

Home to School Planning Obligations

1.0 The Council's statutory responsibilities

The development will generate pupils at primary and secondary school age. The Council has a statutory duty to transport pupils to school if they live beyond 2.0 miles from the primary school on a safe route and 3.0 miles if a secondary school.

2.0 North Somerset Council policy on Home to School Transport (HTST)

2.1 Core Strategy Policy CS34 sets out that Development proposals will be expected to provide a contribution towards the cost of infrastructure. It also states that subject to statutory processes and regulations, contributions may be collected towards *“ongoing revenue such as the management and maintenance of services and facilities”*.

2.2 It also sets out that these will be collected through s106 agreements and/or through a Community Infrastructure Levy. The Council's charging schedule in its Regulation 123 list sets out that Transport to school for residents of the site will fall to be delivered through planning obligations. The Regulation 123 list is no longer formally part of the Council's CIL strategy but remains in use as guidance to what should be covered through CIL and what should be delivered through s106 agreements.

2.3 Policy DM71 of the Sites and Policies Plan Part 1 Development Management Policies sets out how planning obligations will be used and that these will be in accordance with the statutory tests.

2.4 The Council's adopted Development Contributions SPD provides more detailed guidance on the principles and operation of development contributions to support Core Strategy Policy CS34: Infrastructure delivery and development contributions. We will seek to recover the costs of fulfilling our statutory obligations from developers. The Council's adopted CIL strategy and the CIL Regulation 123 list state that these costs are to be recovered through s106 agreements not via CIL.

3.0 Methodology of projections of school pupil numbers generated by development

3.1 The calculation of Home to School Transport planning obligations is a two stage process: first, projecting the numbers of pupils that are likely to be generated by the development over the period of a student's school lifetime and secondly using these numbers to determine the scale of transport needed and how much it will take to procure this transport.

3.2 We have carried out projections of the anticipated numbers of pupils with and without those likely to be generated by the new development. This formula is a well tried and tested methodology that the Council has used over approximately ten years. This is

embodied within our Adopted SPD on Development Contributions. It is based on research about the pupil generation rates on new estates that was carried out in a variety of types of settlement in North Somerset.

3.3 School place allocation takes place within a national context of parental choice. Accordingly, it is the case that some pupils attending the school and occupying places are not resident within the village. It is always a preference to be able to offer local pupils their first choice locally, but in this case it will not be possible. It will therefore fall upon the Council to transport pupils to the next nearest primary school.

3.4 The Council has set out its position on Home to School Transport in relation to this development proposal in its Statement of Case, Section 7(reproduced below)

7. Education infrastructure

7.1 Reason for refusal 3 records that there are inadequate primary school places which could be made available for the development in the village school (St Andrews C of E). The appellant has confirmed the proposed build out schedule and it is the case that the school will not have capacity to accommodate all the children from the proposed development.

7.2 Policy CS32 supports new development “*which enhances the overall sustainability of the settlement*” where a number of criteria are met. One requirement is that development “*will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development*”.

7.3 The supporting text to the policy (4.89) guides that “*the purpose of the policy is to allow small scale residential development to come forward within and adjoining the villages where they are in sustainable locations, would not adversely impact on the character, setting or appearance of the village and the local infrastructure is able to support the additional development (for example in respect of school places, community buildings and foul and surface water drainage systems)*”.

7.4 The appeal proposals would not generate adequate numbers of primary school children to justify expanding St Andrews C of E School, were this to be possible. There are no other developments currently coming forward in the village which could in combination with the appeal proposals adequately fund an expansion of the school.

7.5 The local infrastructure in respect of school places is inadequate to cope with the demand which a development of up to 70no. dwellings would bring. The only way to accommodate the appeal proposals and ensure the children from the development can attend schools would be to bus primary school children to neighbouring schools, where capacity allows.

7.6 The appellant however now asserts that the Council's request for education contributions towards home to school transport fails to meet the CIL Regulation 122, and NPPF paragraph 57, tests of being

necessary to make the development acceptable or that it is fairly and reasonably related in scale and kind.

