

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee – 25 March 2009****FINALISED PRIMARY EDUCATION AND
NEW HOUSING CONTRIBUTIONS POLICY****Report by the Executive Director (Environment)**

This report recommends, in response to the consultation, the adoption of the finalised policy on Primary Education and New Housing Development following consultation.

RECOMMENDATIONS

The Committee is asked to:

- i) Note the response to the consultation and agree the proposed changes to the policy;
- ii) Agree to adopt the finalised policy on Primary Education and New Housing Contributions for all applications determined after 6 May 2009.

BACKGROUND

- 1 The following report should be read in conjunction with the separate report “Developer Contributions”. Many of the issues raised in the response to the consultation are common to both reports and the issues raised in the Committee report on developer contributions will not be repeated in this report.
- 2 On 3rd September 2008 the Enterprise and Environment Committee approved, as a basis for consultation, a draft paper setting out the Council’s proposals for implementing a policy on the use of developer contributions to provide additional capacity within primary schools at or approaching capacity. The draft policy proposed a standard contribution which would be applied to all new housing within Perth & Kinross. These contributions would then be used to provide education infrastructure across the primary school estate.
- 3 Only a small number of submissions were received (22), 8 from Community Councils and representative groups and the remaining 14 from landowners, developers and organisations representing the development industry. Many of these submissions were positive and supportive although some significant concerns have been received regarding the proposals particularly, but not exclusively from the development industry. Copies of all representations received are available in the Councillors’ Lounge.
- 4 This policy was discussed at the meeting with Homes for Scotland on the 10th December 2008 the outcomes of which are outlined in the ‘Developer Contributions’ report.

- 5 It was proposed at the Enterprise & Infrastructure Committee of 3rd September 2008 to bring forward further work on identifying developer contributions towards secondary school provision. As yet it has not been possible to progress this work as resources have been directed towards completing the primary school policy work as the primary sector presents the most immediate issues.

SUMMARY OF RECEIVED SUBMISSIONS

- 6 With one exception, in general Community Councils considered that the principles of this policy were acceptable and as a whole did not have any issues with how it was to be implemented. The issues raised by developers, landowners and agents related to the detail of how the policy was set out and how it would be implemented. The detailed report outlining the pupil product ratio was considered acceptable and no comments were received regarding how this level was reached. One specific comment was received relating to the proposed level of contribution, this was in relation to the impact it would have on the cost of small scale housing developments. Three submissions considered that *'the proposed way of determining contribution levels do not create clarity only mediocrity'* but did not give alternatives as to how this could be calculated.

Note: The consultative draft policy detailed how the 'Pupil Product Ratio' and 'cost per pupil' figures were calculated. Copies of these calculations are available in the Councillors' Lounge.

- 7 Of the submissions received the following main points were flagged up for further consideration:
- Objection to the draft interim policy applied after the Committee of 3rd September 2008 (The Council agreed in a letter to Homes for Scotland on 12th October 2008 not to use this policy in the interim);
 - The policy as it stands does not conform to Circular 12/1996 Planning Agreements;
 - Further clarification is needed as to how any contributions collected are used;
 - The types of housing that will have contributions applied and the levels at which these are applied;
 - Further information is required in regards to the current primary schools capacities in Perth and Kinross;
 - There is no justification for the proposed 80% schools capacity level at which contributions may be sought (as applied in the proposed interim policy).
- 8 A breakdown of all submissions received and officer's response to these comments are set out in Appendix 1 to this report.
- 9 Key Amendments to Policy

At the time of drafting the policy was considered to be the most fair and equitable way of applying contributions for education. Through the

consultation process it was deemed that what was proposed fell outside the current Government guidance, in particular Circular 12/1996 Planning Agreements. The draft policy sought contributions from all new housing within Perth and Kinross whether or not the local primary school was at capacity and was in effect a 'roof tax'. The main change to the policy is that it will only be applied to new housing within the catchment areas of primary schools which are at 80% capacity or above. The contributions will not be sought from new housing development in areas where there is primary school capacity. The contributions will also now be spent either within the primary school catchment area where they are collected or where appropriate within the corresponding secondary school catchment area. In response to the consultation various minor changes have been made to the policy and associated guidance contained in Appendix 2.

