

# Education and New Housing Development

## Supplementary Guidance SG10

July 2015



**Falkirk Council**  
*Development Services*

# Supplementary Guidance

A suite of supplementary guidance (SGs) is currently being produced by the Council. Most of these SGs are updated versions of previous Supplementary Planning Guidance (SPG) whilst others cover new topic areas (\*denotes new SGs). There are 17 SGs in the series, all of which seek to provide more detailed guidance on how particular local development plan policies should be applied in practice.

These SGs form a statutory supplement to the Local Development Plan, and are intended to expand upon planning policies and proposals contained in the proposed plan.

A full list of the supplementary guidance available in this series is found below.

- SG01**    **Development in the Countryside \***
- SG02**    **Neighbourhood Design**
- SG03**    **Residential Extensions and Alterations**
- SG04**    **Shopfronts**
- SG05**    **Biodiversity and Development**
- SG06**    **Trees and Development**
- SG07**    **Frontiers of the Roman Empire (Antonine Wall) World Heritage Site**
- SG08**    **Local Nature Conservation and Geodiversity Sites \***
- SG09**    **Landscape Character Assessment and Landscape Designations \***
- SG10**    **Education and New Housing Development**
- SG11**    **Healthcare and New Housing Development \***
- SG12**    **Affordable Housing**
- SG13**    **Open Space and New Development**
- SG14**    **Spatial Framework and Guidance for Wind Energy Development**
- SG15**    **Low and Zero Carbon Development \***
- SG16**    **Listed Buildings and Unlisted Properties in Conservation Areas \***
- SG17**    **Renewable Energy \***

# Education and New Housing Development

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# 1. Introduction

## General Principles

- 1.1 The development strategy of the Falkirk Local Development Plan (LDP) is one of Sustainable Growth commensurate with the population reaching 168,000 in Falkirk Council area by the end of the plan period in 2034. To support this strategy the Plan makes provision for nearly 8,000 new houses in the first 10 year period, distributed across the Council area, principally in 12 Strategic Growth Areas where co-ordinated infrastructure provision is likely to be required. 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 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 Supplementary Guidance (SG) note is one of a suite of SGs on developer contributions which the Council has prepared. SGs are intended to elaborate on key policies contained in the LDP 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, contains provisions for planning authorities and developers to enter into planning obligations. Scottish Government Circular 3/2012 sets out government policy with regard to the use of such obligations. Obligations can be used to overcome obstacles to the grant of planning permission. In this way development can be permitted or enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for. Planning authorities may request a financial contribution, to be used towards the provision of infrastructure which they would not otherwise have had to provide. Where a planning obligation is considered essential, it must have a relevant planning purpose and must always be related and proportionate in scale and kind to the development in question.
- 2.2** Scottish Government advice also encourages planning authorities to make their requirements known at an early stage in the planning process, through identification of needs and the adoption of policies in the development plan. In this way site requirements may be reflected in land values prior to planning permission being granted. Provisions in the Planning etc (Scotland) Act 2006 require that planning obligations are publicised by Planning Authorities and that there is greater transparency in negotiating developer contributions. This SG should assist with these objectives.
- 2.3** The Proposed Falkirk Local Development Plan was published by Falkirk Council in April 2013. Policy INF02 Developer Contributions to Community Infrastructure sets out the strategic rationale for seeking developer contributions in appropriate circumstances. The accompanying Figure 5.2 lists the circumstances where developer contributions may be sought and this is reproduced below for guidance.

**2.4 Figure 5.2 : Examples of Developer Contribution Requirements**

Type of Provision	Circumstances Where Provision May Be Required
<b>Environmental Infrastructure</b>	
<b>Woodland Planting &amp; Management</b>	Sites relating to Green Network locations, where opportunities exist to enhance/reinforce the network, to integrate a site into its landscape setting, or otherwise to mitigate its visual impact.
<b>Habitat Creation &amp; Management</b>	Sites relating to existing wildlife sites or corridors, especially loss of habitat requiring mitigation/compensation or enhancement.
<b>Sustainable Flood Management</b>	Sites where opportunities exist to provide sustainable flood management measures as identified through flood risk assessments.
<b>Outdoor Access Provision</b>	Sites relating to Green Network 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 Transport Assessment in order to ensure mitigation of impact, including cumulative impact, of 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 Infrastructure</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>School Capacity</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.

