

Education Planning Obligations Assessment

Worcestershire Children's Services have assessed the impact of this proposed development on local schools and wish to seek a planning obligation for education infrastructure. The assessment has been prepared in line with the Education Planning Obligations Policy.

The schools which have been identified as related to the development are listed below. We have considered a number of criteria by which the impact of the development and the ability of schools at each phase of education to manage it can be assessed.

Worcestershire has six district councils, each with a policy enabling the collection of developer contributions. To date, the South Worcestershire Councils are the only councils in Worcestershire to have adopted a Community Infrastructure Levy (CIL) charging schedule¹. For more information regarding CIL and the tests in which CIL is applicable, please see appendix at the end of this assessment.

This assessment has been carried out and is accurate as at **12/09/2023**.

In response to the planning application, an assessment will be carried out to understand if a contribution is required towards Early Years/Primary/Secondary phases of education, along with SEND². This is calculated in line with the Worcestershire County Council Policy³ on S106 Education Contributions. Certain types of dwellings that are likely to be present on this development are excluded from the requirement for an education contribution, notably 1-bedroom dwellings, affordable rent and social rent properties, although properties categorised as 'intermediate rent' are still liable. These types of properties will be discounted from the contribution at reserved matters phase.

Any social rent and affordable rent dwellings are exempt from a contribution and therefore once the housing mix is confirmed at reserved matters stage, the below figures can be revised. However, should there be a proportion of intermediate housing included within the Social/Affordable housing then this would need to be included and the below amounts are subject to change.

About the development

Planning Application: W/23/01323/OUT

Location: Land At (Os 8666 5944) Dilmore Lane, Fernhill Heath

Details: Residential development for up to 130 dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters reserved except for access.

District/EPA: Wychavon/Worcester

1. For any planning applications submitted to the three district councils that require mitigation of the education impact of the development, Worcestershire Children First will, from the 10th of February 2023, receive planning obligations via Section 106 means only within these districts.
2. For planning developments that submitted planning applications before the 10th of February 2023 Worcestershire County Council may also utilise funding from CIL contributions.

Number of Dwellings: 130

¹ Education Planning Obligations Policy Worcestershire, 2.2, pg 4.

² Special Educational Needs and Disability

³ [Education Planning Obligations Policy \(worcestershire.gov.uk\)](https://www.worcschildrenfirst.org.uk)

Assessment of Impact

A development of this type is likely to attract young families that will have an impact on related schools and early years providers. The area of Fernhill Heath, in which the proposed development is sited, is within the catchment area of Claines CoFE Primary School and Tudor Grange Academy Secondary School, Worcester.

As the plans depict a link to current walking routes on the eastern side of the development via a new footpath, Hindlip CE First School will be a related school (as within 2 miles safe walking route). Hindlip CE First School is part of the Droitwich education planning area (EPA) which is a three-tier education system, whereas Claines and Tudor Grange are part of the Worcester EPA which is a two-tier education system.

The total number of proposed dwellings on site will be 130, and as this is an outline application and breakdown of housing has not been provided, the assessment will be calculated at 130. Once tenure has been confirmed, the impact will be reassessed. Therefore, 130 dwellings is the number the assessment will be based on.

Worcestershire Children First incorporates a 5% surplus when assessing the impact of developments within Worcestershire. This is to allow for internal migration of students throughout the course of the academic year, and to allow for families moving into Worcestershire needing school places for children. Surplus is looked at over the area of the development with a surplus of 5% needed within each school, and a combined 5% surplus across 2-mile walking radius from the development for children below eight years of age and a 3-mile walking radius for children aged eight years and older.

Pupil Yield

The mainstream Pupil Product Ratio (PPR) is based on evidence from recent housing developments, matching school census data and known children numbers to housing developments to determine average pupil numbers and characteristics over time⁴.

The SEND PPR is based on the average percentage of pupils in Worcestershire requiring specialist education provision. This is based on the average percentage of pupils in Worcestershire with an Education Health & Care plan over the last 5 years, which is 3%⁵.

2-Tier System Worcester	Early Years	Primary	Secondary and 6th Form	SEND Primary	SEND Secondary
Total FTE places	15	45	31	1	1
Per Year Group	N/A	6-7	5-6	N/A	N/A

Early Years

The Local Authority has a statutory duty to secure, as far as is reasonably possible, sufficient places for children aged 2, 3 and 4 to claim their entitlement to funded nursery education. In addition, the Local Authority should secure sufficient childcare for working parents.

