
- ◆ To set out the Council's approach so that it is applied in a consistent and transparent manner, and
- ◆ To explain the reasoning and the technical basis upon which impacts on schools are judged.

### 4. Policy Context

4.1 The general policy context for the consideration of developer contributions is set out in the introductory section. Specific policy on education provision related to new housing is contained in both the Falkirk Council Structure Plan and the Falkirk Council Local Plan.

4.2 Structure plan Policy COM.7, School Provision, states that:

*'New housing development will not be permitted unless adequate school capacity is available or will be made available.'*

4.3 The Council has consolidated the area Local Plans into a single council-wide Local Plan, the Falkirk Council Local Plan, which was adopted in December 2010. This contains policy SC14, Education and New Housing Development, which states:

*'Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note 'Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted.'*



## 5. Key Principles

**5.1** Falkirk Council will seek financial contributions from developers when new housing is proposed in the catchment areas of schools which will have inadequate or no capacity for additional pupils likely to be generated by such housing. In some situations it may be technically impossible to provide extra capacity and in these circumstances the Council will resolve the issue through the use of suspensive conditions to control the phasing of development or, in extremis, may refuse planning permission (see also para 5.3 below).

**5.2** There are three situations when developer contributions are likely to apply; a) sites allocated for housing development in the Falkirk Council Local Plan where capacity problems may already be indicated in the Local Plan b) windfall infill proposals that come forward in the catchment areas of schools at or near capacity and c) sites allocated in Falkirk Council Local Plan where capacity issues in the school catchment have emerged since the Plan's adoption.

**5.3** Proposals outwith the defined urban limits of a settlement and not allocated for development in the Local Plan are unlikely to be supported irrespective of proposals put forward by developers to address school constraints.

**5.4** The provisions of this SPG will not apply to the following types of development;

- ◆ sites proposing only one-bedroom flatted developments
- ◆ sites of under 4 houses or 10 flats
- ◆ sites of proposals for housing exclusively for the elderly.

These types of development are exempt from making developer contributions as they would have no, or a negligible, impact on school capacity.

**5.5** Large scale housing proposals may require specific education infrastructure provision and in such circumstances the scale of contribution will be calculated on an individual basis. Normally however, impacts will be cumulative, and no one development will cause the difficulty. In these circumstances a financial contribution based on the provision of temporary or permanent classrooms (whichever is appropriate) and applied on a per housing unit basis, would be required.

**5.6** There may be school specific factors, e.g. space, quality of ancillary accommodation, etc that mean that increasing capacity is not a practical proposition. In such circumstances suspensive conditions or phasing of the development will be necessary.

**5.7** The impact of development will be judged based on the available capacity at the schools affected, the school roll projections, and the ratio of pupils per housing unit from new housing developments that are applicable at the time of the planning application. This process is further elaborated in section 6 below. The pupil product ratios currently applied by the Council are shown in table B in the appendix. These ratios have been derived from studies of the number of children enrolling at schools from different types of new build housing developments and are reviewed regularly.

**5.8** In the light of growing pressure on nursery provision within Falkirk Council area it has been agreed that a small, flat rate contribution should be made by all non exempt developments in the Council area. A flat rate rather than pro rata contribution is justified because nurseries have no catchment area and parents are able to choose to use nurseries in any part of the district, often near the workplace rather than the home. The rate of contribution is set out in Table C of the appendix.

### 6. Rates and procedures

- 6.1** The level of contributions will be reviewed and updated on a regular basis. The contributions are calculated from a combination of pupil product and classroom extension costs.
- The current build costs are as shown in table A of the appendix. Translating these pupil cost figures into a cost per house, results in the contribution rates shown in table C of the appendix for each type of school. These costs are reviewed in line with the BCIS index or equivalent.**
- 6.2** Where necessary, further (or separate) contributions towards ancillary accommodation may be applied on a case by case basis. Any planning agreement will specify how and where moneys should be spent. Provision shall be made for payment in stages and to specify payback periods for moneys to be returned should the Council not make use of them.
- 6.3** The Council has a procedure for handling developer contributions which involves Development, Law and Administration and Finance Services working closely to monitor the receipt of contributions' monies and its transfer to the Service which is to benefit, in this case the Education Service. Planning agreement details are recorded, with each service inputting information at the relevant time. All payments are to be made to Law and Administration Services and Development Services is responsible for monitoring the trigger points for staged payments.



