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**Draft Supplementary  
Planning Document**  
Contributions to  
Lifelong Learning from  
Development – Pre-Schooling  
and Education

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**MARCH 2007**

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## CONSULTATION ON THE DRAFT SPD

This Draft Supplementary Planning Document (SPD) on *Contributions to Lifelong Learning from Development – Pre-Schooling and Education* is placed on public consultation for six weeks from Monday 12 March 2007 until 5.00pm on Monday 23 April 2007. Comments can be made online (<http://www.barnet.gov.uk/index/council-democracy/consultations.htm>) and should be sent to:

Planning Policy Team  
Planning and Environmental Protection Service  
Building 4  
North London Business Park  
Oakleigh Road South  
London  
N11 1NP

Or email to [forward.planning@barnet.gov.uk](mailto:forward.planning@barnet.gov.uk)

In order for the council to respond speedily, the use of the Representation Form and the electronic submission of comments is strongly encouraged.

Further copies of the Supplementary Planning Document and associated Sustainability Appraisal (SA) are available from the council's website and at all local libraries in the borough.

## WHAT HAPPENS NEXT?

The council will produce a report summarising the main issues raised following the public consultation. The report will set out the council's response to each representation and will be submitted for approval by the cabinet before adoption. The council will inform people who have made representations of its proposed response prior to the cabinet meeting.

## FOREWORD

The purpose of this document is to act as supplementary guidance and advice to:

- Policy CS8 – Educational Needs Generated by New Housing Development
- Policy IMP1 – Priorities for Planning Obligations

of the London Borough of Barnet's *Unitary Development Plan* (2006). It covers the provision by the London Borough of Barnet of pre-school and school facilities for the borough's children and its approach to planning obligations for education services.

Planning obligations, also known as Section 106 agreements, are legal contracts between Local Planning Authorities and property developers that are drafted as part of the process of an applicant obtaining planning permission. Section 106 agreements provide a means of ensuring that developers contribute towards the cost of meeting the infrastructure and service needs that arise as a result of their development activity. Government policy has created a tightly-drawn planning obligations regime, including a series of policy questions (known as 'the necessity test') which collectively require a local authority to be sure that the planning obligations it proposes are necessary, planning-related, specifically related to the particular development and reasonable.

This SPD follows national policy guidelines and the council's vision that Barnet will have:

- **Excellent**, welcoming and inclusive schools to which all the borough's families want to send their children, that provide opportunities for all sections of society and that meet the expectations of everyone – from those of pre-school age through to parents.
- **Outward looking** schools that make links with their wider areas and play a full role in the regeneration process, particularly in areas such as Cricklewood, Brent Cross and West Hendon, Colindale and the Stonegrove/Spur Road Estate.
- **Well-equipped** schools that are rich in information and communications technology (ICT), have space for high quality sports facilities, class rooms and laboratories that meet the needs of the modern curriculum, thereby maintaining the high standards of the achievement currently enjoyed by Barnet's schools.
- **Well-designed** schools that are environmentally sustainable - high quality design is essential in new schools, which will all be built in accordance with the principles in the government's *School Design Bulletin* whilst respecting the character of local areas. All new schools should be built flexibly, in order to stand the test of time – addressing the needs of the present but able to meet the needs of future generations.

This SPD is subject to a Sustainability Appraisal (SA) which sets out the likely significant social, environmental and economic effects of the measures it is seeking to implement. The SA has appraised the SPD and any reasonable alternatives to it, providing the 'baseline' against which the effects of the SPD can be considered; the SA is also subject to consultation.

## INTRODUCTION

- i. The London Borough of Barnet's *Corporate Plan* identifies "A Bright Future for Children and Young People" as one of the council's five key priorities.
- ii. The *Sustainable Community Strategy* for the London Borough of Barnet, which aims to bring together the partner agencies that work in the Borough, states that:

We will work together to ensure that Barnet's environment and natural resources are protected while meeting the growing need over the next 10 years for homes, jobs, services and travel.

