

Surrey County Council Education Infrastructure CIL Justification Statement

**Proposed Development of: Land at Garlick's Arch, Send Marsh/Burnt Common,
Portsmouth Road, Send**

Planning Authority: Guildford Borough Council

Planning Reference: 19/P/02223

Justification Date: 29th June 2021

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Job Title: Commissioning Manager

S106 Contribution Sought:

Early Years Contribution:	£349,986
Primary Contribution:	£1,729,453
Secondary Contribution:	£1,861,443
Overall Contribution:	£3,940,883

1. Introduction

- 1.1. This statement justifies the need for contributions towards education infrastructure to mitigate the effects of the proposed development.
- 1.2. Appendix A (attached) sets out the range of national and local policies, frameworks, Acts and regulations that support Surrey County Council's request for an infrastructure contribution for education purposes.
- 1.3. Surrey County Council has a duty to ensure there are sufficient places for early years, primary and secondary pupils in its area. This includes the provision of some surplus space to enable due regard to be given to parental preference and to enable some headroom for in-year applications.
- 1.4. In Surrey, the birth rate has now reached a stable position after peaking in 2012. Although there will be small pockets where there will be population increases in the next five years, largely the demand for school places in most areas of Surrey will not significantly increase as a result of demographic change. The greatest impact on availability of school places is expected to stem from new housing developments and the pupils that new housing will yield. Many schools across the county are at, or are close to, capacity, and so it is likely that new housing will result in a need for new school places.

- 1.5. This justification statement is based on the most current information, both demographic and planning, at the time of writing. In preparing this document, requests for a contribution are based on the understanding that any projects which are nominated for a contribution and which have yet to start at the time of writing, will actually proceed, due to the lengthy lead in times for such projects.

2. Contribution calculations for this development

- 2.1 Surrey County Council will seek contributions based on the number of pupils that it is estimated this development would yield.

	1 bed	2 bed	3 bed	4+ bed	Unknown	TOTAL
Proposed new housing	31	60	88	41	300	520
Net total	31	60	88	41	300	520

- 2.2 Contributions are calculated based on the pupil yield from the housing mix in the planning application.
- 2.3 It is anticipated that this development would yield 250 school age children that would require school places based on the housing mix provided by Guildford Borough Council. The housing mix for 300 homes are currently unknown and therefore an average yield has been used to calculate the contributions for these properties; the figures being updated once the housing mix is confirmed.
- 2.4 Children enter school at 4 years old into reception year. There are further transition points at year 3 (junior) and at year 7 when children transition to secondary school.
- 2.5 Demand from resident children for places is forecast using birth data, population estimates, and pupil movement trends derived from the school censuses.
- 2.6 Data on planning permissions and housing trajectories is obtained from the local planning authorities on a regular basis. The projected number of pupils yielded from additional housing is then added to the baseline forecast numbers.
- 2.7 Surrey County Council bases its request on the assumption that pupils yielded from new housing will require a school place in the year following commencement of the development, in order to allow time for families to purchase and occupy the new housing.

Development contributions calculator for the 220 dwellings for which the housing mix is known:

Phase	No. of Dwellings	Housing Mix	Yield Factor	Yield Estimate	Cost Multiplier	Contribution	Contribution Sought
Early Years	220	All	0.07	15.4	£9,615	£148,071	£148,071
Primary	31	1 bed	0.05	1.55	£13,728	£21,278	£699,853
Primary	60	2 bed	0.09	5.4	£13,728	£74,131	
Primary	88	3 bed	0.3	26.4	£13,728	£362,419	
Primary	41	4+ bed	0.43	17.63	£13,728	£242,025	
Total	220						
Secondary	31	1 bed	0.01	0.31	£20,685	£6,412	£744,453
Secondary	60	2 bed	0.07	4.2	£20,685	£86,877	
Secondary	88	3 bed	0.19	16.72	£20,685	£345,853	
Secondary	41	4+ bed	0.36	14.76	£20,685	£305,311	
Total	220						

Early Years	
Contribution:	£148,071
Primary Contribution:	£699,853
Secondary Contribution:	£744,453
Overall Contribution:	£1,592,378