7.6 The contribution sought has been updated to reflect the latest projections for pupil capacity and homes to school transport costings. The Council will show that the contribution sought has been calculated following an accepted methodology which allows contributions to be sought for up to 10 years. The Council will continue to work with the appellants to determine whether an agreement can be reached on a home to schools transport contribution.

7.7 This notwithstanding, the Council in any event maintain that the inability to accommodate the children from the development in the local school shows the local infrastructure is insufficient to support an unplanned for development of this size, contrary to CS32 and CS25.

4.0 The Council's approach to mitigation

Primary School

4.1 The Council's view is that there will be inadequate places for all pupils from the development and that the numbers of pupils would not support the expansion of St Andrews School in the village. This is explained in greater detail in Annex 1. The Council's approach to mitigation of this, is to seek financial contributions to transport pupils to the next nearest school.

4.2 The Council has taken account of the predicted number of pupils that will be generated by the development for up to ten years as set out in the SPD. The Council will seek to procure suitable transport on the basis that it will pay for the smallest vehicle that is capable of transporting the numbers of pupils. This reflects a need to minimise costs and the environmental impacts of three varying classes of vehicle-taxi, minibus and coach/bus.

Secondary School

4.3 As a matter of clarification, no secondary school Home to School contributions are sought in this case. Currently there is spare capacity within coaches transporting children to Churchill Community Secondary School. It is expected that before any occupations took place on the Mulberry Road site, The Council will have negotiated new contracts to eliminate or reduce the surplus seats in

procured transport. Notwithstanding that this may result in a lack of capacity arising at a point when occupations are taking place on the site the Council does not propose to seek contributions to mitigate this.

5.0 Costs of procuring school transport

5.1 The cost of transporting students to school has become a major burden on Council budgets. Transport costs in the southwest have escalated significantly over several years.

5.2 School transport is a matter with significant implications for the Council. The net spend for last year 2023-24 was £8.43m and this year the Council is forecasting £10.528m, approximately a 25% increase in costs which will be made up of inflation and demand. HTST is a significant area of pressure for the council, the ‘net’ budget for this year is £9.96m which is 23% of the overall net budget for the Place Directorate. The Council is currently forecasting an overspend of £565k. Last financial year the overspend was £1.655m against a net budget of £6.78m. The requirements would be met variously by taxi and minibus through to a coach of up to 35 seats. In this case the costs, based on the experience of procuring such contracts with operators, results in a requirement for a contribution of £649,144.20 over ten years. This is set out in the table below:

Start Year: 2027/28		Academic Days: 190		Dwellings: 70						
	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37
Primary Pupils	3	9	16	23	24	24	25	25	26	27
Primary Vehicle 1:	Taxi (up to 6)	Minibus (up to 16)	Minibus (up to 16)	Coach (up to 35)	Coach (up to 35)	Coach (up to 35)	Coach (up to 35)	Coach (up to 35)	Coach (up to 35)	Coach (up to 35)
Primary Vehicle 2:										
Primary Vehicle 3:										
Primary Daily Cost:	£114.35	£219.13	£227.46	£373.82	£388.03	£402.77	£418.08	£433.97	£450.46	£467.57
Total Yearly:	£10,863.20	£37,471.02	£43,216.57	£71,026.44	£73,725.44	£76,527.01	£79,435.04	£82,453.57	£85,586.80	£88,839.10
Total 10 Years:	£649,144.20									
Based on the above details, the following should be requested:					Application Ref: 22/P/0459/OUT - 2024					
A Primary School 10 year contribution of £649,144.20 should be requested.										

6.0 Appellant’s case

6.1 You have set out your views on this in paragraphs 5.130-5.132 of your Statement of Case. You have suggested that contributions should be for three years, referring to the document Securing Developer Contributions for Education, published by the DfE in August 2023.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf

6.2 Paragraph 45 of the above publication refers to Home to School Transport, stating: “*When there is no suitable solution for sustainable access to school but a local planning authority (or Planning Inspector) is still minded to approve a development, you can seek developer contributions towards the cost of home-to-school transport for an agreed period, such as three years following the occupation of dwellings to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. The department does not fund most home-to-school transport directly; the majority comes under the local government settlement administered by the Department for Levelling Up, Housing and Communities. Home-to-school transport receives no ringfenced funding of its own, and there are many competing demands on funding from the local government settlement*”.

