

To: Planning and Climate Change Policy Board

On: 29 August 2023

Report by: Chief Executive

Heading: Developer Contributions – Education - Update

1. Summary

- 1.1 This report provides an update for members on progress to date on a revised developer contributions planning policy for education.
 - 1.2 The draft revised policy will be brought back to members at the earliest opportunity for their further consideration before being subject to wider stakeholder engagement.
-

2. Recommendations

- 2.1 It is recommended that the Board:
 - (i) Note the update on progress towards a new supplementary planning guidance on developer contributions for education and that the draft guidance will be brought back to Board for approval in due course;
-

3. Background

- 3.1 Renfrewshire Council's adopted LDP (2021) includes policy I8. This policy makes clear that the local authority will seek proportionate and necessary contributions from new housing development towards shortfalls in education capacity resulting from the impact of that new development.

- 3.2 This is a standard planning policy approach used by most Scottish local authorities. It has been used for relevant new housing developments in Renfrewshire for several years.
- 3.3 Education contributions are normally achieved via a planning obligation (Section 75 Agreement) with the local authority and the applicant(s) reaching agreement. Such an obligation then runs with the land concerned, regardless of any change in ownership. In Renfrewshire, Section 75 Agreements are identified early in pre-application discussion with applicants. The headlines from any such agreement are identified in appropriate Board reports and the detailed wording and signing of the documentation is delegated to senior officers.
- 3.4 The intention in Renfrewshire is to progress towards preparing a draft supplementary planning guidance on developer contributions for education. This would supplement policy I8 of the adopted LDP.

4. **Current approach**

- 4.1 When planning applications for residential development are received by Renfrewshire Council, these are shared with Children's Services who produce an *education provision impact statement*.
- 4.2 Annual pupil roll projections for the relevant schools are used to calculate likely impact from the new housing. Where the impact is perceived to be significant, an updated roll projection is prepared when assessing the planning application.
- 4.3 Once the impact has been calculated the Council then apply a metric provided by Scottish Futures Trust (Scottish Government) for each school pupil generated by the new housing development, over and above the capacity of the school. This calculation then offers the level of contribution (££) sought by the Council from the applicant.
- 4.4 The policy is applied at present in Renfrewshire to planning applications for private house building. It is not currently applied to applications from registered social landlords for affordable housing for rent.
- 4.5 Appendix 1 to this report highlights the contributions received under this policy approach by Renfrewshire Council through planning permissions for residential development in recent years. Please note that this is not a comprehensive list of contributions received by the Council as the system used to collate and monitor previous application decisions has been updated. A future report will provide members with a more comprehensive schedule.
- 4.6 Allowing for the further amounts to be confirmed and the ones currently still under negotiation for permissions granted; the amount of dev contributions received for education since 2016 = £3.6M. The largest contribution to date has been received for education impact from the Dykebar Hospital development site in Paisley (c. £2.65M).

This excludes direct provision such as Dargavel Primary School where the financial contribution would have been significant if taken in lieu of provision by the applicant.

5. Application of the proposed new policy

5.1 Education capacity in any given catchment area is made up of several elements, including:

- Existing school capacity;
- Projected school rolls;
- Space / ability for a school to have its capacity enlarged;
- Proposed housing developments in the area;
- Type of housing proposed in these new developments;
- Confirmed / planned investment by local authority in its school estate (eg. new Paisley Grammar);

5.2 The general presumption is that, when all the above factors are considered, if school capacity exists in an area to meet the impact from the new housing, then an applicant for residential development would not normally be asked to make a contribution to additional education capacity.

5.3 At the same time there will be instances (such as Dargavel Village) where direct provision / contribution to fund a new school may be required due to the scale of the residential development proposed. In most instances of this type the applicant / developer would be asked, prior to a decision on the residential planning application, to contribute the cost of the new school provision.

5.4 It should be noted by members that developer contributions cannot be used to overcome existing deficiencies (for instance a school in need of new investment due to present condition) if there is no impact on school capacity because of the new housing development.

6. The need for a revised policy

6.1 As part of the Council's approach we are in the process of speaking to several other Scottish local authorities on their approach to this issue. What has become clear from these initial meetings is the volume of data gathering and analysis that has been undertaken to formulate a robust policy approach on developer contributions for education.

6.2 To match the approach being taken in other local authorities, Renfrewshire need to refresh their planning policy for education contributions from new housing development. It is envisaged that this refreshed policy will be easier to apply to individual planning applications and will make it readily apparent to all stakeholders exactly what the impact will be on education capacity from any proposed housing development across Renfrewshire.

