

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 Framework¹, 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 development². 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 Education³, 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:

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

² 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.

³ 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 research⁴, 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.

⁴ 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 plan⁵. 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.

⁵ 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 guidance⁶, 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 ⁷ 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 extensions⁸, 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

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

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

⁸ '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'⁹.

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 guidance¹⁰, the county council will request contributions from developers based upon the latest DfE school place scorecards¹¹. The latest scorecard currently available is for 2019 (published 25th June 2020).

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

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf

¹¹ <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 website¹².

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 factors¹³ 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:

Education infrastructure	Cost per place
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.

¹² [Pupil place planning - Planning \(devon.gov.uk\)](https://devon.gov.uk/pupil-place-planning)

¹³ 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 age¹⁴. 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.

¹⁴ <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	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	ISCA Academy St James School St Peter's Church of England West Exe School St Luke's Church of England Avanti Hall
Exmouth	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	Exmouth Community College
Honiton	Honiton Primary Littleton Primary Academy	Honiton Community College
Ilfracombe	Ilfracombe Church of England Junior School Ilfracombe Infant and Nursery School	The Ilfracombe Church of England Academy
Ivybridge	Stowford School The Erme Primary Manor Primary Woodlands Park Primary	Ivybridge Community College
Newton Abbot	All Saints Marsh Church of England Bearn's Voluntary Primary Bradley Barton Primary	Coombeshead Academy Newton Abbot College

	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 104¹⁵ 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 53m² per pupil and therefore 13m² 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, 43m² per pupil and 11m² 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 81m² per pupil and 12m² 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.

¹⁵ [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.