6.3 The principle of seeking such contributions is therefore accepted at the national level.

6.4 It is noted that ‘*three years*’ is both quoted as *an example*, not as a matter of policy, and is also referred to as *following occupation of dwellings*. This reflects the time delay that often results in government revenue funding taking account of the latest pupil projections.

6.5 It is also noted that it states that Home to School Transport does not receive ringfenced funding and thus any awards to the Council face multiple demands on it. It remains a matter with significant implications for the Council. The net expenditure for last year 2023-24 was £8.43m and this year the Council is forecasting £10.528m, representing an increase in costs of around 25% which will be made up of inflation and demand. HTST is a significant area of pressure for the council; the ‘net’ budget for this year is £9.96m which is 23% of the overall net budget for the Place Directorate and the Council is currently forecasting an overspend of £565k. Last financial year the overspend was £1.655m against a net budget of £6.78m.

6.6 It is accepted that the DfE advice is more recent than the Council’s adopted SPD on Development Contributions and in the interests of reaching agreement on this matter at an early stage, and therefore the Council confirms it would accept contributions *from first occupation*, when demands may be placed on the Council for transport, *until three years after full occupation of the dwellings on the site*. We consider this to be a reasonable and pragmatic offer to settle this issue, consistent with the DfE advice and the Council would welcome the appellant’s agreement to this.

6.7 It is proposed that using the trajectory for housing completions that you have supplied, the table be used to account for the build out period, seeking contributions from first occupation to three years after the last occupation. To calculate this would entail aggregating the relevant number of columns. We anticipate that this will substantially reduce the figure from £649,144.20 It is also accepted that unspent and uncommitted funds will be subject to a return provision.

Annex 1 pro-forma for s106 requests

The Council is a commissioner of places and operates within a complex and changing children's services environment. Its aspiration is to secure 'local schools for local children' whereby all children and young people should be able to attend a local school that enables them to achieve their potential. This aspiration also covers the needs of pupils with Special Educational Needs and Disabilities (SEND). North Somerset Council (NSC) will look to allocate a place to its residents within the Council's area or at the closest establishment offering appropriate education to their home where possible. When determining the impact of new developments on facilities affecting the delivery of Children's Services, the demand from a new development for early years/children/family centre facilities, primary, secondary, post-16, Special Education Needs and Disabilities, transport to school and youth facilities are considered. The Place Directorate oversees youth and transport to school claims and will respond separately.

In 2022, an independent review was commissioned to establish the accuracy of North Somerset Council's methodology for pupil projections. North Somerset Council's methodology is similar to that used by other LA's and it was considered we use appropriate source data. The methodology generates school projections which are then summed to planning areas (at which point housing child yield is added). School-led projecting is valued by schools but is complex, especially when adding major developments and adding new schools. The independent review found that the council's overall methodology is robust. Reception and Year 7 projections have generally been very accurate for 3 years forward, and Y7 has been accurate further into the future in areas with few developments (as this is easier to predict as the children have been born). After reviewing the historic projection accuracy, the review concluded that schools and decision makers should have confidence in future projections.

As housing development proposals are brought forward the Council wants to undertake detailed preparations for expansion / new schools / implications for existing schools using local empirical evidence from completed housing and new schools since 2010. The main tool used to look at pupil projections from new housing developments is the 2021 North Somerset New Development Contributions Forecast.

