

**Scarborough Borough Council  
Planning and Compulsory Purchase Act 2004  
Town and County Planning (Local Development) (England) Regulations 2004  
Scarborough Borough Local Development Framework**

**Statement of Consultation (Regulation 18 (4) (b))  
Education Payments Supplementary Planning Document**

This Supplementary Planning Document (SPD) has been prepared in compliance with Section 17 (1-3) of The Town and Country Planning (Local Development) (England) Regulations 2004.

The draft Education Payments SPD was advertised within the Local Press on the 11 January 2008, was published on the Council's Website and was able to be directly consulted on through Limehouse consultation software. Copies of this document were deposited within the Council Offices at Scarborough, Whitby and Filey and in local libraries (within the Scarborough Borough LDF area). The consultation exercise was carried out 11 January –22 February 2008. The letter of notification of the draft SPD, and Notice of Matters were sent to a wide range of consultees (in excess of 1000 in total), including Councillors, developers, and surrounding authorities. Paper copies were also sent to Statutory Consultees including Parish Councils and the County Council (as LEA).

18 organisations/individuals responded back to the consultation. In general, the response to the document was positive. Of the 18 responses received 6 made no comment, 2 made no objections, 4 supported the document as proposed, 4 wanted lower thresholds to be applied and two objected. Summaries of the representations received, together with an analysis and recommendation as to whether any changes to the SPD were required are listed below.

Full Name	Organisation Details	Response	Officers' Recommendation
Mr Richard Brew	Chairman Whitby Hospitality association	This is a logical and balanced policy, which I support.	Noted.
Ms Amanda Johnson	Yorkshire and Humber Assembly	No comments to make	Noted.
Mr Alexander Keddie	Hazardous Installations Directorate Health and Safety Executive	HSE does not comment on these documents. HSE's advice on developments near hazardous installations and pipelines can be obtained using the PADHI procedures.	Noted.
Mr Ian Smith	Strategic Planner Yorkshire Regional Office English Heritage	No comments to make.	Noted.
Alison Saunders	EHRC Disability Helpline Advisor Equality and Human Rights Commission	No comments to make.	Noted.
Colin & Yvonne MacLeod		The need for housing to meet the school intake is understandable but if the intention is to build on the site at Spital Vale then the residents would be totally against it.	Noted. The purpose of the document is to ensure that pressure on existing educational facilities is not made worse by new housing development.

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Ms Rose Freeman	The Theatres Trust	No comments to make.	Noted.
Mr Steve Simpson	Parish Clerk Eastfield Parish Council	<p>Eastfield Parish Council generally support this document but would like to see:</p> <p>a. The threshold should be uniform between rural and urban areas and feels that 15 units would be more appropriate.</p> <p>b. We are pleased to see that secondary school places are now included.</p> <p>c. Whilst the use of 'temporary' classrooms may be convenient, in practise these tend to remain for long periods of time and therefore the practise of providing 'permanent' classrooms should be adopted.</p>	<p>a. The thresholds are in line with other local authorities in North Yorkshire. The County Council, as the Local Education Authority, is happy with the thresholds proposed and would be the principal assessor of the need for any contributions to be made.</p> <p>b. Noted.</p> <p>c. The Borough Council does not endorse the use of temporary classrooms for long term use, as stated in this SPD. However responsibility for providing suitable accommodation lies with the County Council. As such no action regarding paragraph 4.13 is proposed.</p>
Mr M McGuinn	Parish Clerk Newby and Scalby Parish Council	1. The limit of 25 units or more for Scarborough Urban Area should be the same as for other areas where 15 or more would trigger the provision. The reason being that a development of 15 units or more could result in a significant impact on school provision. In addition where there are several small infill developments of	1. The thresholds proposed are set in line with other authorities in North Yorkshire and have received the support of the County Council as the Local Education Authority, and principal assessor of whether contributions are required. Acknowledge that cumulatively smaller developments can have an

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		<p>less than 15 units the cumulative effect could be the same and a lower limit of 15 would help to mitigate such small-scale developments. It follows that pooled resources should be pursued for smaller developments to offset the cumulative impact.</p> <p>2. This parish council has always fought for Section 106 agreements and feel that everything should be done to make sure that developers, in making their profits, should be asked in every instance to mitigate the impact their development will have on education and other services.</p> <p>3. Under payment in kind (section 4.13) this parish council is not happy with temporary classrooms and has always sought to have permanent classrooms built. It is felt that this section should read: "4.13 The provision of temporary or mobile classrooms is not an acceptable solution under any circumstances"</p> <p>The reason being that our experience with temporary classrooms at Scalby School and Newby &amp; Scalby County Primary School shows that these temporary classrooms fast become the norm and once established take an unreasonable amount of time to be replaced with the same old argument of replacement cost being used to justify their existence. In practice we have seen the temporary planning permission renewed time and again over a long period</p>	<p>impact, and this is why the threshold has been reduced from 25 to 15 in the villages. No action to be taken to reduce thresholds.</p> <p>2. Noted. See response above. The Council does not have the resources to ask for Section 106 Legal agreements for all new residential developments. Therefore no action to make all developments attract a contribution.</p> <p>3. Noted. The Borough Council does not support the long-term use of temporary classrooms, but is unable to directly require the County Council to replace such forms of facility.</p>