Early Years settings comprise a mix of providers including school-based nurseries, playgroups, private nurseries and childminders, and families have the right to obtain their funded hours entitlement at any early years setting across the county; therefore, the market is based entirely on parental choice with very little input from Worcestershire Children First in the distribution of children across settings. Instead of using Education Planning Areas as in mainstream education, wards are used as the smallest divisible segments of the county in which Early Years provision can be analysed. This approach is consistent with that used by other Local Authorities across the country.

⁴ Education Planning Obligations Policy Worcestershire, 5.6, pg 11.

⁵ Education Planning Obligations Policy Worcestershire, 5.7, pg 11.

The proposed development is located within the ward of Lovett and North Claines and forecast to yield 15 children who may need childcare places at an early-years setting. Updated sufficiency figures for 2022 show there is a sufficient level of funded childcare places in three wards close to this development.

Therefore, a contribution towards early years provision will not be sought.

Primary and First School Assessment

Number on Roll by Year Group (October 2022 school census)

School	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Claines CofE Primary *	30	27	30	31	31	30	29
Hindlip CofE First	20	20	20	12	14	N/A	N/A
Total	50	47	50	43	45	30	29
Surplus/Deficit Places	0	3	0	7	5	0	0

Other relevant information

School	School Capacity	Published Admission Number (Sept 2022)	PAN of largest year group minus NOR in that year group	Number of year groups	Average spare places per year group	% of Children from Out of Catchment
Claines CofE Primary*	210	30	0	7	<1	34.1
Hindlip CofE First	100	20	0	5	2	79.1
Total	310	50	N/A	N/A	3	56.6 (Ave)

Forecast Information

Year of admission to Reception

School	Sept 2023	Sept 2024	Sept 2025	Sept 2026
Claines CofE Primary*	30	30	30	30
Hindlip CofE First	20	20	20	20
Total	50	50	50	50
Forecast Surplus/Deficit Places	0	0	0	0

There are insufficient places for the 6-7 primary aged children per year group expected from this development. Further investigation has shown that there are more known children (children registered with a Worcestershire GP practice) in each year group already living within the catchment than the combined PAN of the schools, due to increased housing within Fernhill Heath. Therefore, it is likely that children currently living within catchment will take up all places within the catchment school. Therefore, a contribution towards primary provision will be sought.

Primary School Contribution required: £995,490

Primary School Contribution Formula:

$(N \times 0.05 \times 7) \times 0.97$ (rounded up to a whole number) \times £22,122

$(130 \times 0.05 \times 7) = 45.5 \times 0.97 = 44.1 = 45$ (round up to a whole number) \times £22,122 = £995,490

To be used for the provision of additional education facilities at Claines CE Primary School.

Secondary School and Sixth Form Assessment

Number on Roll by Year Group (October 2022 school census)

School	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Total Exc Sixth Form
Tudor Grange Academy Worcester	215	207	206	196	198	52	56	1,022
Surplus/Deficit Places	-5	3	4	14	2	N/A	N/A	18

Other relevant information

School	School Capacity Exc Sixth Form	Published Admission Number (Sept 2022)	PAN of largest year group minus NOR in that year group	Number of year groups Exc Sixth Form	Average spare places per year group	% of Children from Out of Catchment
Tudor Grange Academy Worcester	1,050	210	-5	5	6	6.8

Forecast Information

Year of admission to Year 7

School	Sept 2023	Sept 2024	Sept 2025	Sept 2026
Tudor Grange Academy Worcester*	238	228	210	232
Forecast Surplus/Deficit Places	-28	-18	0	-22

Tudor Grange Academy Worcester is forecast to be at or over capacity from 2023-2026. There will be insufficient places for the 5-6 secondary aged children per year group expected from this development. **Therefore, a contribution towards secondary provision will be sought.**

Secondary School Contribution required: £942,803

Secondary School Contribution Formula:

$(N \times 0.04 \times 6) \times 0.97$ (rounded up to a whole number) \times £30,413

$(130 \times 0.04 \times 6) = 31.2 \times 0.97 = 30.26 = 31$ (round up to a whole number) \times £30,413 = £942,803

To be used for the provision of additional education facilities at Tudor Grange Academy Secondary Worcester.

Specialist SEND Provision

An assessment will also be carried out regarding any SEND (Special Educational Needs and Disabilities) contribution required. Section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review.

As explained within our Policy, where the impact of a development on educational infrastructure is such that it can be shown that there will be a requirement for additional provision for children with SEND, either within existing mainstream or specialist schools, or in the creation of a new school, a contribution for special needs and disability provision will be sought.

