Education Report

Land off High Road, Weston, Spalding, Lincolnshire

Persimmon Homes Ltd

BEN HUNTER
BA DipMS

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1.0 Introduction

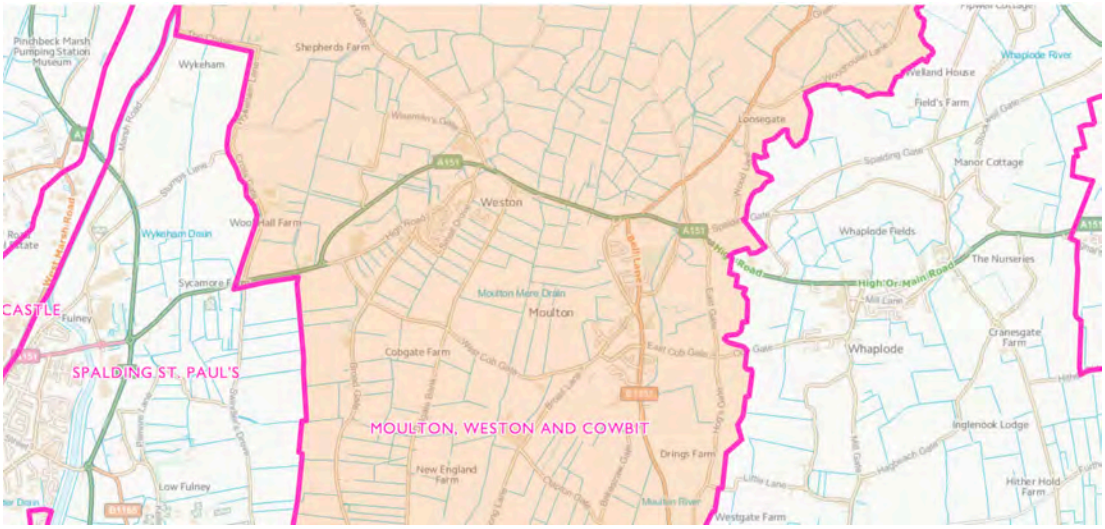
1.1 This Education Report is in relation to a proposed residential development of approximately 150 dwellings on land off High Road, Weston, Lincolnshire. Weston is a village and civil parish approximately 2-miles north-east from the town of Spalding.

1.2 The approximate development outline can be seen below in Map 1:



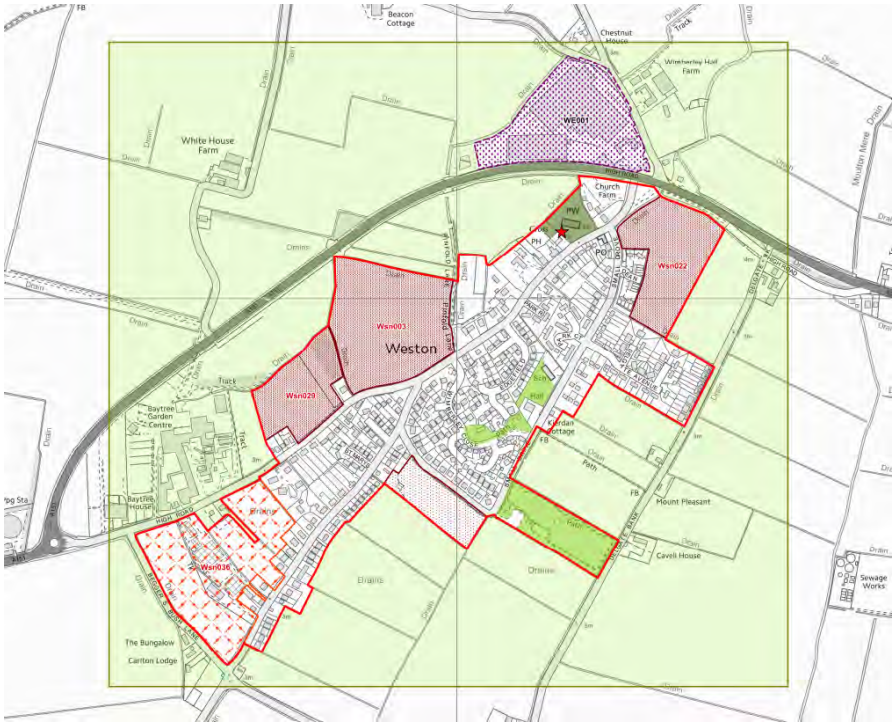
Map 1: Approximate Development Outline

1.3 This development is located in the Moulton, Weston and Cowbit Ward ("the Ward") within the South Holland District Council ("SHDC") Planning Area. The Education Authority for the area is Lincolnshire County Council ("LCC"). The Ward boundary in which Weston resides can be seen below in Map 2:



Map 2: Ward Map (via Ordinance Survey)

1.4 This development is an allocated site in the South East Lincolnshire Local Plan[1] 2011-2036 under Reference Wsn003. The allocated sites map can be seen below in Map 3:



Map 3: South East Lincolnshire Local Plan Weston Allocation Map

[1] http://www.southeastlincslocalplan.org/adopted-plan/

1.5 This Report looks in detail at the trends in dwelling delivery, of births and the age of the population over the last decade to create a context for this proposed development. The history of dwelling delivery identifies the likely proportion of new households, which are characterised by a younger population. The trend in birth numbers, too, is often linked to dwelling delivery and if rising, to younger populations. Births also indicate the future demand for school places. Finally, the trend in the median age of the population is an indicator of the nature of the area and how sustainable it is. The assumption is that the population should reflect national norms, which includes its ageing. When the balance of dwelling delivery does not maintain the median age of the population at around the national norm, there are implications for social infrastructure.

1.6 Existing local schools are identified and mapped with Google Earth, providing the approximate walking distances from the proposed development. The relevant schools, having been sorted by distance, are then described for capacity, numbers of pupils by age, and occupancy levels, all at January 2020 (the academic year 2019/20; the previous academic year. Data is provided for the current academic year when available).

1.7 SHDC is not a Community Infrastructure Levy ("CIL") operating authority. They reported to their Joint Strategic Planning Committee[2] the following:

However, following consideration of this matter, which was informed by the findings of the South East Lincolnshire Whole Plan Viability Study and the South East Lincolnshire Infrastructure Delivery Plan made available in 2016, it was decided that it would be more expedient - for the time being - for both Boston Borough and South Holland District Councils to rely on 'section 106' legal agreements rather than a CIL for the purpose of securing developer contributions.

1.8 Accordingly, this Report will progress on the basis that if any planning obligations are required, and do not negatively affect development viability, that they will be secured via Section 106 agreement.

1.9 Related to this last point, a pre-application response has been received from LCC, which includes details of the child yield and contribution requested from each Education-related service area. This can be seen summarised below in Table 1:

[2] https://democracy.sholland.gov.uk/documents/s18608/Appendix%201%20for%20Draft%20Revised%20Local%20Development%20Scheme%20for%20South%20East%20Lincolnshire.pdf

House type	No. of properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR 6th Form	6th Form Pupils
2 Bedroom	34	0.09	3.06	0.09	3.06	0.018	0.612
3 Bedroom	82	0.17	13.94	0.17	13.94	0.034	2.788
4+ Bedroom	26	0.33	8.58	0.27	7.02	0.054	1.404
	142	**Total pupils**	**25.58**		**24.02**		**4.804**

Age Range	Type of school	Pupils (rounded down)	Cost multiplier/pupil	Sub-Total	Capacity available	Total	Local multiplier	Total
5-11	Primary	25.00	12257	306425	9	£ 196,112.00	0.92	£ 180,423.00
11-16	Secondary	24.00	18469	443256	0	£ 443,256.00	0.92	£ 407,795.00
16-18	6th Form	4	20030	80120	0	£ 80,120.00	0.92	£ 73,710.00
				829801		£ 719,488.00		£ 661,928.00

Table 1: LCC Planning Obligation Request – Education (Pre-App Advice)

1.10 Table 1 suggests that there will be not be sufficient surplus capacity in the Primary phase, which is a change to the original response in August 2019, and also not in the Secondary and Sixth Form phase. This Report will assess this to establish whether we concur with what LCC have suggested. This Report does not intend to discuss Early Years/SEN provision, as it has not been requested by LCC; if this was to change, EFM will revisit to establish whether the request is CIL Reg 122 compliant.

1.11 First, however, the Report will look at the demographics of the area in which this development will reside, in order to ensure a full picture is established before an Education environment assessment is undertaken:

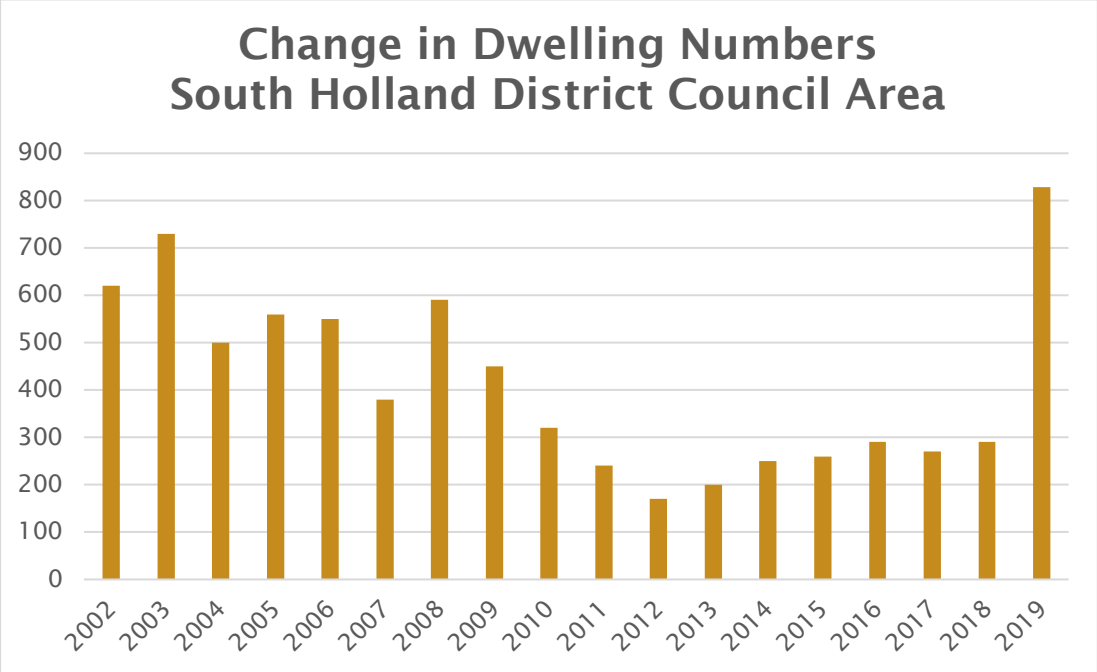
2.0 Dwellings

2.1 In 2001, the SHDC administrative area consisted of 33,720 residential dwellings. There was an average of 395 new residential dwellings delivered per annum in the years that followed to 2019, so that by the end of this calendar year the number of dwellings had increased by 7,499 to 41,219. This is an increase in residential dwellings of 22% over the review period:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
33,720	34,340	35,070	35,570	36,130	36,680	37,060	37,650	38,100	38,420	38,660	38,830	39,030	39,280	39,540	39,830	40,100	40,390	41,219

Table 2: Dwelling Numbers in the SHDC Administrative Area

2.2 The trend in new housing delivery can be seen below in Graph 1. It demonstrates the housing market was generally more active in the 2000's than the decade that followed, with the number of new dwellings per annum falling from 2008 to the lowest recorded year for development in 2012 (170 dwellings in one year). New dwelling delivery stayed at this relatively low level throughout the 2010's, with the exception of 2019, which saw a substantial increase in new dwelling delivery, with 829 in one year, which is the highest number of dwellings delivered in a single year in recent memory.