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		with limited success in having permanent classrooms built.	
Mr David Carter	Natural England	No objections.	Noted.
Mr Roy Donson	Regional Planning Director Barratt Northern	<p>1. An education contribution policy has operated for several years but only on the basis of a requirement being set at the primary level. This policy introduces a secondary level requirement but only for sites over 150 dwellings. This will apply to only two current sites, which are both allocated sites in the current local plan and in accordance with the Council's Housing Trajectory will not come on stream for about 3 years. Therefore, it appears out of sequence to seek to promote this SPD now rather than seeking to introduce a policy into the Core Strategy, by which time the Community Infrastructure Levy will be a statutory requirement, which will include education payments. It is questioned if this significant change to existing policy amounts to the introduction of new policy instead of testing the policy either in its own right or part of a wider Community Infrastructure Levy through an independent examination.</p> <p>2. The formulae are clear and easily understood. The background to the policy is that the County Council has a lack of financial resources to secure the appropriate provision against a background of a</p>	<p>1. The Borough Council cannot predict when a large site will come forward, although it is anticipated that the Middle Deepdale housing development will come in as a planning application this year. Nothing has been confirmed by the Government regarding the Community Infrastructure Levy. Therefore this document is not out of sequence.</p> <p>2. Note comment that formulae and charges are clear and easily understood. Any development (unless designed specifically not for family accommodation or capable of extension to such</p>

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		<p>reorganisation of 'Primary Capital Programme'. This programme is related to primary schools and the causal link to secondary schools is unjustified.</p> <p>3. The use of thresholds means that a site that generates 6 primary children will make no contribution but a site that generates 7 primary children will make a contribution of £80,150. This is a large differential and appears unfair.</p> <p>4. The Council are through another SPD seeking to introduce an affordable housing policy. This proposes to require up to 50% of a site to be built for affordable</p>	<p>accommodation) has the capability to have children of primary and secondary school age living there. Therefore on larger schemes both primary and secondary education provision will be affected. The document refers to the 'Building Schools for the Future' programme that refers to secondary schools. In discussions with the County Council, prior to development of this SPD, they outlined that there was a need to include a requirement that allowed, where necessary, for secondary school contributions to be made. The actual number of 'places as a contribution' is lower than at primary school because there are less direct linkages between developments and secondary school. Therefore it is no proposed that the secondary school contribution be removed.</p> <p>3. Disagree. A threshold must be set at a particular point to give a clear indication of when a contribution is required. The contribution will only be required if the County Council determines in pre-application discussions that the proposed development would have an adverse impact on the delivery of educational services in that locality. A contribution would not be required without justification.</p> <p>4. Disagree. Affordable housing could have an affect on the delivery of services within the area in which it is built. This is especially so in villages, which is why</p>

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		<p>housing. This was justified by a study, which alleged that over 3,000 existing households were in housing need. The children from these households are already provided for in the education system and so should they be re-housed onto a new site there is no new education requirement arising. Indeed the study says that all the affordable need apart from 58 households will be generated from within the existing population. So the developer will have to contribute to the education system if those in housing need are provided for on a new build site; if the same people were not provided for via new build the education requirement would be funded by the County Council. It is unfair and unreasonable to require affordable housing to contribute to education provision.</p> <p>5. The policy should be amended to:-  a) Omit any secondary contribution;  b) Provide for a graduation of contributions to avoid a sudden step change;  c) Omit all affordable housing on a site from any contributions and so apply the policy to sites with more than 25 market houses.</p> <p>6. Paragraph 4.8 does not allow for accounting for the rate of house building on the basis that such a rate is uncertain. If it is so uncertain then so is the generation of children from the development and the need for the payment is unjustified.</p>	<p>the threshold has been lowered for primary education outside the towns. the requirement for contributions will be based on need, and this will be assessed by the County Council.</p> <p>6. The planning authority can assess whether a development is capable of housing children, but it cannot determine how many children will occupy a development, the calculation therefore accounts for this by requiring a 1:4 or 1:8 payment to allow for</p>

