

Solihull Metropolitan Borough Council

Developer Contributions for Education Policy

Background

1. This document sets out the approach to identify the impact of new residential development on education infrastructure and the necessary mitigation to make developments acceptable in planning terms. It provides the basis for calculating likely education infrastructure contributions.
2. Education infrastructure contributions to mitigate the impact of residential development on the provision of education infrastructure include:
 - Mainstream school places (including post-16 where appropriate)
 - Early Years places
 - Special Educational Needs and Disabilities (SEND) places.
 - Home to school travel (mainstream & SEND) where appropriate.
3. Solihull Council has a statutory responsibility for the provision of sufficient school places for children resident in Solihull. We work with all schools including local authority maintained schools, academies and free schools providing mainstream and special educational provision, as well as all providers of early years education and childcare in order to meet this statutory duty.
4. The Department for Education (DfE) guidance [Securing Developer Contributions for Education](#), August 2023 states that:

DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development.
5. Developer contributions for education are usually secured via a planning obligation under Section 106¹ of The Town and Country Planning Act 1990 or using Community Infrastructure Levy (CIL) funds collected from developers.
6. As outlined in paragraphs 54, 55 and 56 of the NPPF, otherwise unacceptable development could be made acceptable through the use of planning obligations. Paragraph 56 states that “planning obligations should only be sought where they meet all the following tests outlined in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 and 2019:

¹ It is recognised that developments will often have other (i.e. non-educational) infrastructure demands placed upon them. Whilst it is expected that the infrastructure requirements should be reflected in the land value of the site being developed, there may be exceptional cases, for instance, where abnormal site development costs have to be considered in the context of the viability of a development, and this may lead to a need to consider contributions towards infrastructure in a wider context.

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

Further guidance on the use of Planning Obligations is given in the Government's national Planning Practice Guidance (PPG). The guidance relating to "What contributions are required towards education" is set out in appendix B.

Assessment of Planning applications

7. Quality education provision is at the heart of sustainable communities and therefore, should be a fundamental consideration in the planning of all new housing developments. Where new housing development creates a demand for school places more than those available, the local authority will seek a financial contribution from the developers to mitigate against the effect of the new development on education infrastructure. It is critical that developers make a financial contribution to school places where a need is identified as, without one, the local authority will be unable to ensure school places are accessible (in a sustainable manner) and this is like to impact on the children and families that come to settle in new developments.
8. All residential developments of 10 or more dwellings will be assessed for their impact on school places. Where Solihull Council assesses that a proposed development will create a full or partial shortfall of places in early years settings, primary schools, secondary schools (including post-16) or special educational needs provision, a contribution will be sought from the developer. Where the location of the development requires a school transport solution to access education a contribution will also be sought for school transport.
9. No contribution will be required for education infrastructure mitigation from developments consisting solely of:
 - specialist accommodation for elderly persons
 - specialist accommodation for students
 - dwellings of one bedroom
10. Where a development includes a mix of dwellings, consideration will be given to each dwelling type and the potential education infrastructure mitigation required and where appropriate, contributions from more than one development will be combined to deliver the necessary mitigation.

11. Whilst SMBC seeks to provide additional places in existing schools/provisions wherever possible (to maintain stability, provide places in a timely fashion and to achieve best value for money), it may not always be feasible to expand one or more existing school/provision(s). In such circumstances, a new school/provision may be required to address the shortfall of places.

Pupil Yield

12. Pupil yield factors allow Councils to estimate the number of early years, school, post-16 and SEND places required as a direct result of development, underpinning local plan policies and the contributions agreed in planning obligations.
13. When assessing a development, the number of pupils calculated to arise from the development will be subject to rounding, either up or down, to the nearest whole figure.
14. The DfE's guidance recommends that local authorities apply pupil yield factors to new development proposals, based on up-to-date evidence from local housing developments. To assist with this, they have published [pupil yield data](#) for all local authorities in England.
15. For Solihull the DfE's pupil yield dashboard demonstrates the following pupil yields which have been split by market and affordable dwellings.