Early Years Pupil Yield:	15
Primary Pupil Yield:	51
Secondary Pupil Yield:	36
Total Pupil Yield:	102

Developer contribution calculator for the 300 dwellings for which the housing mix is not known:

Total No of Dwellings		300				
Phase	No of Dwellings	Yield factor	Yield Estimate	Cost Multiplier	Contribution Calculation	Contribution Sought
Early Years	300	0.07	21	£9,615	£201,915	£201,915
Primary	300	0.25	75	£13,728	£1,029,600	£1,029,600
Secondary	300	0.18	54	£20,685	£1,116,990	£1,116,990
Total					£2,348,505	£2,348,505

Early Years Contribution:	£201,915
Primary Contribution:	£1,029,600
Secondary Contribution:	£1,116,990
Overall Contribution:	£2,348,505

Early Years Pupil Yield:	21
Primary Pupil Yield:	75
Secondary Pupil Yield:	54
Total Pupil Yield:	150

The total pupil yield and overall contributions are as below:

Early Years Contribution:	£349,986
Primary Contribution:	£1,729,453
Secondary Contribution:	£1,861,443
Overall Contribution:	£3,940,883

Early Years Pupil Yield:	36
Primary Pupil Yield:	126
Secondary Pupil Yield:	90
Total Pupil Yield:	252

Cost per place

- 2.8 From 6 April 2015, developer contributions are requested based on the Surrey S106 Education Formula. This uses pupil yield per dwelling as the basis for the contribution.
- 2.9 The housing mix is used to calculate the likely pupil yield from development. Where the housing mix for a development is not known, average yields are used to estimate

contributions. Where it is known, specific yield factors in relation to the number of bedrooms for each dwelling type are used to calculate contributions.

- 2.10 The contribution required according to the Surrey S106 Education Formula is established by multiplying the number of pupils yielded by a development by the cost per place.
- 2.11 The Department for Education (DfE) estimates the average cost for new build and extensions to schools across the country. The DfE also provides location factors in recognition that costs are different in different areas. The DfE build costs do not include ICT equipment or site 'abnormals' (e.g. protected wildlife habitats, drainage issues, archaeological remains etc.) and as a result the level of fees that are normally paid are often underestimated.
- 2.12 The DfE cost per place is obtained from the early years, primary and secondary cost multipliers multiplied by the regional factor. The 2008-9 Multipliers are £8,013 for early years, £12,257 for primary and £18,469 for secondary, with the location factor for Surrey being 1.12; giving a cost per place of £9,615 for early years, £13,728 for primary and £20,685 for secondary.
- 2.13 The DfE has not published updated cost multipliers since 2008/09 and until the cost multipliers are revised, the rates currently under review, the existing Surrey County Council policy will apply.

3 The requirement to mitigate pressure on schools

- 3.1 Where schools are popular, pupils on roll may come from a relatively large area as a result of their parents' choice. This means that pupils currently at a popular school may live a greater distance from that school than children in the proposed new development. It is Surrey County Council's policy that when there are more applicants than places available at a school then straight line distance from the school is used to allocate places. Children who live in the new development would therefore be allocated places before, or even instead of, the children who live further away. As a result, pre-existing resident children would be displaced.
- 3.2 In areas where demand exceeds available places, schools are expanded either permanently or temporarily and whilst Surrey County Council receives capital funding from the Department for Education, this is generally insufficient (only providing approximately one third of the funding needed). Contributions made by developers are therefore essential to mitigate the loss of school places for existing residents who would otherwise be faced with increases in council tax to fund the borrowing incurred.