One of the four key themes of the *Sustainable Community Strategy* is "Investing in Children and Young People".

- iii. Significant numbers of new homes are likely to be built in Barnet in the coming years. The Mayor of London's *London Plan* sets a target of 19,600 additional homes to be created in the borough between 2007/8 and 2016/17, an annual target of 1,960 new homes.
- iv. To accommodate these new homes whilst maintaining and improving the area as a successful suburb, and while achieving our commitments to our children, will require significant investment in our social infrastructure. This will include the provision of facilities for children and young people, and facilities more widely for community learning and libraries. This Supplementary Planning Document (SPD) sets out in detail the council's expectations of how planning applicants for housing development will be able to contribute to the achievement of these objectives, and how they can assist the borough to help the increasing numbers of pre-school and school age children fulfil their potential.
- v. However, the council's consideration for education is not only limited to those of school age, but encompasses all ages and all sections of society that can benefit from learning. Its broad aim is to give children an excellent start in education, enable young people to equip themselves with life and work skills and encourage adults to achieve their full potential through learning. Therefore, this document is one part of a series of Supplementary Planning Documents which it will produce laying out its policy covering **lifelong learning**. It is published concurrently with *Contributions to Lifelong Learning from Development – Library Services*. The council is preparing further SPDs covering issues such as the contributions from development towards employment and training initiatives.
- vi. The council will ensure reasonableness and fairness in negotiating planning obligations. It will ensure education contributions and any other planning obligations enhance the quality and sustainability of future development. It will address and overcome the negative impact of development enabling proposals to go ahead which might otherwise be turned down.

# 1 Legislative Framework and Policy Context

## 1.1 Planning

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The statutory basis for contributions from development towards the provision of community facilities is set out in Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991), and Circular 2005/05 – *Planning Obligations*. The circular explicitly identifies the potential for contributions to support new “community infrastructure”, highlights the need to look at the impacts from development cumulatively and the potential for the pooling of contributions, and states that local authorities should lay out in their Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) their generic and detailed policies.

The *London Plan* (2004) and the *Sub-Regional Development Framework for North London* (2006) both point out the need for the provision of ‘social infrastructure’ to meet needs arising from new housing development.

The London Borough of Barnet’s *Unitary Development Plan*, adopted in May 2006, includes specific reference to the requirement for financial contributions to be made to provide for new school places. (For detailed policies, please refer to Appendix 3.) The council has recently adopted an overarching SPD on *Planning Obligations*, which further elaborates upon this policy.

## 1.2 Other Statutory Requirements

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In addition to planning policy, the borough has a number of other statutory requirements placed upon it in relation to the delivery of services for children and young people.

The Childcare Act 2006 consolidates previous legislation which empowers the Secretary of State to set targets for local authorities, and further extends the duties of public agencies, with regard to the provision of childcare. Current requirements include:

- An entitlement of all three and four-year olds to 12½ hours per week of free early years provision for a minimum of 38 weeks per year. From April 2007, this will be extended to 15 hours per week for the first cohort of children, and by April 2010 the entitlement will be in place for all three and four-year olds. The longer term goal is to provide 20 hours of provision per week.
- The development of Children’s Centres, initially sufficient to reach 65% of children in the 20% of most disadvantaged areas by March 2006. By 2008, the government intends that all children in the most disadvantaged areas will have access to a Children’s Centre. In addition, about 800 centres will be developed in other areas, with all communities having a children’s centre by 2010.
- By 2010 all parents with children aged five to eleven should be offered the guarantee of affordable school-based childcare between the hours of 8am and 6pm, all year round. Half of all parents are intended to receive this service by 2008.

- Local authorities will be required to assess the local childcare market and to secure sufficient childcare for working parents. Local authorities will not be expected to provide childcare directly, but will be expected to work with local private, voluntary and independent sector providers to meet local need.

Section 14 of The Education Act 1996, places a duty on local authorities to secure sufficient schools in order to provide primary and secondary education for all children, and states that the schools should be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education.