2021 North Somerset New Development Developer Contributions Forecast

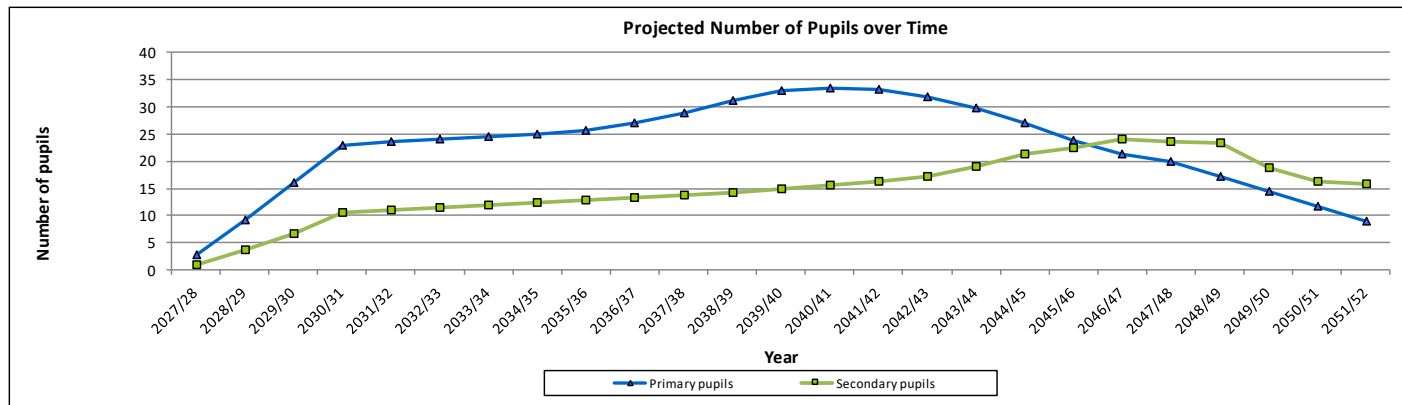
Notes


1. This model projects the number of primary and secondary school pupils that may live in a new development over time. The numbers will adjust depending on the number of properties and the time scale over which they are built. The model assumes that the pattern in the numbers and ages of children by house type, who previously and currently live in new North Somerset dwellings, will be the same in future developments, which is not necessarily the case.
2. The model uses pupil yield ratios for years 1-9 after a dwelling is completed, with a different ratio calculated for each year for each dwelling type. Separate ratios are used to calculate the number of Reception year pupils for years 1-9 after a dwelling is completed. The ratios are a 'line of best fit' or polynomial curve using North Somerset pupil and new development data, to smooth out fluctuations. From year 10, ratios calculated using 2011 Census data for areas in North Somerset with significant new development over the last 20 years are used to project the number of children who will be starting school each year. These feed into the model and work their way through primary and secondary school.
3. The model allows for transfer of primary pupils to secondary school.
4. The secondary figures are for years 7-11 only, not 6th form (an extra 2 years).
5. The numbers of dwellings entered into the yellow and orange cells will also update the Early Years Projection Model tab.
6. This model is subject to review and modification.

Dwelling Type	% mix		No.dwellings based on % mix		No. dwellings if diff. to % mix	
	Market	Affordable	Market	Affordable	Market	Affordable
1 bed flat	8%	3%	6	2	6	2
2 bed flat	4%	2%	3	1	3	1

2 bed house	23%	10%	16	7	16	7
3 bed house	24%	10%	17	7	17	7
4 bed house	10%	5%	7	4	7	4
5 bed house	1%	0%	1	0	0	0
Total	70%	30%	50	21	49	21

70 dwellings, including 30% affordable. In the absence of confirmed dwelling mix, the standard dwelling mix has been used (with the 5-bedroom dwelling removed, (the developer Design and Access statement (17 Feb 2022) indicated this will be a development of 1, 2, 3 and 4 bedroom properties) to ensure the numbers add up (which were not correct due to rounding)). The indicative completion rate of 10 dwellings in 2027 and 20 dwellings in each of the years 2028 to 2030 as supplied by the developer has been factored into the model.



Projected numbers and ratios	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48	2048/49	2049/50	2050/51	2051/52
No. primary pupils	3	9	16	23	24	24	25	25	26	27	29	31	33	34	33	32	30	27	24	21	20	17	15	12	9
Ratio per 100 dwellings	24.6	28.4	30.4	32.9	33.6	34.3	35.1	35.8	36.5	38.5	41.3	44.6	47.1	47.9	47.4	45.6	42.5	38.6	34.2	30.6	28.4	24.7	20.8	16.9	12.9
No. secondary pupils	1	4	7	11	11	11	12	12	13	13	14	14	15	15	16	17	19	21	22	24	24	23	19	16	16
Ratio per 100 dwellings	7.9	11.4	12.5	15.1	15.7	16.4	17.1	17.8	18.4	19.1	19.8	20.4	21.2	22.1	23.2	24.6	27.3	30.5	32.1	34.4	33.8	33.5	27.0	23.2	22.7
Projected Year R pupils	0	2	3	4	4	4	4	4	4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Projected number of pupils from the year after the development commenced that shows the most pupils who will require a school place at the same time													Year		Ratio per 100 dwellings										
Primary													2040/41		47.9										
Secondary													2046/47		34.4										