10 It is considered that the changes outlined above bring this policy in line with Government guidance and that it is considered to be a robust, transparent and fair method of mitigating the impact of new housing development on the school estate.

11 **The main principles of the policy are as follows:**

- The policy will apply to all new houses with 2 or more bedrooms in primary school catchment areas with identified capacity issues;
- Affordable housing, sheltered housing, student accommodation, holiday accommodation & 1 bedroom houses will not be required to make a contribution;
- Contributions may be secured by means of a Section 75 agreement (or Section 69 agreement) between the Council and the developer/landowner;
- The contribution per eligible house at April 2009 will be £6,105 and this figure will be reviewed annually;
- Large scale developments (250+) may be subject to individual negotiations to determine the required contribution.

12 School Capacities & Implementation

A table setting out the current capacities and school role as of February 2009 for all primary schools within Perth & Kinross is included within Appendix 2(A) and indicates that currently 48 out of 71 primary schools are currently at capacity. Education and Children's Service will keep this table updated reflecting changes in primary school roles throughout the year. A yearly update of the table giving a snapshot of the changes in the schools estate will be included with the policy in April each year allowing developers to see in which catchments areas they may be required to make a contribution.

CONSULTATION

13 The Head of Legal Services, the Head of Finance, the Director of Education & Children's Service and the Head of Democratic Services have been consulted in the preparation of this report.

RESOURCE IMPLICATIONS

- 14 There are no direct resource implications associated with this report.

EQUALITIES ASSESSMENT

- 15 The Council's Corporate Equalities Assessment Framework requires an assessment of functions, policies, procedures or strategies in relation to race, gender and disability and other relevant equality categories. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new policies to ensure there is no adverse impact on any community group or employees.
- 16 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Assessment Framework and assessed in relation to the Race/Disability/Gender Equalities Assessment. Consequently the following points were identified:

Equality Target Group	Positive Impact	Negative Impact
Disability	No disincentive for developers to build sheltered housing as it is exempt from contribution.	None
Age	No disincentive for developers to build sheltered housing as it is exempt from contribution. The policy will ensure that new development in Perth and Kinross does not create a negative impact on the quality of primary school education through schools operating beyond their capacity. The Council will be able to raise funds toward the improved provision of Primary School infrastructure in areas where schools are already at capacity.	None
Other groups (please specify) Low Income Groups	No disincentive for developers to build Housing Association or affordable housing as it is exempt from contribution.	None

STRATEGIC ENVIRONMENTAL ASSESSMENT

- 17 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 18 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the determination was made that the items summarised in this report do not require further action as they do not qualify as a plan, programme or strategy as defined by the Act and is therefore exempt.

COUNCIL CORPORATE PLAN OBJECTIVES 2006-2010

- 19 The Council's Corporate Plan 2006-2010 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:
 - (i) A Safe, Secure and Welcoming Environment
 - (ii) Healthy, Caring Communities
 - (iii) A Prosperous, Sustainable and Inclusive Economy
 - (iv) Educated, Responsible and Informed Citizens

CONCLUSION

- 20 The recommendations set out in this report introduce changes to the draft paper which reflect the reasonable concerns of consultees without undermining the Council's objectives as set out in the Structure and Local Plans. It sets out a consistent and transparent approach towards applying developer contributions to education provision which will assist landowners, developers and other organisations involved in the development process.
- 21 The current procedure for dealing with planning applications with education constraints is placing a strain on the current schools infrastructure. Failure to implement this policy would limit the funding available for primary schools provision. Currently housing applications in many parts of Perth and Kinross are being refused due to lack of primary school capacity.
- 22 The implementation of this policy will enable the Council to raise significant funds towards the provision of primary education facilities in areas where there is a known constraint. It will allow planning applications currently being refused due to education constraints to be granted. It will also help ensure that new development in Perth and Kinross does not create an unmitigated impact on the current primary schools estate by ensuring that developers make proper provision towards primary school infrastructure which is proportionate to the impact of their developments.

