



## **Development 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

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## **1 Introduction**

- 1.1 The County Council has a statutory duty as local authority for education (LEA) to promote high standards of, and fair access to education and a general duty to secure the sufficiency of school places. It also has a number of statutory duties regarding free early education, childcare, the need to secure provision for children with Special Educational Needs and Disabilities (SEND) and sufficient education and training provision for young people with an Education, Health and Care Plan (EHCP) plan up to the age of 25.
- 1.2 In line with central government guidance on development contributions given in paragraph 34 of the National Planning Policy Framework (NPPF) 2021 and Regulation 122 of the Community Infrastructure Regulations 2010, the County Council expects development contributions to deliver Children's Services facilities required as a direct consequence of development.
- 1.3 The purpose of this document is to establish consistent and open criteria. This will enable Local Planning Authorities and developers to make informed decisions about the potential level of contributions they may be required to make towards Children's Services facilities and any potential land allocation required. These facilities include primary and secondary schools, provision for children with special educational needs and disabilities (SEND), early years facilities to support young children and their families and the provision of post-16 facilities.
- 1.4 The Department for Education published guidance in November 2019 for LEAs 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/909908/Developer\\_Contributions\\_Guidance\\_update\\_No\\_v2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_No_v2019.pdf)

## **2 When are contributions required?**

- 2.1 Local Planning Authorities are expected to consult Hampshire Children's Services Department on any planning proposals relating to a development of 10 or more eligible dwellings (an eligible dwelling comprises of two or more bedrooms excluding those specifically for elderly persons). 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 contributions from the outset.

- 2.2 To satisfy the requirements in the NPPF and CIL Regulation 122, the County Council will assess the capacity of schools in the appropriate area. This will indicate whether additional capacity will be required to cater for the demand arising from planned development. Where the County Council identifies the need for a new school, specifically to meet basic need, the section 6A of Education and Inspections Act 2006 places LEAs under a duty to seek proposals to establish an academy (free school) via the ‘free school presumption’ process. The LEA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs and these costs will be recovered from the housing developer in full.
- 2.3 Where additional demand is not anticipated to require a new school, it is expected that a new development will be served by the nearest schools, which may require expansion. It has been accepted by the Audit Commission<sup>1</sup> that not all unfilled places in a school are surplus places but that some margin of capacity is necessary to allow 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 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. Schools which may in theory have spare capacity will be using those spaces for legitimate educational uses such as small group work supporting pupils with special educational needs. Such spaces would need to be re-provided before those classrooms can be brought back into use for general teaching purposes. There may also be factors, such as an undersized hall or the need to provide a music/drama room as the school grows, which would make it difficult to meet present day educational requirements if the school was full to its assessed capacity. The cost to resolve these issues will vary and will need to be assessed on a case-by-case basis as proposed in section 5.

### **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 freehold site free of charge in addition to the normal level of contributions towards construction costs (including fit-out, furniture, equipment and ICT) of school buildings.

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<sup>1</sup> National Audit Office Report “Capital funding for New School Places (2013)”

- 3.2 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 relying on the use of cars. Any site transferred to the County Council will be free of any services running through the site.
- 3.3 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.
- 3.4 The minimum useable areas should be as follows:

	<b>School size</b>	<b>Total site area</b>
<b>Primary</b>	1fe (210 places)	1.2 ha
	2fe (420 places)	2.0 ha
	3fe (630 places)	2.8 ha
<b>Secondary</b>	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

- 3.5 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.
- 3.6 Where a large development is shared between several developers, it may be appropriate to make provision within the Section 106 agreement(s) for the development so that the planning obligations required 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 To future proof the site for further housing developments it is expected that future developers will repay the cost of the additional land as part of the mitigation of their development, together with the appropriate contribution as set out in this document. Where the County Council 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.
- 3.9 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. It is expected that the developer will provide a site and pay for the cost of a fully equipped temporary school pending the completion of the permanent school, or, to pay the additional cost incurred for providing the school in phases.
- 3.10 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 eligible 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 Strategic Development Team.

#### **4 How many places are required?**

- 4.1 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:

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

- 4.2 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.
- 4.3 Where it can be evidenced that the yield of pupils is higher than those quoted in section 4, the contribution sought from the developer will

reflect this higher factor. 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 May 2021 and updated to 4Q2021 price base:

<https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf>

- 5.2 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.
- 5.3 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 inflation to 4Q2021, furniture, fittings and equipment and uplift for the Hampshire fee level to 16.5%. This fee element covers all design fees, surveys, statutory charges and client-side work involved in progressing a new school or school expansion.
- 5.4 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, ground conditions, 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.
- 5.5 Where new developments are built as electric only sites, the figures shown in this document will need to be adjusted to take into account the associated additional cost. Costs shown also exclude any aspirations for a net zero carbon solution, in operation or delivery. However, the team would welcome the opportunity to discuss this further.

5.6 As set out in section 2, 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 £67,000. This is given to schools to cover pre-opening costs, such as the appointment of staff prior to opening and any goods and services necessary to admit pupils.

5.7 The costs quoted in this section are price based at 4Q2021 indexed at 340. Indexation for future adjustment/inflation shall be calculated using the BCIS All-in TPI tender price index. The financial contributions for any 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.