This projection tool indicates the development of 70 dwellings will yield a peak of 34 primary aged pupils and 24 secondary aged pupils.

School Places and Projections for Congresbury

North Somerset Pupil Projections 2023-2027																
Primary School Projections including housing gain	School Places					Projected demand					Predicted empty places (negative values denote shortfall)					
	Net Capacity	2023	2024	2025	2026	2027	2023	2024	2025	2026	2027	2023	2024	2025	2026	2027
Churchill North Group																
St Andrew's CofE Primary School	Academy	210	210	210	210	210	202	204	198	197	194	8	6	12	13	16
Wrighton Church of England Primary School	Academy	210	210	210	210	210	210	210	209	204	202	0	0	1	6	8
Year R not specifically allocated (excluding new housing)							0	0	0	0	0	0	0	0	0	0
Estimated Year R pupils from new housing							0	2	3	3	3	0	-2	-3	-3	-3
Estimated Years 1-6 pupils from new housing and previously unallocated YR							0	8	13	13	13	0	-8	-13	-13	-13
Group total		0	420	420	420	420	412	424	423	417	412	8	-4	-3	3	8

SECONDARY SCHOOL PREDICTED PUPIL NUMBERS 2023 - 2029									Predicted empty places (negative values = shortfall)						
Secondary School Projections shown including and excluding housing gain, years 7-13															
School	Net Capacity	2023	2024	2025	2026	2027	2028	2029	2023	2024	2025	2026	2027	2028	2029
Churchill Academy & Sixth Form	Academy	1604	1614	1605	1604	1597	1571	1559	46	36	45	46	53	79	91
Y7-11 pupils from new developments			11	16	2	22	24	27							
Churchill Total (incl new deveopments)		1604	1625	1621	1624	1619	1595	1586	46	25	29	26	31	55	64

Current Class Numbers (01/07/2024)

Full	Cohort Numbers						
School	R	1	2	3	4	5	6
St Andrew's C of E Primary School	*26/30**	28/30	31/30	28/30	30/30	30/30	22/30

Full	Cohort numbers				
School	7	8	9	10	11
Churchill Academy & Sixth Form	*264/270	271/270	268/270	270/270	264/270

Where * equals the numbers on roll and ** equated to the numbers of places available