- 6.3 Matters include clarification on pupil ratios for new residential development (for early years, primary and secondary schools), based on actual evidence from recently completed local housing developments. It will also identify Renfrewshire Council view on the notional capacity of individual schools. For instance, many other Council's apply an 85% or 90% notional capacity. This is because anything above this threshold means the school is effectively at capacity, due to communal space standards and facilities, should additional pupils have to be accommodated.
- 6.4 It is recognised that there is a need to develop a more effective means of sharing data on school capacity across Renfrewshire and to link this closely to allocated housing sites and known proposed residential development. Officers hope to support the revised policy with datasets that will be web based and readily available to view by all stakeholders. These will include:
- School location and associated catchment boundary;
 - Current and projected school rolls;
 - Planned school investment;
 - School physical condition;
 - Schools with ability to expand capacity;
 - All homes with planning permission in school catchments yet to be built;
 - All known proposed housing developments in school catchments (with indicative scale of homes) yet to gain planning permission;
- 6.5 The intention is that by presenting this data as "real time data", all decisions on developer contributions and education capacity linked to residential developments will become transparent and more understandable to stakeholders.
- 6.6 It should also make it easier to apply a degree of fairness across numerous housing developments in the same catchment, to avoid a situation whereby certain developments are not asked to contribute simply due to the timing of their planning application submission. Whereas applications that follow are asked to contribute more due to available capacity already being "committed" to the earlier planning permission.
- 6.7 The policy will also need to account for "windfall" (unforeseen) housing developments. This can occur where a land use (eg. factory or other commercial building) becomes redundant and an application for residential development is received. It is unlikely that such a site would be included in the Council's LDP or Housing Land Audit, as the use would not have been expected to become redundant.
- 6.8 This revised planning policy will link directly to a proposed investment plan for Renfrewshire's school estate (which is currently under preparation). This will aim to deal with legacy issues for schools which are approaching the date when significant physical investment will be required as well as setting out any planned investment in the remainder of the school estate.

7. Next Steps

- 7.1 In terms of timescales, the aim is to bring a framework for how a revised education contributions policy would be applied in Renfrewshire to Board in November 2023. A revised draft policy would then be brought to January 2024 Board.
- 7.2 Assuming Board approval is achieved, the policy would then be subject to a public consultation which will take place in Spring 2024. The proposed finalised policy will then be brought back to Board for endorsement and applied from that date for all new relevant planning applications submitted to the authority.

Implications of the Report

1. **Financial** – Expected developer financial contributions towards new education capacity from applicable new residential development.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –

Reshaping our place, our economy, and our future – the proposed changes to the planning policy will hopefully result in decisions on developer contributions and education capacity linked to residential developments becoming more transparent and more understandable to all stakeholders.
4. **Legal** – The proposed draft policy will have input from the Council's Legal Team.
5. **Property/Assets** – None.
6. **Information Technology** – None.
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** – None.

10. **Risk** – None.
 11. **Privacy Impact** – None.
 12. **COSLA Policy Position** - None.
 13. **Climate Risk** – None
-

Background papers

None

Author: Alasdair Morrison; Head of Economy & Development
Tel: 07979 700472 Email: Alasdair.morrison@renfrewshire.gov.uk

APPENDIX 1 – Recent developer contributions for education capacity - Renfrewshire

Date	Housing site	Scale	Plan App ref	Education contribution (£)	School catchment	Renfrewshire decision
2022	Site between Sandieland Wood and Florish Road, Erskine	83 units	22/0178/PP	Tbc - S75 not yet concluded	<ul style="list-style-type: none"> • Trinity • Park Mains • St Anne's • Inchinnan 	Board
2022	Thornly Park Campus, 125 Caplethill Road, Paisley	179 units	20/0510/PP	£497,250	<ul style="list-style-type: none"> • St Andrews 	Appeal
2019	Grounds of Dykebar Hospital, Grahamston Road, Paisley	603 units	19/0810/PP	<ul style="list-style-type: none"> • Primary - £1,500,000; • Secondary - £1,159,766 	<ul style="list-style-type: none"> • Todholm • St Andrews 	Appeal
2019	Land To East Of Clyde View Park, Kings Inch Road, Renfrew	248 units	19/0782/PP	Extension to primary school; Figure tbc	<ul style="list-style-type: none"> • Kirklandneuk 	Board
2016	Former CIBA Geigy site, Hawkhead Road, Paisley	500 units	16/0139/PP	£500,000 for one classroom extension at primary school	<ul style="list-style-type: none"> • St. John Ogilvie 	Board