

## Cranbrook Primary Education provision

### DPD Examination - Briefing Paper

At the stage 1 examination sessions in January and February 2020, concern was raised at the triggers for delivery of the first primary school with particular unease being raised in respect of the difficulties that such an obligation would place on developers who didn't have the gift to deliver a school themselves as well as the cash flow problems that early delivery could present.

Since that time much work has been undertaken between the Local Education Authority and Planning Authority to explore greater flexibility in delivery. Through this and after much consideration, it has been concluded that early delivery is the most important and overriding factor. The appropriate objective is for, as far as possible, children to be educated in their home town (subject to parental choice). Such an approach addresses important social and sustainability concerns. In addition by seeking to develop permanent schools from the outset this avoids the risk that children are placed in a temporary school or temporary classrooms for extended periods of time where the child's access to proper accommodation including halls, medical rooms and IT suites would be significantly compromised.

The result is a willingness to expand the policy and recognise what are essentially two different delivery models – direct delivery by the developer or direct delivery by the LEA on previously serviced sites. The latter would then necessitate the collection of commuted sums from each developer to fund the schools that were being delivered.

While it would not be acceptable to have a hybrid approach with one school being delivered using one model and the second school being delivered using the alternative, at this stage it is not necessary to fix on one or other. Both can work with the IDP and equalisation approach that has previously been set out. Essentially the school provision either forms a category two item where a host developer delivers and pays less category 3 costs, or as a category 1 item where only the land provision cost is solely borne by the host developer and actual construction costs are shared equally and paid as commuted sums to the LEA. Using this approach the host developer would ultimately pay less for the school (and have these payments phased) than under the direct delivery model but would as a result pay higher category 3 costs to compensate.

The viability assessment that the Council undertook and has been submitted to the examination as [psd 21a](#)<sup>1</sup> recognises that the direct delivery model by developers is a viable means of delivery. Consideration has now been given to the LEA delivery model with the resulting phased payments across all the expansion areas. Assessment of this approach has revealed that for the developers at least, this is a more cost effective means of delivery as the upfront

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<sup>1</sup> <https://eastdevon.gov.uk/media/3720808/psd21a-cranbrook-updated-viability-report-july-2020.pdf>

costs are reduced, the cash flow eased and a saving of ca £1.7m is made on the finance costs. This results in an increase to the residual value available.

Applying the flexibility set out above to the policy would result in the following changes:

### Policy CB6

(No changes relevant to this amendment)

### Supporting Text

3.44 As a result, there is a duty on all – Developers, Councils and Service providers to cooperate and support each other in the delivery of the infrastructure for the expanded town. Through the policy provision it is expected that infrastructure which needs to be provided in a particular area of the expansion should be delivered on site by that developer (although in some circumstances **such as the education provision in respect of 2 new Primary Schools** the end provider may wish for a financial contribution rather than direct provision). Such an approach helps to ensure that land is made available and the infrastructure delivered. Whilst this is a direct approach with far greater certainty in terms of delivery, it risks placing undue burdens on developers in one part of the expansion compared with those who operate in a different area. As a result there is a need for costs to be equalised and therefore through this policy a strategy for such an approach is set out which seeks to recognise the components which need direct on site provision as well as those that can reasonably be delivered through a commuted sum payment.

**3.44a In respect of the two new primary schools it is recognised that their requirement is generated as result of the additional development that is identified within this plan. While the final delivery model is not fixed, the Local Education Authority have indicated that if necessary they are willing to directly deliver the school provision themselves, but this is only on the basis that future Section 106 receipts are generated in line with Devon County Councils Section 106 Infrastructure Approach and the costs set out in the Cranbrook IDP, so that the development itself ultimately pays for the schools. If this approach is used, legal agreements would need to be structured to ensure that these obligations, which would typically comprise 25% of developer liability at 10% of dwelling completions, a further 25% at 25% completions and the final 50% at 50% completions, are captured for all development whenever this is permitted within the plan area.**

### Policy CB7

Omit

~~One of the two primary schools allocated for delivery in this Cranbrook Plan Development Plan Document must be completed and handed over to the education provider before the first occupation of the 30th dwelling across the four expansion areas set out in policies CB2 – CB5~~

~~inclusive. The second primary school must be completed and handed over to the education provider no later than:~~