J F IRONS
EXECUTIVE DIRECTOR (ENVIRONMENT)

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report;

Scottish Planning Policy 3: Planning for Homes (Revised 2008)
Scottish Planning Policy 17: Planning for Transport
Planning Advice Note 49: Local Planning
Circular 12/1996 Town and Country Planning (Scotland) Act 1972: Planning Agreements
Revision of Circular 12/1996: Planning Agreements Consultation Paper
Town and Country Planning (Scotland) Act 1997
Local Government (Scotland) Act 1973
Perth and Kinross Structure Plan 2003
Report to Enterprise & Infrastructure Committee 3rd September 2008 – Developer Contributions Policy and the Development of Supplementary Planning Guidance
Report to Enterprise & Infrastructure Committee 3rd September 2008 – Supplementary Planning Guidance on Developer Contributions towards Primary Education

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Primary Education and New Housing Development

Submission	Council Response	Recommendation
<p>The policy does not conform to the advice contained in planning Circular 12/1996 & Section 75 Agreements. (6 Submissions)</p>	<p>It is acknowledged that some aspects of the draft policy may not conform to the advice contained in Planning Circular 12/1996 Planning Agreements. This is considered in response to the specific comments below all of which take account of current practice and the experience of other Local Authorities.</p>	<p>See changes outlined below.</p>
<p>It is not reasonable to apply the draft policy on contributions from the date of publication. Implementation should wait until final adoption by the Council (7 Submissions)</p>	<p>The use of the policy in the interim was removed and confirmed in the letter to Homes for Scotland dated 22nd October 2008 and subsequently noted at the Enterprise & Infrastructure on 12th November 2008. The policy will only be implemented once it is fully adopted by the Council.</p>	<p>No Change</p>
<p>Small developers will be unable to afford this levy. Small developments should be excluded from inclusion. (2 Submissions)</p>	<p>Restricting the policy to larger developments and developers would relieve some of the administrative burden on the department and minimise the likely impact on performance figures. However a significant proportion of house completions in Perth and Kinross occur on sites of less than 5 units. Cumulatively these developments can place disproportionate pressures on local infrastructure and facilities particularly in the primary school sector where rural schools are only able to</p>	<p>No Change</p>

Submission	Council Response	Recommendation
	<p>accommodate a limited school role. Restricting contributions to larger developments may be seen to place an inequitable burden on those developments. Paragraph 8.2 of the Developer Contributions Policy SPG indicates that 'where substantial contributions are required that may jeopardise the commercial viability of a project, the Council will enter into negotiations to establish whether reduced contributions would be appropriate.'</p>	
<p>It is inappropriate to spend the money in a different catchment area. (3 Submissions)</p>	<p>Contributions will be used in the first instance within the primary school catchment that they contribute too. In order to give a degree of flexibility and allow for the best use of the contributions they may be spent on adjacent primary schools within the same secondary catchment area.</p>	<p>The SPG should be amended to clarify where the contributions will be used.</p>
<p>Affordable housing should be required to pay. (2 Submissions)</p>	<p>In most circumstances it will not be possible to apply the developer contributions SPG to affordable housing sites developed by registered social landlords supported by the Scottish Government Housing Investment Division. The Housing Division is not allowed to use pressurised housing funds to fund other local authorities' services. Without this funding it would be very difficult for housing associations to deliver affordable housing.</p>	<p>No Change</p>

Submission	Council Response	Recommendation
	Having regard to all the relevant factors and the Councils desire to ensure an adequate supply of affordable housing it is considered that the SPG should continue to exempt affordable housing from the requirement to contribute to the funding of education infrastructure.	
Sheltered housing should not make contributions. (6 Submissions)	It is accepted that sheltered housing should be removed from making a contribution due to it having a limited impact on education provision across Perth and Kinross.	The SPG should be amended to show that Sheltered housing will no longer be required to make a contribution.
The SPG fails to give consideration as to how contributions will be sought from the second hand sector. For instance if a family with school age children move into a second hand property previously occupied by a single elderly person who then moves into sheltered accommodation then why is a contribution required from the latter development but not the former. (1 Submission)	It is not considered possible to monitor the second hand sector and calculate robust contributions to reflect any impact on school capacities.	No Change
1 bedroom properties should not make a contribution.(4 Submissions)	It is considered that 1 bedroom properties have a limited impact on school capacities and should not be required to make a contribution.	The SPG should be amended to show that 1 bedroom properties will not be required to make a contribution.
Brownfield land should be exempt from making a contribution (1 Submission)	Whilst exempting brownfield land may help support the re-use of existing buildings and this type of land in some areas these represent a significant proportion of new dwellings which cumulatively can place	No Change