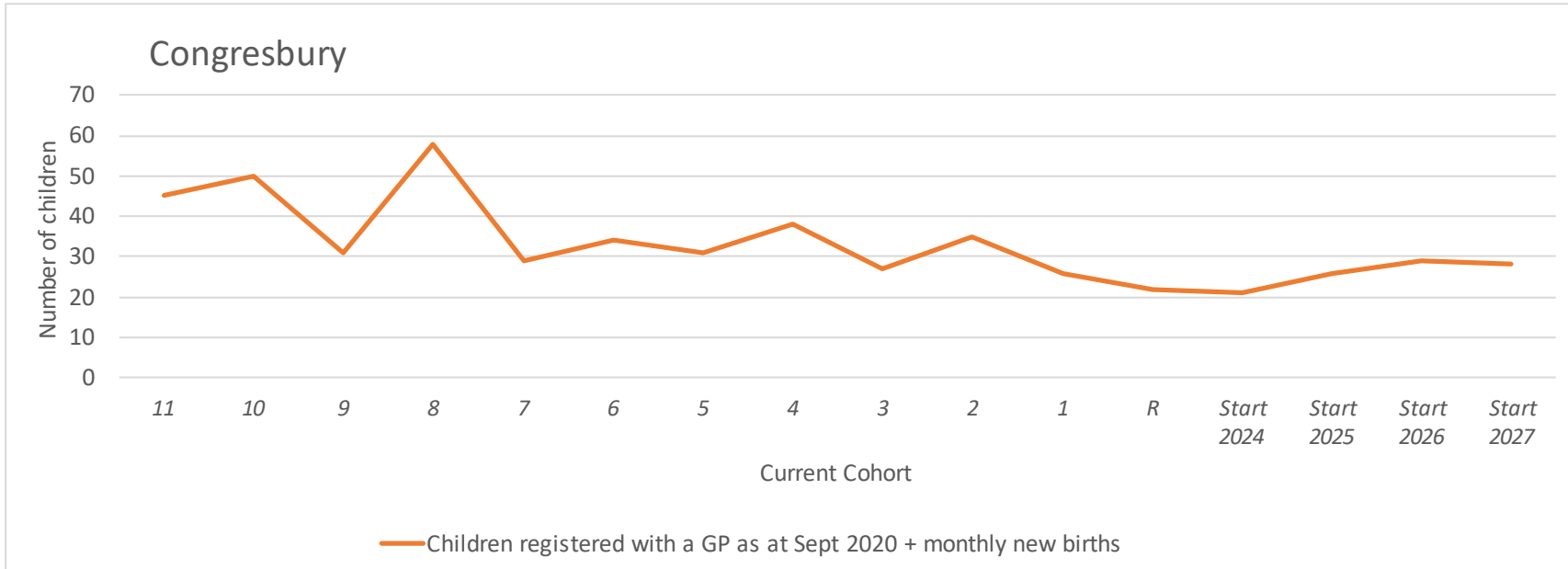


Fig 1. Chart showing the number of children living in Congresbury expected to start school from 2024 to 2027

Additional Information

In terms of the new development, for a school to continue to be financially viable it requires at least 15 extra pupils per year group to be able to cover the revenue costs of extra teachers and support staff needed to continue to provide quality education. In addition, the Council would need the capital resources to ensure that this school, that previously had had up to 420 pupils on roll, could provide the right physical spaces for 105 extra pupils (15 per cohort x 7 year groups). The average regional (SW) new and expansion cost per mainstream place (2022) + 10% uplift for sustainability as per the DfE’s guidance to bring about capital changes per extra pupil place is £23,674 per pupil.

St Andrew’s CE Primary School is an academy and as such is independent of the Council. It would be up to the school and its Multi-Academy Trust to determine whether it would be prepared to change its admission arrangement to accommodate extra pupils. It is likely the school would require significant ongoing revenue allocations to pay for any budget shortfalls from the national funding it receives as a 210-place school to cover the funding needed to run a 315-place school with only up to 34 of the 105 extra

pupils receiving this grant. The school has also re-designated many of its classroom spaces into other educational uses such as its library, a Nurture Group space for pupils with SEND, resource room etc and these spaces are not readily available to convert back to classrooms. In addition to re-designating classrooms, it's infant-aged school hall is now an early years' facility. Additionally, the school is potentially looking to start wrap around care and a classroom will need to be used for this if this is the case. Two rooms are currently being used as office space and a training room, these two rooms could be re-instated to classroom use, however, the school would need to increase their Published Admission Number (PAN) to accommodate further pupils. If the PAN was to increase from 210 to 315 pupils a feasibility study would also need to be undertaken to see whether the school would be able to accommodate everyone for all school events and dining in the current school hall. If it found that the school hall is too small for 315 pupils, this would also need to be extended at a considerable cost.

We will need however to keep the need for an expansion under review and should we be able to combine CIL funding from a number of new developments going forward, we may then decide to ask the school and Trust to consider an expansion in the future.

The January 2024 school census data shows that St Andrews currently has 170 pupils living in the First Geographical Area (FGA) and 27 pupils living outside of the FGA. There are 85 primary aged children living in the FGA that attend other schools in North Somerset. For September 2024, 27 reception places have been allocated, with 25 of these living in the FGA of the school. If the Council was able to ask for S106 contributions, a contribution from the developer would be reasonable in this instance as the places are not being taken by a large number of pupils living outside of the FGA.

