

# **INTERIM PLANNING STATEMENT 4**

## **EDUCATIONAL NEEDS ARISING FROM NEW RESIDENTIAL DEVELOPMENT**

**Plymouth City Council  
Adopted July 2003**



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## **1. INTRODUCTION**

- 1.1 Planning Authorities can prepare Supplementary Planning Guidance (SPG) to give more detail or elaborate policies in their Local Plans. If prepared in accordance with paragraphs 3.15 to 3.17 of the Office of the Deputy Prime Minister's Planning Policy Guidance Note 12 – Development Plans, they are a material planning consideration which can be taken into account in making decisions on planning applications.
- 1.2 Interim Planning Statements (IPS) are being prepared as an informal means of amending the First Deposit Local Plan and providing Supplementary Planning Guidance to it (and the Adopted Local and Structure Plans of 1996 and 1999 respectively) pending the preparation of a Local Development Framework (LDF) under the proposed Planning legislation. The LDF will contain a series of Local Development Documents (LDDs), some of which will have "development plan" status. The IPSs will inform the preparation of these LDDs.
- 1.3 Interim Planning Statement No 4 – Education Needs Arising from New Residential Development has been prepared by the City Council as an amplification of Devon Structure Plan policy S6 adopted in 1999, Policy AIR2 of the City of Plymouth Local Plan (1991-2001) adopted in 1996 and Strategic Policy S3 in the City of Plymouth Local Plan (1995-2011) First Deposit published in 2001. It sets out the Council's policy on the use of planning obligations to meet educational needs arising from new residential development.
- 1.4 IPS 4 was authorised for consultation by the Executive on 18<sup>th</sup> March 2003. It was placed on public deposit for 4 weeks with a closing date for comments of 5<sup>th</sup> May 2003. An advertisement was placed in the local newspaper on 4<sup>th</sup> April announcing the availability of the document and requesting comments by the closing date. The document was available on the Council's website from 8<sup>th</sup> April. Copies were sent to developers and housing providers who have actively engaged in Local Plan consultations or were known to have an interest in development sites in the City.
- 1.5 IPS 4 was jointly promoted with IPS 3 on Affordable Housing. In the case of IPS 4 comments were received from five organisations and these are summarised in Appendix 5. The amended document was adopted by the Executive Committee of the City Council on 22<sup>nd</sup> July 2003.
- 1.6 The guidance is split into two main sections. The first section sets out the general reasoning behind the need for educational contributions and the way in which they will be calculated. The second section (the Appendices) contains further information largely of an illustrative and procedural nature. Because of the fluidity of the movement of pupils across catchment boundaries through parental choice and other changing circumstances the financial and statistical basis for calculating contributions will be reviewed annually.

## **2.0 EDUCATION AND PLANNING BACKGROUND**

- 2.1 The need for new educational infrastructure depends on the capacity of existing facilities, the population and movement trends within the existing population and migration in or out of the City. These factors are incorporated into the School Organisation Plan (SOP). The SOP is produced by the local education authority, but is approved by an independent school organisation committee. It is a publicly available document and is subject to public consultation. It will be updated on a three year cycle (the statistical basis will be reviewed annually).
- 2.2 In the case of school capacity there is a general trend within the City whereby the number of primary aged children is falling. These trends tend to be cyclical based on wider social and population characteristics. In the case of primary schools the general picture is also that children attend the primary school in whose catchment area they live. However, these patterns are not consistent at the secondary school level. Firstly, the numbers entering year 7 (first year of secondary schools) are in the order of 8% higher than those leaving year 6 from Plymouth Primary Schools. This reflects parental choice decisions by parents living outside the City in Devon and Cornwall.
- 2.3 Similarly, parental choice within the City is exercised to a much greater degree at secondary level than primary. Detailed analysis of one secondary school found that, averaged over the years 1998 to 2002, only some 45% first preference choices from the feeder primary schools were for the secondary school in whose catchment area they were located. Other first preferences were spread widely for secondary schools across the City. This pattern is widespread across the City to varying degrees and is overlaid by strong preferences for the three grammar and two catholic secondary schools. The complex patterns resulting from parental choice at secondary level makes the planning of education facilities very difficult.
- 2.4 New residential development adds to this already complex pattern of demand in terms of generating a need for new or expanded services and facilities. These may not be available because the programming and/or financial constraints on the providing body to upgrade or improve facilities do not match the timing aspirations of the developer for the site. This may lead to a conclusion that the development is unacceptable because of a lack of adequate services and facilities. It is appropriate for developers to make a financial contribution to bring forward in the programme certain improvements which would allow planning objections to their proposals to be overcome and permit the earlier development of the site. In this way, proposals that might otherwise have been considered unacceptable, can be enabled to proceed.
- 2.5 Government guidance (Department of the Environment, Transport & the Regions Circular 1/97 – Planning Obligations) clearly states that planning obligations have a positive role to play in reconciling the aims and interests of developers with the need to safeguard the local environment or meet the