Submission	Council Response	Recommendation
	significant pressure on existing services and facilities.	
There is no justification for any separate negotiation (above 250) except to agree phasing where housing is developed over a period of years. (4 Submissions)	The introduction of separate negotiations when a proposal is for 250 dwellings or more does not instantly meant that contributions will be applied at a higher rate. It has been determined that developments of this size may have a greater impact on the school estate and should be looked at in greater detail to see if standard contributions should be applied or an individual contribution be negotiated. Past experience suggests that there would be relatively few applications of this scale.	No Change
There is likely to be an issue with paying towards education infrastructure and then finding a lack of investment in a catchment area leading to a shortage of school places. The availability of schooling is a marketing issue. A likely outcome of this one size fits all approach. (2 Submissions)	The level of payment that is required is a contribution. It is not intended to cover the complete costs of mitigating the impact of new development on education capacities. The provision of education capacities will continue to be funded from a variety of sources including local and national taxation.	No Change
The current way of determining contribution levels do not create clarity only mediocrity. No development will actually pay what is necessary and justified to overcome a particular infrastructural obstacle to development. (3 Submissions)	See above. In addition it is acknowledged that some developments will pay more or less than what is necessary and justified to overcome a particular infrastructural obstacle to development. By determining contribution levels in this way it spreads the burden across all development that would have an impact and stops an individual proposal being hit with the full cost of	No Change

Submission	Council Response	Recommendation
	overcoming infrastructural obstacles when the constraint threshold is reached. It also allows at the outset for developers to see what contributions are required and allow for these to be factored into the development costs. As the contributions are identified in advance of an application being made this will enable applications to be determined quicker speeding up the development process.	
Will enough money be raised to be effective? Will PKC match the developer contributions? (1 Submission)	Developer contributions are one revenue source and in most cases the Council will also require to make significant contributions. In some cases the Council contribution will exceed the amount generated by developer contributions.	No Change
This policy may lead to developers seeking consent for extra houses in order to make their proposals economically viable with the levy. It would seem a clause should be inserted to the effect that 'the cost of infrastructure contributions will not be taken into consideration when determining the allowable scale of a development'. (1 Submission)	It is acknowledged that developers may in some cases propose higher density developments in order to make their proposals economically viable. It is the view that whereas higher densities may be considered more sustainable they are only appropriate where they would not conflict with other factors when determining a planning application.	The SPG should be amended to show that the cost of infrastructure contributions will only be considered when determining the allowable scale of development where the proposal would not conflict with any other policy or proposal in the Local Plan.
Where a new application is lodged for increased numbers and a contribution has already been paid, contributions should only be applied to the additional dwellings. (2 Submissions)	It is not intended that where a contribution has previously been made and an increase in numbers is applied for contributions would be required from all proposed houses again.	The SPG should be amended to show that where a new application is lodged for an increase in housing numbers and a contribution has previously been paid within the last 10years contributions will

Submission	Council Response	Recommendation
		only be applied to the net additional dwellings.
Developments subject to approved masterplans or development briefs are exempt from this policy even if no planning permissions are extant. This should not be the case. (1 Submission)	Approved masterplans and development briefs will already set out what contributions if any are required for development to take place. It is however agreed that in certain cases if these have not begun within a certain period of time they become ineffective and may be subject to renegotiation to take account of the most up to date developer contributions SPG. This will be considered through the review of the Local Development Plan.	The SPG should be amended to show that in certain circumstances masterplans and development briefs may be renegotiated in line with the most current developer contributions SPG.
The Council states that the largest proportion of new house sales are people moving into P&K. The paper offers no evidence to support this. It also does not offer evidence that young families buy new homes rather than existing. (1 Submission)	Census data provided by the General Register Office for Scotland shows that the death rate in Perth and Kinross is at a higher level than the birth rate. It also shows that there has been a marked increase in the population which due to the above factors this increase is due to in migration. Work carried out on the Pupil Product Ratio has shown that in many areas with new housing developments, the pupil to household ratios were found to be much higher than average in Perth and Kinross.	No Change
More information needs to be provided on the current school capacities. (1 Submission)	Education Children's Service is reviewing the current capacities of the primary schools estate across Perth and Kinross. Because the occupancy levels are constantly changing it is not possible to have an up to date list within the SPG. It is proposed that	The SPG should be amended to include a table showing the current capacities and school role of primary schools in Perth and Kinross as of 1 st April 2009. This table will be updated yearly.