4 Justification and contribution specifics

Early Years

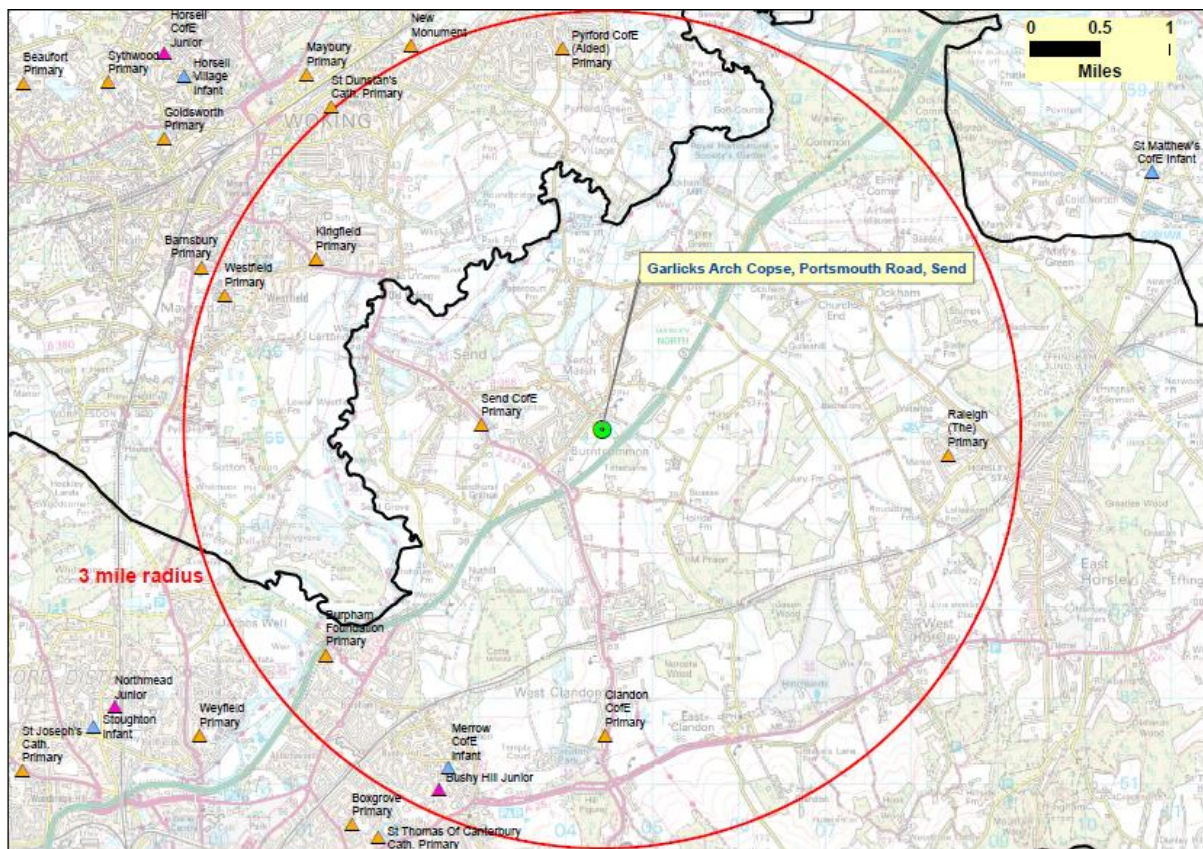
- 4.1 The Childcare Act 2006 places a duty on all local authorities to secure sufficient early education for three and four year olds and childcare to allow parents to work or attend

training (Childcare Act 2006, section 6). Section 7 (as substituted by section 1 of the Education Act 2011) places a duty to secure early years provision free of charge and regulations made under section 7 set out the type and amount of free provision as well as the children who benefit from this. The current requirement is to secure early education places offering 570 hours a year over no fewer than 38 weeks of the year for every three and four year old child in Surrey and for two year olds that meet the eligibility criteria. From September 2017 this increased to 1,140 hours a year for eligible working families.

- 4.2 Surrey's Early Years and Childcare Service supports current maintained and non maintained childcare and early education settings to sustain or expand places and works with schools, local borough and district councils, community and voluntary organisations to identify appropriate buildings to support the development of new places.
- 4.3 Surrey County Council's Childcare Sufficiency Assessment 2015 identifies where additional early education provision is needed by taking into account current and planned provision, projected population estimates, projected take up rates, current setting occupancy rates, and projected demand for free early education places.
- 4.4 Based on housing trajectories received from Guildford Borough Council, Surrey County Council is working with local early years education settings to increase the number of pre-school places available to meet the anticipated demand from new housing, and is delivering infrastructure projects to provide increased capacity. The nursery will need to provide 2, 3 and 4 year Funded Early Education places for free, allowing access to full 15 and 30 hours in a flexible yet cohort pattern, aligned with the local community needs as forecast by the Education Authority.
- 4.5 For this development, Surrey County Council would request a contribution of £349,986 towards early years education infrastructure in the local area. The contribution requested will be used to provide additional early years places at; one or more of the following schools : Send CofE Primary School, The Raleigh School or the Clandon Church of England School, the decision as to which school or schools will be nominated at the time the development commences, being dependent upon the ability of the schools to provide the additional places. All of these schools are within a three miles of the development.