This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which is 3%.

Any requirements for a contribution through S106 or CIL will be assessed and calculated on a case-by-case basis. A contribution directly required for SEND provision will not be sought on any developments of less than 50 dwellings⁶.

⁶ Education Planning Obligations Policy Worcestershire, 6.7, pg14

SEND places will be calculated at 4 times the cost of a place appropriate for the phase of education as per government guidance⁷.

As this development is for 130 dwellings, a contribution towards SEND provision will be sought.

SEND Contribution required: £210,140

SEND Contribution Formula:

Step 1. (Primary Contribution) $(N \times 0.05 \times 7 \times 0.03)$ (rounded to the nearest whole number) $\times \text{£}22,122 \times 4$ ⁸

Step 2. (Secondary Contribution) $(N \times 0.04 \times 6 \times 0.03)$ (rounded to the nearest whole number) $\times \text{£}30,413 \times 4$

Step 3. Step 1 + Step 2 = Total SEND Contribution

Step 1. $(130 \times 0.05 \times 7 \times 0.03) = 1.365 = 1 \times \text{£}22,122 \times 4 = \text{£}88,488$

Step 2. $(130 \times 0.04 \times 6 \times 0.03) = 0.936 = 1 \times \text{£}30,413 \times 4 = \text{£}121,652$

Step 3: $\text{£}88,488 + \text{£}121,652 = \text{£}210,140$

This contribution will be used to support education projects at SEND facilities either within mainstream schools or stand-alone SEND settings within Worcestershire.

Total Contributions Required

Education Phase	Contribution Required
Early Years	£0
Primary School	£995,490
Secondary School	£942,803
SEND	£210,140
TOTAL CONTRIBUTION	£2,148,433

The contribution rate is applicable from 1st April 2023 to 31st March 2024. If a planning decision is not reached within the current financial year it may be necessary to review the level of charges.

Financial contributions will be subject to indexation and interest on late payments. The calculation of indexation and interest will be set out in the legal agreement.

Contribution to be paid on or before occupation of one third of dwellings, unless agreed otherwise.

Information

For further information please contact

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⁷ [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁸ [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) 17. Pg10.

Appendix

CIL test compliance

Paragraph 57 and regulation 122 of the CIL Regulations 2010 set three tests for any planning obligation. The obligation must be:

1) **Necessary to make the development acceptable in planning terms**

All types of housing development will create additional households in the community in which they are situated. Except for developments aimed at specific sub-sections of the population, such as retirement apartments and one bed dwellings, these new households are likely to include children at some stage in the lifespan of the property. This increase in the child population will create additional demands on schools in the local area.

The mainstream Pupil Product Ratio (PPR) is based on evidence from recent housing developments, matching school census data and known children numbers to housing developments to determine average pupil numbers and characteristics over time. In Worcestershire this equates to an average of 0.11 FTE funded places for children aged 2-4 per dwelling, 0.05 children per dwelling per year group in the primary phase of education (Year R - Year 6), and an average of 0.04 children per dwelling per year group in the secondary phase of education (Year 7 - Year 13).

Additionally, all new developments are assessed for the impact on SEND provision. The SEND PPR is based on the average percentage of pupils in Worcestershire requiring specialist education provision. This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which is 3%. This percentage is significantly lower for children under the age of 5, therefore SEND provision will not be sought for early education places. Contributions for SEND places will not be sought on developments of fewer than 50 dwellings.

2) **Directly related to the development**

The County Council has identified the schools and providers directly related to this development where they operate a catchment area as part of their admission criteria which covers the area in which the development is situated or where there are in close proximity to the development and can demonstrate a likely demand from families moving on to the development.

3) **Fairly and reasonably related in scale and kind to the development**

Education planning obligations will either be in the form of a financial contribution or as an in-kind payment by way of provision of land and/or school buildings. The level of contribution sought is determined by reference to a cost per pupil place, assessed on the size and type of dwellings proposed. One-bedroom dwellings and specialist accommodation are exempted in recognition of their low pupil yield. Affordable housing that is specifically for the rental market and classified as affordable or social rent will be exempt however, all other dwellings will be chargeable.

Monitoring Fees

When planning obligations for education infrastructure are included in a legal agreement, WCC will seek monitoring fees towards the monitoring of such obligations. The fees are based on a) the actual work undertaken to administer and ensure compliance with the agreement and b) the development size. For more information, please see the document on WCC website [Section 106 monitoring fees](#).