Submission	Council Response	Recommendation
	<p>a table is produced setting out the current capacities and school role for all primary schools within Perth and Kinross. This data will be used to assess all new applications from the date of committee. The table will be produced with the final policy setting out these capacities as of 1st April 2009 this will then be updated yearly giving a snapshot of the changes in the schools estate and allowing for developers to see in which catchments areas they may be required to make a contribution.</p>	
<p>Schools operating at 80% are not at capacity therefore contributions should not be sought. (4 Submissions)</p>	<p>At 80% some but not all of the primary streams are full or approaching it and this ability to accommodate children of any age to classes will be compromised. 80% capacity allows sufficient space to reorder classes if the age profile of the school roll changes, allows some placing requests to be accommodated and tries to ensure that children moving into a catchment area during an academic year can be accommodated. There is also a need for time to consider impact, plan, seek approval for any adjustments to the capital plan, design and build the accommodation whilst minimising disruption to the education of existing children at the school – there are specific times of the year when this is more suitable than others.</p>	<p>No Change</p>

Submission	Council Response	Recommendation
It is not suitable to comment on just one area of contributions without seeing the overall impact of all future proposals. All information should be available before this consultation went ahead. (1 Submission)	At present developer contributions towards primary education provision is an issue which requires an immediate response. As future SPG is developed they will take into account the impact of previous SPG in order to build a complete set of guidance.	No Change

Supplementary Planning Guidance Note

Primary Education and New Housing Development

March 2009

Note: This version tracks the changes made from the draft document approved for consultation in September 2008.

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Annex A – Likelihood of developer contribution requirements for individual schools

~~Background Paper 1 – Primary Schools at 80% Capacity or Over~~

~~Background Paper 2 – Pupil Product Ratio~~

1. Introduction

- ~~1.1 On the 3rd September 2008 the Enterprise and Infrastructure Committee agreed to the principle of consulting on the use of Developer Contributions to assist in meeting the infrastructure requirements of new development. The Committee also approved for consultation a draft Developer Contributions Policy, Draft Education Contribution Supplementary Planning Guidance and the principles for the development of further Supplementary Planning Guidance.~~
- 1.1 *The following developer contributions policy will be determined by the Council. The policy applies over the whole of the local authority area of Perth and Kinross.*
- 1.2 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development.
- 1.3 The General Register Office for Scotland's 2006 based population projections indicates that Perth and Kinross has the highest growth rate across all of Scotland. In addition, the more detailed analysis of age breakdown indicates a fundamental shift from a declining primary school population to an increasing number of school age children in the period to 2031. This is the second highest projected increase in primary school population age groups within Scotland. With much of the existing primary school estate currently working at or near capacity, these projected increases will result in the need to replace or expand over 65 primary schools within Perth and Kinross in addition to the construction of a number of additional primary schools. ~~Although costs vary between the individual projects required, there is a need to look at the school estate in its totality, as a constraint within one primary school catchment area can on occasions be resolved by either the creation of a new school elsewhere or the expansion of an adjacent primary school. For this reason it is proposed that the requirement for developer contributions will be dealt with on a Council wide basis thus spreading the burden in an equitable manner.~~
- 1.4 With the population increase of Perth & Kinross driven by in-migration, largely from other parts of the UK, a partnership approach is required between the Council and developers to ensure infrastructure capacity is not to become a major constraint on new development. This partnership approach can be achieved by tapping into the significant rise in land values obtained through the granting of planning consent.
- 1.5 Such partnerships have traditionally been facilitated through the use of section 75 and section 69 agreements which have become key mechanisms in the planning system for addressing and for mitigating the impact of new development. Although such agreements have been used to address specific issues, arising from individual applications they can also be used as the vehicle for a developer contribution policy which addresses the general issue of infrastructural requirements and seeks to bring about a fairer sharing of infrastructure costs the use of developer contributions policy is proposed.