Primary Education

- 4.6 The map below shows the proposed development and primary schools within a 3-mile radius.

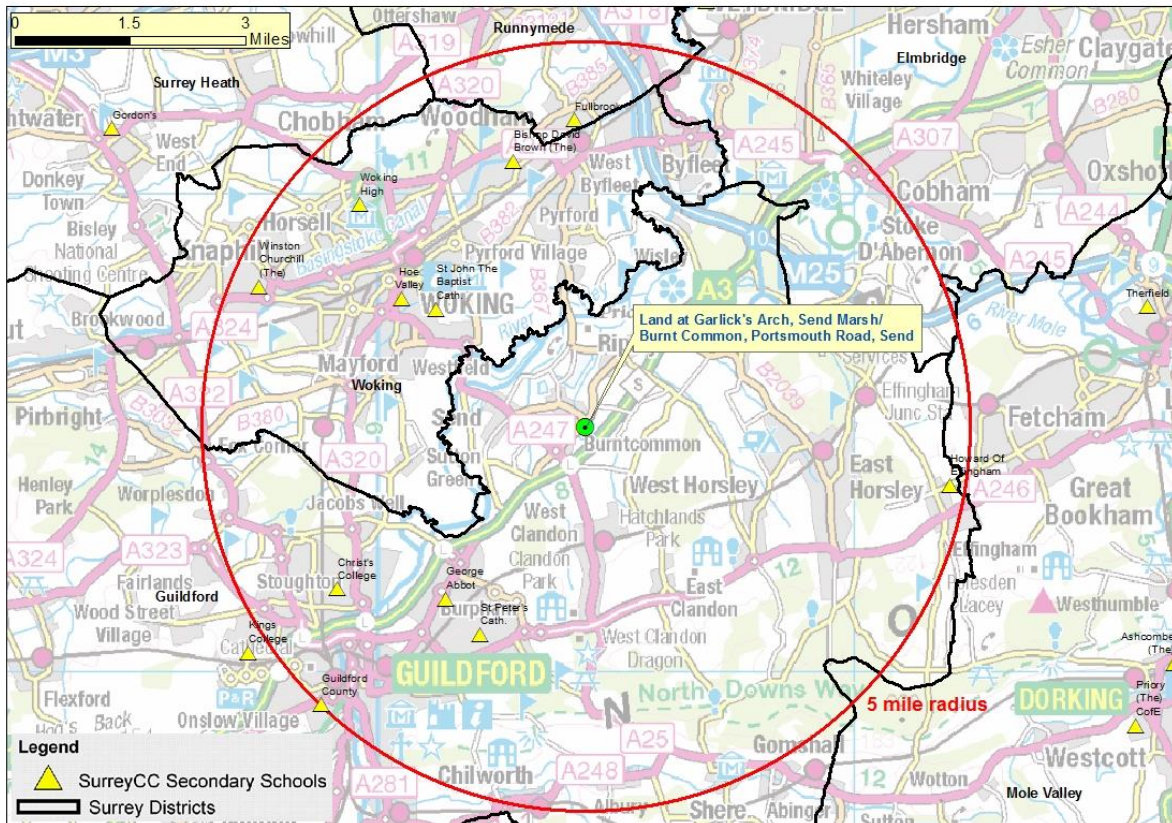


- 4.7 Schools are organised in planning areas and places are planned on this basis rather than by individual schools. It is Surrey County Council policy to provide local schools for local children, although parents / carers can exercise their right to apply for schools that are not the nearest to their home.
- 4.8 Based on housing trajectories received from Guildford Borough Council, Surrey County Council is working with local primary education settings to increase the number of places available to meet the anticipated demand from new housing and is delivering infrastructure projects to provide increased capacity.
- 4.9 Due to the large number of new homes which is anticipated will come forward in the local area, an additional primary school is being proposed as part of a strategic housing site. While this will cater for the projected pupil yield in the medium term, additional school places will be required to meet the need of housing development in the short term i.e. over the next five years.
- 4.10 For this development, Surrey County Council would request a contribution of £1,729,453 primary education infrastructure in the local area. The contribution requested will be used for additional places at one or more of the primary schools within the 3-mile radius