costs imposed as a result of development. Properly used planning obligations may enhance the quality of development and enable proposals to go ahead which might otherwise be refused. They should, however, be relevant to planning and should only be sought where they are necessary to make a proposal acceptable in land use planning terms. They may relate to matters other than those covered by a planning permission provided there is a direct relationship between the planning obligation and planning permission, but should not be sought where this connection does not exist or is considered too remote. The tests to apply for their use are that they should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

- 2.6 The adopted City of Plymouth Local Plan (1996), and the First Deposit Plan (2001), both include policies that seek to require developers to meet or offset the infra-structure requirements and implications of their developments. These policies are set out in the Appendix 3, and form a statutory policy foundation for this guidance.

### **3.0 PRINCIPLES FOR EDUCATION CONTRIBUTIONS**

- 3.1 This IPS seeks to provide consistency in assessing educational contributions for different types of residential development across the city. It is reasonable to expect a developer to help off-set the additional development costs to local schools of meeting the needs of children who will be housed in their development. Cumulatively, or individually, new housing developments can place such strain on local schools that pupils cannot be accommodated without significant expansion.
- 3.2 Any educational obligations that are imposed on developers will be reasonable and related to the development. As such, contributions will not normally be sought where there is surplus capacity in local schools, or where the development will generate insufficient pupils to exacerbate an existing shortfall, or create a future shortfall.
- 3.3 Planning applications for very large residential developments or urban extensions that could generate a need for a complete new school will be considered on their merits. As such, the costs contained within this guidance note are not applicable to this scale of development. These cases, some of which may be complicated by educational and other infrastructure catchment areas crossing the administrative boundaries of providing bodies, will need to be the subject of detailed discussions. They are likely to involve the preparation of master-plans or development briefs to identify requirements and sources of funding for infrastructure provision. Landowners and developers, or their representatives, will be invited and encouraged to be involved in these discussions at an early stage.
- 3.4 This IPS relates only to educational needs for children of primary and secondary school age (4 ½ - 16). However, developments can often produce requirements for planning obligations for additional matters as set out in Local Plan policies. The Council intends to prepare an overarching Interim Planning Statement which will provide guidance on competing requirements for inclusion in planning obligations in the context of the City Council's wider corporate priorities and the financial viability of the development of sites. This will require landowners and developers to be "open" about the costs and yields associated with their schemes.
- 3.5 It is recommended that developers discuss their proposals with planning officers at the earliest opportunity, so that they can be aware of the likely requirement for planning obligations when undertaking land negotiations. A list of contacts is contained at Appendix 4, page 15. The Council will seek to provide information on the need for planning obligations, which is as accurate as possible, when enquiries are made. However, it will not always be possible to be specific about the requirement for obligations at the pre-application stage. Any proposal will be subject to full and detailed consideration of related issues, including its overall benefits, its impact on local infrastructure, and the particular balance of different requirements considered appropriate having regard to local circumstances.

## **4.0 CALCULATING EDUCATIONAL CONTRIBUTIONS**

4.1 The requirement for educational contributions is based on two factors: the amount of surplus school capacity and the number of children generated by a development. The way in which these are calculated, and the resulting financial requirements are set out below. Contributions will normally only be sought in relation to residential developments of 10 or more units. This threshold will include in the order of 90% of all new housing constructed (on the basis of past trends) and, on the assumption of two bedroom houses, will deliver a single school place and meaningful contribution compared with the associated administration and collection costs. The level of the threshold will be monitored and changed as appropriate. Where more than one smaller planning application is submitted on a single site suitable for development the combined final number of properties will be used to assess whether the 10 unit threshold will be reached.