Pupil yield per dwelling*

Tenure	Early Years	Primary	Secondary	Post-16	SEND
Affordable	0.106	0.459	0.296	0.09	0.062
Market	0.07	0.266	0.101	0.037	0.006

*based on 21/22 data except for Post-16 which is based on 20/21 data

Example pupil yield for development of 100 dwellings with 40% affordable homes

Tenure	Early Years	Primary	Secondary	Post 16	SEND
Affordable	4.24	18.36	11.84	3.6	2.48
Market	4.2	15.96	6.06	2.22	0.36
Total	8.44	34.32	17.9	5.82	2.84
Pupil Yield	8	34	18	6	3

*example assumes all dwellings are 2+ bedrooms

16. The DfE's pupil yield data shows that nationally, pupil yields tend to peak at around 2 years after a development's completion for early years and 6 years for

primary, before stabilising to align broadly with the mature housing stock. For secondary and post-16 phases, pupil yields take longer to develop.

17. Outline planning applications may not specify the housing mix, but DfE data will be used to provide an estimate of pupil yield with provision for this to be reviewed when a full or reserved matters application is submitted.
18. Due to the change in the statutory requirements for early years places from April 2024 the pupil yield factor for Early Years will be updated to reflect the extended offer from 9 months that will not be included in the current DfE data set.
19. There may be a need for local flexibility and reassessment based on atypical development characteristics, such as a large greenfield site coming forward in an area that has predominantly seen smaller brownfield development in the past. For urban extensions and new communities that will include new schools, a more detailed local analysis of pupil yield may be required. New communities can generate significantly higher pupil numbers than seen elsewhere and are not fully represented in the DfE pupil yield data due to the length of time it takes for all phases of the development to build out, so in these cases bespoke local evidence may be used in preference to or alongside the DfE's pupil yield data when securing land and funding for new schools.

Mainstream and Post-16 places

20. The Department for Education specifies that maximum statutory walking distance is two miles for children aged under eight, and three miles for children aged eight and over. Beyond this, children will qualify for travel assistance. In determining the sufficiency of school places, Solihull Council will consider the implications for all schools within this geographical area from any new development, as well as the impact for the schools within whose catchment area or planning area, the development is proposed.
21. To understand the impact of a development on education infrastructure in mainstream schools, an analysis will be undertaken using:
 - Pupil number on roll.
 - School capacity.
 - Pupil projections for a five year period, including demand from outside of a school's catchment area.
 - Committed developments and housing allocations, including those in the emerging Solihull Local Plan.
 - Any other relevant factors

Further contextual information on school places can be found in the School Organisation Plan.

22. Section 106 contributions will be sought for mainstream education places where schools are already over-subscribed or projected to become over-subscribed within the 5 years forecast period to pay towards the associated costs of providing the additional school places. The calculation of the S106 contribution for mainstream places is attached at appendix A.
23. Where it is not feasible to expand one or more existing school(s) to provide the required places, a new school may be required to address the shortfall as outlined at paragraph 36 and cost per place outlined in appendix A.

Early Years Places

24. The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare including for children younger than school age. All 3 and 4 year olds and some 2 year olds are entitled to 570 hours of funded early years education per year. Most 3 and 4 year olds with working parents are entitled to an additional 570 hours per year.
25. From April 2024, the Council's statutory duty for ensure sufficient early education and childcare places will extend to include children from 9 months to 4 years for most working families. S106 contributions for early years and childcare will be sought for the extended offer, from 1 April 2024, in line with the DfE's published statutory requirements and the pupil yield factor will be amended to reflect this extended requirement.
26. Solihull Council works with a range of providers to meet its statutory duty for sufficiency of places in early education and childcare, including those in the private, voluntary and independent sector, as well as schools.
27. S106 contributions will be sought for early years places where it is deemed that insufficient provision is available to meet the needs of the development.
28. The calculation of the contribution for early education and childcare is outlined in appendix A.
29. Further contextual information around the provision of Early Education & Childcare in Solihull can be found in the Early Education and Childcare Sufficiency Assessment.

