

**REVISIONS TO THE CHAPTER 4  
‘EDUCATIONAL FACILITIES’ OF THE PLANNING  
OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

<b>Cabinet Members</b>	Councillor Keith Burrows & Councillor David Simmonds
<b>Cabinet Portfolio</b>	Planning and Transportation; Education and Children’s Services
<b>Officer Contact</b>	James Gleave – Planning, Environment & Community Services Terry Brennan - Education and Children’s Services
<b>Papers with report</b>	Appendix 1: Revised Chapter 4 ‘Educational Facilities’ of the Planning Obligations Supplementary Planning Document.

**HEADLINE INFORMATION**

<b>Purpose of report</b>	To seek Cabinet approval for the adoption of Chapter 4 ‘Educational Facilities’ of the Planning Obligations Supplementary Planning Document (SPD), which has been revised following public consultation on the draft document.
<b>Contribution to our plans and strategies</b>	Council Plan Development and improvement of education in our schools Sustainable Community Strategy
<b>Financial Cost</b>	There are no direct costs associated with the adoption of the SPD. However the proposed revision to Chapter 4 of the current SPD would change the child yield formulae and on weighted average, would result in an increase of 7% on a planning obligation in the area south of the A40 and a decrease of 4% from developments in the area north of the A40. Current trends indicate that new development is more likely to take place in the south of the borough and this change would lead to a probable net increase in the value of the planning obligations available for the provision of educational facilities for the council.
<b>Relevant Policy Overview Committee</b>	Residents’ and Environmental Services Education & Children’s Services
<b>Ward(s) affected</b>	All

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## RECOMMENDATIONS

### That Cabinet:

1. Notes the comments received during the consultation period;
2. Approves the amendments made to the consultation draft Chapter 4 'Educational Facilities' of the Planning Obligations Supplementary Planning Document as set out in paragraphs 17 and 22 of this Cabinet report;
3. Adopts the revised Chapter 4 'Educational Facilities' of the Planning Obligations Supplementary Planning Document for the purposes of development management;
4. Grants delegated authority to the Corporate Directors of Planning, Community and Environmental Services and Education and Children's Services, in consultation with the Cabinet Members for Planning and Transportation and Education and Children's Services, to approve any minor amendments or corrections of a factual nature, to Chapter 4 'Educational Facilities' of the Planning Obligations Supplementary Planning Document before it is formally published, and also to make any further revisions, if required as a result of any relevant revisions to GLA or Hillingdon population projections affecting child yields.

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## INFORMATION

### Reasons for recommendation

Chapter 4 'Educational Contributions' of the adopted Planning Obligations Supplementary Planning Document (July 2008) contains child-yield statistics based on 2001 Census data. It is now apparent that, with increased fertility rates and a significant upturn in births, there are more children on average in each dwelling than there were in 2001. The proposed revisions to Chapter 4 take account of the increase in child yields, to ensure that the scale of contributions sought from planning obligations for educational facilities from new development is appropriate.

### Alternative options considered / risk management

Not to adopt the SPD. This would restrict the Council's ability to ensure that the scale of contributions sought from planning obligations for educational facilities from new development is appropriate.

The proposed amendment to the SPD, as recommended by this report following the response to consultation, does not substantially alter the policy direction and overall aspirations approved by the Cabinet in February 2010. Rather, the change reflects feedback from the public consultation.

### Comments of Policy Overview Committee(s)

None at this stage.

## Supporting Information

### The background

1. The background to the Planning Obligations SPD is set out in the report presented to Cabinet on 18<sup>th</sup> February 2010. In summary, the formulae used for assessing education contributions in the SPD, which was adopted in July 2008, are based on 2001 Census data to estimate the average number of children contained in various property types, sizes and tenures. At the time of adoption, this data analysis represented the most up to date and comprehensive estimate of its kind.
2. Since 2007, fertility rates and births have increased significantly across London including Hillingdon. The number of children born in Hillingdon has increased by over 27% since 2001, whilst the housing stock has increased by only 4%. This suggests that, on average, the number of children per unit of housing has increased, with the consequence that new dwellings are likely to have a greater impact on educational facilities than previously indicated.
3. A more detailed analysis, using a population estimate derived from official GLA and ONS sources and estimates of local housing stock from the Local Authority's planning records, shows that the overwhelming majority of increased child-yield is to the south of the A40 where the majority of new housing and increased births have occurred. South of the A40, estimated child yields for 0-2 year olds have increased by 26.4% in the period 2001 to 2010. At the same time, the estimated child yields for 0-2 year olds north of the A40 remained more or less the same (+0.8%).
4. Para 4.19 in Hillingdon's adopted Planning Obligations SPD for Educational Facilities (July 2008) acknowledges that the need for additional school facilities will be determined by the council, with reference to the most recent pupil forecasts looking forward over a 10 year period, plus consideration of the likely impact of all local housing developments. The proposed revisions to the SPD merely set out the changes to the formula, given the new 2010 forecasts.
5. There are no changes being proposed with regard to the principles or methodology to be used. Nevertheless, the SPD is a statutory document and must be produced in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). These Regulations require that the draft SPD is published and open to consultation and that the consultation responses and representations are considered prior to its adoption.