### **4.2 Assessing School Capacity**

4.3 The Council will only seek a contribution towards educational needs where a development creates a need in a local school or schools. The School Organisation Plan (SOP) will be used to assess the capacity of primary and secondary schools within whose catchment a particular development is located. The SOP calculates the number of school places that will be required in the city over a 5 year period, and helps the Council ensure that schools in all areas of the city can meet pupil need.

4.4 In all instances educational contributions will only be sought for the particular residential accommodation that creates a shortfall in school capacity over the period covered by the S.O.P. As such, some larger developments within the catchment of schools which have some spare capacity (but insufficient to meet the needs of all the children generated from the development) will only be required to contribute to the additional need for extra capacity their development generates.

4.5 Where a school is at capacity when an application is submitted or determined, but is forecast to have an increasing surplus of spaces in future years, the need for educational contributions will be considered on their merits. The assessment will be made in the context of the particular capacity issues facing the local school(s) and available information on further residential schemes proposed in the local area.

4.6 In respect of secondary education, there is currently a shortfall in places in the majority of schools across the city. As a result of 'parental preference' as described in paragraphs 2.2 and 2.3, many children do not attend the secondary school nearest to their home. The legal right to exercise this preference can make it very difficult to predict the impact a new development will have on particular secondary schools. Because of this relative 'fluidity' it may sometimes be more cost and time effective to expand a secondary school that is not closest to the development in question – particularly if finance is coupled with contributions from other residential

developments in the city. As such the Council reserves the option to put educational contributions towards an over-arching secondary school fund, taking into account known movements of students and trends across catchments.

- 4.7 Contributions will only be sought for this fund when there is a shortfall in capacity in the secondary school catchment in which the residential development is located. School catchment areas are defined in the SOP and available from the Plymouth Grid for Learning website <http://www.pgfl.plymouth.gov.uk> In this way the assessment of need, in terms of the capacity of the school, will be directly geographically related to the location of the development, thereby complying with Circular 1/97. It will be a requirement on the Council to indicate how the spending of finance from this fund will help meet educational needs generated from the development.

#### **4.8 Assessing Pupil Generation and Resulting Educational Costs**

- 4.9 The Council uses the following child yield formula for each new residential unit containing two or more bedrooms. It is based on census data and averages around 0.15 pupils per home of secondary education age and 0.20 for primary age. Research indicates that the number of school aged children normally increases with the number of bedrooms in a dwelling. The formula has therefore been weighted to take account of unit size:

##### **Primary School**

2 bedrooms	0.12 children
3 bedrooms	0.22 children
4 bedrooms +	0.30 children

##### **Secondary School (to 16 years)**

2 bedrooms	0.08 children
3 bedrooms	0.18 children
4 bedrooms +	0.20 children

- 4.10 It is accepted that most private flatted developments will usually contain fewer children than an equivalent development of houses. Contributions will be required from flat developments. However, a more flexible approach will be adopted with regard to the location, style and surroundings of the particular development. A reduction in the region of 30% for flatted development will normally be considered acceptable.
- 4.11 For the purposes of this guidance a flat is defined as a self contained set of rooms on a single floor level forming one unit of accommodation within a building of more than one storey containing a number of such units. The question of whether maisonettes should benefit from reduced educational obligations will be judged on its merits with particular regard to the relationship the property has with ground floor garden areas and open space.

#### **4.12 Education Cost Per Student.**

4.13 The cost of works to provide a school place in 2003 is calculated at £9,690 for a secondary school pupil and £6,673 for a primary school pupil. These figures come from the DfES basic need cost per place multiplied by the regional factor of 0.95. This information is taken from the Announcement of Basic Need 2003-2004, dated 19 December 2002. This figure will be updated annually in accordance with DfES guidance.

#### **4.14 Exempt Residential Development**

4.15 To accord with Circular 1/97, requirements for planning obligations should be appropriate to the scale and nature of development. As such non-family accommodation will be exempt. Non-family accommodation includes one bedroom accommodation, homes restricted to occupancy by elderly people, single persons hostels, and accommodation restricted to higher education students. These categories will be exempt from education contributions.

