

Education Planning Obligations Assessment

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

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

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

This assessment has been carried out and is accurate as at 10/10/2024.

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

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

About the development

Planning Application: MH/23/01711/OUT

Location: Land At (Os 7500 5952) Berrow Green Road Martley

Details: Outline planning permission for up to 55 dwellings (with means of access to the site be considered at this stage and all other matters reserved)

District/EPA: Martley, Malvern Hills

For any planning applications submitted to the three district councils that require mitigation of the education impact of the development, Worcestershire Children First will, from the 10th of February 2023, receive planning obligations via Section 106 means only within these districts.

Number of Dwellings: Fifty-Five (55) dwellings

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

² Special Educational Needs and Disability

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

Other Agreed Applications Within Area of Development:

Planning Application	Location of development	Number of Dwellings	Within Primary Catchment	Early Years Pupil Yield	Primary Pupil Yield per year group	Secondary Pupil Yield per year group	SEND Pupil Yield per year group
M/15/01419/OUT & M/16/01168/OUT	Worcester Expansion	1072*	N	39	52	43	19
M/22/01646	Hallow	40	N	2	2	2	0
M/24/00672/OUT	Astley	145	N	5	7	6	3
M/21/02245/OUT	Martley	52	Y	2	3	2	1
M/23/00863/FUL	Martley	83	Y	3	4	3	2
Total					7	56	25

*These are 50% of the dwellings planned as the site is part of the catchment shared with Christopher Whitehead Language College, Worcester

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

Assessment of Impact

A development of this type is likely to attract young families that will have an impact on related schools and early years providers. The area of Martley in which the proposed development is sited is within the catchment areas of Martley CE Primary and The Chantry Schools.

Related schools are the catchment schools for the location of the development, schools that are located within a two-mile safe walking route that offer education for children who are eight years or younger, schools that are located within a three-mile safe walking route that offer education for children who are nine years or older, and schools that can demonstrate a likely demand from families moving into the area⁴. There are no related schools to this development.

The total number of proposed dwellings on site will be fifty-five (55), as the tenure breakdown has not yet been finalised no one-bed dwellings have been made exempt. Therefore, fifty-five (55) dwellings is the number the assessment will be based on.

Pupil Yield

The mainstream Pupil Product Ratio (PPR) is based on evidence from recent housing developments, matching school census data and known children numbers to housing developments to determine average pupil numbers and characteristics over time⁵.

The SEND PPR is based on the average percentage of pupils in Worcestershire requiring specialist education provision. This is based on the average percentage of pupils in Worcestershire with an Education Health & Care plan over the last 5 years, which is 3%⁶.

⁴ Based on DFE Guidance on home to school travel and transport (July 2014)

⁵ Education Planning Obligations Policy Worcestershire, 5.6, pg 11.

⁶ Education Planning Obligations Policy Worcestershire, 5.7, pg 11.

2-Tier System	Early Years	Primary	Secondary and 6th Form	SEND Primary	SEND Secondary
Total FTE places	7	19	13	1	0
Per Year Group	N/A	3	3	N/A	N/A

Early Years

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

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

The proposed development is located within the ward of Martley (Post-May 2023) and forecast to yield seven (7) children who may need childcare places at an early-years setting. Updated sufficiency figures for 2024 show there is a **sufficient** level of funded childcare places in three wards close to this development. Therefore, a contribution towards early years provision will not be sought.

Primary School

Number on Roll by Year Group (October 2023 school census)

School	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
Martley CE Primary *	16	20	9	18	23	16	30	132
Spare places per year group	4	0	11	2	-3	4	-10	

*Catchment School

Other relevant information

School	School Capacity	Published Admission Number (Sept 2023)	PAN of largest year group minus NOR in that year group	Number of year groups	Average spare places per year group
Martley CE Primary*	140	20	-10	7	1

*Catchment School

Forecast Information

Year of admission to Reception

School	Sept 2024	Sept 2025	Sept 2026	Sept 2027
Martley CE Primary	12	9	9	9
Forecast additional demand from approved housing	7	7	7	7
Total	19	16	16	16
Forecast surplus/deficit places available	1	4	4	4

* Catchment School

There is sufficient capacity in all year groups at Martley Primary for the forecast additional pupil yield from the two applicable approved developments plus this development. (Note that the additional demand from approved housing is based on full occupation of this housing - this is to indicate where there is likely to be insufficiency of places, although full occupation may in reality happen later than the forecast dates above).

There is, however, at the date of this assessment, a planning application pending a decision:

MH/24/01236/OUT Land At (Os 7606 6014), Barbers Lane, Martley, (for up to 80 dwellings).

This development would yield an additional 4 pupils per year group in the Martley catchment, and the total impact of both developments would exceed the existing available spaces at Martley CE Primary School.

