

Supplementary Planning Documents
Financial Contributions for Educational Provision
Consultation Statement

August 2023



Introduction

Public consultation took place on the updated Financial Contributions to Educational Provision Supplementary Planning Document for a period of four weeks between 3 July and 8 August 2023. A total of 8 comments were received from 5 respondents.

Who we consulted

- Duty to Cooperate Bodies
- Bodies and organisations with a topic specific interest
- Developers and Agents active in the Borough
- Housing Associations active in the Borough
- Parish Councils
- Equality Forums
- Youth Council

How we consulted

- Emails or letters sent to the above consultees
- Press advert in the Barnsley Chronicle
- Article in the Schools bulletin 2022-2023 (week commencing 3 July)
- Press Releases (including use of the Council's social media) and press coverage through the course of the consultation period.
- Documents were made available on the Council's website
- Documents were made available at Library@ The Lightbox and Branch Libraries across the Borough (online and paper form)

Response to Consultation

The tables below set out the main issues raised during consultation. They summarise the main points and any key changes made to the documents as a result of comments received.

General/overarching comments

MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
Four specific bodies confirmed they had no comments on the documents.	No amendment required

Specific comments

The Department for Education were the only respondent to make specific comments on the proposed changes to the SPD. These comments and the key changes made as a result are summarised below.

FINANCIAL CONTRIBUTIONS TO EDUCATIONAL PROVISION SPD	
Key changes made as a result of comments made.	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
Supports in broad terms the requirements set out in paragraph 2.5 and 2.6 of the document, for developers to make financial contributions towards the provision of the physical space required to accommodate additional pupils within settings that are local to new housing developments.	Support welcomed
Welcomes the confirmation on page 3 that developer contributions will be sought for all residential developments where the proposal “provides 10 or more homes; and there is insufficient capacity in schools; or there is insufficient capacity in early years settings; or there is a need for contributions to ensure schools are in an appropriate condition”.	Support welcomed

<p>Paragraph 2.4 - suggests that the text highlighted within the section be amended to replace the word 'schools' with 'educational settings'. This change will provide greater clarity and help to emphasise that the SPD covers all phases of education.</p>	<p>Agreed. Suggested change made for clarity and consistency.</p>
<p>Welcomes the approach set out within paragraph 2.8 which states that “development must be supported by ‘appropriate’ infrastructure. Where there are places available but there are issues with the condition of the school/schools, contributions will be sought to carry out necessary works to ensure school places can be provided that are of a standard that can be considered ‘appropriate’.”</p>	<p>Support welcomed</p>
<p>Early Years and SEND Places (Paragraph 5) – The approach set out within the documents towards the funding of SEND places is unorthodox in its approach. The suggested approach could be interpreted as implying that early years and SEND education are less important. Barnsley should be assessing all need equally and then balancing this against other infrastructure needs and deciding case-by-case on the compromises that may be required on viability grounds. We suggest that this document be amended to remove any in-principle assumption that early years and SEND contributions will not be sought. This paragraph could be amended to state that all needs will be considered, but when the cumulative costs of meeting all policy requirements is likely to make a development unviable, the Council will consider where the need is greatest and prioritise developer contributions accordingly. In addition, it would be helpful if this section of the document recognised the higher costs associated with providing SEND places, where the cost is typically, at least, four times greater than for a mainstream school place. The DfE’s Developer Contributions Guidance document provides useful guidance on this subject and can be viewed here.</p>	<p>Comments noted and understood. Sections 4 and 5 have been amended to take these comments, the updated DfE Developer Contributions Guidance and new DfE Pupil Yield Dashboard (since published in August 2023), into account. Given the significance of the changes made, they will be the subject of further public consultation.</p>
<p>Calculating the amount of financial contribution (Section 7.0) - The data contained within this section of the report should be updated to reflect the</p>	<p>Agreed. The updated information and revised guidance has been made available since the start of the</p>

<p>latest data available. The DfE’s developer contributions guidance document recommends that regional cost data from the Local Authority school places scorecard be used instead of cost data just from Barnsley. The 2022 scorecard was published on the 29th June 2023. For Yorkshire and The Humber, the cost per place of a permanent school expansion is £17,677 for primary schools and £24,312 for secondary schools.</p>	<p>consultation. The SPD will be updated as suggested. Given the significance of the changes made, they will be the subject of further public consultation.</p> <p>Paragraph 7.1 allows for these figures to be reviewed periodically through the Local Plan Monitoring Report to ensure they remain relevant and responsive to the costs of school places and latest data available.</p>
<p>Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. The department supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.</p>	<p>Support welcomed</p>
<p>The number of Primary Planning Areas reported on page 7 should read 13 rather than the current stated 12. Barnsley applied last year to amend the number of Primary Planning Areas from 5 to 13 and this was approved.</p>	<p>Comment noted and typographical error corrected.</p>

**SPD 'Financial Contributions to Educational Provision'
Presentation to Youth Council 17/7/23
Supplementary Planning Document Consultation**

Notes

Attendees: Ella Farrell; Paula Tweed; 2 Youth Voice Participation Coordinators; 7 Youth Council representatives

Ella talked through the slides on the 3 SPD's currently out to consultation:

Financial Contribution to Educational Provision; Biodiversity and Geodiversity and House Extensions and other domestic alterations.



SPD Youth Council
presentation.pptx

Questions and discussion

What is an annex? Ella explained that an annex is a building that provides additional living space. It can be joined to or associated with the main building. An annex does not have all the elements to make it a separate self contained dwelling.

Query re. 45% rule and whether it is measured from upper floor windows, Ella answered it could be but usually measured from ground floor window

Query re. how BNG is monitored over 30 years. Our current understanding is that it is responsibility of the developer to provide monitoring reports to the local authority periodically. Question regarding enforcement. The enforcement team wouldn't be responsible for monitoring but may be involved to take enforcement action if the site is not retained for biodiversity purposes. PT explained that the 10% BNG is new and we are still working out how it will be monitored and hoping for further Government guidance on detail.

Are hard copies available of the SPD's? There are reference copies in the libraries. Agreed to provide 3 copies of each SPD for the Youth Voice Participation workers to take out with them. **Action** Ella to organise copies.