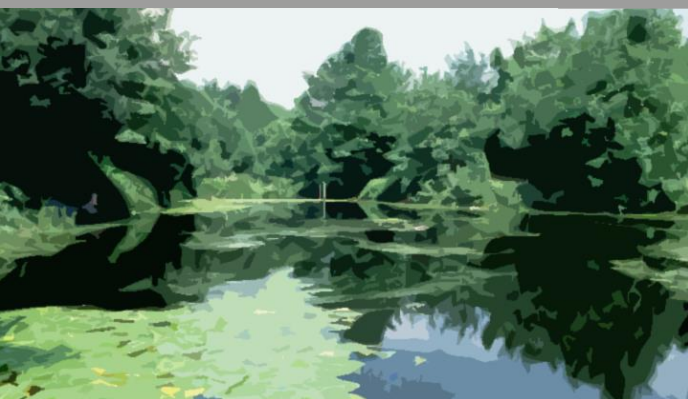




Framework for spending Section 106 developer contributions

Education

February 2025



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1. Introduction

- 1.1 Supplementary Planning Document (SPD17) provides guidance on the Council's approach to seeking developer contributions towards education. The SPD was subject to a six-week period of consultation between 15th July 2024 and 19th August 2024 before being formally adopted by the Council's Executive Committee on the 25th September 2024.
- 1.2 In most cases the Council will apply a formula-based approach to calculate the financial contribution towards education provision that will be sought from new housing development. The financial contribution secured via this mechanism will enable the Council to fund the capital infrastructure works associated with addressing the increased pressure on school provision that the development will generate.
- 1.3 The SPD has been developed to primarily support the implementation of Places for Everyone (PfE) Policy JP-P5: Education, Skills and Knowledge. Policy JP-P5 seeks to ensure that, where appropriate, housing developments make a financial contribution to the provision of additional school places and/or set aside land for a new school, proportionate to the additional demand that they would generate.
- 1.4 Consequently, contributions towards education will be sought for residential developments of 10 or more dwellings where there is a projected shortfall of primary and/or secondary places at schools within the local area of a development.
- 1.5 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.6 These tests are set out as statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.
- 1.7 Given that planning obligations must meet the specific tests set out in the Regulations and that the Section 106 Agreement secures developer

contributions for a specific purpose, all payments received for contributions for Education can only be used for that specific purpose.

- 1.8 This document sets out the framework and procedures against which any monies secured for education provision will be utilised.

2. Use of Developer Contributions for Education

- 2.1 The underlying principle of SPD17 is to ensure where new housing development creates a demand for school places in excess of those available, that developers make a contribution towards school places in order to mitigate against the effect of any new development on local educational infrastructure.
- 2.2 The use of education contributions will be strictly governed by both State Aid ceilings as well as the tests set out in the Community Infrastructure Levy Regulations (2010) (As amended) and the National Planning Policy Framework.
- 2.3 All major planning applications for 10 or more dwellings will be assessed by the relevant Council officers. The assessment will establish whether the proposed development will have an unacceptable impact on education provision in the pupil place planning area.
- 2.4 In the first instance, contributions will be directed towards strengthening Bury's existing established education base. This will typically be through the physical expansion or upgrade of existing schools in the area. This space could be either classroom or other accommodation such as a new hall or works to improve the condition of buildings to bring them back into use or by repurposing existing space. Expanding/upgrading existing schools presents a great opportunity to secure the long-term future of education provision and use land in a sustainable way.
- 2.5 Where it is not feasible to expand or upgrade facilities on an existing nearby school site, alternative sites for provision will be considered, either for:
- The expansion/upgrade of an existing school that is slightly further away but can provide additional pupil places within the same or adjacent pupil planning area;
 - The expansion of an existing school onto an additional site; or
 - The provision of an entirely new school.

- 2.6 In line with DfE guidance, contributions may also be used to fund temporary solutions to meet education needs where it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision will be required.

3. Management of Developer Contributions for Education

- 3.1 Incoming payments will be paid into an account specifically set up for Education Section 106 contributions. The account will be 'ring-fenced' to ensure that any monies will only be used for the intended purposes set out above.
- 3.2 Overall responsibility for allocating sums received and approving the expenditure programme is delegated to the Executive Director of Place following consultation with the Cabinet Member for Children and Young People.
- 3.3 The planning obligation will specify that the contribution will be spent on the provision of and/or improvements to educational provision within the Borough. This will relate to creating the additional educational provision, facilities for early years places needed to accommodate the demand arising from the new development or ensuring a setting is in an appropriate condition to accept pupils.
- 3.4 This will typically be within the pupil planning area within which the development lies. However, in certain circumstances it may be appropriate for contributions to be directed towards facilities within an adjacent pupil planning area, where a development would result in additional pressure on these facilities.
- 3.5 For special educational needs and disabilities (SEND) provision, we will identify projects and direct funds appropriately to meet the expected increase in need. Contributions may be pooled towards additional teaching space in a special school or a SEND unit at a mainstream school. They could also be used for school building alterations that increase a mainstream school's capacity to cater for children with special educational needs.
- 3.6 For outline applications, the amount of contribution may not be known. However, an obligation will be required at the outline stage that links the amount of contribution to be made to the calculation formula set out within this SPD. The contribution requirement will then be finalised once the

Reserved Matters approval has been secured. This will take into account, consideration of up-to-date pupil yields and build cost estimates.

4. Monitoring of Developer Contributions for Education

- 4.1 The Council's Strategic Planning and Infrastructure team will be responsible for monitoring payments made via Section 106 Agreements for education provision and when money has been paid and where specific payments have been utilised.
- 4.2 In addition, any breaches of Section 106 Agreements will be identified and developers will initially be notified of the breach via correspondence from the Service Manager of Strategic Planning and Infrastructure. However, the Council's Legal Services will be notified if breaches persist.
- 4.3 Provision will be made within any Section 106 Agreement for the return of funds if they have not been spent within 10 years of payment.
- 4.4 An Infrastructure Funding Statement¹ is produced annually by the Council setting out Section 106 income and expenditure for the previous financial year

¹ <https://www.bury.gov.uk/planning-building-control/policy-and-projects/planning-policy/evidence-and-monitoring/infrastructure-funding-statement>

Bury
Council