



Rachael Simpkin
High Peak Borough Council
By email

Chris Henning
Executive Director - Place
County Hall
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Derbyshire
DE4 3AG

Telephone:
Ask for: Alison Richards
Email: planningpolicy@derbyshire.gov.uk
Our Ref: Developer Contributions/AR
Your Ref: HPK/2022/0376
Date: 16 May 2023

Dear Rachael,

Application HPK/2022/0376 for 17 dwellings at Grove Hotel, Grove Parade, Terrace Road, Buxton, SK17 6AJ

Further to the original consultation response provided by Derbyshire County Council on 3 November 2022 and 14 April 2023 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development, this letter updates the Education section **only** of that response in light of the change to the dwelling numbers proposed. All elements of the County Council's response of 3 November 2022 stand except for the Education response which is updated as below. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's [Developer Contributions Protocol](#).

Officer Comments

The information provided below is based on the application consultation details as provided by the Borough Council.

In the absence of a Community Infrastructure Levy, financial contributions will be secured via Section 106 planning obligations.

CIL Compliance/ Use of Funding

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 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 56 of the NPPF; they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. All consultation responses will be in line with the Developer Contributions Protocol.

Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 95 of the NPPF (2021) stating:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'*

Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

Assessing the Proposed Development

The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.

The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-

bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

2023/24 Level of Contributions

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	24 places	£19,727.05	£4,734.49	£47,344.93	£473,449.29
Secondary phase (without Post16)	20 places	£29,724.97	£5,944.99	£59,449.94	£594,499.40
Secondary phase (with Post 16)	28 places	£30,442.79	£8,523.98	£85,239.80	£852,398.00
SEND	0.7 places	£112,882.14	£790.17	£7,901.75	£79,017.50

Primary Level

The proposed development falls within and directly relates to the normal area of Buxton Infant School and Buxton Junior School. The proposed development of 17 dwellings, (minus 6 no. one bedroomed dwellings) would generate the need to provide for 1 infant and 2 junior pupils.

Infant: Buxton Infant School has a net capacity for 180 pupils, with 160 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 135. An evaluation of recently approved major residential developments within the normal area of Buxton Infant School shows new development totalling 13 dwellings, amounting to an additional 1 infant pupil.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area infant school would have sufficient capacity to accommodate the 1 infant pupil arising from the proposed development.

Junior: Buxton Junior School has a net capacity for 240 pupils, with 238 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 212. An evaluation of recently approved major residential developments within the normal area of Buxton Junior School shows new development totalling 13 dwellings, amounting to an additional 2 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area junior school would not have sufficient capacity to accommodate the 2 junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Buxton Community School. The proposed development of 17 dwellings (minus 6 no. one bedroomed dwellings) would generate the need to provide for an additional 3 secondary phase (with post 16) pupils.

Buxton Community School has a net capacity for 1,331 pupils with 1,005 pupils currently on roll. The number of pupils on roll is projected to increase to 1,031 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Buxton Community School shows new development totalling 96 dwellings, amounting to an additional 27 secondary phase (with post 16) pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 3 secondary phase (with post 16) pupils arising from the proposed development.

Mitigation

The County Council can advise that current pupil numbers, projections and an analysis of recently approved planning applications indicate the relevant normal area infant, junior and secondary school would have sufficient capacity within the next five years to accommodate the additional pupils arising from this development, therefore no education S106 Contribution would be required at this time.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Please contact me if you would like to discuss this response further. I would be grateful if you would keep me informed of progress with this planning application and any related legal agreements. The County Council would wish to be a signatory on any legal agreements containing planning obligations that relate to County Council infrastructure and services.

Yours sincerely,

Alison Richards
Place

Copies:

Councillor Kemp, c/o Corporate Resources

Jennie McCusker, Children's Services

Highways Development Control, Place

Steve Buffery, Place

Dane Handley-Parkin, Place

Waste Management Services; Place