#### **4.16 Affordable Housing**

4.17 Affordable housing schemes can generate high numbers of school age children. In many cases the vast majority of children housed in a new development will have been on the Council's housing waiting list, and will normally already be being educated in schools within the city boundary. Allocations policies give priority to those families with connections in the neighbourhood so that in many cases children may be moving house without moving school. However, significant affordable housing developments can result in movements of school age children which can put considerable strain on local schools and educational resources.

4.18 The basic principle is that affordable housing should make educational contributions equivalent to private housing. However, because of the level of need for affordable housing (69% of the Structure Plan target for the City), a criteria based approach will be adopted by development control officers and committees based on the following considerations:

- the amount, proportion and range (rent, shared equity etc.) of affordable housing to be provided;
- information on the people to be housed, including the location of their present home and where children currently attend school;
- whether the site is previously developed land or "greenfield";
- the regeneration importance of the development (including whether it is located in a Strategic Opportunity Area as identified in the First Deposit Local Plan of December 2001 or a "priority ward" as identified in the Council's Neighbourhood Renewal Strategy 2002-2007);
- an assessment of the overall viability of the development based on information provided by the developer.

## 5. APPENDICES

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### EXAMPLES OF EDUCATIONAL OBLIGATION CALCULATIONS

The following illustrative scenarios highlight the factors that will need to be fully assessed when calculating the need for educational obligations and the contributions required.

#### EXAMPLE A

**A proposed development of 60 two and 64 three bedroom houses and 16 one bedroom houses. 60 (or 42.9%) of the homes are affordable.**

##### **School Capacity**

The SOP indicates that the primary school(s) within the catchment of the development have a surplus capacity of at least 24 spaces in all of the next 5 years. The SOP indicates that the local secondary school has a surplus capacity of 20 spaces in the current year but will have a surplus capacity of just 4 spaces in one of the next 5 years.

##### **Pupil Generation**

The 16 one bedroom properties are exempt from contributions, but the other 124 properties will be eligible for contributions.

##### **Primary education**

60 two bedroom homes multiplied by 0.12 equals 7.2 children. 64 three bedroom homes multiplied by 0.22 equals 14.08 children. This creates an overall generation rate of primary school children of 21.28.

##### **Secondary Education**

60 two bedroom homes multiplied by 0.08 equals 4.8 children. 64 three bedroom homes multiplied by 0.18 equals 11.52 children. This creates an overall generation rate of secondary school children of 16.32.

##### **Educational Contribution Required**

Because there is a surplus of 24 primary school places over the SOP period no monies will be required for primary school provision. Because there will be a generation of 16.32 secondary places against a surplus of just 4 spaces this will lead to a deficit of provision in the SOP period of 12.32 spaces. The need for 12.32 secondary school places (multiplied by £9,690) will generate an educational contribution of £119,381.

##### **Affordable Housing**

The provision of 43% of affordable homes will lead to consideration of overall contributions in the context of the guidance contained in paragraph 4.18.

## **EXAMPLE B**

**A new four storey development of 44 two and 18 one bedroom flats. 10 on site flats are affordable and a contribution has also been made to the off site provision of affordable homes.**

### **School Capacity**

The SOP indicates that both the primary school(s) and secondary school within the catchment of the development have no surplus capacity for at least one of the next 5 years.

### **Pupil Generation**

The 18 one bedroom flats are not required to contribute to educational needs. All of the 44 two bedroom flats are eligible for an educational contribution. This would generate 5.28 primary school children and 3.52 secondary school children.

### **Educational Contribution Required**

Because there is no surplus in primary or secondary school places all 44 two bedroom flats are eligible for a contribution. This equates to a total sum of £35,233 for primary school spaces, and £34,108 for secondary school spaces. However, because the development is flats a reduction in contributions will be considered. A maximum reduction (30%) would leave a total educational contribution of £48,539.

### **Affordable Housing**

As 10 on site flats are affordable consideration will be given to overall contributions in the context of the guidance contained in paragraph 4.18.

### **PROCEDURES**

#### **Types of Planning Consent**

All educational contributions will be agreed via a Section 106 agreement. For detailed or reserved matters applications, the exact educational sum required will be calculated prior to approving the application.