Special Educational Needs and Disability (SEND) Places

30. The Special Educational Needs and Disability Code of Practice: 0-25 years (January 2015) states that 'All children and young people are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential'.
31. The DfE Securing Developer Contributions for Education guidance 2023 states that:
- 'an increase in housing will lead to an increase in SEN' that all local authorities should 'seek developer contributions for all special school/SEN places generated by a development where there is a need for additional SEND provision' and that:*
- 'It is reasonable and fair to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream'.*
32. To understand the impact of a development on education infrastructure for specialist provision, an analysis will be undertaken using:
- Pupil number on roll.
 - Capacity of local SEND provision.
 - Pupil projections for a five year period.
 - Committed developments and housing allocations, including those in the emerging Solihull Local Plan.
 - Any other relevant factors
33. Pupils attending special schools and alternative provision are typically drawn from a larger area than mainstream schools, and this should not affect the consideration of whether a planning obligation meets the legal tests.
34. The calculation of the contribution for SEND school places/new SEND School is outlined in appendix A.
35. Further information about the commissioning of SEND provision in Solihull can be found in the SEND School Place Commissioning Strategy.

New school Provision

36. All new schools in Solihull will be established as Free Schools, in accordance with Government Policy. If the development is large enough to justify the provision of a new school, the developer contribution will be required to fund the construction of the new school and provide the necessary land, access and relevant services.
37. Development sites of at least 750 dwellings will trigger assessment for the need for a new primary school of a minimum 1 form of entry (1FE) (30 places per year group). Where there is a need for a new primary school, DfE guidance is that all new primary schools are expected to include a nursery.
38. Where development sites in an area trigger the need for additional secondary school places, a new secondary school and provision of land will be required when the need is for at least 4FE of additional places (120 places per year group). This would equate to around 4,000 dwellings. This is in line with the DfE expectation of minimum school size to be viable published in the DfE guidance on "How to apply to set up a mainstream free school" (dated September 2019).
39. Where a number of developments are expected to come forward in an area with an aggregated requirement for a new school, it is likely that one developer would be required to provide the school land to address the collective demand. This would require all applicants to provide a contribution towards the cost of the school site land, proportionate to the size of their development. Solihull Council would seek to work site promoters/applicants to ensure that equalisation arrangements (or similar) are established prior to the approval of any of the developments affected to ensure that the development 'hosting' a new school is not disadvantaged. Each developer will be required to pay the relevant amount towards the overall total construction cost and the cost of the necessary land, access and relevant services.
40. If a new school opens below its full capacity while it awaits pupils moving to new housing within the developments, this does not represent an available surplus for other developments when assessing their own impact and mitigation.
41. If necessary, additional contributions will also be sought to provide interim education solutions whilst a new school is being developed these may include temporary accommodation at an existing school or support to a transport solution until pupil numbers from the new development are sufficient to enable the new school to viably open.
42. DfE guidance advises that where new schools are planned within housing developments. Solihull Council should consider whether direct delivery by the

developer would represent the best value for money, subject to an appropriate design and quality assurance. Where a new school is designed and constructed by a developer, the location and specification/design must be agreed in advance with Solihull Council.

43. In addition to the capital costs associated with opening new provision, Solihull Council requires contributions towards revenue costs to support the pre-opening costs of a new school.
44. Free Schools opening as part of the Central Government Free School Programme receive a Project Development Grant (PDG) to cover essential non-capital costs up to the point at which the school opens, for example the appointment of a headteacher prior to the school opening. Pre-opening costs contribution requests will be in-line with that given to new schools opened through the Central Government Free School Programme and published at in [DfE guidance Free Schools: Pre-opening Guide](#).

School Transport

45. The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 1996 at two miles for under-eights and three miles for those who have attained eight years. These distances are measured by the shortest available safe walking route. In excess of these distances Solihull Council must fund 'free' school transport. For further information please see the [school transport policy](#)
46. Where the development is above the walking distance criteria and would require Solihull Council to provide home to school transport, a school transport contribution may be sought. This contribution will cover the cost of providing new or additional transport based upon a calculation of the number of pupils generated by the development for a period of seven years for primary and five years for secondary.
47. Where the development is below the walking distance criteria but no safe walking route is available, an appropriate highway contribution to establish a safe walking route from the proposed residential development to either the catchment schools or the school/s where additional places will be provided (and the distance is below the eligible walking distance criteria) may be considered.