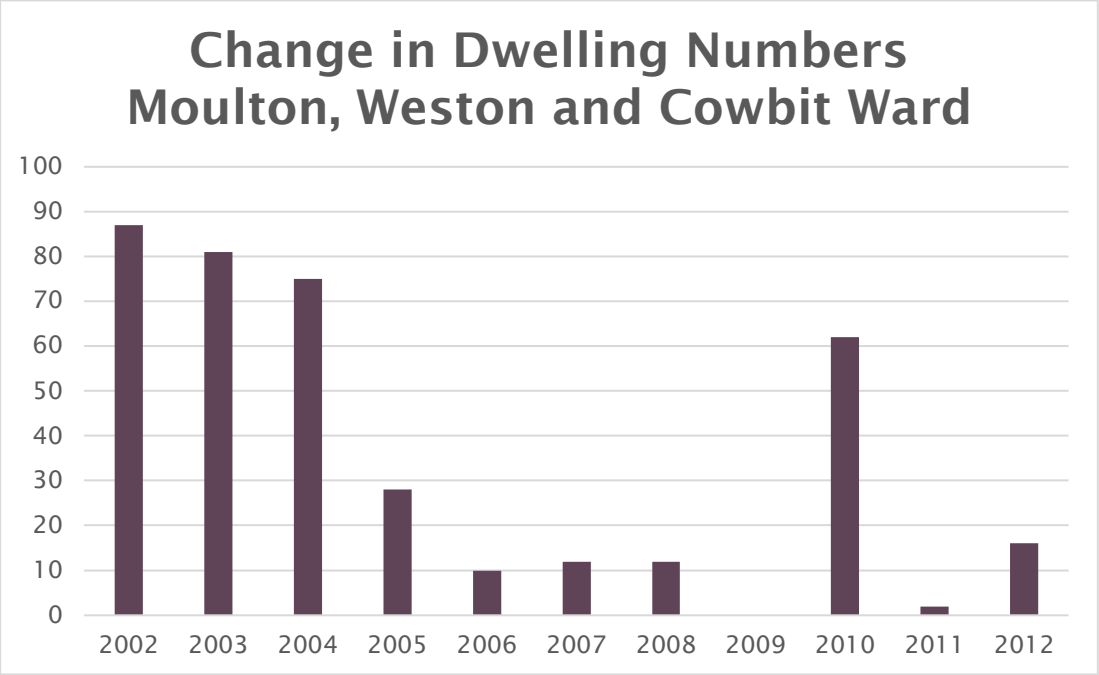
Graph 1: Change in Dwelling Numbers per Annum – SHDC Area

2.3 Dwelling numbers in the Ward increased at a rate of 35 per annum between the period for which data is available: 2001-2012:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2,475	2,562	2,643	2,718	2,746	2,756	2,768	2,780	2,780	2,842	2,844	2,860

Table 3: Change in Dwelling Numbers – The Ward

2.4 There was an increase of 385 dwellings in this period, with 2002-2004 seeing the most active housing market in the Ward, with these three years accounting for 63% of the new dwellings delivered in the twelve-year period. 2009 and 2011 saw no new dwellings delivered to speak of, as shown below in Graph 2:



Graph 2: Change in Dwelling Numbers – The Ward

2.5 When looking at housing data from the Royal Mail, by 2019 dwelling numbers had increased to 2,967, which is 107 new dwellings between 2012 and 2019, or an average of 15 per annum. This demonstrates that while new housing was being delivered, it was at a slower pace than seen in the previous decade.

2.6 Over the same period (2001-2019) dwelling numbers increased by 20% in the Ward, which is comparable to the wider District (22%).

2.7 Looking specifically at the village of Weston, we have found 5 new homes delivered between 2000-2008; 20 between 2008 and 2010; and 16 since 2010. The turnover of market homes in Weston is 15-20 per annum. This has not moderated the aging of the population (see Section 4) sufficiently to prevent child numbers from falling (see Section 3 below):

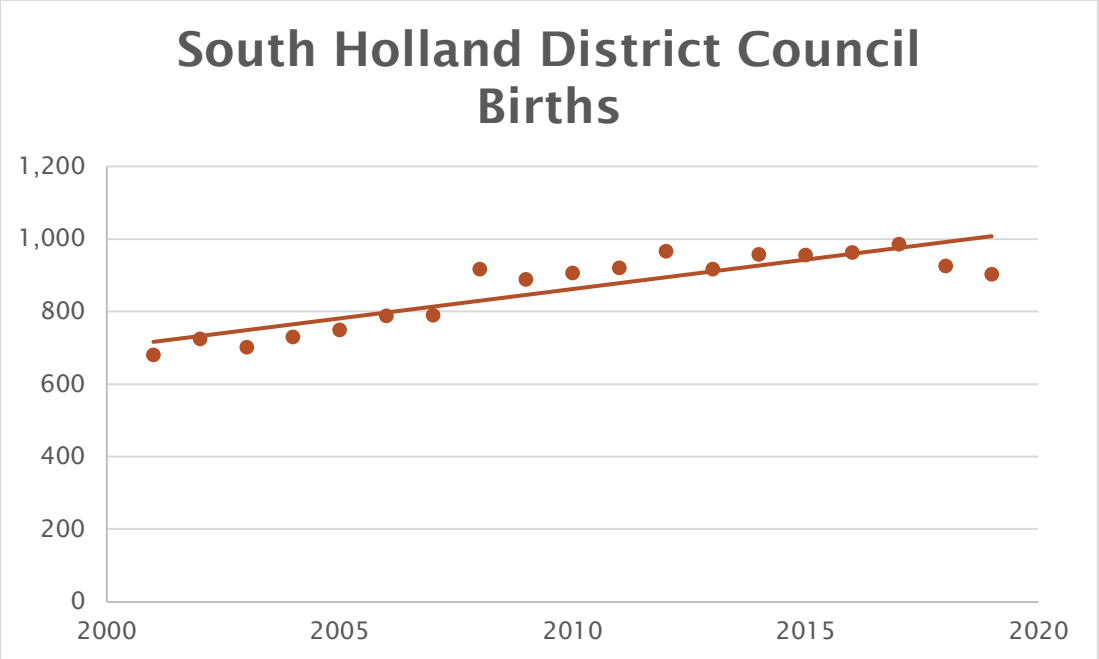
3.0 Births

3.1 Births in the SHDC administrative area averaged 862 per annum in the review period of 2001-2019. Births peaked in 2017 at 987, and were at their lowest in 2001 at 681:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
681	725	702	731	750	788	791	918	889	907	921	967	917	958	957	963	987	927	903

Table 4: Births in the SHDC Administrative Area

3.2 The trend over the review period can be seen below in Graph 3. It demonstrates that the trend over the review period is a growing one. However, birth numbers have started to fall from their peak in 2017, and in 2019 were the lowest they had been in a decade. This is consistent with the wider national picture, where birth numbers are currently lower than they have been in over 80 years[3]:



Graph 3: SHDC Area Births per Annum

3.3 Birth data for the Ward is shown below in Table 5. Births averaged 56 per annum in the review period of 2001-2019. Births peaked in 2014 at 75, and were at their lowest in 2009 at 41:

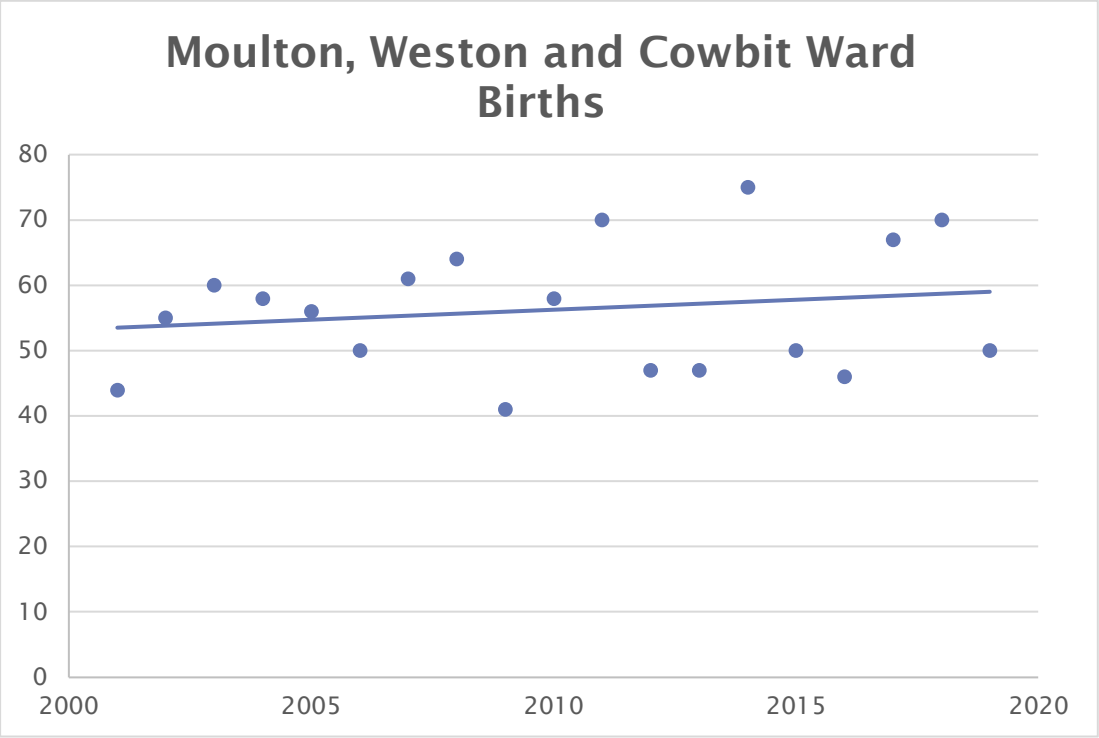
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
44	55	60	58	56	50	61	64	41	58	70	47	47	75	50	46	67	70	50

Table 5: Ward Births per Annum

3.4 The trend over the review period can be seen below in Graph 4. It demonstrates that births have varied year on year between 40 and 80 per annum,

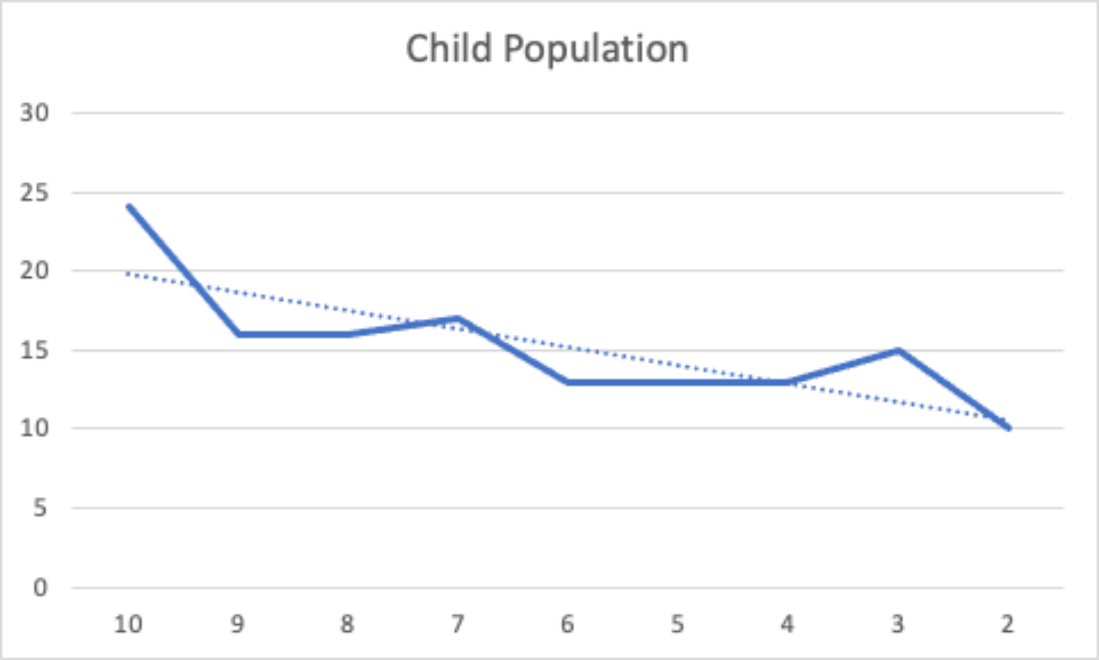
[3] https://www.independent.co.uk/news/uk/home-news/birth-rate-england-wales-low-uk-ons-fertility-brexit-climate-a9031641.html

with little obvious rend emerging. However, as with the wider District, numbers were low in 2019, which could indicate the start of a general fall:



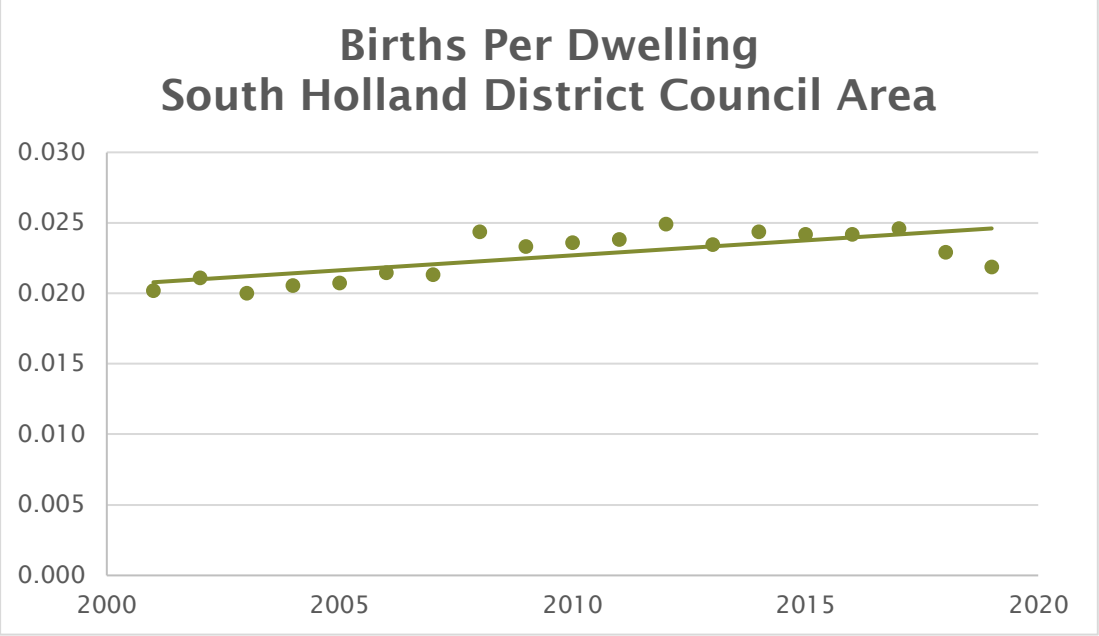
Graph 4: Ward Births per Annum

3.5 When focusing specifically on Weston itself, the child population is falling, as demonstrated in Graph 5, and discussed further in Section 8. There are currently 10 zero year old children across the West and Weston Hills region, compared to 17 five year old children, which demonstrates that the birth numbers are falling, which will have a direct impact on the existing school system, as there are fewer children coming forward to take places in new Year Groups as the existing cohorts work their way through the system.



Graph 5: Weston Population by Year of Age

3.6 When looking at the births per dwelling in the SHDC area, numbers were very consistent between 2008-2017, but are now falling, suggesting that birth numbers are not growing at the same rate that new housing is being delivered:



Graph 6: Births per Dwelling – SHDC Area

4.0 Age

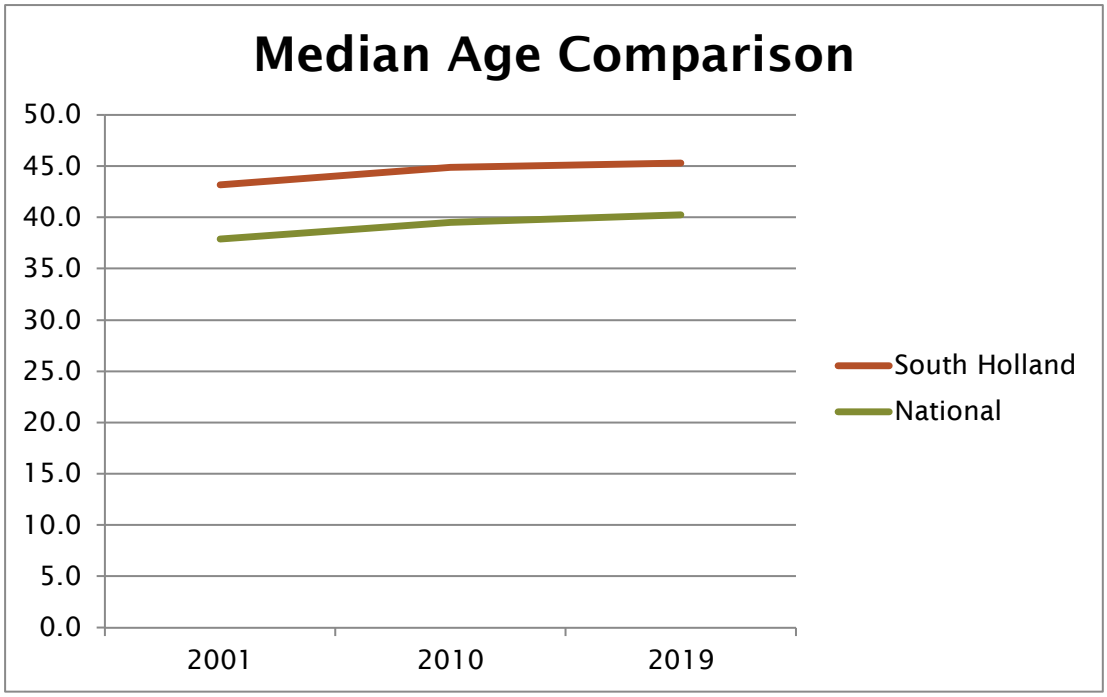
4.1 This report has reviewed the age profile of the SHDC administrative area in order to compare it to the wider national picture, and the Ward population.

4.2 In 2001, the population of the SHDC administrative area had a median age of 43.2 years of age. This was 5.3 years older than the median age of the wider UK population. By 2019, this had changed to 45.3 v 40.3, indicating that the SHDC area was aging marginally slower than the wider UK population, but still maintained a population that was predominantly older:

Year	2001	2010	2019
South Holland	43.2	44.9	45.3
National	37.9	39.5	40.3
Difference	-5.3	-5.4	-5.0

Table 6: Median Age Comparison

4.3 The trend over the review period can be seen in Graph 7. It shows that the difference between age profiles is remaining reasonably consistent. An older population is usually consistent with a lower rate of fertility:



Graph 7: Median Age Comparison

4.4 Comparatively, the Ward, as of 2019, had a median age of 49.2. This is significantly older than both the District and UK population as a whole, indicating a prevalence of older people resident in the Ward (the village of Weston itself has a median age of 50.5 years of age).

4.5 To summarise the demographic data of the administrative area: new dwelling delivery has been consistent and low throughout most of the 2010's, but witnessed a large increase in 2019, where more dwellings were delivered than had been seen in recent memory; the birth rate has been consistent throughout the 2010's but started falling in 2018 and is currently the lowest it has been in over a decade; and finally, the population has a higher median age than the UK's population as a whole.

5.0 Migration

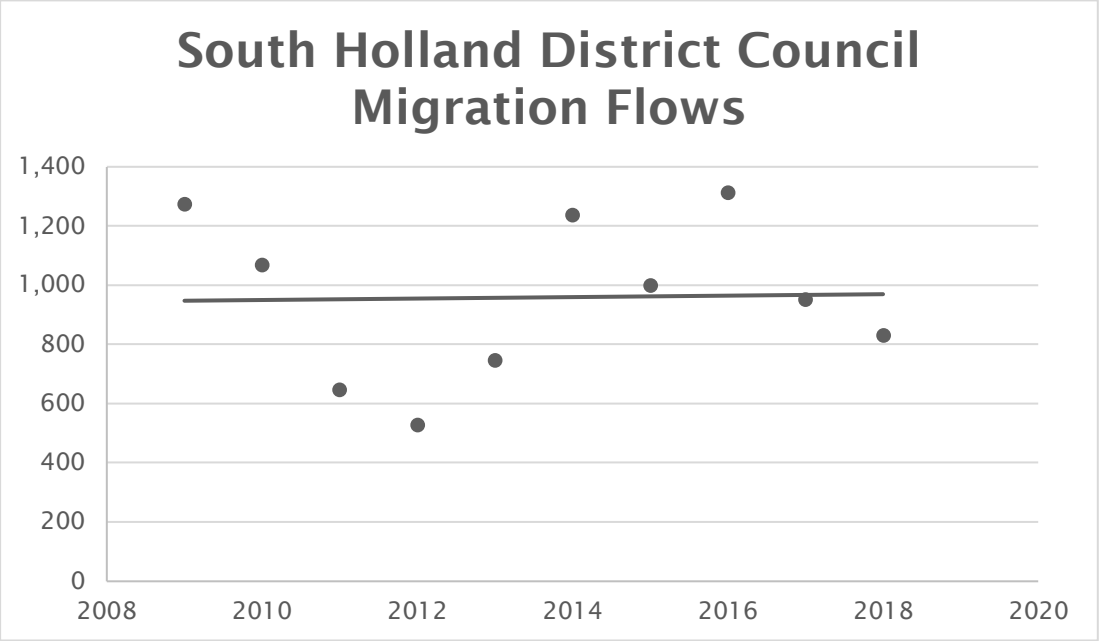
5.1 Weston is a small and relatively remote village, which means that the majority of the migration data is actually more relevant to the wider Ward and District, and has little bearing on the village itself. It is included here for the sake of completion.

5.2 When looking at the inward and outward migration data of people moving in and out of the administrative area, the SHDC administrative area is a net importer in all of the recent years for which data is available. There is a net average of 959 people moving in to the area from a different one. The highest number of new people as a net figure moving in to the area in the review period was 1,312 in the 2015/16 financial year; the lowest number was seen in 2011/12 at 527 people:

SHDC	Mid Year Population	Long-Term International Migration		Internal Migration (within UK)			
Year	Estimate	Inflow	Outflow	Inflow	Outflow	Change	
2008/09	86,987	1,109	153	3,200	2,882	1,274	1.46%
2009/10	87,905	931	150	3,395	3,108	1,068	1.21%
2010/11	88,390	669	193	3,216	3,045	647	0.73%
2011/12	88,546	610	258	3,435	3,260	527	0.60%
2012/13	89,184	805	237	3,605	3,428	745	0.84%
2013/14	90,382	887	185	4,119	3,585	1,236	1.37%
2014/15	91,245	1,023	177	3,758	3,606	998	1.09%
2015/16	92,527	1,085	215	3,974	3,532	1,312	1.42%
2016/17	93,295	904	305	4,279	3,927	951	1.02%
2017/18	93,980	818	573	4,511	3,927	829	0.88%