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		<p>7. The reality is that the Council calculates (or assumes) a rate of house building to construct its Housing Trajectory. Therefore, it has the evidence on which to base a house building, and thereby, a child generation rate. On the basis of actual births, the Council also knows the predicted number of school places over a 5-year period and so can calculate the emergence of surplus places over that period set against the birth rate. Such a policy is likely to capture sites up to 120 dwellings which would leave only a few sites for which an individual agreement would need to be negotiated.</p> <p>8. It is easily possible to allow for the reasonable rate of house building and it unjustified not to take it into account. Therefore it is proposed that the rate of house building should be taken into account on the basis of 30 legal completions per year starting one year after the developer receives its planning consent.</p>	<p>this uncertainty. The rate of housing building in a development is also uncertain, so the whole development must be considered in its entirety for the calculation. However, regarding when payment occurs this can be before, during (at a particular occupation), phased or on legal completion of the development, and this will be in agreement with the developer.</p> <p>7&amp;8. The County Council will determine when contributions are required.</p>



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		<p>9. The introduction of another SPD that increases the planning gain cost is making residential development ever more unviable and so contrary to the Government's housing delivery agenda. This SPD should be re-examined in the light of all other costs and its impact reconsidered on a fairer basis.</p>	<p>9. Disagree. The Council considers that it is imperative that new development does not place a burden on existing infrastructure, facilities and services. In this instance, this document refers to education. Contributions for education facilities from new housing developments are required on a basis of need, and required from developments that would have an adverse impact on the existing services in the area served by the housing. This is in compliance with saved Local Plan Policy and Circular 5/2005.</p>
Mr K F Phillips		<p>Agrees with its principles and procedures. Only real concern is the threshold for secondary education contributions being set at 150. This is too high and should be more realistically set at 75-100.</p>	<p>The threshold follows other authorities within North Yorkshire, and is supported by the County Council who are the Local Education Authority, and who would principally assess the need for contributions. Section 106 agreements are monitored and therefore if the document is not sufficiently responsive we would look to reduce the threshold accordingly. No action to be taken regarding contribution threshold for secondary school.</p>
Mr Trevor Harper		<p>In section 1.6 the threshold of 15 units is appears too high with the current land building consultations that are on going. These in my view are small but numerous plots that are open for development and would probably not individually meet the 15 unit threshold, but over all could be well in excess of this number.</p>	<p>The thresholds correspond with those set by other authorities within North Yorkshire and are supported by the County Council as the Local Education Authority. Each application must be considered separately, and the County Council determine whether contributions are required. Commuted sums can be pooled together from different developments.</p>

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		The section say that the figure of 15 is to take account of the possibility of small developments but is not clear that it will take into account all the possible development that will cumulatively exceed this figure.	provided they are used within an area that serves the development. No action to revise proposed thresholds.
M Johnson		Objects on the basis that this amounts to another tax.	The purpose of this SPD is to provide a mechanism whereby pressure from new housing development on educational services is reduced through the developer of the site making a specific contribution to education provision in the area the development is served by.
Mr Jon Palmer	Senior Planning Executive Yorkshire Forward	No comments to make.	Noted.
Mr Graham Banks	Planning and Environmental Services Hambleton District Council	It is noted that it was the County Council that determined the need for the change to include contributions for both Primary and Secondary school places. It is also noted that the proposed thresholds set out in the SPD are in line with those adopted by other Local Planning Authorities in North Yorkshire and that the requirements set out in the SPD comply with the Secretary of States policy tests on the various	Noted.

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		issues. On that basis this Council is generally supportive of the objectives set out in the SPD and to your Councils methods of achieving them.	
Ms Alison Munday	Government Office for Yorkshire and The Humber	Para 3 explains that this SPD relates to saved Policy C6 in the Scarborough Borough Local Plan, and Appendix A says that under the new planning system, SPDs will expand on policies or provide further detail to DPDs. It might be helpful to add a sentence (e.g. under 'Monitoring and Review') to explain that when Policy C6 is superseded, e.g. by a policy in the Core Strategy, the existing SPD will be reviewed to make sure that there is still a policy on which to 'hang' it. Also, it might be worth mentioning that the SPD will be reviewed if there is any change to the current Planning Obligations guidance (ODPM Circular 5/2005) (which has already been subject to some consultation).	Acknowledged. Will add in to the policy background section information on what would happen regarding changes to the policy situation.
Ms Fiona Campbell	Strategic Planning Officer North Yorkshire County Council	North Yorkshire County Council Children and Young People's Service is pleased to have the opportunity to comment on the Education Payments Draft SPD. We are pleased with the document overall, but have some comments. Suggested amendments: 1.5 '...which is intended to look at...', '...and Education in general has risen...'  3.7 Policy and Development Unit is now 'Strategic Services'	Noted support. Acknowledge amendments and will amend document accordingly.

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		<p>4.2 delete 'during the County Council's review period'</p> <p>4.11 '...payment of contributions may be in advance of completion, delayed or phased...'</p> <p>Suggested addition:</p> <p>It would be helpful for the document to contain advice to developers that they should not approach educational establishments direct with offers of additional provision.</p>	