## 5.8 Primary Schools:

### 5.8.1 New Schools –

<b>Size of school</b>	<b>Total cost</b>	<b>Cost/pupil</b>
1fe (210 places)	£6,207,312	£29,559
1.5fe (315 places)	£6,879,980	£21,841
2fe (420 places)	£8,606,394	£20,491
3fe (630 places)	£12,258,138	£19,457

### 5.8.2 Extensions to existing schools –

<b>Size of expansion</b>	<b>Total cost</b>	<b>Cost/pupil</b>
0.5fe (3 classrooms)	£1,865,568	£20,729
0.5fe (4 classrooms)	£2,505,470	£20,879
1fe	£4,368,902	£20,804

5.8.3 Where the expansion requires additional classrooms (other than an expansion of 0.5fe or 1fe), the cost is £621,870 per classroom which includes any changes required to existing infrastructure, the equivalent of £20,729 per pupil place. 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.



## 5.9 Secondary schools:

### 5.9.1 New Schools –

<b>Size of school</b>	<b>Total cost</b>	<b>Cost/pupil</b>
5fe (750 places)	£20,405,146	£27,207
6fe (900 places)	£23,764,033	£26,404
7fe (1,050 places)	£27,122,920	£25,831
8fe (1,200 places)	£30,481,807	£25,402
9fe (1,350 places)	£31,870,224	£23,608

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

### 5.9.3 Extensions to existing secondary schools –

<b>Size of expansion</b>	<b>Total cost</b>	<b>Cost/pupil</b>
1fe (150 places)	£4,903,753	£32,692
2fe (300 places)	£9,807,506	£32,692

5.9.4 Where the expansion requires additional classrooms (other than an expansion of 1fe or more) the cost is £980,760 per teaching space which includes any changes required to existing infrastructure, the equivalent of £32,692 per pupil place.

5.9.5 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. Similarly, the cost of expansion of an existing school will vary depending on what accommodation is required, but this is likely to include the provision of specialist curriculum spaces that are, generally, larger and require a higher level of fitting out, such as science laboratories.

5.9.6 Where the number of pupils from a development is less than would be required to sustain an additional teaching space, the contribution will be calculated on a pro-rata basis. The figures quoted in this section should be seen as indicative figures 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, type of building, the extent of infrastructure and alterations that may be required.

- 5.9.7 Where a Local Planning Authority (LPA) seeks a BREEAM rating or a net zero carbon building for new schools, it is expected that the LPA will support the County Council in securing the additional funding required to achieve this rating from the developer. Costs will vary depending upon the size of school being provided and will be subject to an individual assessment of each scheme.
- 5.9.8 In most circumstances, it will not be possible to provide detailed feasibility studies until planning permission for the development has been achieved. This is due to the timescales involved in responding to planning consultations and the abortive fees involved when developments do not achieve planning permission. As outlined in section 2, where it can be demonstrated that additional facilities are required at a school which are in addition to, or instead of, teaching spaces, the cost of these facilities will need to be assessed on a case-by-case basis.
- 5.9.9 Developers are encouraged to contact the appropriate Strategic Development Officer within Childrens' Services to discuss the needs arising from their development. Details are provided in section 12.

## **6 Special Educational Needs and Disabilities (SEND)**

- 6.1 Wherever possible, children with Special Educational Needs and Disabilities (SEND) are educated in mainstream schools. For some specific needs, it is appropriate to provide additional resources and to provide places in special schools or in a resourced provision attached to a mainstream school.
- 6.2 Analysis of pupils with SEND has taken place and highlighted that just 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) or a Special School. Detailed discussions will be required between the developer and Children's Services 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 from the development 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. Based on the Department for Education Building Bulletin 104, 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 an additional classroom, to cater for up to 8 SEND pupils, will be based upon the primary age phase costs, i.e. £621,870 and will be located at the most appropriate local school, potentially outside of the development.

#### 6.4 Estimated number of classrooms required for SEND:

Eligible dwellings (over 500)	Additional classrooms required
Up to 1400	1
Up to 2800	2
Up to 4200	3

6.5 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. See section 12 for contact details.

## 7 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). 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 must 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 and/or nursery 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. It is expected that at least temporary provision be in place by the opening of the new school, or provision of additional spaces at an existing school, whichever is planned for the development.

- 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.
- 7.4 A table showing the level of demand for Early Years funded places, and based on the size of the housing development, is set out below. Early discussion with the appropriate Strategic Development Officer (see Section 12) is recommended to determine the provision required.

#### 7.5

<b>Demand for Early Education places from new housing developments</b>					
<b>Number of dwellings</b>	<b>Number of early years households</b>	<b>2-year-olds (20% of cohort)</b>	<b>3-year-olds (93% of cohort)</b>	<b>4-year-olds (32% of cohort)</b>	<b>All EYE Age Groups</b>
100	30	2	6	2	10
500	150	6	28	10	44
800	240	10	45	15	70
1,000	300	12	56	20	88
3,000	900	36	167	58	261
5,000	1,500	60	279	96	435

- 7.6 Further information can be found at the following link:

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

- 7.7 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 (NSAfC), 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 of this document. Should this contribution be required, the cost per additional learner is £24,095.

## **9 The mechanism for obtaining contributions**

- 9.1 The County Council will 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 it to collect contributions.
- 9.2 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 (CIL).
- 9.3 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 trigger dates and/or development status for payment, related to the intended phasing and build out 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 has been approved by the County Council's Executive Lead Member for Children's Services. Costs have been updated to 4Q2021 prices (BCIS all in TPI) and updates have been made to the text.

## **12 Contact Details**

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 07590939303  
email: [gemma.bowry@hants.gov.uk](mailto:gemma.bowry@hants.gov.uk)

Basingstoke and Deane, Fareham and Gosport  
Glenn Parkinson  
Telephone 07958501922  
email: [glenn.parkinson@hants.gov.uk](mailto:glenn.parkinson@hants.gov.uk)

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East Hampshire, Havant, South Downs National Park and Test Valley  
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