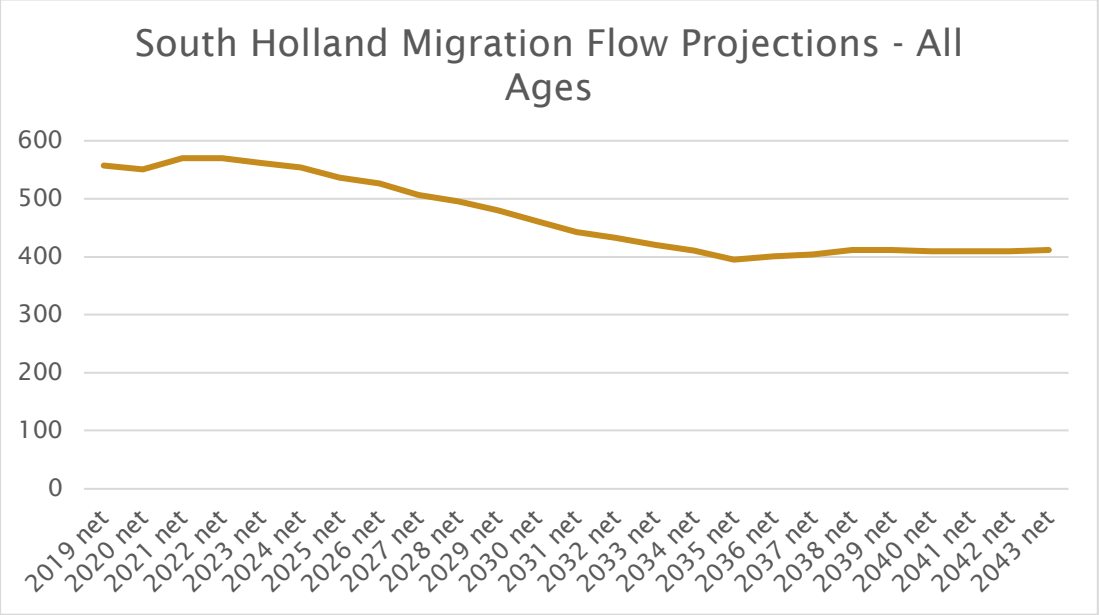
Table 7: Migration Flows in the SHDC Administrative Area

5.3 When plotting these numbers on a graph, it shows that numbers are essentially level as a trend, with numbers deviating between 400-1,400 parameters but essentially equaling out over time:



Graph 8: Migration Flows in the SHDC Administrative Area

5.4 Looking further ahead at migration projections produced by the Office for National Statistics ("ONS") up to 2043, it is forecast the number of new people moving in to the area will continue to be a net positive. The projections suggest that there will be a net 11,743 people moving in to the area over the next 25 years.



Graph 9: ONS Migration Projections

5.5 When looking at the migration of individual age groups, the SHDC area is a net importer of 0-15-year-old children, meaning that for every school-age group there are more children within this age boundary moving in to the area than there are children moving in to a different administrative area. For Early Years aged children, the average number of new children (net) per annum moving in to the SHDC area is 62 between the calendar years of 2014-2019; for Primary school aged children the average is 69 (0.33FE) per annum over the same period; and finally for Secondary school aged children, the average is 35 (0.23FE) per annum:

	NET MIGRATION children						
Age	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**Average**
0	14	5	8	9	-7	12	**7**
1	34	9	0	16	24	11	**16**
2	32	11	3	30	40	26	**24**
3	33	4	12	15	12	20	**16**
4	0	14	3	4	23	27	**12**
5	4	5	12	1	17	13	**9**
6	15	0	-3	14	22	4	**9**
7	26	-7	-8	14	2	29	**9**
8	20	9	4	5	7	12	**10**
9	6	19	6	2	2	17	**9**
10	10	10	0	25	14	15	**12**
11	-1	-5	1	6	22	3	**4**
12	4	6	4	-8	1	7	**2**
13	-2	-2	5	15	26	21	**11**
14	10	3	2	23	11	4	**9**
15	7	2	12	-6	19	18	**9**
16	-8	12	-3	2	5	-16	**-1**
0-3	113	29	23	70	69	69	**62**
4-10.	81	50	14	65	87	117	**69**
11-15.	18	4	24	30	79	53	**35**

Table 8: Individual Age Migration Flows

5.6 ONS produced projections for the migration of individual age groups, which is shown below in Table 9. This suggests that the inward migration of all age groups is expected to continue as far forward as 2043, at approximately the same level as is being seen currently:

Age Group	2019 net	2020 net	2021 net	2022 net	2023 net	2024 net	2025 net	2026 net	2027 net	2028 net	2029 net	2030 net	2031 net	2032 net	2033 net	2034 net	2035 net	2036 net	2037 net	2038 net	2039 net	2040 net	2041 net	2042 net	2043 net	AVERAGE
0	10	10	10	10	9	9	9	9	9	9	9	9	9	9	9	9	9	9	10	10	10	10	10	10	10	9
1	16	16	15	15	15	15	15	14	14	14	14	14	14	14	14	14	14	14	14	15	15	15	15	15	15	15
2	24	22	22	22	21	21	21	21	21	21	21	20	20	20	20	21	21	21	21	21	21	21	22	22	22	21
3	13	14	13	13	13	13	13	12	12	12	12	12	12	12	12	12	12	12	12	12	12	13	13	13	13	12
4	17	15	16	15	14	14	14	14	14	14	14	14	13	13	13	13	13	13	13	14	14	14	14	14	14	14
5	13	15	12	13	12	12	12	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
6	17	15	17	15	16	15	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
7	7	7	4	6	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4	3	3	3	3	3	3	4
8	8	9	9	7	9	6	7	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	7
9	1	1	0	1	-2	0	-2	0	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-2	-2	-1
10	22	22	24	25	24	23	24	22	22	21	21	20	20	20	20	20	20	20	20	20	20	20	20	20	20	21
11	13	13	12	14	15	14	12	14	10	11	11	10	10	10	10	10	10	10	10	10	10	10	10	10	10	11
12	8	9	7	7	7	7	8	5	7	5	5	5	5	5	5	5	4	4	4	4	4	4	4	4	4	5
13	17	18	20	19	19	19	20	20	19	20	20	18	18	17	17	17	17	17	17	16	16	16	16	16	16	18
14	17	17	18	19	18	19	19	19	19	17	17	17	18	17	16	16	16	16	16	16	16	16	16	16	16	17
15	7	8	7	7	8	7	7	7	6	7	7	6	4	5	4	5	5	5	4	4	4	4	4	4	4	6
16	4	5	6	5	5	7	5	5	4	3	3	2	3	2	3	2	3	3	3	2	2	2	2	2	2	3
0-3	63	62	60	60	58	58	58	56	56	56	56	55	55	55	55	56	56	56	57	58	58	59	60	60	60	58
4-10.	85	84	82	82	76	74	73	71	70	69	69	68	67	67	67	67	67	67	67	67	67	67	67	66	66	71
11-15.	62	65	64	66	67	66	66	65	61	60	60	56	55	54	52	53	52	52	51	50	50	50	50	50	50	57

Table 9: ONS Individual Age Group Migration Projections

5.7 When looking at the population forecasts of the South Holland District Council administrative area: in 2014, the SHDC administrative area had a population of 90,400 people. By 2039, this is expected to increase to 106,100; this is an increase of 15,700 people (17%) over the 25-year period, or an average of 628 people per annum. When looking at households, they are expected to increase from 38,127 in 2014, to 46,734 in 2039; this is an increase of 8,607 households (23%), or an average of 344 per annum. Finally, the average household size is expected to decrease from 2.37 to 2.27 over the same period[4].

Area	SOUTH HOLLAND													
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
Population	90400	91200	91900	92600	93300	94100	94800	95500	96200	96900	97600	98300	98900	
Households	38127	38525	38890	39255	39621	39979	40343	40688	41027	41363	41701	42038	42391	
Av Household Size	2.37	2.37	2.36	2.36	2.35	2.35	2.35	2.35	2.34	2.34	2.34	2.34	2.33	
Age 0-4	5000	5000	5100	5000	5000	5000	5000	5100	5100	5100	5100	5000	5000	
Age 5-9	4800	4800	5000	5200	5200	5400	5400	5400	5400	5300	5300	5400	5400	
Age 10-14	4600	4500	4500	4600	4800	4900	5100	5200	5400	5500	5600	5600	5600	
Natural Household Growth		398	365	365	366	358	364	345	339	336	338	337	353	
Local Plan														

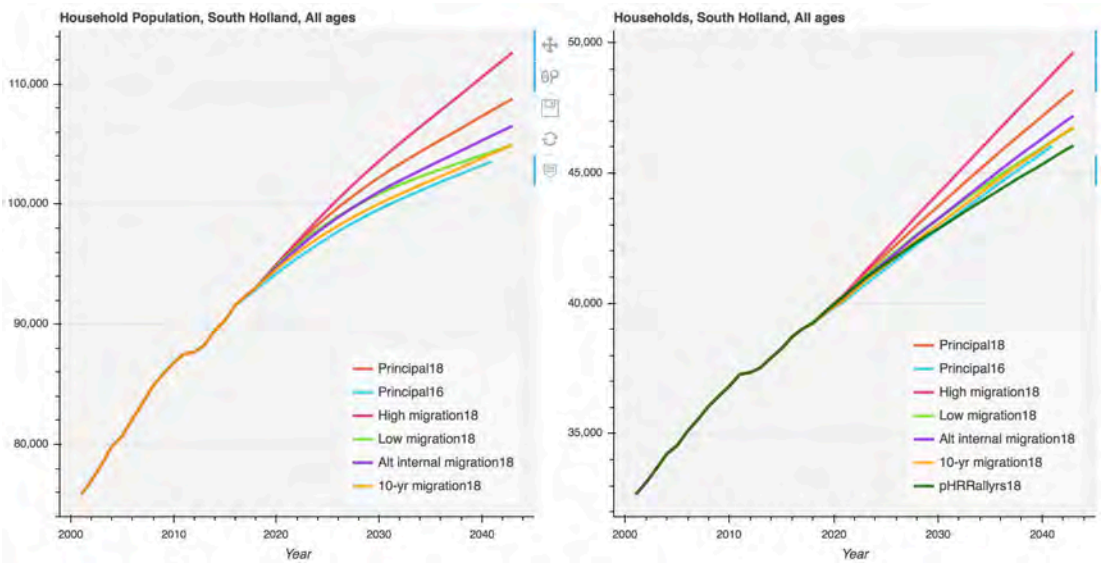
	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
Population	99500	100100	100700	101300	101900	102400	103000	103500	104100	104600	105100	105600	106100
Households	42749	43104	43443	43790	44135	44469	44810	45140	45462	45787	46118	46435	46734
Av Household Size	2.33	2.32	2.32	2.31	2.31	2.3	2.3	2.29	2.29	2.28	2.28	2.27	2.27
Age 0-4	5000	5000	5000	4900	4900	4900	4900	4900	4900	5000	5000	5000	5000
Age 5-9	5400	5400	5400	5400	5400	5300	5300	5300	5300	5300	5300	5300	5300
Age 10-14	5600	5600	5600	5600	5600	5600	5600	5600	5600	5600	5600	5600	5500
Growth	358	355	339	347	345	334	341	330	322	325	331	317	317

Table 10: 2014 Population Forecasts

5.8 Comparing the 2016 population projections to the 2014 version shown above, they are lower, with the 2016 version projecting a population of 102,870 in 2039, compared to 106,100 in the 2014 projection. The Government has adopted the 2014 projection for the planning system as a safeguard, as generally (nationwide) the 2014 projections are higher than the 2016 projections.

[4] The 2016 based forecasts tell the same story albeit at a slightly lower rate. For town planning purposes, the Government position is to retain the 2014 based forecasts.

5.9 ONS show a number of different scenarios below in Graphs 10 and 11 for projected population and household numbers. All of the scenarios show significant growth, with high migration being the biggest factor in potentially increasing both people and households into the forthcoming decades:



Graphs 10 and 11: ONS Household Projections Analysis Tool

6.0 Child Yield

6.1 Lincolnshire County Council's School Organisation Plan [5] (2019-2020) includes details of how they calculate the expected child yield from new housing developments. The document states:

As part of the pupil projections model the total number of houses with full or reserved matters/detailed planning permission, by area, is obtained from each district council and is fed into the system to give an indication of the added pressure. A proven ratio is used to measure the additional demand for places from new houses. This ratio is based on local research looking at completed housing developments. ***The ratios currently used presume that 100 new homes would generate an average of 20 primary pupils and 19 secondary aged pupils across all year groups in total.***

6.2 This means that LCC is utilising child yield multipliers of 0.2 Primary school aged pupils per dwelling, and 0.19 Secondary school aged pupils per dwelling. When

[5] https://www.lincolnshire.gov.uk/downloads/file/2605/school-organisation-plan-2019-2020

applying this to a development of 142 dwellings (removing the one-bedroom dwellings) you get the following:

- 142 x 0.2 = 28.4 Primary School aged pupils (4 per Year Group); and
- 142 x 0.19 = 27 Secondary School aged pupils (4 per Year Group).