If that application is approved before MH/23/01711/OUT is approved, a contribution towards the expansion of primary school provision will be sought from this development:

Primary School Contribution required: £439,147

Primary School Contribution Formula:

$(N \times 0.05 \times 7) \times 0.97$ (rounded up to a whole number) \times £23,113

$55 \times 0.05 \times 7 = 19.25 \times 0.97 = 18.67 = 19 \times £23,113 = £439,147$

To be used for the provision of additional education facilities at Martley CE Primary School, or any other school serving the development.

If, however, this application is approved before **MH/24/01236/OUT** is approved (or if **MH/24/01236/OUT** is heard first but refused), then no primary school contribution will be sought from this development.

Secondary School and Sixth Form

Number on Roll by Year Group (October 2023 school census)

School	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Total
The Chantry School *	181	180	178	180	166	-	-	1083
Spare places per year group	0	0	0	0	9			

* Catchment School

Other relevant information

School	School Capacity	Published Admission Number (Sept 2023)	PAN of largest year group minus NOR in that year group	Number of year groups	Average spare places per year group
The Chantry School	875	175	-6	5	-2

* Catchment School

Forecast Information

Year of admission to Year 7

School	Sept 2024	Sept 2025	Sept 2026	Sept 2027
*The Chantry School	181	167	187	178
Additional forecast pupils from approved housing	56	56	56	56

Forecasted spare places per year group	-62	-48	-65	-59
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There appear to be **insufficient** places for the 13 secondary aged children expected from this development. However, based on current numbers on roll, 39% of The Chantry School's pupils are from outside the catchment. The school level forecast (above) is calculated based on the last 5 years of numbers on roll at this school and schools feeding into The Chantry School.

Pupils from the new developments are more likely to be offered places at The Chantry School than children applying from out of catchment (unless siblings rule applies).

Analysis shows that out-of-catchment-area children could be allocated places at their catchment schools, apart from secondary schools in Worcester. Therefore, in the following table we have deducted 32 of the forecast pupils as over the last 5 years, on average 32 pupils per year group reside in Malvern, Stourport and outside the county.

Year of admission to Year 7

School	Sept 2024	Sept 2025	Sept 2026	Sept 2027
*The Chantry School	181	167	187	178
Additional forecast pupils from approved housing	56	56	56	56
Pupils from outside catchment area that can be pushed back	-32	-32	-32	-32
Forecasted spare places per year group	-30	-16	-33	-27

There are **insufficient** places for the 13 secondary aged children expected from this development. Therefore, a contribution towards secondary provision will be sought

Secondary School Contribution required: £413,270

Secondary School Contribution Formula:

(N X 0.04 X 6) x 0.97 (rounded up to a whole number) x £37,790

$55 \times 0.04 = 2.2 \times 6 = 13.2 \times 0.97 = 12.804 = 13 \times £31,790 = \mathbf{£413,270}$

To be used for the provision of additional education facilities at The Chantry School, or any other school serving the development.

Specialist SEND Provision

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

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

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

Any requirements for a contribution through S106 or CIL will be assessed and calculated on a case-by-case basis. A contribution directly required for SEND provision will not be sought on any developments of less than 50 dwellings⁷.

⁷ Education Planning Obligations Policy Worcestershire, 6.7, pg14

SEND places will be calculated at 4 times the cost of a place appropriate for the phase of education as per government guidance⁸.

There are **insufficient** places for the 1 primary aged child with SEND expected from this development. Therefore, a contribution towards SEND provision will be sought.

SEND Contribution required: £92,452

SEND Contribution Formula:

Step 1. (Primary Contribution) (N X 0.05 X 7 X 0.03) (rounded to the nearest whole number) x £23,113 X 4⁹

55 X 0.05 X 7 X 0.03 = 0.5775, therefore 1 X £23,113 X 4 = £92,452

Step 2. (Secondary Contribution) (N X 0.04 X 6 X 0.03) (rounded to the nearest whole number) x £31,790 X 4

55 X 0.04 X 6 X 0.03 = 0.396, therefore 0

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

Add total SEND Contribution

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

Total Contributions Required

Education Phase	Contribution Required
Early Years	N/A
Primary School	N/A
Secondary School	£413,270
SEND	£92,452
TOTAL CONTRIBUTION	£505,722

The contribution rate is applicable from 1st April 2024 to 31st March 2025. If a planning decision is not reached within the current financial year it may be necessary to review the level of charges.

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

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

Conclusion

We do not object to this application subject to a requirement for an education contribution as detailed in this assessment.

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

⁹ [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) 17. Pg10.

Contact Information

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Appendix

CIL test compliance

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

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

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

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

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

2) **Directly related to the development**

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

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

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

Monitoring Fees

When planning obligations for education infrastructure are included in a legal agreement, WCC will seek monitoring fees towards the monitoring of such obligations. The fees are based on a) the actual work undertaken to administer and ensure compliance with the agreement and b) the development size. Monitoring Fees are to be paid at the time of signing the S106 Agreement. For more information, please see the document on WCC website [Section 106 monitoring fees](#).