2. Principles of the Guidance

2.1 This guidance will be applied across the whole of Perth & Kinross.

2.2 The following key principles will apply:

- The level of contribution will be reviewed annually to reflect inflation uplifts in the costs of constructing additional accommodation;
- Affordable & Council housing will not be required to pay contributions;
- Applications for dwellings which are not likely to place an additional burden on the existing schools for example student or holiday accommodation would not be expected to make a contribution;
- ~~Proposed one bedroom properties and sheltered housing will have the contributions applied at half of the full rate to reflect the reduced impact this type of development will have on education provision. (For the purpose of this policy sheltered housing is defined as 'Groups of housing units provided for elderly people who require occasional support and assistance from a resident warden but who do not require full residential care');~~
- *Proposed one bedroom apartments, where it is clear that no additional rooms could be used as bedrooms, will not be required to pay a contribution;*
- *Sheltered housing will not be required to pay a contribution. (For the purpose of this policy sheltered housing is defined as 'Groups of housing units provided for elderly people who require occasional support and assistance from a resident warden but who do not require full residential care');*
- Proposed dwellings of two or more bedrooms, along with consents for the change of use from sheltered accommodation or one bedroomed dwellings to residential units of two or more bedrooms, or for conversions from alternative uses to residential where the units comprises two or more bedrooms, will make a full contribution;
- ~~If a proposal has previously made a contribution within the last 10 years the balance between the full contribution and what has previously been paid will be required;~~
- For large scale developments, (i.e. 250+ new houses) the Council may enter into separate negotiations to determine the required contribution and may be prepared to agree to additional capacity being provided in phases;
- Deferring the start date of the development or phasing arrangements may need to be agreed between the Council and developers so that, at all times, sufficient school capacity is available;
- Contributions may be secured by means of a section 75 agreement (or section 69 agreement) between the Council and the developer/landowner. The agreement will need to be concluded before planning permission can be issued. Developers will be responsible for the cost of preparing legal agreements. It is acknowledged that this may cause delays in issuing planning consents and it is proposed to investigate other mechanisms to deal with this issue.

3. Developers Funding

- 3.1 All developer contributions will be paid into a fund to facilitate the education provision needs in Perth and Kinross ~~as a whole. The costs of education provision varies between each individual project and there is a need to look at the school estate in its totality, as a constraint within one primary school catchment area can on occasions be resolved by either the creation of a new school elsewhere or the expansion of an adjacent primary school.~~ Where possible, developer contributions will be invested within the relevant primary school's catchment area (including denominational schools where they exist). Where it is not possible to invest in the same area the Council reserves the right to invest the contributions received ~~in other primary schools in~~ within the corresponding secondary school catchment areas to help alleviate the capacity issue. For the purpose of this SPG the three Perth non-denominational secondary catchment areas will be treated as a single catchment area.
- ~~3.2 It may be the case that the cost of education requirements may exceed the value of developer contributions for that school catchment area at a particular point in time. In such cases the Council reserves the right to use contributions from other school catchment areas and refund this from future contributions.~~
- 3.2 *Where a contribution has been made through a legal agreement such as a Section 75, developers will be able to reclaim any money not invested in providing education provision after 10 years but before 11 years from the date the contribution was made.*

4. Applying the Guidance

- ~~4.1 The education contributions will not be applied retrospectively to a site which had full or outline planning consent or was the subject of an approved Masterplan or development brief prior to the policy coming into effect. If a revised detailed application is submitted or a detailed application which seeks to alter the number of units specified in an outline application which pre dated the policy, in general terms if the application is for an equal or smaller number of units then the policy would not be applied. If, however, the application is for a greater number of units then it will be treated as a new proposal and the policy applied.~~
- 4.1 *The education contributions will not be applied retrospectively to a site which had full or outline planning consent prior to the policy coming into effect. Approved Masterplans or development briefs will not have the contributions applied except where they are considered to be out of date and may subsequently be renegotiated in line with the most current guidance. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied. If a revised detailed application is submitted or a detailed application which seeks to alter the number of units specified in an outline application which pre dated the policy, in general terms if the application is for an equal or smaller number of units then the policy would not be applied. If, however, the application is for a greater number of units then it will be treated as a new proposal and the policy applied to all units. Where a*

revised application is lodged for a greater number of units and a contribution has been previously been paid within the last 10 years the policy will only be applied to the net additional dwellings.