For outline applications it will not be possible to calculate an exact sum required at the time of signing the Section 106 agreement. As such the methodology for calculating sums outlined in this IPS will be included in the Section 106 agreement. The exact sum required can only be calculated at the reserved matters stage when the exact scale and mix of residential development is known.

In circumstances where an existing planning permission is being renewed a re-assessment will take place to update the need and scale of any educational contributions.

#### **Payment and Return of Monies**

Payment of contributions for education provision will be normally be required at a date which gives sufficient time for works to school accommodation to be completed in advance of homes being occupied. In some instances the phasing of contributions will be considered. The planning obligation will specify that monies received must be used for the purpose(s) so specified within an agreed period from the receipt of the monies. If not so applied, within the terms of the Agreement, the monies shall become re-payable on demand. This sum re-payable shall be index linked to take account of inflation.

Please note that the developer will be required to pay the Council's legal fees in connection with the preparation and completion of Section 106 agreements.

#### **Probity**

All information on agreed obligations will be kept on the Councils' statutory planning register and copies of agreements will be available to all interested parties.

**LOCAL & STRUCTURE PLAN POLICIES**

The following Structure Plan policy relates to planning obligations.

**Devon Structure Plan First Review 1995-2001 adopted February 1999**

**Policy S6**

PLANNING AUTHORITIES SHOULD NOT PROVIDE FOR DEVELOPMENT UNLESS THE INFRASTRUCTURE WHICH IS DIRECTLY REQUIRED TO SERVICE THE DEVELOPMENT CAN BE MADE AVAILABLE AT THE APPROPRIATE TIME. IN DETERMINING THE LOCATION OF DEVELOPMENT, THE ADEQUACY OF INFRASTRUCTURE WILL BE TAKEN INTO ACCOUNT. PROVISION FOR NEW DEVELOPMENT WILL BE MADE WHERE THE INFRASTRUCTURE REQUIRED TO SERVICE IT IS IN PLACE OR WILL BE PROVIDED IN PHASE WITH DEVELOPMENT IN AN ENVIRONMENTALLY ACCEPTABLE WAY. DEVELOPERS WILL BE EXPECTED TO CONTRIBUTE TO, OR BEAR THE FULL COST OF, SUCH NEW OR IMPROVED INFRASTRUCTURE AND FACILITIES WHERE APPROPRIATE FOR THEM TO DO SO.

The following local plan policies relate directly to planning obligations.

**City of Plymouth Local Plan First Alteration 1996**

**Policy AIR2. The Impact of development**

DEVELOPMENT PROPOSALS SHOULD INCLUDE PROVISION TO ENSURE THAT:-

1. THE INFRASTRUCTURE REQUIREMENTS WHICH ARISE AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT ARE MET, WHERE APPROPRIATE IN CONJUNCTION WITH OTHER RELATED DEVELOPMENT, AS APPORTIONED BY MUTUAL AGREEMENT; AND
2. THE LOSS OF, OR IMPACT ON, ANY PRESENT SIGNIFICANT AMENITY OR RESOURCE IS OFF-SET.

THE NATURE AND EXTENT OF SUCH PROVISION WILL VARY ACCORDING TO THE SCALE AND IMPACT ON THE PROPOSED DEVELOPMENT.

## **City of Plymouth Local Plan (1995-2011) First Deposit**

### **Strategic Policy S3. Infrastructure and community benefits.**

DEVELOPMENT PROPOSALS WILL BE CONSIDERED IN THE CONTEXT OF THEIR IMPACT UPON THE ECONOMIC, SOCIAL AND ENVIRONMENTAL INFRASTRUCTURE. THE FOLLOWING CONSIDERATIONS WILL APPLY:

1. DEVELOPERS WILL BE REQUIRED TO MEET THE REASONABLE COST OF NEW INFRASTRUCTURE MADE NECESSARY AS A RESULT OF THE PROPOSAL, INCLUDING TRANSPORT, UTILITIES, EDUCATION, HEALTH, LEISURE AND WASTE MANAGEMENT INFRASTRUCTURE.
2. MAJOR DEVELOPMENT SHOULD PROVIDE FOR COMMUNITY BENEFITS APPROPRIATE TO THE NATURE AND SCALE OF THE DEVELOPMENT AND THE NEEDS OF THE LOCAL COMMUNITY.
3. MAJOR RETAIL DEVELOPMENT SHOULD PROVIDE FOR WIDER IMPROVEMENTS TO SHOPPING CENTRES, INCLUDING AS APPROPRIATE ENVIRONMENTAL IMPROVEMENTS, PUBLIC TOILET PROVISION, SHOPPERS' CRÈCHE AND WASTE MANAGEMENT FACILITIES.
4. THE LOSS OR IMPACT ON ANY PRESENT OR SIGNIFICANT AMENITY OR RESOURCE SHOULD BE OFFSET THROUGH COMPENSATORY PROVISION ELSEWHERE.

**CONTACTS AND FURTHER INFORMATION**

To discuss matters relating to education planning policy:

Derek Boyt  
Planning Policy Officer  
Strategic Planning Unit  
Transport and Planning Service  
Civic Centre  
Plymouth  
PL1 2ER  
Telephone 01752 307803  
E mail : derek.boyt@plymouth.gov.uk

To discuss matters relating to school organisation and occupancy levels:

Julie Poat  
Professional Assistant  
School Organisation and Service  
Lifelong Learning Department  
Windsor House  
Tavistock Road  
Plymouth  
PL6 5UF  
Telephone 01752 307505  
E mail : julie.poat@plymouth.gov.uk

To discuss planning applications in the city centre and eastern half of the city:

Paul Westrope  
Area Planning Manager  
Development Control Unit  
Transport and Planning Service  
Civic Centre  
Plymouth  
PL1 2ER  
Telephone 01752 304336  
E mail : paul.westrope@plymouth.gov.uk

To discuss planning applications in the western half of the city:

Ray Williams  
Area Planning Manager  
Development Control Unit  
Transport and Planning Service  
Civic Centre  
Plymouth  
PL1 2ER  
Telephone 01752 304334  
E mail : ray.williams@plymouth.gov.uk

## APPENDIX 5.

### SUMMARY OF COMMENTS RECEIVED ON DRAFT INTERIM PLANNING STATEMENT No. 4 Educational Needs Arising from New Residential Development

Reference in IPS 4 (Paragraph numbers of consultation document)	Respondent	Nature of Comment	Council's Response
Paragraph 1.1	<p>House Builders Federation (James McConnell – Strategic Planning Co-ordinator)</p> <p>Turner Holden, Town Planning Consultants on behalf of Persimmon Homes</p>	<p>With regard to the status of IPS 4, the HBF refer to the statement in IPS 3 - Affordable Housing (para 5.16) whereby the requirement for a proportion of affordable housing relies on the levels and thresholds in the <b>adopted</b> rather than the <b>deposit</b> plan which is, as yet, yet untested.</p> <p>Supplementary Planning Guidance should relate to an <b>adopted</b> plan rather than a policy in a plan on <b>first deposit</b> which has not been tested through public inquiry.</p>	<p>Adopted Plan Policy AIR2 states: DEVELOPMENT PROPOSALS SHOULD INCLUDE PROVISION TO ENSURE THAT:-</p> <ol style="list-style-type: none"> <li>1. THE INFRASTRUCTURE REQUIREMENTS WHICH ARISE AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT ARE MET, WHERE APPROPRIATE IN CONJUNCTION WITH OTHER RELATED DEVELOPMENT, AS APPORTIONED BY MUTUAL AGREEMENT; AND</li> <li>2. THE LOSS OF, OR IMPACT ON, ANY PRESENT SIGNIFICANT AMENITY OR RESOURCE IS OFF-SET.</li> </ol> <p>THE NATURE AND EXTENT OF SUCH PROVISION WILL VARY ACCORDING TO THE SCALE AND IMPACT OF THE PROPOSED DEVELOPMENT.</p> <p>Paragraph 1.1 (re-numbered 1.3) of IPS 4 to be amended to include reference to the <b>adopted</b> as well as <b>first deposit</b> local plan, as already stated in paragraph 2.2 of original document and inclusion of relevant policies in Appendix 3. of IPS 4.</p>