School transport contribution calculation

48. The average annual school transport cost per mainstream school pupil for financial year April 2022 to March 2023 was £1,058. Where school transport will be required in line with the Council school transport policy, then a site specific calculation will be made based on the current transport arrangements. This cost will then be applied to any eligible pupil attending school between Reception and Year 11. This figure will be updated annually to reflect the most up to date costs.
49. Where a school transport contribution is required, the contribution will be calculated as follows.
- Primary School Transport Contribution - the number of eligible pupils generated by the development (pupil yield) x the site specific average transport cost x 7 (the number of years a pupil is in primary school)
 - Secondary School Transport Contribution -the number of eligible pupils generated by the development (pupil yield) x the average site specific average transport cost x 5 (the number of years a pupil is in secondary school).

S106 Contribution Calculation

After assessing the impact of the development and a shortfall is apparent, a contribution will be sought based on the specific shortfall of places directly resulting from the impact of the development.

The calculation of the contribution uses the DfE national average cost per place as published in the latest DfE Local Authority Scorecard, adjusted by the regional location factor:

DfE national average cost per place (for primary and/or secondary places)	X	Solihull Regional Location Factor (0.99)	X	Number of Places
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This methodology will be updated annually to reflect the latest national average costs per place. **However, where there is local evidence of higher costs for a particular project, such as a bespoke feasibility study or known site abnormalities, these costs may be used in preference to the adjusted national average.**

All contributions will be adjusted by Building Cost Information Service (BCIS) All In Tender indexation at the point of payment.

Department for Education Local Authority Scorecard Costs

In most cases the additional places to address the impact of a development will be provided through expansion of existing local schools, however where this is not possible a new school may be required. When the need for a new school has been identified as part of the assessment process, then the 'New Build' national average costs will be used to calculate the education contribution requirements. Where the education contribution has not identified a new school requirement the 'Permanent Expansion' national average costs per place will be used. The latest published costs are as at June 2023 and are provided below.

Early Years and Primary	Cost Per Place
Permanent Expansions	£19,425
New Build	£23,192

Secondary and Post 16	Cost Per Place
Permanent Expansions	£26,717
New Build	£28,096

In accordance with DfE guidance, developer contributions for SEND places are set at four times the cost of a mainstream place appropriate for the phase of education,

“which is consistent with the space standards in Building Bulletin 104”. The table below shows the SEND BCM per pupil per phase of education.

SEND Provision contribution place cost.

Phase	Expansion	New Build
Early Years & Primary	£77,700	£92,768
Secondary & post 16	£106,868	£112,384

Solihull Council reserves the right to reassess the school place position in respect of a development in accordance with this methodology, to take into account changing circumstances up to the point where a Reserved Matters/Full planning application is approved.

[Planning Practice Guidance \(Planning Obligations\)](#)

“What contributions are required towards education?”

Plans should support the efficient and timely creation, expansion and alteration of high-quality schools. Plans should set out the contributions expected from development. This should include contributions needed for education, based on known pupil yields from all homes where children live, along with other types of infrastructure including affordable housing.

Plan makers and decision makers should consider existing or planned/committed school capacity and whether it is sufficient to accommodate proposed development within the relevant school place planning areas. Developer contributions towards additional capacity may be required and if so this requirement should be set out in the plan. Requirements should include all school phases age 0-19 years, special educational needs (which could involve greater travel distances), and both temporary and permanent needs where relevant (such as school transport costs and temporary school provision before a permanent new school opens).

Plan makers should also consider whether pupils from planned development are likely to attend schools outside of the plan area and whether developer contributions may be required to expand schools outside of the area.

When local authorities forward-fund school places in advance of developer contributions being received, those contributions remain necessary as mitigation for the development.

The Department for Education has published guidance for local education authorities on developer contributions for education.

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