6.3 When utilising the specific, per dwelling size child yield shown in Table 1 of this Report, the numbers are calculated as follows:

- 25 Primary school aged pupils (0.18 per dwelling);
- 24 Secondary school aged pupils (0.17 per dwelling); and
- 4 Sixth Form pupils (0.03 pupils per dwelling).

6.4 EFM has no issue with these figures, as they are well within normal ranges used nationwide.

6.5 Turning now to cost multipliers, LCC is utilising (as per Table 1) £12,257 per Primary pupil place, £18,469 per Secondary pupil place, and £20,030 per Sixth Form pupil place (unchanged between August 2019 and October 2020).

6.6 The most recent DfE cost multipliers for New Build and Permanent Expansion of new provision, adjusted for inflation, can be seen below in Table 11:

Inflation				
DfE Scorecard: Regional Factor 1.00: 1Q2019				
		New Build	**Perm Expansion**	**Temp Expansion**
	Primary	£ 19,611.00	£ 16,596.00	£ 7,878.00
	Secondary	£ 23,962.00	£ 22,738.00	£ 8,889.00
DfE Scorecard: Regional Factor 1.00: 1Q2020				
		New Build	**Perm Expansion**	**Temp Expansion**
	Primary	£ 20,508.00	£ 17,268.00	£ 8,196.00
	Secondary	£ 24,929.00	£ 23,775.00	£ 9,248.00
Adjustment				
		New Build	**Perm Expansion**	**Temp Expansion**
	Primary	4.6%	4.0%	4.0%
	Secondary	4.0%	4.6%	4.0%

Table 11: DfE School Build Cost Multipliers (Adjusted)

6.7 In all cases, the LCC figures are lower than the DfE averages, and are therefore considered to be acceptable. Even when applying LCC's regional weighting (1.08695652) the figures utilised are still lower (LCC would theoretically be able to charge over £15k per Primary school place, and this would be acceptable under the current Guidance).

6.8 The remainder of this Report will be looking at the Educational landscape of the area surrounding the development, and will focus on the need for new provision, before discussing the application of development viability on the importance of planning obligations.

7.0 Schools

7.1 In our assessment, we consider all Primary Schools within a 2-mile walking distance[6], and all Secondary schools that lie within a 3-mile walking distance of the development. The 2 and 3-mile criteria are the distances prescribed in the Education Act beyond which local authorities are required to provide/fund transport where the nearest available school is further away. It is the intention of the planning system and the provision of state-funded schools that the ideal mode of travel to and from school is walking or cycling. The NPPF made this plain at paragraph 38. Paragraph 38 has been replaced by paragraph 104A in NPPF2 with an exhortation to minimise the number and length of journeys. The words 'within walking distance of most properties' have been removed.

[6] Distances have been calculated based upon coordinates near to the development (52.806709, -0.089864). Once the development is built, some parts of the site will be further/closer than shown.



Map 4: Two and Three-mile boundary around the development site

7.2 The authority is required to make pupil forecasts to the Department for Education on a year of age basis by 'school planning area' and identify each school in the cluster and its capacity. The forecasts cover the period for which birth data is available. Forecasts covered by Section 106 agreements submitted separately to avoid double funding. For Primary School age pupils, the current published data runs to 2023/24 and for Secondary School aged pupils 2025/26. These are known as the School Capacity ("SCAP") returns. This is how Government allocates its funding for additional school places that are its responsibility to provide.

7.3 Schools should be operationally full to meet the financial audit requirement for best value from public assets. This is demonstrative of a properly functioning school system. School funding is predicated on the number of pupils that are on a school's roll, so it is in the best interest of schools to maximise intake within their capacity. Accordingly, many schools take from a wide catchment area and some enroll over capacity.

7.4 The statutory rules on enrolment are that whilst schools may have a catchment area and ordered criteria for admissions, the rules only apply if the school is oversubscribed. Otherwise, whoever applies is admitted irrespective of where they live. This is known as 'More Open Enrolment'. It fosters parental choice of school.

7.5 The overarching duty to provide sufficient schools and school places rests with central Government. (Education Act 1996 Section 11) The duty excludes those otherwise provided for (private education, home schooling, those in new housing with a **Section 106/CIL in place** (my emphasis).

7.6 The education authority's duty in such matters is to secure sufficient schools and school places for their area (Education Act 1996 Section 14). 'For their area':

The duties of a [local] education authority do not require the authority to secure the provision of schools for pupils from outside the area of the authority, even though it may be convenient for a pupil to attend a school in an area other than that in which he lives.[7]

7.7 Within the State-funded school sector there are Community Schools funded by the local authority and there are other providers than the local authority and there are other providers than the local authority; these are the Academy, Free School Voluntary Sector (e.g. Church Schools) and Foundation Schools. Academies and Free schools are funded directly by Central Government: Church Schools and foundation Schools are maintained by the local authority.

7.8 The provision of school places, where there is a shortfall, is made via a funding stream from the Department for Education ("DfE") is known as Basic Need. Basic Need funding is allocated as 'a number of pupil places times a unit cost', differentiated by school phase and local building costs. Allocations are made on the basis of projected shortfalls in local School Planning Areas against current pupil numbers and the actual numbers of school places in that Planning Area. Each planning area is treated as a discrete area and shortfalls met through the allocation of resources.[8] A surplus in one school planning area is not offset against another with a shortfall. In this case, providing housing in the Holbeach Primary Phase Planning Area (for whatever planning reason) will be reflected in the forecasts for the Holbeach Primary Phase Planning Area, and nowhere else.

[7] Law of Education

[8] Capital Funding for School Places by 2021 – explanatory note on methodology

8.0 Primary Schools

8.1 There are currently two state schools serving Primary School aged children within a two-mile radius of the development site. The schools are both within the LCC administrative area, and are grouped with five additional schools to form the Holbeach Primary Planning Area.

8.2 The location of the schools in relation to the development site can be seen below in Map 5:



Map 5: Schools within a two-mile radius of the development site

8.3 The most recent roll data available in the public domain for these schools (2019/20) can be seen below in Table 12:

Primary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
Weston St Mary's CofE (VC) Primary	PE12 6HU	Lincolnshire	0.3	56	8	39	5	3	2	9	9	3	8
Moulton The John Harrox Primary	PE12 6PN	Lincolnshire	1.8	280	40	267	33	40	37	39	39	40	39
TOTAL				336	48	306	38	43	39	48	48	43	47
Surplus							10	5	9	0	0	5	1
Available Surplus %							21%	10%	19%	0%	0%	10%	2%

Table 12: School Roll Data (January 2020)
PAN = Planned Admission Number; NoR = Number on Roll

8.4 The closest school to the development site is Weston St Mary's CofE Primary School. This is a very small school (0.3 Forms of Entry) that accommodates 8 pupils per Year Group. As of the previous academic year, the school had 17 spare places, and was operating at 70% of its available capacity.

8.5 The school is located on a site of approximately 0.6ha. A standard 1FE Primary School (30 places per Year Group) is ideally situated (according to Building Bulletin 103) on a site in the region of 1.2ha. On that basis, there is not a huge amount of space to accommodate any meaningful expansion. Furthermore, the site is landlocked, so there is no option for land acquisition to accommodate an expansion.

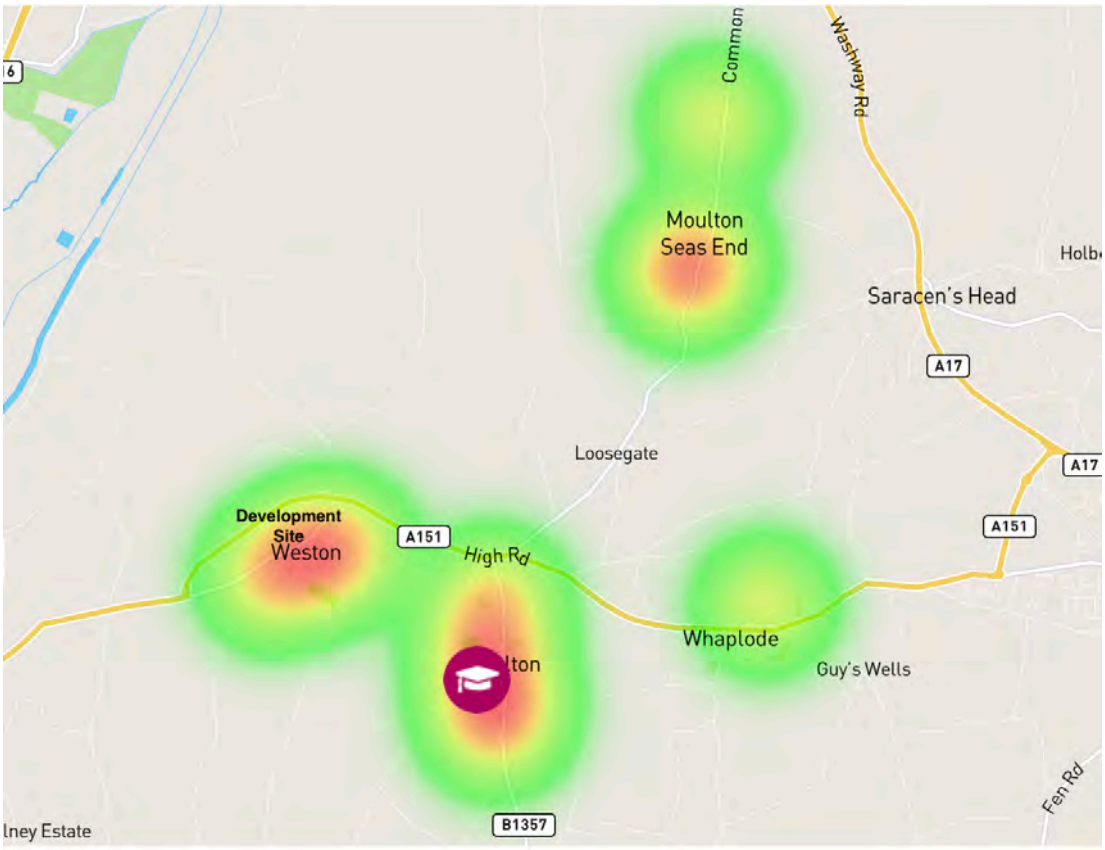
8.6 When looking at the home locations of the pupils attending this school, they are coming entirely from the village of Weston; there aren't any significant numbers of pupils attending this school from outside of the village itself, as demonstrated below:



Map 6: West St Mary's CofE Primary Catchment Area Heat Map

8.7 The second closest school to this development is Moulton The John Harrow Primary School. This is a 1.33FE Primary School approximately 1.8 miles walking distance from the development site. The school was near capacity in the 2019/20 academic year, with 13 spare places (95% full). However, Reception Year had the lowest roll of any of the seven Year Groups, indicating falling rolls.

8.8 When looking at the area the school draws from, there are pupils from Weston attending (EFM has submitted a FOI to establish just how many; the results say 30, which is 11%, demonstrating a clear link between Weston and the school), as well as Moulton, Moulton Seas End, and Whaplode, as shown below:



Map 7: The John Harrox Primary School Catchment Area Heat Map

8.9 LCC stated the following with regards to connectivity between the school and Weston:

There is a footpath along the entire route, however the volume of traffic and particularly the type of traffic (a large amount of HGVs and agricultural vehicles were observed) would raise concerns about the availability of this as a walking route.

