

Corporate Property Team
Lincolnshire County Council
County Offices
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Email: Property_Strategy@Lincolnshire.gov.uk

Ref: H16-0515-25 SHDC
05 February 2026

Dear Sir/Madam

Application Number – H16-0515-25

The Education Act 1996 states that Local Authorities have a duty to secure school places for all children of statutory school age who are resident in the Authority. Whilst subsequent Education Acts have amended various aspects of school organisation, this obligation on the County Council has not changed.

Therefore, Lincolnshire County Council is legally responsible for ensuring that there are sufficient school places in the county for the children of Lincolnshire.

S106 education requests for contributions towards infrastructure must be compliant with both the 2024 National Planning Policy Framework ("NPPF") at paragraph 58 and the Community Infrastructure Levy Regulations 2010 ("CIL Regulations") at Regulation 122. These state that planning obligations must only be sought where they meet all the following tests:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

When Lincolnshire County Council were consulted on the above-mentioned planning application a request was made for mitigation from the developers to enable the schools to address the impact that additional children would have on the provision in primary, secondary and sixth form provision.

The contribution requested for this development therefore was necessary, directly related to the development and was fair and reasonable in relation to the scale and kind of the development.

The projected data for 2028/2029 which is the current academic year being assessed is continuing to show that the planning areas in all education phases that were named on the original response continue to show projections of being over the 95% FULL threshold and in reality close to and over the 100% FULL threshold and therefore there is still a requirement for education mitigation from the developer because of the additional children that will or have been created by this development.

The mitigation request is also in line with the NPPF paragraph 100 - It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- A) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- B) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The loss of any contributions for projects to expand schools has an impact on education provision in Lincolnshire, the DfE expects local authorities to seek developer contributions towards school places that are created from housing development as referenced in the DfE securing developer contributions to education guidance (August 2023). If the local schools to a development cannot accommodate the additional children created then it may result in children travelling further than their local communities for school places.

Many Thanks

Sam Barlow
Strategic Development Officer
Corporate Property Service