## 2 Housing Development and Demand for Services

### 2.1 Measuring Demand

The council is required, therefore, by law to provide a range of services for children and young people. Where the development of new housing is likely to increase the demand for these services, the council will seek, through the use of its planning powers, to require applicants to provide financial contributions (or otherwise help) to secure sufficient service provision to meet identified needs.

Recognising the potential for significant additional demand for school places in future years, the council has examined a range of research which considered the likely numbers of children that will live in new developments in the borough. This exercise indicated that there were two sources of appropriate data, both of which provide age breakdowns for families occupying new housing.

For affordable housing, the optimal source of information is data on all new lettings by Registered Social Landlords (RSLs) in London over the last five years ('CORE data'), which identifies numbers of children by a property's unit-size (the number of bedrooms) and the unit-type (flats or houses). For intermediate tenure, the best information is based on data covering shared ownership schemes. For private housing, 2001 census data showing the size, tenure and age breakdown of groups of people moving house were used. These various datasets are summarised in Table 1 below.

**Table 1: Child Yields from New Dwellings in Barnet**

	Flats			Houses		
Bedrooms	2	3	4+	2	3	4+
Social Rented	0.97	1.92	2.11	1.15	2.13	2.50
Intermediate	0.25	0.89	1.40	0.42	1.27	1.29
Private	0.13	0.22	0.28	0.29	0.60	0.87

In order to identify the impact of the estimate of the gross number of children per unit on the school age population, some account must be taken of their age groups. On the assumption that children will be spread evenly across age groups, we have identified the following split:

- Children aged 0 to 2 – 15% of the total
- Pre-school age – 10% of the total will be three or four-year olds, who on average require half a full-time educational place each
- Primary school age – 44% of the total will be of primary school age and will each require a full-time place
- Secondary school age – 31% of the total will be of secondary school age and will require a full-time educational place.

These formulae will only apply to those types of new housing which are likely to have children living in them. This would not include such new residential development as specialist housing for the elderly, single person units and some types of supported and/or special needs housing. Furthermore, the formulae have been adjusted to take account of the 10% of pupils that will not be likely to use the state school system.

## 2.2 School Capacity

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The council keeps the number of available places in its schools under regular review through the annual statistical update to the *School Organisation Plan*. The council is required to maintain an adequate number of school places, which includes the need to retain a margin of surplus places – up to 5% in Barnet’s case – in order to allow flexibility of provision and parental choice.

In relation to the age groups described above, the council will be required by government targets to ensure an expansion of pre-school provision and therefore all additional children living in new developments will require the new provision as well.

The most recent data (as of January 2006) showed that the number of surplus places at primary school level as a proportion of all primary spaces was 9% on average for non-religious schools. But these surplus school places were concentrated in a small number of schools, whereas other schools were heavily oversubscribed. At secondary school level, there was 3% surplus capacity as of January 2006 in non-denominational schools.

Given this context, the council will regard all education demand from new developments as requiring additional school places to be provided. It may consider a reduction in the contribution from property developments within the catchment areas of primary schools with a very large proportion of surplus places, provided that these are not the subject of re-organisation proposals, and as long as the cumulative impact of developments will not be expected to exceed the number of available school places. Appendix 2 lists the primary schools that had above average 2005/06 surplus capacity.<sup>1</sup>

It is the aim of the council to ensure that children in the primary school age bracket can access educational provision within walking distance of their homes. Such access provides a range of benefits including improved health outcomes and

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<sup>1</sup> Specialist and religious schools are not included in the list.

improved safety and security, and is an important plank of government policy (e.g. guidance in *A New Deal for Transport - Better for Everyone* produced by the Department for Transport notes that it wishes to “encourage children to get to school [by means] other than by car”). Therefore, the council will define a primary school’s catchment area as being within walking distance.

In some areas of Barnet, it is likely that the cumulative impact of development will require the expansion of existing schools and/or the development of new schools, and the expansion of existing, or development of new, Children’s Centres and pre-school provision. In these areas the council will insist on the new provision of such services within large development proposals, or require developers to provide the council with a site suitable for the development of such services.