- 4.2 Where a development proposal includes replacement houses the education contributions policy may not apply to all units. The test will be whether the proposal will effectively create additional residential units which were not available as houses previously. The following general guidelines will apply:
- 4.3 Situations where the replacement or refurbishment of an existing house will be included under the education contributions policy:
- Where it has been vacant for longer than three years;
 - Where it has been used for another purpose such as storage and would require planning consent to revert to a residential property;
 - Where it is dilapidated or derelict and would need extensive work requiring planning consent to become habitable;
 - Where it is habitable and by means of its small size or type would be exempt from the full education contributions but it is to be replaced with a substantially larger house which falls into the contributions category.
- 4.4 Situations where the replacement or refurbishment of an existing house may not be included under the education contributions policy:
- Where it has been occupied or has been in a habitable condition in the past three years; or
 - Where it would be capable of being occupied as a house without requiring extensive work or planning consent.

5. ~~Applying the Guidance in the Interim~~

- ~~5.1 From the date the draft supplementary planning guidance note is available for consultation the following will apply to all new applications where a primary school capacity constraint has been identified:~~

- ~~• On a voluntary basis, applicants will have the option to have the draft policy applied as it stands. In this case if the contribution level in the finally adopted policy is lower than the draft policy, the difference will be refunded. If the contribution level in the finally adopted policy is higher than the draft policy no additional funds will be sought;~~
- ~~• If the applicant does not agree to the use of the draft policy where the proposal is within an area with a known capacity issue and would be unwilling to negotiate a contribution with the Council, the application will be deferred until after the policy is fully adopted.~~

~~Note: A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development, at or above 80% of total capacity.~~

5. Determining Contribution Levels

- 5.1 In order to provide a clear picture of expectations and to ensure parity of contribution across areas of need it is considered that a formula based on the average number of children per household and the average cost of creating additional primary school capacity would be appropriate, as this introduces both a demographic and construction cost variable.
- 5.2 *The consultative draft Policy detailed how the 'Pupil Product Ratio' and 'cost per pupil' figures were calculated. Copies of these calculations are available on request.*
- 5.3 Annex A ~~define the required contributions~~ and sets out *in* which primary school catchments in which a contribution may be required.
- 5.4 The ~~level of contributions~~ and likely number of children per household formula will be reviewed and updated every 3 years.

6. Cost of Contributions (at April 2009)

- Cost per pupil - £22,612
- Pupil Product Ratio – 0.27
- Total Contribution per House
- $\text{£22,612} \times 0.27 + 1\% = \text{£6,166}$ £6,105

7. Developer Contribution Rates per Dwelling

Type of Dwelling	Contributions
1 Bedroom Dwellinghouse	£3,083 <i>No Contributions Required</i>
Sheltered Housing	£3,083 <i>No Contributions Required</i>
Affordable Housing	No Contributions Required
2+ Bedroom Dwellinghouse	£6,166 £6,105

Likelihood of developer contributions requirements for individual schools

Version 1: February 2009

Next Review: April 2009

To assist applicants with the preparation of development costs the following schedule showing the 'likelihood' of a developer contribution being sought attached for each of the authority's school catchment areas.

This schedule (published in April each year) is based on the cumulative impact of all developments within the Council's Local Plans upon each school's occupancy level.

The 'likelihood' schedule is merely to provide initial guidance and is subject to change. If, for example, the number of new homes developed in a catchment area materially higher or lower than anticipated, or there are other changes to a school's occupancy level, then the requirement for developer contributions may change accordingly.