Reference in IPS 4 (Paragraph numbers of consultation document)	Respondent	Nature of Comment	Council's Response
Paragraph 2.1	House Builders Federation (James McConnell – Strategic Planning Co-ordinator)	The premise in the text that development, otherwise deemed “unacceptable”, might be allowed to proceed if a contribution towards educational need is made is a false one. Circular 1/97 states that “acceptable development should never be refused because an applicant is unwilling or unable to offer benefits. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant”.	Suggest amend paragraph 2.1 (re-numbered 2.4) after first sentence as follows:- <i>Such services and facilities may not be available because the programming and/or financial constraints on the providing body to upgrade or improve facilities do not match the timing aspirations of the developer for the site. This may lead to a conclusion that the development is unacceptable because of a lack of adequate services and facilities. It is appropriate for developers to make a financial contribution to bring forward in the programme certain improvements which would allow planning objections to their proposals be overcome and permit the earlier development of the site .</i>

<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	Nature of Comment	<b>Council's Response</b>
Paragraph 2.2	Turner Holden, Town Planning Consultants on behalf of Persimmon Homes	<p>Concern that the IPS as currently worded could unrealistically raise expectations. The context in which obligations are sought and the tests to be applied should be explained ie. to overcome legitimate planning objections to a proposal which would otherwise be refused. The tests should relate to Circular 1/97 which states,</p> <p><i>“The tests to apply for their use are that they should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all respects”</i></p>	<p>Reinforce the requirements of Circular 1/97 by amending paragraph 2.2 (renumbered 2.5) as follows:</p> <p><i>Properly used planning obligations may enhance the quality of development and enable proposals to go ahead which might otherwise be refused. They should, however, be relevant to planning and directly related to the proposed development and should only be sought where they are necessary to make a proposal acceptable in land use planning terms. They may relate to matters other than those covered by a planning permission provided there is a direct relationship between the planning obligation and planning permission, but should not be sought where this connection does not exist or is considered too remote. The tests to apply for their use are that they should be necessary, relevant to planning,</i></p>

			<i>directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.</i>
<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	Nature of Comment	<b>Council's Response</b>
Paragraph 2.5	Turner Holden, Town Planning Consultants on behalf of Persimmon Homes	Note the encouragement of early discussions in paragraph 2.7. However, in the case of large developments which generate the need for a complete new school, quoted contributions levels do not apply. Request in these cases that PCC be in a position to supply costings and information quickly.	Large developments will be the subject of early discussions, including representatives from the Directorate of Lifelong Learning. Preparation of master-plans and development briefs will inform landowners and developers of education and other infrastructure requirements. Amended paragraph 3.3 includes appropriate references.
Paragraph 2.6	Turner Holden, Town Planning Consultants on behalf of Persimmon Homes	This paragraph lists other possible infrastructure requirements for which contributions may be sought through the preparation of additional IPS documents. The respondent considers that, particularly in the case of brownfield sites, these impose unreasonable burdens (particularly the level of affordable housing being sought) on residual land values to such an extent that it could be a deterrent to	It would be wrong to permit any development to go ahead without the provision of adequate services and infrastructure. The City Council, through its plan making and control mechanisms, will endeavour to ensure that statutory providers of services co-ordinate their activity with the phased release of development land. Consideration is being given to a priority list or hierarchy of contributions to indicate City Council

		development, thereby prejudicing wider planning objectives (eg. regeneration).	preferences in relation to what might be afforded without making the development unviable. This will require developers to be “open” about their costs and margins. In respect of brownfield land and regeneration objectives. Appropriate amendments, particularly in relation to affordable housing, have been made to the IPS.
<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	Nature of Comment	<b>Council's Response</b>
Paragraph 3.1	Wesley Sedman CSJ Planning Consultants on behalf of Second Site Property	A definition of “acute problems” is required so that developers can be sure of when contributions from sites below the 10 unit threshold will be required	Delete reference to “acute problems” and adhere to the threshold of 10 dwellings. The level of the threshold to be reviewed in the light of operational experience.
Paragraph 3.1	House Builders Federation (James McConnell – Strategic Planning Co-ordinator)	There is no explanation of why a threshold of 10 dwelling units has been chosen. The HBF consider this too low, it should be 25 as with affordable housing.	10 dwellings is the threshold used in the Local Plan, above which sites for housing are specifically identified. 10 x 2 bed dwellings also generates a single pupil which is a meaningful level of contribution in order to make an impact on facilities as balanced with the costs of securing and collecting that contribution.
Paragraph 3.3 and the context for the IPS	Turner Holden, Town Planning Consultants on behalf of Persimmon Homes	<ul style="list-style-type: none"> <li>▪ Contributions are based on whether the School Organisation Plan (SOP) shows an under or over provision of places in the catchment where the development is located. 2001 census shows a drop in overall city population.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The context and background to education capacity is included in new paragraphs 2.1 to 2.3.</li> <li>▪ The IPS confirms that contributions will only be sought where the school, in which catchment the</li> </ul>