## 2. Planning Policy Context

- 2.5 The issue of school capacity is indicated in the Community Infrastructure section and specific policy on education provision related to new housing is contained in LDP policy INF05 Education and New Housing Development, which states:

### Policy INF05 Education and New Housing Development

Where there is insufficient capacity within the catchment school(s) 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 is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.

In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted.



## 3. Key Principles

- 3.1** 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 3.3 below).
- 3.2** There are three situations when developer contributions are likely to apply;
- sites allocated for housing development in the Falkirk Local Development Plan where capacity problems may already be indicated in the Plan;
  - windfall infill proposals that come forward in the catchment areas of schools at or near capacity; and
  - sites allocated in Falkirk Local Development Plan where capacity issues in the school catchment may emerge after the Plan's adoption.
- 3.3** Proposals outwith the defined urban limits of a settlement and not allocated for development in the LDP are unlikely to be supported, irrespective of proposals put forward by developers to address school constraints.
- 3.4** The provisions of this SG 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.
- 3.5** 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 from housing development will be cumulative, and no single site 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.
- 3.6** 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.
- 3.7** The impact of development will be assessed 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 4 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.
- 3.8** 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.

## 4. Rates and Procedures

- 4.1 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. These costs are reviewed in line with the Building Cost Information Service index or equivalent. 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.
- 4.2 Where necessary, further (or separate) contributions towards ancillary accommodation may be applied on a case by case basis. Any planning obligation 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.
- 4.3 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 obligation details are recorded, with each service inputting information at the relevant time. All payments are to be made to Law and Administration Services, with Development Services responsible for monitoring the trigger points for staged payments.
- 4.4 It is anticipated that a Section 75 Obligation will be the usual arrangement for securing developer contributions. However Section 69 agreements, under the Local Government Act, may be the preferred legal instrument when the developer agrees to make full payment prior to planning permission being issued.



## 5. Justification

- 5.1** While school rolls across Scotland have fallen by 10% between 2001 and 2012, the reduction in Falkirk has been much more modest at -1.7%, the fourth smallest fall in rolls of all councils in Scotland. Indeed in the last two years the number of pupils has started to increase. This reflects the increase in the number of births, in the latter part of the 2000's, of children now approaching primary school age. Current birth figures suggest this increase in rolls will continue for several years. Even if the birth rate were to fall again, rolls are only like to fall in the longer term in areas that are not experiencing new house building. Areas where new house building has been taking place, or will be concentrated in future, will show a projected increase in school rolls commensurate with the number and type of development expected.
- 5.2** 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 in the catchment. The new housing component is made up of sites with planning consent, sites allocated in the LDP, and sites where there is reasonable certainty of development coming forward in the medium term.
- 5.3** New housing sites allocated in the LDP 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 development on sites 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.
- 5.4** For small to medium scale development this financial contribution will normally be related to the rates referred to in section 5 above and set out in Table C. Some very large scale development may require specific measures and these will be costed on an individual or bespoke basis.
- 5.5** 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 are therefore subject to annual review.
- 5.6** Where developer contributions are sought, or refusal is recommended, the background information and assumptions used will be made available by Education Services.
- 5.7** Developers are advised to have early discussions with Development Services prior to the submission of planning applications to understand and resolve any difficulties before design work has reached an advanced stage.
- 5.8** **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, and these should be discussed with Development services at an early stage.**
- 5.9** **It will be for the developer to demonstrate to the Council's satisfaction that other developer contribution requirements, abnormal development costs and/or the prevailing economic circumstances in conjunction with the required education 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.**



## 6. Further Information and Contacts

### Further Information

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

- SPP paragraph 27 (draft SPP paragraph 23)
- Scottish Government Circular 3/2012.

### Contacts

6.2 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 1

**Table A : Construction costs per pupil (2010 prices)**

7.1	Costs 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**

7.2	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**

7.3		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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