Perth Grammar Cluster	
Auchtergaven Primary	Will be sought for each development in the catchment area.
Balhousie Primary	Unlikely
Logiealmond Primary	Unlikely
Luncarty Primary	Will be sought for each development in the catchment area.
Methven Primary	Possible depending upon size of proposed development.
Murthly Primary	Will be sought for each development in the catchment area.
North Muirton Primary	Will be sought for each development in the catchment area.
Pitcairn Primary	Will be sought for each development in the catchment area.
Ruthvenfield Primary	Will be sought for each development in the catchment area.
Stanley Primary	Unlikely
Tulloch Primary	Will be sought for each development in the catchment area.
Perth Academy Cluster	
Arngask Primary	Possible depending upon size of proposed development.
Balbeggie Primary	Possible depending upon size of proposed development.
Collace Primary	Unlikely
Goodlyburn Primary	Possible depending upon size of proposed development.
Guildtown Primary	Will be sought for each development in the catchment area.
Letham Primary	Will be sought for each development in the catchment area.
Robert Douglas Memorial Primary	Will be sought for each development in the catchment area.
Viewlands Primary	Will be sought for each development in the catchment area.
Perth High Cluster	
Abernethy Primary	Unlikely
Abernryte Primary	Possible depending upon size of proposed development.
Caledonian Road Primary	Unlikely
Craigie Primary	Will be sought for each development in the catchment area.
Dunbarney Primary	Will be sought for each development in the catchment area.
Errol Primary	Will be sought for each development in the catchment area.
Forgandenny Primary	Will be sought for each development in the catchment area.
Forteviot Primary	Unlikely
Inchture Primary	Will be sought for each development in the catchment area.
Invergowrie Primary	Will be sought for each development in the catchment area.
Kinnoull Primary	Will be sought for each development in the catchment area.

Longforgan Primary	Will be sought for each development in the catchment area.
Moncreiffe Primary	Will be sought for each development in the catchment area.
Oakbank Primary	Will be sought for each development in the catchment area.
St Madoes Primary	Will be sought for each development in the catchment area.
Auchterarder CS Cluster	
Aberuthven Primary	Will be sought for each development in the catchment area.
Auchterarder CS (Primary)	Possible depending upon size of proposed development.
Blackford Primary	Will be sought for each development in the catchment area.
Dunning Primary	Will be sought for each development in the catchment area.
Blairgowrie High Cluster	
Alyth Primary	Unlikely
Burrelton Primary	Will be sought for each development in the catchment area.
Coupar Angus Primary	Will be sought for each development in the catchment area.
Glendelvine Primary	Will be sought for each development in the catchment area.
Hill Primary	Will be sought for each development in the catchment area.
Kettins Primary	Unlikely
Kirkmichael Primary	Possible depending upon size of proposed development.
Meigle Primary	Will be sought for each development in the catchment area.
Rattray Primary	Will be sought for each development in the catchment area.
Straloch Primary	Unlikely
Strone of Cally Primary	Unlikely
Breadalbane Academy Cluster	
Breadalbane (Primary)	Will be sought for each development in the catchment area.
Glenlyon Primary	Unlikely
Grandtully Primary	Will be sought for each development in the catchment area.
Kenmore Primary	Will be sought for each development in the catchment area.
Kinloch Rannoch Primary	Will be sought for each development in the catchment area.
Royal School of Dunkeld Primary	Unlikely
Crieff High Cluster	
Braco Primary	Will be sought for each development in the catchment area.
Comrie Primary	Will be sought for each development in the catchment area.
Crieff Primary	Will be sought for each development in the catchment area.
Greenloaning Primary	Will be sought for each development in the catchment area.
Madderty Primary	Will be sought for each development in the catchment area.
Muthill Primary	Will be sought for each development in the catchment area.
Kinross High Cluster	
Blairingone Primary	Possible depending upon size of proposed development.
Cleish Primary	Will be sought for each development in the catchment area.
Fossoway Primary	Will be sought for each development in the catchment area.
Kinross Primary	Will be sought for each development in the catchment area.
Milnathort Primary	Will be sought for each development in the catchment area.
Portmoak Primary	Will be sought for each development in the catchment area.
Pitlochry High Cluster	
Blair Atholl Primary	Unlikely
Logierait Primary	Unlikely
Pitlochry (Primary)	Will be sought for each development in the catchment area.
Struan Primary	Unlikely