### The consultation process

6. At the meeting of 18th February 2010, Cabinet agreed to approve the draft revised Chapter 4 'Educational Contributions' of the adopted Planning Obligations SPD for public consultation and requested that the results of the consultation be reported to a future meeting.
7. The consultation process for the SPD was combined with that for the Consultation Draft Core Strategy. It commenced on 16th June 2010 and ran for a 6 week period until 30th July 2010. The consultation period was advertised and notified in accordance with the Council's Statement of Community Involvement (SCI), as detailed below.

8. A statutory press notice appeared in the Hillingdon Leader, the Gazette series and the London Gazette on 16th June 2010. An article was placed in Hillingdon People in the July/August 2010 edition and an audio advertisement was placed in Hillingdon talking Newspaper for the visually impaired on 18th June. The consultation was also advertised on the Council's Twitter page on 18<sup>th</sup> June.

9. A total of 2970 letters/ emails were sent to a wide range of groups and individuals on the LDF consultation database. This included members of the Local Strategic Partnership (LSP) (total of 35); environmental groups (11); Chambers of Commerce (7); local businesses (514); community groups (92); conservation groups (32); conservation panels (7); consultants (146); developers (13); Planning and Transportation Customer Panel (7); estate agents (14); local agents (5); housing providers (36); health providers (7); other London boroughs (4); post offices (44); GP's (51); schools (60); transport providers (26) and other general groups/ individuals (124).

10. All elected members and local MP's were posted a letter explaining the consultation process and an invitation to a drop-in session, with a hard copy of the SPD delivered to the group offices, with additional hard copies delivered upon request. A letter and CD-Rom was sent to all statutory consultees (119). Residents Associations (115) were also sent a letter and CD-Rom, with an invitation to a meeting.

11. Letters were also sent to 50 randomly selected residents per ward from the electoral register (1100) and to 197 randomly selected businesses from the 2008 Hillingdon Business Directory.

12. In addition, copies of the document were also placed at all borough libraries, Hayes One Stop Shop and the Civic Centre (Planning Information Services). The draft document was also placed on the Council's website with a facility to make on-line comments. Two public exhibitions were set up at Uxbridge Library and Planning Information Services from 16<sup>th</sup> to 30<sup>th</sup> July.

13. Drop-in sessions for the general public (invitation to speak to council staff) were held at the:

- Ruislip Manor Library (Thursday 24 June 4pm - 7.30pm)
- Hayes Library (Saturday 26 June 10am - 1pm)
- Planning Information Services, Civic Centre, Uxbridge (Thursday 1 July 4pm – 7.30pm)
- Ruislip Manor Library (Saturday 3 July 10am - 1pm)
- Botwell Library (Thursday 15 July 4pm - 7.30pm)
- Planning Information Services, Civic Centre, Uxbridge (Saturday 17 July 10am – 1pm)

14. A drop in session for Council Members was held at the Civic Centre (4-7pm) on 13 July. A drop in session was also held for Residents Associations/community groups at the Civic Centre (6.30pm-8pm) on 14 July.

15. The following events and meetings were also attended by officers to raise awareness and encourage discussion about the consultation document:

- Mobility Forum, Accessibility Officer (11am, 14 June)
- Hayes Partnership Meeting, Hyde Park, Hayes (2pm, 21 June)
- Youth Council, exhibition stall set up (5pm, 21 June)

- Disabilities Assembly (21 June)
- Local Strategic Partnership Executive Meeting (22 June)
- Equalities and Diversity Forum (10.30am - 11.30am, 24 June)
- Residents Planning Forum (6pm, 24 June)
- Older Peoples Assembly (28 June)
- Member Briefing (7pm, 6 July)
- Hillingdon Chamber of Commerce, Novotel, Heathrow (7am breakfast meeting, 9 July)
- Residents' Environmental Services Policy Overview Committee (RESPOC) (29th July)

### Responses received and the suggested amendments to the SPD

16. Whilst almost 500 representations were received on the Core Strategy, only one letter, from Yiewsley Community Involvement Group, related directly to the SPD. In essence, the response stated that contributions should relate directly to on-site provision wherever possible. Where this is not possible, contributions should be 'ring-fenced' for use in the immediate area so that local impact is addressed. One other response on the revised SPD requested that a site in Reservoir Road be deleted from the Greenbelt, a similar response was also received on the Core Strategy. A number of other responses simply noted no comments in relation to the revised SPD.

17. In response to the comment that contributions should relate directly to on-site provision wherever possible, officers consider that this issue is already addressed in paragraph 4.22 of the draft revised chapter 4 of the SPD, and therefore no change is proposed to the document. With regard to the comment that contributions should be ring-fenced so that local impact is addressed, officers are proposing that the following sentence be added to the end of paragraph 4.2:

'Contributions from planning obligations for educational facilities will be spent with due regard to the impact of the housing development to which the contribution relates.'