## 7 Justification

- 7.1** The general trend that emerges from an analysis of all school roll projections is that the expected national trend of a reduction in birth rates will reduce school rolls in areas that are not subject to new house building. In some cases moderate levels of new housing development negate the trend in reductions in birth rates and the roll remains fairly static. In areas where new house building has or will be concentrated there is generally a projected increase in the school roll commensurate to the number and type of development expected.
- 7.2** Each year Falkirk Council produces a school roll projection for the next 10 years for every school. This takes into account actual school enrolment figures, future Primary 1 intakes based on birth data, and new housing. The new housing component is made up of sites with planning consent, sites allocated in the Local Plan and sites where there is reasonable certainty of development coming forward in the medium term.
- 7.3** New housing sites allocated in the Falkirk Council Local Plan will either already have been taken into account in the projections or the allocation is conditional on addressing school capacity constraints. Any planning application for new development over and above existing commitments will therefore be tested by re-running the school roll projections for the relevant school. If these reveal capacity issues which can be technically overcome a financial contribution is likely to be sought.
- 7.4** For small to medium scale development this will normally be related to the rates referred to in section 5 above. Some very large scale development may require specific measures and these will be costed on an individual basis.
- 7.5** It should be noted that school roll projections are based on a number of averages and trend based statistical techniques. Whilst the assumptions have proved generally reliable, the nature of the exercise means that they cannot be regarded as a prediction. They will therefore be subject to annual review.
- 7.6** Where developer contributions are sought, or refusal is recommended, the background information and assumptions used will be made available by Education Services.
- 7.7** Developers are advised to have early discussions with Development Services prior to the submission of planning applications to resolve any difficulties before design work has reached an advanced stage.
- 7.8** **Developers should also be aware that there may be other issues affecting particular sites that will require development contributions for community infrastructure in addition to education provision, as described in the introductory section.**
- 7.9** **It will be for the developer to demonstrate to the Council's satisfaction that other requirements, abnormal development costs and/or the prevailing economic circumstances in conjunction with the required developer contribution will render the development unviable. These should be set out through a Development Viability Statement. The terms of the Development Viability Statement will be taken into account as a material consideration in determining the planning application.**

### 8 Further Information

8.1 Advice on the use of planning agreements to secure developer contributions is provided by the Scottish Government in the following publications:

- ◆ SPP, paragraph 27
- ◆ Scottish Government Circular 1/2010

### 9 Contacts

9.1 For matters of planning policy in relation to education provision or to discuss the principle of development proposals contact:

Development Plans Team  
Planning and Environment  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ  
Tel: 01324 504720  
Email : [planenv@falkirk.gov.uk](mailto:planenv@falkirk.gov.uk)

For issues relating to specific planning applications contact:

Development Management Unit  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ  
Tel: 01324 504748  
Email : [dc@falkirk.gov.uk](mailto:dc@falkirk.gov.uk)



### Appendix

**Table A Construction costs per pupil**

Cost per pupil	Primary	Secondary
Permanent extension	£10,664	£16,068
Temporary extension	£ 2,500	N/A

**Table B Pupil product ratios by type of school and housing development**

Ratios	ND Primary	RC Primary	ND Secondary	RC Secondary
House	0.25	0.09	0.14	0.06
Flat	0.10	0.05	0.07	0.06

**Table C Developer contribution rates per dwelling (2010 prices)**

Rates per dwelling		ND Primary	RC Primary	ND Secondary	RC Secondary	Nursery
House	Permanent Extension	£2,600	£850	£2,100	£900	£350
	Temporary Extension	£600	£200	N/A	N/A	N/A
Flat	Permanent Extension	£1,000	£500	£1,050	£900	£150
	Temporary Extension	£250	£100	N/A	N/A	N/A

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