

Draft Developer
Contributions for Education
Supplementary Planning
Document (SPD17)
Consultation Summary
Report

September 2024

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1. Introduction

- 1.1 Draft SPD17: Developer Contributions for Education has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD. This statement must set out who was consulted, a summary of the issues raised, and how these issues were incorporated into the SPD.
- 1.3 Regulation 12(b) requires the Council to publish the documents (including a 'consultation statement') for a minimum 4-week consultation, specify the date when responses should be received, and identify the address to which responses should be sent.
- 1.4 Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12.
- 1.5 Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:
 - Make the document available at the principal office and other places within the area that the Council considers appropriate; and
 - Publish the document on the Council's website.
- 1.6 This Consultation Statement sets out the extent consultation and engagement undertaken on draft SPD17, highlights the issues raised and how the document was amended to reflect the issues raised.

2. Engagement during the preparation of the draft SPD

- 2.1 Given that SPD17 provides advice and guidance on the Council's approach to seeking developer contributions towards education when determining planning applications for new residential development, it was considered most appropriate to engage with the Council's Development Management team and the Council's Education team during the process of draft the SPD and this took place during April and May 2024.
- 2.2 The following table sets out the key issues raised during the internal engagement and how these have been addressed in the draft SPD.

Issue	How was this incorporated into the draft SPD
Need to clarify that for Secondary Schools the Pupil Planning Area covers the whole of Bury.	Amendments made accordingly
Append a plan showing the boundaries of the six townships.	Plan appended
Include reference to Early Years/Post 16 Education.	Amendments made accordingly
Include reference to the possibility of pooling so that cumulative developments can contribute to a larger objective.	Amendments made accordingly
Consideration should be given to how long finances will be held for before being spent. S106 agreement have a refund date if not spent.	Amendments made accordingly and reference made to monies being refunded if not spent within 10 years from date of receipt
In the section on 'exemptions' make reference to prior approvals/conversions that do not need planning permission.	Amendments made accordingly
Clarify that 'exemptions' only apply to one-bedroom apartments.	Amendments made accordingly
Clarify that 'exemptions' also apply to retirement apartments (C3 use).	Amendments made accordingly
Clarify the position re Outline applications (would normally be conditioned and the RM's and S106 come later).	Text added to clarify that the need for an education contribution will be conditioned at outline stage and will be confirmed following the submission of Reserved Matters
Clarify that DfE cost for school places figures are updated annually.	Amendments made accordingly
The NPPF states that all viability appraisals should be publicly available. Text should be updated to make it clear that all viability appraisals will be published.	Text updated accordingly

3. Screening Assessments

SEA Screening

- 3.1 A Screening Statement has been prepared to determine whether a Strategic Environmental Assessment (SEA) would be required for the draft revised SPD6. The Council consulted Natural England, Historic England and the Environment Agency over a four-week period (08th May to 07th June 2024) in order to seek their views on the conclusions of the SEA Screening Assessment.
- 3.2 Responses were received from Historic England and Natural England, both of whom agreed with the Council that the above assessments would not be required to accompany the SPD.

HRA Screening

- 3.3 Greater Manchester Ecology Unit (GMEU) were consulted on 08th May 2024 to obtain their views as to whether they would need to undertake a HRA Screening in conjunction with the draft revised SPD6. GMEU concluded that it was not necessary to undertake a HRA screening as the SPD would not lead to any effects on European protected sites

4. Consultation

- 4.1 On 05th June 2024, Members approved a revised draft of SPD17 for consultation. Consultation on this draft subsequently took place over a six-week period running from **15th July 2024 to 19th August 2024**.
- 4.2 The draft strategy was available to view on the Council's website and hard copies of the documents were made available for inspection at Bury Town Hall between the hours of 8.45am and 5.00pm (Monday-Friday) and at local libraries and the Tottington Centre during their normal opening hours (see www.bury.gov.uk/libraries for details). The consultation was also promoted on the Council's social media accounts throughout the duration of the consultation.

- 4.3 Comments were invited by email to be sent to planning.policy@bury.gov.uk or by post to the following address:

Development Plans Unit
Strategic Planning and Economic Development
Department for Resources and Regulation
3 Knowsley Place, Duke Street
Bury
BL9 0EJ

5. Consultation Responses

- 5.1 The table below shows that the consultation generated a total of seven responses. Although four of these responded simply to say that they had no comments. These comments and the Council's response to these comments are set out in the table below.

