

## NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Graham Ballinger, as Strong Leader, delegate the decision to approve the Wyre Forest District response to Worcestershire Draft Education Planning Obligations Policy consultation to the Cabinet Member detailed below:

Cabinet Member- Councillor Fran Oborski

Dated:

Signed:



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Leader of the Council

**FORM 2**

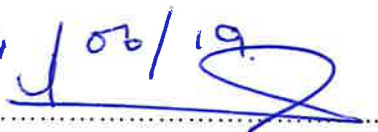
**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated I have made the following decision:

<b>Subject</b>	<b>Decision</b>	<b>Reason for decision</b>	<b>Date for Decision to be taken</b>
Worcestershire County Council Draft Education Planning Obligations Policy Consultation	The consultation comments in Appendix 1 are approved.	Wyre Forest District Council has been invited by Worcestershire County Council to comment on the Draft Education Planning Obligations Policy Consultation. Appendix 1 sets out the council's response.	14/6/19

Dated:

14/06/19  


Signed:

Councillor Fran Oborski  
Cabinet Member for Economic Regeneration, Planning and Capital Investments

## WYRE FOREST DISTRICT COUNCIL

### Strong Leader Report

#### **Worcestershire County Council Draft Education Planning Obligations Policy Worcestershire Consultation**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Corporate Director: Economic Prosperity & Place
<b>CONTACT OFFICER:</b>	Helen Wills
<b>APPENDICES:</b>	Wyre Forest District Council response to the Worcestershire County Council Draft Education Planning Obligations Policy Consultation

#### **1. PURPOSE OF REPORT**

- 1.1 To agree the consultation comments to be submitted to Worcestershire County Council in response to their Draft Education Planning Obligations Policy Worcestershire Consultation.

#### **2. RECOMMENDATION**

The Cabinet Member is asked to DECIDE that:

The consultation comments in Appendix 1 are approved.

#### **3. BACKGROUND**

- 3.1 Worcestershire County Council is currently re-consulting on changes to the Draft Education Planning Obligations Policy for Worcestershire. This consultation period runs from 7<sup>th</sup> May 2018 to noon on 18<sup>th</sup> June 2019.
- 3.2 As a Local Authority in Worcestershire, Wyre Forest District Council has been invited to respond to the consultation.
- 3.3 The Education Planning Obligations document sets out the approach Worcestershire County Council will take in assessing the impact of housing developments on schools and early education provision and calculating the appropriate mitigation via conditions and planning obligations. If approved, the new policy will become applicable to any planning permissions granted from 1<sup>st</sup> August 2019.
- 3.4 Wyre Forest District Council is currently at Pre-submission stage of the Local Plan Review. As part of the review, evidence to support the plan has been undertaken which includes the Wyre Forest Infrastructure Delivery Plan (October 2018) and the Local Plan Viability Assessment (October 2018) both of which are currently being updated. These documents show that viability is a consideration in the development of sites within the District.
- 3.5 Wyre Forest District Council adopted the Planning Obligations Supplementary Planning Document in September 2016, once the draft Worcestershire Education Planning Obligations Policy is adopted the education section of the Planning Obligations SPD will need to be revised to reflect this. Through section 106

obligations each case is considered and monies negotiated through planning applications, money is then passed directly to Worcestershire County Council.

#### **4. KEY ISSUES**

4.1 Specific comments are set out in the consultation response in Appendix 1.

4.2 The key issues include the following:

- Wyre Forest District Council is generally supportive of the changes to the draft Education Planning Obligations Policy for Worcestershire. To ensure that sites are viable pooling of section 106 monies is likely to be needed, currently this can be from up to 5 housing development sites. The Government is considering lifting the limit of restricting the number of sites and therefore it may be that in the future, funding from a larger number of sites will be permitted.
- The total cumulative cost of section 106 monies should not be of a scale that will make development unviable.
- The Worcestershire Draft Education Planning Obligations Policy Consultation will be applicable to any applications submitted from 1<sup>st</sup> August 2019. Wyre Forest District Council have engaged with Worcestershire County Council regarding allocated sites in the Wyre Forest Pre-Submission Publication Document which will be submitted to the Planning Inspectorate to be examined, therefore the planning applications for many of these sites will be submitted after 1<sup>st</sup> August 2019. It is considered that the sites as discussed should not at this late stage in the planning policy process be subject to additional criteria that could make them unviable.
- A list of exemptions are shown when calculating the level of contributions required for education facilities these should also include: Specialist housing for people with disabilities.

#### **5. FINANCIAL IMPLICATIONS**

5.1 There are no direct financial implications for the Local Authority directly arising from this response but unreasonable requirements for education contributions could make sites unviable so it is important the Council responds.

#### **6. LEGAL AND POLICY IMPLICATIONS**

6.1 Information contained in the Education Planning Obligations Policy supersedes some details in the education chapter of the Wyre Forest adopted Planning Obligations Supplementary Planning Obligations 2016.