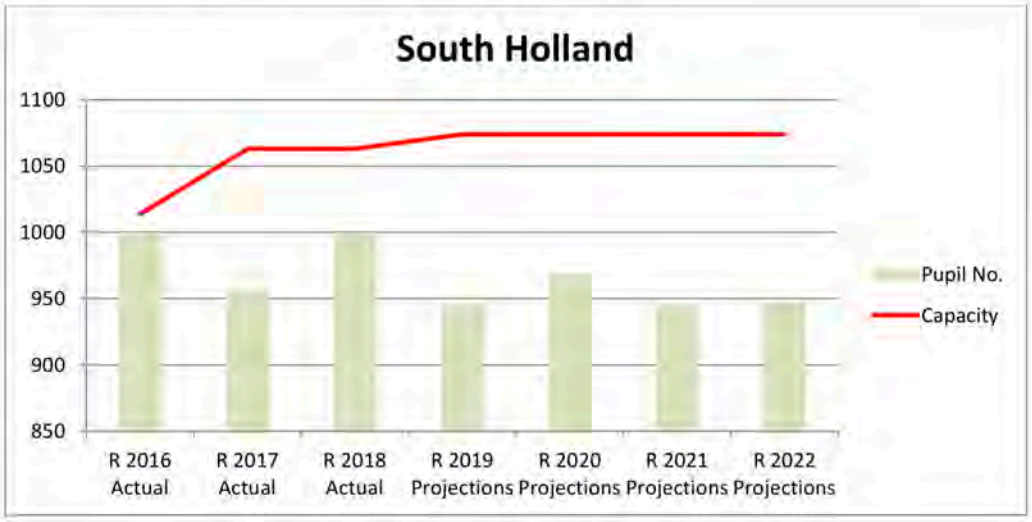
8.10 However, it is clear that there is already an established relationship between pupils in the village and the school, so this school cannot be discounted from being consisted capacity for this development, as has been suggested in LCC's response.

8.11 As discussed above, and shown in Table 13, the roll at the two schools is falling. This is consistent with the birth numbers in the District, which have begun to fall in line with the wider population of the UK. This development is forecast to generate 3-4 Primary school aged pupils per Year Group when fully built out; as of the 2019/20 academic year (the previous academic year) the first three Year Groups can all accommodate this number of new children, and the spare capacity is expected to grow.

8.12 Across the SHDC administrative area, LCC is forecasting a fall in new pupils, which is demonstrated in the graph below:

South Holland

Actual and Projected Reception Numbers, including Capacity



Graph 12: South Holland Reception Year Pupil Projections (via LCC)

8.13 Turning now to the School Capacity ("SCAP") projections produced by LCC, and verified by the DfE: The two schools discussed above are grouped with five additional schools to form the Holbeach Primary Planning Area. The seven schools have a combined capacity of 1,316 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Lincolnshire	Weston St Mary Church of England Primary School	32	56	56	0	1198	1316
Lincolnshire	Holbeach Bank Primary Academy	66	105	105	0	1198	1316
Lincolnshire	Holbeach Primary School	289	315	315	0	1198	1316
Lincolnshire	Moulton The John Harrox Primary School	275	280	280	0	1198	1316
Lincolnshire	Holbeach St Mark's Church of England Primary School	43	70	70	0	1198	1316
Lincolnshire	Whaplode Church of England Primary School	195	210	210	0	1198	1316
Lincolnshire	Holbeach William Stukeley Church of England Voluntary Aided Primary School	298	280	280	0	1198	1316

Table 13: Holbeach Primary Planning Area Schools

8.14 In the 2018/19 academic year, the schools had a combined roll of 1,191 places, which meant they collectively had 125 (0.6FE) spare places. By the academic year, the roll at the schools is expected to grow to 1,279, reducing the spare capacity to 37 spare places. However, at the same time, the number of Reception Year pupils is expected to fall from 186 in 2018/19 to 168 in 2023/24. This suggests that in the longer term, the roll will fall as there are fewer younger children coming forward to replace those moving up through the school system:

LA 925 **Area Code** 9250031

LA Name Lincolnshire **Area Name** Holbeach Primary

Primary Change 88

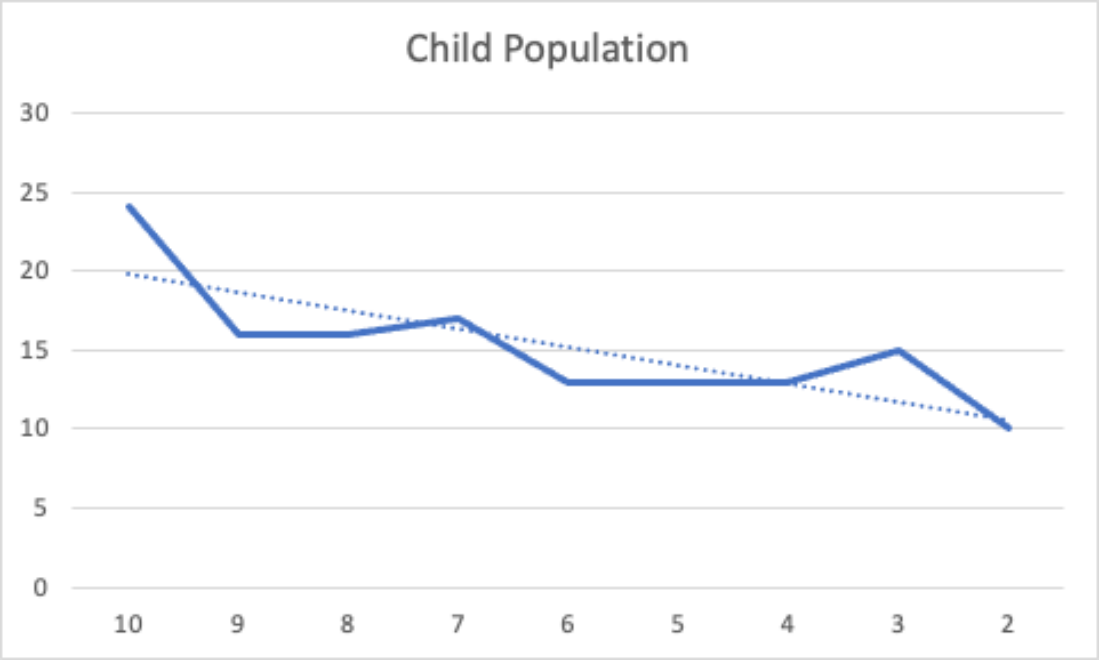
Year Group	R		
Actual 1819	186	Sum 1819	1191
Forecast 19-20	166	Sum 1920	1207
Forecast 20-21	176	Sum 2021	1260
Forecast 21-22	167	Sum 2122	1278
Forecast 22-23	165	Sum 2223	1283
Forecast 23-24	168	Sum 2324	1279

Table 14: LCC SCAP Projections

8.15 The fall in younger children can be seen from work undertaken by EFM to establish the split in age groups across Weston and Weston Hills, which shows that there is currently 17 5-year old children resident, but only 10 aged zero, indicating a falling number of births:

Output Area	Age0	Age1	Age2	Age3	Age4	Age5	Age6	Age7	Age8	Age9	Age10	Age11	Age12	Age13	Age14	Age15	Age16	Age17
E00133502	0	2	2	1	2	3	1	5	3	3	1	2	4	7	8	5	2	9
E00133503	1	3	4	4	1	3	4	4	4	3	1	1	6	3	5	2	3	1
E00133504	5	4	2	2	5	5	5	1	9	3	3	6	1	3	7	4	4	1
E00133501	4	6	5	6	5	6	6	6	8	5	5	6	3	9	5	4	6	3
TOTAL	10	15	13	13	13	17	16	16	24	14	10	15	14	22	25	15	15	14
	0-3	51			4-10.	110						11-15.	91					

Table 15: Weston Population by Year of Age



Graph 13: Weston Population by Year of Age

8.16 What is evident is that LCC had been pragmatic in their assessment of the need for additional pupil places when looking at spare capacity in their August 2019 assessment, but this changed come October 2020. LCC stated previously that there was expected to be sufficient space in the existing school system when this development is forecast to be complete, so no planning obligations were thought to be necessary. EFM concurs with this original analysis. The evidence suggests that the number of pupils coming forward is falling, and therefore no expansion projects will be required. If new infrastructure is not identified to be necessary to accommodate the child yield of development, then planning obligations are not necessary to make the development acceptable in planning terms.

8.17 Furthermore, LCC has made no suggestion as to which school would be expanded accommodate pupils from this development, and whether it is even required.

8.18 Two main points come from this evaluation: the first is that planning obligations have not been established to be required, and LCC's revision of their position seems to be unnecessary, and at best would simply result in planning obligations being returned at a future date when no expansion project was undertaken. The second, which is discussed further in Section 10, is that the onerous planning obligations would make the development unviable. On the basis of the

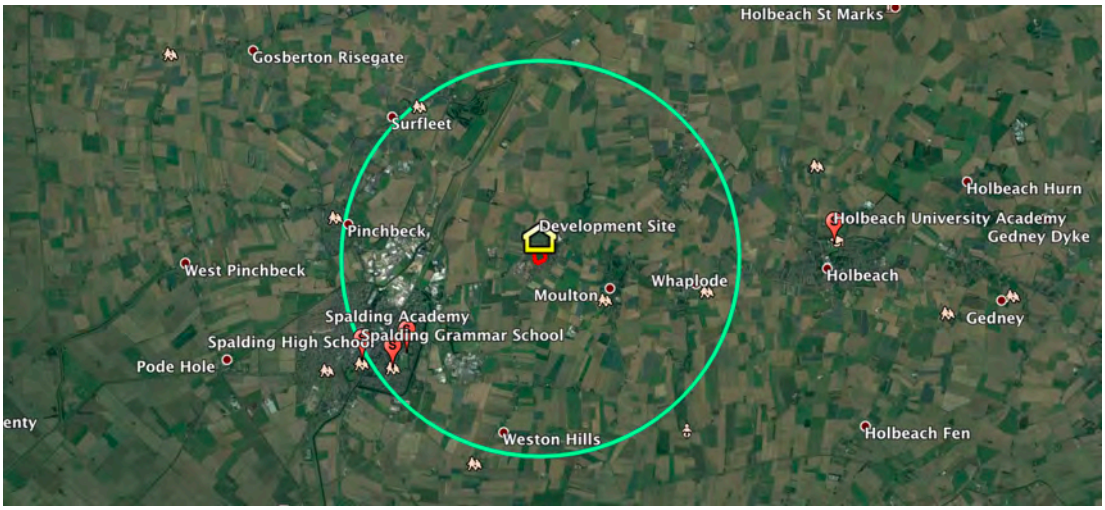
combination of these points, planning obligations for Primary Education should not be sought.

8.19 It should be noted that there are other allocations in Weston, as shown in Map 3 of this Report. However, these developments would need to be looked at on their own merits, and if there's no capacity following the progression of this scheme, they would have to mitigate their impact accordingly (assuming no similar viability issues).

9.0 Secondary Schools

9.1 There are at least three schools within a three-mile radius of the development, and a further one school that serves Weston beyond this parameter. Of the three closest schools, which all form the same Secondary Planning Area, two are Grammar Schools, meaning they have selective admissions criteria based on academic achievement.