The council has undertaken a review of housing capacity estimates and school provision factors, to identify those areas of the borough with the most significant capacity issues. Areas where significant additional provision is likely to be required are:

- Cricklewood, Brent Cross and West Hendon Regeneration Area
- Colindale
- Mill Hill East
- Stonegrove Estate and Spur Road.

Applicants seeking to bring forward housing developments in these areas should contact the council at an early stage to discuss the likely effects of their proposals. The council will work with applicants to ensure that the cumulative impacts of development are mitigated, that where necessary appropriate sites are identified, and that costs are apportioned fairly.

Outside of such areas, a residential development of approximately 1,000 units would be likely to require the need for the establishment of a new primary school.

In the case of secondary education provision where, due to the larger size of schools and in order to support parental choice, longer travel distances are expected, provision will be considered on a borough-wide basis. In addition, recent government policy initiatives relating to school organisation have required support for the expansion of popular schools. In Barnet, there is effectively no overall surplus capacity in secondary school places, and a large number of schools are oversubscribed. The council will therefore regard children living in new developments as net additions to the secondary school age population.

## 3 Required Contributions

### 3.1 Key Cost Drivers

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Contributions to education provision will normally be sought from all residential development proposals (new build, change of use or conversions) with dwelling units of two or more bedrooms, one bedroom units with a floor space of more than 45m<sup>2</sup>, or units in which the size of habitable bedrooms exceeds 20m<sup>2</sup>.

The council has assessed the costs of providing additional school places on the basis of the actual costs of re-building and expanding schools within the borough. For the financial year 2006/07, the council will expect contributions per place of:

- At pre-school and primary school level, £14,300 per pupil
- At secondary school level, £17,800 per pupil.

These contributions cover only the capital costs of development and do not include the cost of land for school sites or any revenue contribution. These figures will be reviewed on an annual basis and planning applicants will be informed of the prevailing level of contributions.<sup>2</sup>

For the 15% of the children who are of pre-school age but are not entitled to a full-time, free pre-school place, planning applicants for schemes of over 100 units will need either:

- To make separate contributions towards the provision of community, private or voluntary sector provision on-site
- Or demonstrate that there is sufficient existing provision to meet the demand in the wider area.

### 3.2 Exceptions and Affordability

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The council recognises the need to ensure that financial contributions are directly and reasonably related in scale and kind to proposed development and are reasonable in other respects. It will therefore consider the specific circumstances of major development proposals and may accept variations in planning contributions in the following circumstances:

- Where the proposed development is required to make significant financial contributions to, or investment in, other public infrastructure provision, affordable housing and/or other requirements which meet the council's wider planning and regeneration objectives
- Where the council has nomination rights for affordable housing, which would house existing residents of the borough and therefore not create a net increase in educational demand.

## 4 The Use of Funds

Planning contributions will be expended on capital investment for providing additional school capacity in the borough. This might include, for example, but is not limited to:

- Feasibility studies and design work
- Providing additional school places

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<sup>2</sup> It will be straightforward for planning applicants to calculate the level of their planning obligations using the data in Appendix 1. Table A1 shows the contribution per unit on the basis of the different unit-types and unit-tenures; this unit cost data should be multiplied by the number of units proposed.

- Adapting and extending school buildings
- Providing new schools or school buildings
- Improving school grounds and sports and physical education facilities
- Purchasing new equipment required as a direct result of the additional demand.

Planning contributions might also be used in conjunction with the provision of other multi-purpose facilities associated with educational use.

As noted above, in areas where the cumulative impact of developments will create demand for provision, contributions might be pooled to address these needs.

## 5 Practical Arrangements

### 5.1 Timing of Provision of Financial Contributions

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The council will ensure that appropriate triggers are in place in any legal agreements to ensure that new educational provision is in place upon occupation of new housing units. Payments will therefore usually be required on the commencement of development. On large development schemes, the council might agree to monitoring and phasing arrangements to ensure the timely provision of school places.