#### **7. EQUALITY IMPACT NEEDS ASSESSMENT**

7.1 Not applicable.

#### **8. RISK MANAGEMENT**

8.1 If the Council fails to respond to this consultation it will have an impact upon the Wyre Forest District. It runs the risk of not engaging in the process to ensure that the impact of housing developments on schools and early education provision is

assessed and the appropriate mitigation, via conditions and planning obligations is calculated.

## **9. CONCLUSION**

- 9.1 As a Local Authority within Worcestershire, Wyre Forest District Council has been invited to comment on the Education Planning Obligations Policy Worcestershire Consultation. Appendix 1 sets out the council's response.

## **10. CONSULTEES**

- 10.1 Corporate Leadership Team.

## **11. BACKGROUND PAPERS**

- 11.1 Education Planning Obligations Policy Worcestershire  
DRAFT\_Worcestershire\_Education\_Planning\_Obligations\_May\_2019  
[http://www.worcestershire.gov.uk/downloads/file/11153/draft\\_worcestershire\\_education\\_planning\\_obligations\\_may\\_2019](http://www.worcestershire.gov.uk/downloads/file/11153/draft_worcestershire_education_planning_obligations_may_2019)

## **12. APPENDIX 1**

12. Wyre Forest District Council consultation response to the Education Planning Obligations Policy Worcestershire Consultation document.

## Appendix One

### Wyre Forest Response to Draft Worcestershire Education Planning Obligations Policy Consultation

1 Wyre Forest District Council welcomes and is supportive of the re-consultation on changes to the Draft Education Planning Obligations Policy for Worcestershire which is a valuable document for Local Authorities and developers in setting out the requirement for Education Planning Obligations.

2 WFDC agrees and supports the County Council in its statutory responsibility to ensure there are sufficient school places for all children resident in Worcestershire along with the provision of sufficient good quality school places is crucial in ensuring that all children have the opportunity to gain the vital knowledge, skills and qualifications needed.

3 Wyre Forest District Council is currently at Pre-submission stage of the Local Plan Review. As part of the review, evidence to support the plan has been undertaken which includes the Wyre Forest Infrastructure Delivery Plan (October 2018) and the Local Plan Viability Assessment (October 2018) both of which are currently being updated. These documents show that viability is a consideration in the development of sites within the District.

4 Education Planning Obligations Policy Paragraph 7.3 states that 'There should be an initial assumption that both land and funding for construction will be provided for new schools planned within housing developments. Paragraph 7.4 goes on to state that 'If a new school is required solely as a result of new housing, Worcestershire County Council will require the developer to fund all of the build and land costs. The build costs will be determined by a detailed feasibility of the proposed school site where possible or a generic site where not possible.'

It is considered that to ensure that a site is viable contributions could be pooled from more than one developer from up to 5 housing development sites. The Government is considering lifting the limit of restricting the number of sites and therefore it may be that in the future, funding from a larger number of sites will be permitted.

The total cumulative cost of all monies required by section 106 obligations should not be of a scale that will make development unviable. Viability testing is needed at an early stage in the process to ensure that a site is viable in order for development to proceed.

5 Exceptions as shown at paragraph 6.12-6.14, when calculating the level of contributions required for education facilities these should also in addition to those listed include:

- Specialist housing for people with disabilities.

6 It is considered that section 7.6 regarding pre-school place requirements should be linked to section 7.4 regarding new schools required as a result of new housing, the detail of which could be made clearer and clarified.

7 Early engagement for allocated site is encouraged so that any issues are resolved at an early stage in the Planning Policy process such as at Issues and Options stage or at

Preferred Options. Viability testing should be carried out at an early stage in the plan making process to ensure that the site is viable in order that development may proceed.

The level of contribution per dwelling will be agreed at this stage. In respect of outline planning applications an amount per dwelling will be agreed with the developer, which will then allow a final contribution to be calculated at the detailed planning application stage.

Planning Policy Guidance (PPG) states that Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage.

It is accepted that for 'windfall' developments the Policy position will continue to apply.

8 It states that The Worcestershire Draft Education Planning Obligations Policy Consultation will be applicable to any applications submitted from 1<sup>st</sup> August 2019. Wyre Forest District Council have engaged with Worcestershire County Council regarding allocated sites in the Wyre Forest Pre-Submission Publication Document which will be submitted to the Planning Inspectorate to be examined, therefore the planning applications for many of these sites will be submitted after 1<sup>st</sup> August 2019. It is considered that the sites as discussed should not at this late stage in the planning policy process be subject to additional criteria that could make them unviable.

It is unclear within the document as to threshold in which education contributions will be sought. As a threshold is not included in the exemptions, is a fair assumption that for all residential development of 2+ bedrooms a contribution would be required? It is considered that more clarity is needed in this respect.

9 Wyre Forest District Council thanks Worcestershire County Council for the opportunity to make comments on this document and welcomes the opportunity for further discussion with Worcestershire County Council regarding Education Planning Obligations Policy and would wish to continue to be consulted on any subsequent stages and updates.