- ~~• The first occupation of the 1650th dwelling across the four expansion areas set out in policies CB2 – CB5 inclusive if the 420 place primary school is delivered first; or~~
- ~~• The first occupation of the 2500th dwelling across the four expansion areas set out in policies CB2 – CB5 inclusive if the 630 place primary school is delivered first.~~

Insert

**School land in accordance with Policies CB2 – CB4 inclusive for Bluehayes, Treasbears and Cobdens shall be identified before planning permission is first granted for development in each of the three expansion areas. The land must be secured through appropriate legal agreement with access rights made available.**

**Depending upon the model of delivery (which will be reflected in the equalisation calculation, and which itself is explained in Policy CB6 of this plan) the first fully serviced and fully accessible site must be transferred to the Local Education Authority or school provider before construction commences on any dwelling in any of the four expansion areas identified in policies CB2- CB5 inclusive.**

**As the alternative to the land transfer set out above and in the event of direct delivery by a developer, the first school must be completed and handed over to the education provider or Local Education Authority before the first occupation of the 30<sup>th</sup> dwelling when assessed across the whole expansion area.**

**For the second primary school, where developer direct delivery is not proposed, its serviced and fully accessible site must be made available and transferred to the Local Education Authority or school provider before development commences on either**

- 750<sup>th</sup> dwelling, assessed across the four expansion areas if land for the 420 place primary was transferred first or the**
- 1500<sup>th</sup> dwelling across the four expansion areas if land for the 630 place primary school was transferred first**

**If as the alternative, the direct delivery model is followed the second school must be completed and handed over to the Local Education Authority or school provider before:**

- The first occupation of the 1650th dwelling across the four expansion areas set out in policies CB2 – CB5 inclusive if the 420 place primary school is delivered first; or**
- The first occupation of the 2500th dwelling across the four expansion areas set out in policies CB2 – CB5 inclusive if the 630 place primary school is delivered first.**

**Once a delivery model is established for the first school, the second school must follow suit. All development within the Cranbrook expansion area must recognise the assigned delivery model in the obligations which subsequently arise and are captured through legal agreements.**

Changes to supporting text:

3.51 Timely education provision is vitally important to the successful expansion of Cranbrook, helping to strengthen the identity of the town through its ability to educate its own children within its own catchment. The approach set out in this policy seeks to ensure that the schools are delivered in step with the additional housing provision **through the early release of the necessary school site to allow the Local Education Authority or school provider to deliver the school, or through early direct delivery of the school by the developer itself.** This **approach** will prevent additional pressures being placed on surrounding schools both within and outside the town as a result of additional pupils being generated but without the necessary pupil places. By ensuring that schools are delivered in step with the demand for the additional pupil places it also promotes access to local school services and will limit the likelihood of the need for school drop offs and pick-ups to be made by private car.

Consequential changes:

Policy CB2 (Bluehayes)

4. A 420 pupil place primary school, **with** 57 place facility for early years provision and a room for community use of 100 sq. metres on-a site of at least 2 hectares **(or serviced land of an equivalent quantum depending on the delivery model). This requirement only exists in the event that** ~~only in the event that~~ the Bluehayes expansion area is commenced **ahead of the** Treasbeare expansion area.

Policy CB3 (Treasbeare)

3. A 420 pupil place primary school, **with** 57 place facility for early years provision and a room for community use of 100 sq. metres on a site of at least 2 hectares **(or serviced land of an equivalent quantum depending on the delivery model). This requirement only exists in the event that** that the Treasbeare expansion area is commenced ahead of the Bluehayes expansion area; if this education land in the Treasbeare expansion area is not required for this use the land may be brought forward for residential development)

Policy CB 4 (Cobdens)

3. A 630 pupil place primary school, **with** 80 place early years provision and a room for community use of 150 square metres on an area of land comprising at least 2.9 hectares **(or serviced land of an equivalent quantum depending upon the delivery model)**

4. **Land for a** A 50 pupil place Special Educational Needs school on an area of land of at least 1.2 hectares

#### IDP and equalization

As a result of this policy change costs for both Primary schools are either left in Category 2 as currently set out or are both moved to category 1 costs and therefore shared out equally amongst all developers. Expansion areas who provide the land continue to have a land cost recognised as a category 2 item for the equalization approach to be maintained.

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