		<p>The IPS, like the SOP, should be reviewed annually.</p> <ul style="list-style-type: none"> <li>▪ The forecast of pupil numbers in the SOP is projected to fall and there is an excess of pupil places over numbers on roll. In this context the need for contributions is questioned.</li> <li>▪ The SOP shows 66 primary schools and 7 secondary schools under capacity and a small number over capacity. This should set the context for paragraph 3.3.</li> </ul>	<p>development is located, is at or over capacity.</p> <ul style="list-style-type: none"> <li>▪ The financial and statistical basis on which contributions are calculated will be reviewed annually.</li> </ul>
<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	Nature of Comment	<b>Council's Response</b>
Paragraph 3.6	<p>Wesley Sedman CSJ Planning Consultants on behalf of Second Site Property</p> <p>House Builders Federation (James McConnell – Strategic Planning Co-ordinator)</p>	<p>The establishment of a “secondary school fund” to be applied where the nearest secondary school to the development has a shortfall of places should have some form of locational criteria otherwise funds could be expended on schools remote from the development site.</p> <p>The idea of a “secondary school fund” to be spent anywhere in the city breaks the requirement of Circular 1/97 that a planning obligation should be related to the proposed development. Parental preference is an unacceptable reason</p>	<p>The assessment of need is clearly geographically tied to the development site and the school being assessed through the catchment area of the latter. This is published information as part of the SOP. The “trigger” for a contribution is therefore education need directly related to the development. The delivery of the “best fit” of facilities is more difficult for the reasons set out in new paragraph 2.3, hence the need for a “secondary school fund”</p>

		and the assessment of need for, and level of contribution, should be based on the needs of the secondary school within whose catchment area the development is located.	
Paragraph 3.16	House Builders Federation (James McConnell – Strategic Planning Co-ordinator)	Paragraph 3.16 states that most schoolchildren to be housed in affordable housing will normally already be educated within the city boundary. This is true of all income groups where the majority of house moves are of less than 5 miles. To state that affordable housing creates a materially different demand on education provision is incorrect.	Amend new paragraphs 4.16 to 4.18 to incorporate a criteria based approach to assessing the level of contributions from affordable housing.
<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	<b>Nature of Comment</b>	<b>Council's Response</b>
Paragraph 3.17	Devon & Cornwall Housing Association Limited (Christine Coonan, Business Development Manager)	Strongly disagree with the premise that movement of school age children within the city puts strain on schools and educational resources. The allocation policies of housing bodies seeks to house applicants on waiting lists as close as possible to their previous homes. Therefore, object to the requirement for an education contribution from affordable housing as this will add to costs of schemes (especially in the light of the withdrawal of Local Authority Social Housing Grant) and render ambitious	Response as above.

		targets even more unachievable. Cornwall CC has decided not to seek contributions from affordable housing units (where the LA has nominations and where the affordability is protected in perpetuity).	
Paragraph 3.17	M. Houricane, Sovereign Housing Association	It is anticipated that contributions for regeneration projects such as Devonport will be negligible since re-developments are aimed at returning residents to their area of origin. Furthermore, the number of households in a given area is likely to reduce, given the move from flats towards family housing.	Response as above.
<b>Reference in IPS 4</b> (Paragraph numbers of consultation document)	<b>Respondent</b>	<b>Nature of Comment</b>	<b>Council's Response</b>
Paragraph 3.17	M. Houricane, Sovereign Housing Association	RSL's, unlike private developers, are subject to funding parameters which, in the case of Plymouth, mean that the addition of education contributions will render schemes unviable thereby prejudicing delivery of regeneration.	Response as above.