9.2 The schools, in relation to the development site, can be seen below in Map 8:



Map 8: Schools within a three-mile radius of the development site

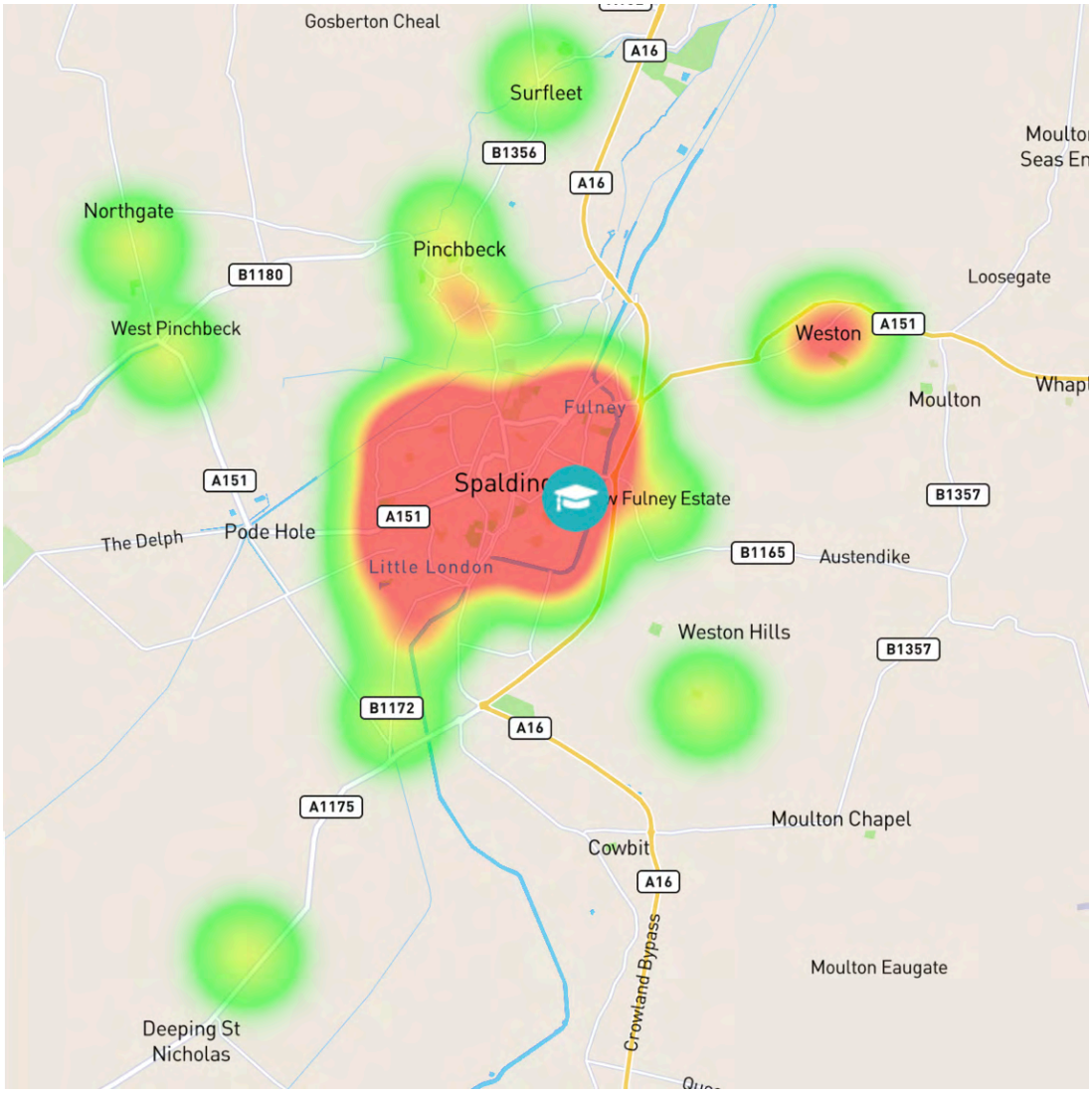
9.3 The most recent roll data for the schools can be seen below in Table 16:

Secondary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR 7-11	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Post 16
Spalding Academy	PE11 2EJ	Lincolnshire	3	1,350	270	1,120	266	268	237	178	171	0
Spalding High School	PE11 2PJ	Lincolnshire	3.4	1,027	150	742	150	149	149	150	144	238
Spalding Grammar School	PE11 2XH	Lincolnshire	3.5	1,044	150	656	152	127	124	115	138	211
Holbeach University Academy	PE12 7PU	Lincolnshire	5.1	1,220	180	1,024	210	212	210	203	189	297
TOTAL				4,641	750	3,542	778	756	720	646	642	746
Surplus							-28	-6	30	104	108	
Available Surplus %							-4%	-1%	4%	14%	14%	

Table 16: School Roll Data (January 2020)

9.4 The closest school to the development site is Spalding Academy. This is a 9FE Secondary School approximately 3 miles walking distance from the development site. The school, as of the previous academic year, had very minor spare capacity in Years 7 and 8, with significantly more spare capacity in the higher Year Groups. As of the previous academic only one Year Group could not accommodate the forecast child yield of this development when fully built out.

9.5 The area that the school draws from can be seen below in Map 9. It shows that a good proportion of pupils are coming from Weston, with the vast majority coming from Spalding and the immediate settlements surrounding the town:



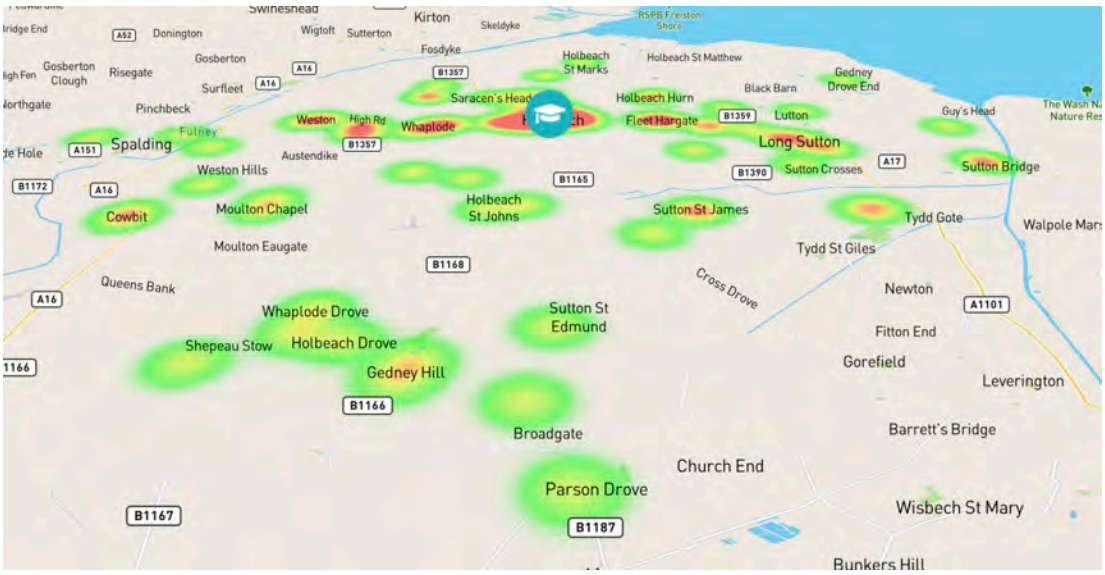
Map 9: Spalding Academy Catchment Area Heat Map

9.6 The second and third closest schools to this development are both Grammar Schools, which means that a) they have selective admissions criteria, making them unreliable capacity for the pupils of this development, and b) they draw from a large geographical area in order to ensure that the pupils in attendance are those who fulfil the selective admissions criteria. Spalding High School (a Grammar School for Girls, 3.4 miles walking distance from this development site) currently accommodates pupils from Tydd Saint Mary, which is over 14 miles walking distance from the school.

9.7 Both Spalding High School and Spalding Grammar School (for Boys) are full in Year 7, with only Spalding Grammar School having spare capacity in the other Year Groups.

9.8 The fourth and final school is Holbeach University Academy. This school had an admission number of 180 in the 2019/20 academic year, and accepted 210 pupils in to Year 7 (30 over admission number). From the 2021/22 academic year, the admission number is rising to 240 (8FE).

9.9 When looking at the area the school draws from, it has close links with Weston, and also takes pupils from as far afield as Parson Drove, which is 12 miles from the school:

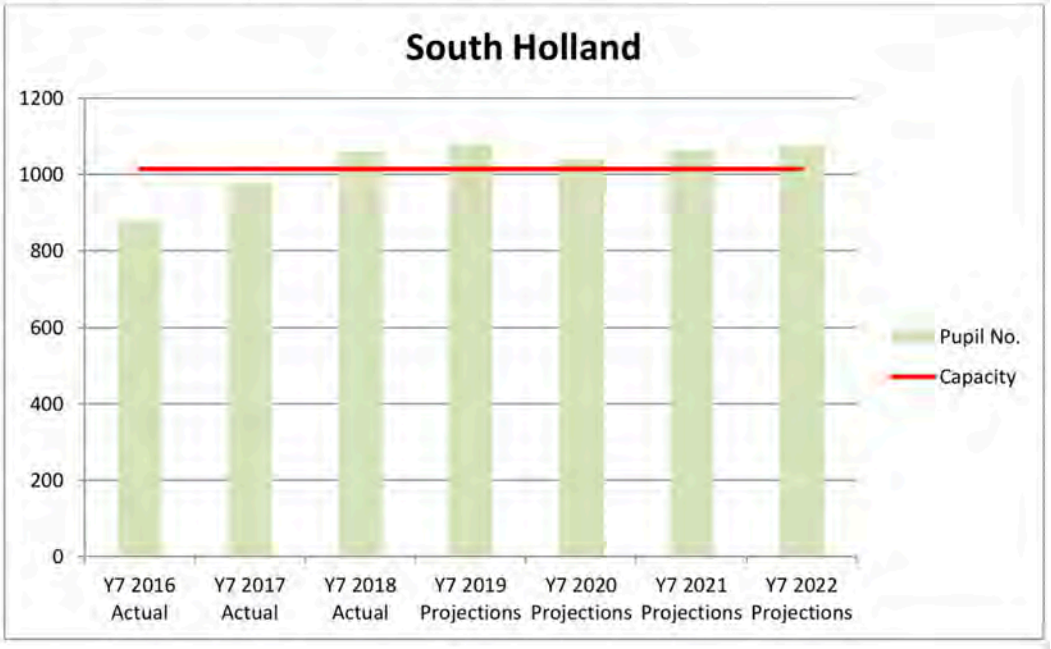


Map 10: Holbeach University Academy Catchment Area Heat Map

9.10 LCC has identified that the demand for Year 7 pupil places exceeds their current availability across the SHDC area, as shown below in Graph 14:

South Holland

Actual and Projected Year 7 Numbers, including Capacity



Graph 14: South Holland Year 7 Pupil Projections (via LCC)

9.11 Turning now to LCC's SCAP projections: The three Spalding Secondary Schools are grouped together to form the Spalding Secondary Planning Area. The schools have a combined capacity of 3,421 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Lincolnshire	Spalding High School	973	1027	0	1027	2848	3421
Lincolnshire	Spalding Academy	1014	1350	0	1350	2848	3421
Lincolnshire	Spalding Grammar School	861	1044	0	1044	2848	3421

Table 17: Spalding Secondary Planning Area Schools

9.12 In the 2018/19 academic year, the schools had a combined roll of 2,860, meaning they had a combined 561 spare places. However, by 2025/26, the schools are forecast to be over capacity:

LA 925 **Area Code** 9250220

LA Name Lincolnshire **Area Name** Spalding Secondary

Secondary Change 664

Year Group	7		
Actual 1819	536	Sum 1819	2860
Forecast 19-20	570	Sum 1920	3017
Forecast 20-21	548	Sum 2021	3156
Forecast 21-22	536	Sum 2122	3271
Forecast 22-23	575	Sum 2223	3372
Forecast 23-24	581	Sum 2324	3439
Forecast 24-25	548	Sum 2425	3464
Forecast 25-26	587	Sum 2526	3524

Table 18: LCC SCAP Projections

9.13 Holbeach University Academy is grouped with one additional school to form the Holbeach Secondary Planning Area. The two schools have a combined capacity of 1,940 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Lincolnshire	Holbeach University Academy	1293	1220	0	1220	1906	1940
Lincolnshire	Long Sutton The Peele Community College	613	720	0	720	1906	1940

Table 19: Holbeach Secondary Planning Area Schools

9.14 In the 2018/19 academic year, the schools were full. By the 2025/26 academic year, the schools are forecast to be 370 places over capacity, necessitating additional capacity (which would explain why Holbeach University Academy is increasing its admission number):

LA 925 **Area Code** 9250210

LA Name Lincolnshire **Area Name** Holbeach Secondary

Secondary Change 387

Year Group	7		
Actual 1819	369	Sum 1819	1923
Forecast 19-20	380	Sum 1920	1992
Forecast 20-21	367	Sum 2021	2067
Forecast 21-22	390	Sum 2122	2164
Forecast 22-23	361	Sum 2223	2195
Forecast 23-24	401	Sum 2324	2236
Forecast 24-25	393	Sum 2425	2247
Forecast 25-26	434	Sum 2526	2310

Table 20: LCC SCAP Projections

9.15 On the basis of the above, LCC is not being unreasonable when requesting planning obligations towards additional provision, as the existing schools are forecast to be under pressure for places as the academic years progress.