shown on the above map. The school or schools providing the additional places to meet demand in the short term i.e. over the next five years, will be identified once planning permission is granted for the development and prior to commencement.

Secondary Education

4.11 The map below shows the proposed development and secondary schools within a 5-mile radius.



4.12 Given the expansions that have already occurred in the secondary sector, pressure on secondary places is increasing and additional education infrastructure will be necessary over the next two to five years at a number secondary school(s) in the area to cope with this growing and expected demand.

4.13 Based on housing trajectories received from Guildford Borough Council, Surrey County Council is working with local secondary education settings to increase the number of places available to meet the anticipated demand from new housing, and is delivering infrastructure projects to provide increased capacity.

4.14 For this development, Surrey County Council would request a contribution of £1,861,443 towards secondary education infrastructure in the Guildford and Woking areas. The contribution requested will be used for additional places at one or more of the secondary schools within the 5-mile radius shown on the above map. The school or schools

providing the additional places, will be identified once planning permission is granted for the development and prior to commencement.

5 Summary

- 5.1 Surrey County Council considers that the new housing proposed will result in increased demand for school places. Additional educational infrastructure will be needed to accommodate children from families moving into the development. Without a contribution to mitigate this, the proposal would have an unacceptable negative effect on education in the area and jeopardise Surrey County Council's ability to fulfil its statutory duty to provide sufficient school places.

6 CIL compliance

- 6.1 From 6 April 2015, any developer contributions are required to comply with the statutory guidance contained in the CIL Regulations 2010 which state that any request for a contribution must be:
- i) directly related to the development;
 - ii) necessary to make the development acceptable in planning terms; and
 - iii) fairly and reasonably related in scale and kind to the development.
- 6.2 Decisions to expand existing schools or build new schools are based on extensive analysis, including birth data, historic and current pupil data, housing trajectories and, where available, local planning authorities' published local plans. This analysis identifies current and future requirements for school places.
- 6.3 In areas where demand is generated both demographically and from housing, school expansions are often commissioned to both meet the existing demographic demand and to provide additional places for future demand generated by the housing included in the trajectories.
- 6.4 In areas where the only factor in creating additional demand is the volume of housing coming forward, the number of school places needed in future years is based on the best intelligence at a given point in the planning process. Until it is confirmed that a development will proceed, it cannot be known for certain that the additional education infrastructure will be required.
- 6.5 Surrey County Council does not disclose details of education infrastructure projects that are at an early stage and are not yet public knowledge. Changes to maintained schools can only be made once a statutory consultation process has been completed and statutory notices have been approved by the Cabinet Member for All-age Learning. Until this time, details of specific projects are commercially sensitive to ensure that specific details of a project are not made public before the due political process has taken place, to ensure that the outcome of the proposal and the ability of the council to provide its residents with the best value for money are not compromised as a result.

- 6.6 The developer contributions requested will be applied to specific projects at schools or settings as close as possible to the proposed development.
- 6.7 The specific education infrastructure contributions requests will:
- i) relate to school(s) or settings which children from the proposed development would be likely to attend, or schools where other local pupils might be displaced due to pupils yielded from the development;
 - ii) support the need to increase housing stock whilst acknowledging that new housing developments are likely to yield new pupils, given that very few areas in Surrey have a surplus of school places. (In cases where there are sufficient school places for new pupils yielded from the development, education contributions would not be sought);
 - iii) be calculated based on a) pupil yield and b) cost of education infrastructure, for the number of dwellings in the development, and the number of bedrooms per dwelling, as detailed in section 2 above.