If a developer is required to construct a new school or transfer land for a school to the council, it will be obliged to make such transfers at no charge to the council and free from financial ties for a period of seven years. The land should have planning permission for educational or unrestricted D1 use, must be fully serviced, and have access provided to the boundary (to a standard specified by the council).

It should be noted that in the furtherance of its duty to provide suitable pre-school and school places, the council, in those circumstances where financial contributions do not meet the full cost of education demand, reserves the right to insert planning conditions to ensure that the occupation of development is conditional on necessary educational provision being in place.

### 5.2 Monitoring and Project Management

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The council will continue to monitor the situation in relation to school places and the figures for the cost of educational provision, and will issue revised guidance as and when necessary.

All Section 106 agreements will be logged and monitored and managed from the date of agreement until the full realisation of the funds owed. Developers should also note that there will be an additional contribution that will be required for this project management aspect of planning contributions administration (as described in the councils' adopted Supplementary Planning Document on *Planning Obligations*).

## APPENDIX 1

Illustrative financial contributions-per-unit, using the formulae and costs laid out in this SPD, are shown in Table A1 below. The average cost-per-school-place is provided annually in guidelines issued by the Department for Education & Skills (DfES). The table covers the combined contributions for pre-school, primary school-age and secondary school-age provision. The data take into account the 10% of the population of children that are unlikely to use the state educational system.

**Table A1: Illustrative Planning Contributions Per Unit in Barnet**

Bedrooms	Flats			Houses		
	2	3	4+	2	3	4+
Social Rented	£11,570	£22,842	£25,083	£13,672	£25,422	£29,814
Intermediate	£2,956	£10,648	£16,682	£4,959	£15,111	£15,321
Private	£1,560	£2,595	£3,304	£3,488	£7,154	£10,418
<b>Average<sup>3</sup></b>	<b>£5,273</b>	<b>£10,889</b>	<b>£12,933</b>	<b>£7,273</b>	<b>£14,741</b>	<b>£17,942</b>

## APPENDIX 2

**Table A2: Schools in Barnet with Above Average 2005/06 Surplus Capacity**

School	Capacity	Surplus
<b>Primary Schools With Over 9% Surplus</b>		
Bell Lane	404	18%
Broadfields	468	13%
Claremont	353	23%
Danegrove	614	10%
Deansbrook Junior	356	10%
Dollis Junior	480	10%
Grasvenor Avenue Infant	90	40%
Hollickwood	210	25%
Livingstone	210	13%
Parkfield	315	11%
Queenswell Junior	359	11%
The Hyde	420	12%
Wessex Gardens	420	28%
Whitings Hill	297	42%

<sup>3</sup> The average is based on a weighting of the three types of tenure of 35% for social rented housing, 15% for intermediate housing and 50% for private housing.

Woodcroft	420	13%
<b>Secondary Schools With Over 3% Surplus</b>		
The Ravenscroft	900	15%
Whitefields	750	10%

## APPENDIX 3

### Key Elements of *Circular 02/05* Relevant to Lifelong Learning

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The draft circular greatly strengthens the opportunity to argue for the provision of additional educational facilities or other community facilities related to new developments. Paragraph B15 states:

If a proposed development would give rise to the need for additional or expanded community infrastructure, for example, a new school classroom, which is necessary in planning terms and not provided for in an application, it might be acceptable for contributions to be sought towards this additional provision through a planning obligation.

#### **Maintenance payments are now explicitly acceptable:**

Where justified, payment for the maintenance costs of providing services are now acceptable as part of S.106 funding. Paragraph B20 states:

...where contributions to the initial support (“pump priming”) of new facilities are necessary, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams...Pump priming maintenance payments should be time limited and not be required in perpetuity by planning obligations.