9.16 However, what has been identified by the developer is that the current level of development mitigation is negatively affecting the financial viability of the scheme, meaning that if contributions to the level being requested were secured via a Section 106 agreement, that the development would not be able to progress. This development is an allocated scheme, and has been identified as needed by SHDC in their Joint Local Plan. A decision, therefore has to be made by SHDC as to whether the need for housing outweighs the need for planning obligations. It is evident that it does. This is discussed further in Section 10 below:

10.0 Viability

10.1 There is a covenant between the State and its populace that has had statutory force for 148 years. Namely that; wherever a child shall live, who is not otherwise provided for, the State will provide a school in accordance with the statutory arrangements. The covenant is not caveated by considerations of transience, fixed or temporary abode, nationality, residential status or home education authority and means that however children arrive within an area or are housed within an area, the local authority's statutory duty has to be met and is not a function of planning permission criteria.

10.2 **The Education Act 1996 (as amended) ("EA96")**: The primary Act relating to education is the Education Act 1996, which is; (a) a consolidating Act and (b) an Act amended from time to time by subsequent legislation. Unless otherwise indicated in this Proof as applying to education, all references are to the Education Act 1996 (as amended).

10.3 EA96 (at section 14(1)) states:

A local education authority shall secure that sufficient schools for providing – (a) primary education and (b) secondary education… are available for their area.

10.4 Sections 14(2) to 14(6) go on to explain what is meant by sufficient schools and that it includes implicitly that the requirement is for sufficient appropriate school places.

10.5 EA96 (at Section 7) imposes a duty on "every parent of every child of compulsory school age to cause him to receive efficient full-time education either by regular attendance at school or otherwise".

10.6 Section 14(1), together with s7, derives directly from s5 Education Act 1870 via s17 Education Act 1921 and s8 Education Act 1944. There have been no material changes over time, merely consolidating legislation, changes to school leaving ages and changes to terminology from time to time. It is, thus, a longstanding duty for the County Council as successor to the local school boards.

10.7 EA 96 Section 11 requires the Education Secretary of State (i.e. the State) to exercise their powers in respect of those bodies in receipt of public funds which carry responsibility for securing school provision for promoting school education. The duty of the education authority (to secure sufficiency of provision) is to enable the State to discharge its responsibilities within the covenant. Thus, the original premise still holds true: for all children of statutory school age, who are not otherwise provided for, the State provides a school, in accordance with the prevailing statutory provisions.

10.8 EA96 Section 14 Subsection 3A is a more recent modification to its duty through a requirement for the education authority to exercise its functions under this section with a view to increasing: (a) diversity in the provision of schools, and (b) increasing opportunities for parental choice, and was inserted into Section 14 by Section 2 Education and Inspections Act 2006 with effect from 25th May 2007.

10.9 Thus, the duty of the education authority is to enable the State to discharge its responsibilities within the covenant: but, with sufficient headroom to allow for the discharge of its S14 (3A) duties.

10.10 The Education Secretary of State has determined that those 'otherwise provided for' include those whom provision is made via a Section 106 agreement or the Community Infrastructure Levy. This legitimises planning obligations to fund or provide additional school places.

10.11 In securing sufficient schools for its area, an Education Authority assesses existing capacity and pupil numbers, data on births and migration, and how parental preferences are manifested. It forecasts (usually with a high degree of accuracy) the need for additional capacity in each school planning area for the ensuing five years for primary schools and seven years for secondary schools.

10.12 The Education Authority then passes this information to the State [currently the Education and Skills Funding Agency ("ESFA") being the school's operational arm of the Department for Education ("DfE") by way of the School Capacity Returns ("SCAP") and the State allocates additional school places as and where shown to be necessary. Each additional school place is accompanied by a formula driven capital funding associated with that place. This is known as Basic Need funding. Basic Need allocations to an education authority are aggregated into a single capital sum to be dispensed by the education authority to each project according to its needs.

10.13 Basic Need funding on a per-pupil-place basis covers increases in pupil numbers forecast, by the Education Authority, beyond existing and planned capacity, to arise because of rising birth rates, rising survival rates, rising inward migration rates and new housing (except when covered by Section 106 agreements or CIL).

10.14 The Basic Need pupil place funding system recognises, that whether or not a Section 106 agreement or a CIL charge has been applied by an LPA to a planning permission, is a matter purely for the LPA. It recognises the duty of the LPA to secure sufficient housing for its population and its growth agenda. The State holds that the ability or not of a planned housing scheme to fund school places necessary should not sway the determination of that application by the LPA. The disapplication of Basic Need provision where there is a Section 106 agreement or CIL charge is simply to avoid double-funding.

10.15 **Securing developer contributions for education (April 2019, updated November 2019)**: In order to provide further clarity to education authorities, the DfE produced and published two Planning Policy Guidance ("PPG") documents related to delivering schools to support housing growth under the Education Act 1996. These are non-statutory guidance documents for local authorities planning for education to support housing growth and seeking associated developer contributions. The second of these PPGs is related to education provision in garden communities, and is therefore not relevant to this application. The first, however, is related specifically to securing developer contributions for education.

10.16 What page 4 of the PPG stipulates in clear terms is:

Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment...

10.17 This is evident in CIL charging authorities' areas that have a rate of CIL at nil charge, such as West Lancashire Zone B (which covers Skelmersdale and Up Holland), and Poole Town Centre Zone B (Twin Sails Regeneration Area). If these areas were nil rated for CIL, then no development would be able to come forward in these areas due to the lack of development mitigation, were there to be no spare capacity in the schools. However, this is not the case. In both cases, it has been recognised that the CIL charge would make the areas unviable for new development, so no development mitigation has been sought. If new Primary/Secondary School provision is required in these areas, it will be funded through Basic Need, which as discussed is there to fund development mitigation from new housing except when covered by Section 106 or CIL. This provides planning authorities with the necessary insurance that school places will be provided if they decide on viability grounds that housing needs to proceed but the scheme does not generate sufficient funding to provide the necessary school places. That is, that the pupils arising ARE NOT OTHERWISE PROVIDED FOR.

10.18 It is not a necessity of a development that it provides Education related development mitigation. The purpose of the Planning Authority is to ensure that there is sufficient housing to accommodate the population of the area; the responsibility of the Education Authority is to ensure that sufficient school places are provided to accommodate their population. How this is funded is immaterial (through Basic Need, the Education and Skills Funding Agency ("ESFA"), the Capital Programme of the education authority, Section 106/CIL contributions, or a combination). If, for example, 150 caravans were to park themselves within the administrative border, all of which had children that needed educating, it would be the responsibility of the education authority to ensure they all had places. As Inspector Jessica Graham states in Appeal APP/Y3940/A/11/2159115:

However, that is not to say I share the Council's view that the current absence of any solution to the existing primary school capacity problem is reason enough to refuse planning permission for the development now proposed. The implications of that approach would be that all new residential development of any significance could be prevented by the consequential demand for places at local schools, irrespective of how desperate the need for more housing may be. The Council has a duty to provide sufficient quantities of housing, and a duty to provide the population of its area with sufficient school places. I understand and applaud its attempts to ensure that both are delivered in a timely and integrated manner, but the planning system recognises that due assessment of a wide range of (often conflicting) considerations needs to be made in respect of each proposal for development.

10.19 The provision of school places, for those not otherwise provided for, is a duty borne by the Secretary of State. The respective Secretaries of State for Education and Housing are of one mind that is set out in a joint letter to Chief Executives from the Minister of State for Housing and Planning and the Parliamentary Under Secretary of State for Schools (11th March 2016) that satisfying the need for new housing should not be detrimental to the viability of a proposed new development to fund school infrastructure. The letter sets out alternative funding routes available to the education authority.

10.20 Thus, contrary to some popular beliefs, insufficient school capacity, whilst a consideration is never a reason on its own to refuse a residential planning application, even if the case can be made that there won't be sufficient surplus capacity. Planning obligations are one material consideration amongst many. If, on viability grounds, the Decision Maker declines the request for a Section 106 Education Contribution (which happens with some regularity for a variety of reasons) alternative mechanisms are in places to lift the financial consequences from the County Council.

10.21 A further example of this is Corby Borough Council in Northamptonshire. Viability was considered (up until at least 2017) to be so poor on almost every

development that came forward that planning obligations were very commonly put aside in favour of seeing the housing delivered for the growing population (the birth rate in Corby was three times the national average in 2013). It was therefore a regular occurrence to see Section 106 agreements for large housing sites including no planning obligations for Education in spite of oversubscribed schools and the need for new provision. Northamptonshire County Council accepted that and instead secured funding from other sources.

10.22 What is evident from the above is that SHDC needs to be reassured that regardless of whether planning obligations are secured from this development or not, that there is a mechanism for school places to be delivered, meaning that there is no Education-related reason not to positively determine this application.

11.0 Conclusion

11.1 LCC is currently stating that planning obligations towards Primary, Secondary, and Sixth Form are necessary to make the development acceptable in planning terms. This is a deviation from their previous advice, which suggested that only Secondary/Sixth Form contributions were necessary.

11.2 From a Primary School perspective, the results of this Report do not concur with LCC's assessment, as the falling birth rate indicates that there will be sufficient places available to accommodate the pupils this development will generate without the need for expansion. This correlates with LCC's original assessment, and not their October 2020 update.

11.3 From a Secondary/Sixth Form perspective, LCC is not being unreasonable in what they are asking for. However, this is on the basis that the planning obligations do not make the development unviable.

11.4 The statutory duty to provide school places, when necessary, rests with the Education Secretary of State. (The education authority secures sufficient places for its area). The funding stream is called Basic Need funding. But the Secretary of State's duty extends solely to 'those not otherwise provided for'. Thus, places covered by Section 106/CIL are part of the category of otherwise provided for and are not covered by Basic Need (this to avoid double funding). The key is the existence of Section 106/CIL not that a development is new housing. All of the guidance says include new housing in the Basic Need return except when covered by Section 106/CIL.

11.5 Where the local planning authority grants permission but sets aside a requirement or a Section 106 payment or allocate CIL receipts on viability grounds, that category by default falls into the Basic Need category. When the education

authority makes its SCAP (school capacity) return each year, that need for additional places is picked up in the Basic Need category simply as shown as a forecast deficit. Incidentally, this methodology also balances the Basic Need grant when either the education authority under forecasts or over forecasts the impact of a development. Alongside the SCAP return is a requirement to record the Section 106/CIL allocations for the period. All are linked to the particular school planning area, school phase, and Year Group.

11.6 The national guidance is very clear that education authorities should use their best efforts to secure Section 106/CIL contributions where they deem them 'necessary'. They are prevailed upon to do so by DfE guidance. But not at the expense of preventing residential development. Viability is always the key. In many respects, the circumstances relating to this site are no different to any of the sites in areas of the Country where the LPA has set the CIL rate at zero.

11.7 EFM can assist in discussions with SHDC, who are the ultimate decision makers, to ensure that they are aware that should Section 106 planning obligations not be secured for Secondary School provision, there is funding available to provide places if required, and that this should not stand in the way of a positive determination.

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