Summary of Comment	Council Response	Change Required (Y/N)
<u>Temporary vs permanent school places</u> The SPD should be amended to clarify that there will be no double counting of the school places required.	Noted. Paragraph 3.9 has been amended to make it clear that double counting temporary and permanent need is not intended.	Y
<u>Delivery of Infrastructure</u> The methodology and cost per place should be clearly defined in the SPD and no deviation applied.	Noted. Paragraph 3.19 has been deleted.	Y
<u>Forward Funding</u> Paragraph 4.20 should be deleted as it suggests that the applicant will be liable for the costs incurred forward funding the provision of a new school in addition to the recovery of the principal sum.	Paragraph 20 amended to remove reference to applicants being liable for the costs incurred with forward funding.	Y
<u>Cost Estimates</u> Paragraph 3.33 should be amended to state that the figures will be subject to periodic review to reflect updated DfE school places scorecard information.	Noted. Paragraph 3.33 has been updated.	Y
<u>Strategic Sites</u> Paragraph 3.38 should be amended to remove reference to constraining housing delivery and instead refer to the use of temporary school places and/or the Council using its powers to forward fund new school provision.	Noted. Paragraph 3.39 has been amended to ensure it aligns with DfE's guidance.	Y
<u>Implementation-timing/phasing of payments</u>	Noted. Paragraph 4.16 makes reference to staged payments.	N

<p>It would be unreasonable and unrealistic to expect significant financial contributions to be paid prior to implementation because the financial break-even point of any housing development is towards the very end of the build programme.</p> <p>An element of staging payments is therefore essential in terms of cashflow and maintaining viability.</p>		
<p><u>Pupil Yield</u></p> <p>The Council should regularly review the strategy for calculating the pupil yield assumptions and subsequent contribution calculations to ensure that they are accurate and that any local factors or more up to date information is considered, as these may alter the pupil yield.</p>	<p>Noted. Pupil yield assumptions will be reviewed as necessary.</p>	<p>N</p>
<p><u>Contribution Calculations</u></p> <p>Paragraph 3.26 should be amended to further clarify that any pupil yield resulting from the proposed development which can be accommodated through existing school places will be discounted from the contributions calculation. This will align with DfE's guidance, as contributions should not be sought for pupil yield which can be absorbed into existing provision, where it has been identified via the local authority school capacity survey that there is capacity.</p>	<p>Noted. Paragraph 3.27 has been amended to ensure it aligns with DfE's guidance (paragraph 19).</p>	<p>Y</p>
<p><u>Approach to release of facilities</u></p> <p>Existing schools should be able to absorb the initial pupil yield in the early phases of development, if the requisite contributions are provided (where applicable).</p> <p>The trigger for release of new provision should therefore be determined on a</p>	<p>Noted. Paragraph 3.39 has been amended to clarify that the release of new provision will be determined on a case-by-case basis and allow for flexibility in relation to the timing of release of educational facilities.</p>	<p>Y</p>

case-by-case basis and allow flexibility in relation to the timing of release of educational facilities.		
<p><u>Schools</u></p> <p>During the morning “rush hour”, the number of cars (with school buses) on Lowercroft Road, Ainsworth Road, Starling Road, Watling Street, High Street and Walshaw Road, is massive and with increased pollution. Any additional schools or extensions to schools would make this problem much worse.</p> <p>Green Belt areas near here should have reduced numbers of new houses and that East Bury should be used more because it is near to the M66 which is used by many commuters to get to work outside Bury.</p>	Noted	N
<p><u>Speeding Cars</u></p> <p>Many people cross the road at the junction of Watling Street / Ainsworth Road, quite close to 3 schools. Also, near this junction is a housing complex for elderly people who need to get to the local medical centre, local shops at Mile Lane. Crossing the road here is difficult as there is no pedestrian island. The road is certainly wide enough to accommodate one.</p>	Noted	N
<p><u>Potholes</u></p> <p>At present, potholes in Bury are worse than in any neighbouring Local Authorities viz. Salford, Bolton, Rawtenstall and Rochdale. This can only get worse with additional housing and schools.</p>	Noted	N

- 5.2 The consideration of these comments has led to the conclusion that the SPD would benefit from a small number of minor changes prior to it being formally adopted. In particular:

- Clarification that when a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision will be required.
- Reference to developers being liable for the costs incurred with forward funding the provision of a new school in addition to the recovery of the principal sum has been removed.
- Clarification that for large strategic sites, the trigger for the release of the new provision will be determined on a case-by-case basis to allow flexibility in relation to the timing of release of educational facilities.
- Clarification that any pupil yield resulting from the proposed development which can be accommodated through existing school places will be discounted from the contributions calculation.
- Reference made to staged payments for payment of contributions.

Bury
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