18. In relation to comments regarding Reservoir Road, this is not a matter to be considered in the Planning Obligations SPD and will be looked at through the site allocations process.

### Revised Population Projections.

19. Officers are aware that since the draft SPD was issued for consultation, a number of new population projections have come forward in the form of revised migration and birth rate figures. The GLA has acknowledged that its recent forecasts (4 different sets received this year) under-represent 0-5 year olds and is working to resolve several issues. However, no new output is expected in the near future. The separate ONS and SNPP (Office for National Statistics and Sub-Regional Population Projections) forecast based on the mid-year 2008 population estimate is also already acknowledged as being outdated (and also under-representing 0-5 year olds).

20. Apart from problems reported with both migration and birth estimates, ONS and GLA forecasts significantly diverge after 2014, with the ONS indicating births climbing towards 4,300 and the GLA forecasting a decline to around 4,000. Therefore there are still no accurate short term, or consistent long term, forecasts emerging yet from professional demography units.

21. Given that a variety of population projections have been received this year - all conflicting and none appearing to accurately reflect what is happening with birth rates for 0-5 year olds, it is recommended that current estimates in the SPD should remain for the time being.

22. However, it is considered that provision should be made to review the document on a regular basis to ensure it reflects the most up to date population projections. It is therefore recommended that any further reviews to reflect up to date information should be undertaken through the Cabinet Member approval process. To add clarity to this process, officers are proposing to add the following new sentence after the first sentence in paragraph 4.26:

‘However where more up to date published data is available, this will be used instead. The new child yield rates would therefore be used rather than those in Tables 4.2a and 4.2b, which would also have implications for Tables 4.4a and 4.4b.’

### **Financial Implications**

23. The process of adopting the SPD will be contained within the existing service budgets. By adopting the SPD there will be financial implications for the amounts generated for the council through planning obligations for education facilities resulting from new development, particularly in the south of the borough.

24. Whilst several factors are considered at the time S106 assessments are made, the proposed revisions to the child yield formulae would, on a weighted average basis, generate 7% more from developments south of the A40, and 4% less from developments north of the A40 (although the amounts sought for the primary school phase will actually increase).

25. The amount of funding generated by the proposed changes will ultimately depend upon which new developments are actually proposed and built, but on historical evidence the future expectation is that there will be more development in the south of the borough, bringing a probable net gain to the council to help pay for necessary educational facilities.

### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

#### **What will be the effect of the recommendation?**

The adoption of the SPD will support the council in meeting its statutory duty of providing sufficient school places for children and young people, thus benefiting local residents and communities. Additionally, a potential increase in Section 106 revenues could provide increased value for money in providing additional school infrastructure to cope with the anticipated population increase over the next 10 years.

The adoption of the SPD will enhance the weight that can be attached to it as a material consideration in decision-making on any planning application.

#### **Consultation Carried Out or Required**

In accordance with Planning Policy Statement 12 and the Council’s adopted Statement of Community Involvement, the draft SPD was publicised with local groups, residents and other key stakeholders groups. All stakeholders were invited to comment over the 6 week consultation period. As noted above, very few comments were made on the document, however those that were submitted have been noted and assessed.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance is satisfied that the financial implications properly reflect the direct resource implications for the Planning and Community Services Group. However, the adopted SPD will have financial implications for the council in terms of the amounts generated through planning obligations for education facilities resulting from new developments. The revisions to the SPD take into account the increase in child yields. Although other factors are considered at the time that the S106 assessments are made, the present revisions could generate a 7% increase in the maximum S106 amounts sought from developments south of the A40 and 4% less from developments north of the A40. Although the amount of funding generated will depend on new developments actually built, any potential net gain will be available to the Council for the provision of necessary educational facilities.

### **Legal**

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

Members should note that the council's constitution allows Cabinet to collectively take key decisions to amend its policy framework. Members should note that the purpose of this SPD is to provide guidance and further details in relation to the level of educational facilities to applicants who intend to propose future development

SPDs may expand policy or provide further detail to policies in a development plan document. In terms of policy hierarchy an SPD is not a Development Plan Document. However, once adopted, this SPD will form part of the Local Development Framework and will be an important material consideration when determining planning applications, in addition to the existing legislation currently governing planning matters. The SPD must operate in accordance with Planning Policy Statement 12.

Until an amendment to an SPD is adopted by the local planning authority, as a matter of law it does not form part of the SPD and is instead a proposed revision amounting to a material consideration.

### **Corporate Landlord**

The Interim Corporate Landlord advises that there are no direct property implications arising from this report.

### **Relevant Service Groups**

This report has been prepared by officers both in Planning, Environment and Community Services and in Education and Children's Services.

**BACKGROUND PAPERS**

Hillingdon's Education Planning Obligations Supplementary Planning Document for Educational Facilities (July 2008)