#### **Pooled contributions and the cumulative effect of a number of schemes can be taken into account:**

It is not just one-off, big developments that can have an effect on education delivery. A number of smaller schemes, when taken together, can have a significant effect upon the delivery of various elements of lifelong learning projects. Paragraph B22 states that:

...in some cases, individual developments will have some impact although insufficient to justify the need for a discrete piece of infrastructure. In these instances, local planning authorities may wish to consider whether it is appropriate to seek contributions to specific future provision...In these cases, spare capacity in existing infrastructure provision should not be credited to earlier developers.

### Key Elements of the *London Plan* Relevant to Lifelong Learning

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Policy 6A.5 on planning obligations in the Mayor’s *London Plan* regards education at all levels as a high priority and explains:

- By 2016, London's school age population is projected to increase by almost 8%. Just over half of this total growth of 140,000 is expected to be in Outer London, and so boroughs will have to ensure adequate provision to cope with this increase (including the availability of land for any potential school expansion).
- Where appropriate, boroughs should use planning obligations to address shortfalls in school capacity arising from planned new housing development. Developers may be required to contribute to funding the one-off capital costs of providing new permanent and temporary classroom space in order to meet rising school rolls.
- Boroughs should set out a clear framework for negotiations on planning obligations in their UDPs, having regard to central government policy and guidance and local and strategic considerations.

## Barnet Council's UDP

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The council's key priorities for planning obligations are as set out in Policy IMP1.

### **Policy IMP1 – Priorities for Planning Obligations**

The council's key priorities for planning obligations will be for the provision of:

- Residential Development:
  - Improvements to public transport infrastructure, systems and services.
  - Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
  - Affordable or special needs housing to meet identified local needs.
  - Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.

In applying Policy IMP1, the range of planning obligations will be a matter for negotiation between the council and the developer. The guiding principle in this respect is set out in policy IMP2 – Use of Planning Obligations.

### **Policy IMP2 – Use of Planning Obligations**

In order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

Policy CS8 expressly requires developers to meet the extra educational and associated community uses cost born by new housing development.

**Policy CS8 – Educational Needs Generated by New Housing Development**

Where a residential development creates a need for additional school places, the council will seek to enter into planning obligations with the developer to secure contributions to their provision.

The commentary to this policy explains:

New housing development, including conversions, can increase the number of children in an area and has the potential to place an even greater demand for pupil places on local schools. If a proposed residential development is situated in an area where there is a shortage of school places, or will create a shortage of places, the council will seek to enter into a Section 106 agreement with developers in order to help meet the educational costs of the residential development, and seek to secure contributions to fund the extra school places required. The council recognises that certain types of housing, such as specialist housing for the elderly, will not generate an increase in the numbers of children, and therefore contributions towards educational facilities will not be sought by the council in respect of such development. Special considerations will also apply to social housing developments accommodating local needs, where the council has nomination rights.

## APPENDIX 4

### Background Documents and Legislation

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Town and Country Planning Act 1990 and 1991

Department of Communities and Local Government, Circular 2005/05, *Planning Obligations* (2005)

Greater London Authority, *London Plan - Spatial Development Strategy for Greater London* (2004)

National Housing Federation, *Core Lettings Data* (2006)

Office for National Statistics, *Census 2001*, Table CO511 (2006)

Department for Education and Skills, *Building Bulletin*, Various Editions

Department for Transport, *A New Deal for Transport - Better for Everyone* (1998)

### Further Sources of Information

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London Borough of Barnet, *Unitary Development Plan* (2006)

London Borough of Barnet, *Supplementary Planning Document on Planning Obligations* (2006)

London Borough of Barnet, *School Organisation Plan 2003 – 2008: Children’s Plan* (2003)

London Borough of Barnet, *Education Service Plan 2006 – 2007* (2006)

London Borough of Barnet, *Class Size Implementation Plan* (2006)

London Borough of Barnet, *Special Educational Needs Inclusion Strategy 2004 – 2008* (2004)

London Borough of Barnet, *Education Asset Management Plan* (2006)

London Borough of Barnet, *School Organisation Plan 2003 – 2008: Statistical Update* (December 2005)