7 New guidance

- 7.1 In April 2019, new guidance was released by the DfE regarding [Securing developer contributions for education](#) and [Education provision in garden communities](#).
- 7.2 Given the housing shortage and the need to significantly increase housing numbers, greater emphasis is being placed on the creation of new garden communities and urban extensions. The majority of these are self-contained sustainable new settlements where the aspiration is to provide for the education needs of incoming residents at the right time either on or off site.
- 7.3 The provision of new schools is an important component of place-making and there is strong evidence that it can positively impact on scheme viability through achieving faster home sales. The government is committed to ensuring that there are sufficient school places to meet local needs whilst also driving forward an ambitious housing growth plan.
- 7.4 The Department for Education expects local authorities to seek developer contributions towards school places that are created as a result of the demand created by their new housing.

Appendix A – Frameworks, Policies, Acts and Regulations underpinning the justification for an education contribution

Document	Sub-section	Relevance
National Planning Policy Framework (NPPF)	Policies in Regulations 6 & 18 to 219	Constitutes the Government's view of what sustainable development in England means in practice for the planning system. Development of the proposed site without an increase in capacity of education infrastructure would be in contravention of the NPPF. IF a development were to take place without sufficient education infrastructure being in place the pressure would increase on current infrastructure. Increase pressure on educational infrastructure would not support the achievement of improved educational outcomes. Significant weight should be given to whether a proposed development makes provision for sufficient educational infrastructure when determining planning applications.
	Regulation 30 & 37	Encouragement should be given to solutions which support reductions in greenhouse gas emissions and planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for education. Therefore significant weight out to be given to whether a proposed development makes provision for enabling more children to walk or cycle safely to school when determining planning applications.
	Regulation 72	The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Moreover, local planning authorities should give great weight to the need to create, expand or alter schools.
	Regulation 156	Local planning authorities should set out the strategic priorities for the area in the Local Plan and this should include strategic policies to deliver the provision of community infrastructure.
	Regulation 176	Where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements.
	Regulation 203	Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The effects of pupils yielded by a development may only be mitigated via a planning obligation.
	Regulation 204	Planning obligations should only be sought where they meet all of the three tests; a) necessary to make the development acceptable in planning terms; b) directly related to the development; c) fairly and reasonably related in scale and kind to the development.
South East Plan		Although revoked in March 2013, NPPF regulation 218 states that local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
	Policy CC7: Infrastructure and Implementation	The scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Contributions from

Document	Sub-section	Relevance
		development will also be required to help deliver necessary infrastructure.
Community Infrastructure Levy, England and Wales (CIL) Regulations 2010	Regulation 122	<p>Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:</p> <ul style="list-style-type: none"> • 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.
Town and Country Planning Act 1990	Section 106	Surrey County Council (SCC) is the Local Education Authority with the responsibility for the functions of education in the area in which the proposed development is located. Requests for contributions to mitigate the effects of developments are made in accordance with Section 106 (as amended by the CIL Regulations 2010).
Education Act 1996	Section 14	Places a duty on Local Authorities to secure that schools are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Therefore there needs to be sufficient appropriate places to accommodate pupils.
	Sub-section 3A of S 14	Places a duty on SCC to give regard to parental preference in discharging its statutory functions. Therefore, even if there were an overall surplus of school places in a local area, pressure would be applied to the popular schools by pupils yielded by developments and this effect needs to be mitigated.
School Standards and Framework Act 1998	Section 86	Places a duty on SCC to have due regard to parental preference of school and, as far as possible comply with any preference expressed, provided compliance would not prejudice the provision of efficient education or the efficient use of resources.
Education and Inspections Act 2006	Section 1 inserts sub-section 1b into S13 of the Education Act 1996	Places a duty on local education authorities in England to exercise their functions under this section with a view to ensuring fair access to educational opportunity.
	Section 2 inserts sub-section 3A of S14 of the Education Act 1996	Places a duty on local education authorities to exercise their functions under this section with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.
Childcare Act 2006	Section 7 (as substituted by section 1 of the Education Act 2011)	Places a duty on English local authorities to secure early years provision free of charge. Regulations made under section 7 set out the type and amount of free provision and the children who benefit from the free provision.