

SPoG

supplementary planning guidance

Planning for education



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West Lothian
Council

Supplementary planning guidance

PLANNING FOR EDUCATION

Introduction

1.1 The purpose of this supplementary planning guidance is to set out how the council assesses the education implications of proposed residential developments within West Lothian and how this information is taken into account in the consideration of planning applications and any resultant planning appeals.

Context

2.1 The *West Lothian Local Plan* (local plan), adopted on 13 January 2009, supports a sustained level of growth with up to 25,000 houses planned. The local plan identifies new schools and extensions to existing schools which are necessary to support this level of growth.



2.2 In addition to planned housing growth, proposals for windfall development on sites not allocated in the development plan for residential development can be anticipated to be submitted to the council. The *Edinburgh and the Lothians Structure Plan 2015* (E&LSP) assumes that there will be 1000 units on windfall sites in West Lothian over the period of the structure plan. This number of completions on windfall sites has already been exceeded. The education implications of further windfall applications will, therefore, require careful consideration due to the fact that they are unplanned and, therefore, are not specifically catered for

in the education strategy which influenced the development strategy contained within the local plan. Windfall sites are defined in the E&LSP as sites which are not identified through the forward planning process but become available for various ad hoc reasons.

2.3 In some cases, it will be possible for the council to support appropriate windfall development which does not cause infrastructure capacity thresholds to be breached. In other cases, however, it may be necessary for the council to resist windfall development on the grounds that there is insufficient infrastructure capacity. Such an approach would be consistent with Policy HOU 5 of the E&LSP (see Appendix 1A).

2.4 From time to time, it may be necessary for the council to resist development on sites which are allocated within the local plan on the grounds that sufficient infrastructure capacity is not available. This would also be consistent with Policy HOU 5 of the E&LSP.

2.5 There are a number of policies in the local plan which are relevant when considering planning applications which have implications for education. These are HOU 2, HOU 3 and IMP 1-3. Details of these policies are provided in Appendix 1A. Details of relevant policies in the adopted local plans which cover West Lothian are also provided in Appendix 1A.

Consultation with Education Services on planning applications

3.1 Upon receipt of a planning application for residential development, including single plots, the council's Development Control unit will consult with WLC Education and Cultural Services who will advise on the implications of each proposal for education provision within West Lothian. For proposals which lie within the catchment area for Balerno High School, Development Control will consult with the City of Edinburgh Council as education authority for the non-denominational sector for the village of Kirknewton and its surrounding rural hinterland.

3.2 The response of WLC Education and Cultural Services on each proposal will be informed by school roll projections produced by a forecasting model which has been operated by WLC since 1996. The methodology used by the council is explained in paragraphs 4.1 - 4.4.

3.3 The type of information which will be supplied to Development Control by Education and Cultural Services in relation to consultations on planning applications is described in Appendix 1B.

3.4 West Lothian Council will engage in pre-application discussions with developers/landowners so that the education issues which arise from proposed housing developments can be identified, as far as possible, at an early stage. Developers/landowners are encouraged to direct such enquiries to Planning Services staff who will liaise with education colleagues and then produce a corporate response on behalf of the council which sets out education and other issues which will be relevant to the consideration of a proposal.



3.5 Advice provided by the council at this stage will be without prejudice to any final consideration taken by the council upon receipt of a planning application.

3.6 Developers/landowners should recognise that there could be a material change in circumstances after pre-application advice or formal consultation has been received from Education and Cultural Services, resulting in Education and Cultural Services having to change its position in relation to a proposal. For example, situations can arise where Education and Cultural Services indicate that it has no objection in principle to a proposed development because, at the time of the advice being given, the proposed development can be accommodated within existing school capacity. However, if there is a delay in submitting a planning application, or a delay in processing a planning application, it may be that other development proposals have been consented and take up the spare capacity which previously existed. In such circumstances, Education and Cultural Services would have no alternative but to object to the further development which would result in capacity thresholds being breached.

3.7 The council recognises that this is not an ideal situation but it must determine planning applications based upon up to date information. It will be in the best interests

of developers/landowners to follow up pre-application discussions quickly with planning applications with all the necessary information required by the council to assess the proposal fully and make a decision. In this way, the risk of Education and Cultural Services having to change position because previously available capacity has been used up is reduced as the time between the original advice being given and a planning application being determined will in most cases be relatively short.

Methodology for producing school roll projections (medium term)

4.1 The Planning and Information section within Education and Cultural Services maintains a series of databases, which provide school roll projections for the pre-school, primary and secondary school estate.

4.2 A variety of forecast factors are applied in the primary and secondary school forecasts to provide a holistic forecast that takes into consideration a wide range of factors.

4.3 The school roll projections are based on the following factors:

Primary schools

- The start of session roll by stage as at the September census each year
- The projected primary one intake numbers
- The projected stage migration ratio
- The projected number of children from future house completions in the catchment area



Secondary schools

- The start of session roll by stage as at the September census each year
- The projected stage migration ratio
- The projected number of children from future house completions in the catchment area
- Anticipated P7 to S1 transfer
- Anticipated S4 to S5 and S5 to S6 stay on rates

4.4 A description of each factor is set out in Appendix 1C. The methodology is explained in more detail below:

- (i) The starting point for education forecasting is determining the current school roll.
- (ii) The council then applies a migration factor. The migration factor is derived from an examination of the changes in school roll from year to year by reviewing the total number of pupils in primary 1 to primary 6 compared with children in primary 2 to primary 7 the following year. This information (the migration factor) informs the council whether or not families have moved into or out of an area.

- (iii) The council then applies assumptions about child product likely to come forward from completed and programmed housing. Completed housing is defined as a house for which a completion certificate has been issued. Programmed housing includes (1) housing sites that have planning permission but have not been built out; (2) current planning applications lodged with the council and where the council has decided that it is minded to grant planning permission; (3) sites that are within the housing land audit; and (4) sites in the local plan. Assumptions about programmed completions will be based on information contained in the latest *Housing Land Audit*, the *Development Planning Housing Model* (the information in the housing model will be consistent with the audit but will cover a longer time period and recent decisions of the Development Control Committee).
- (iv) The council feeds into the forecast model known information about future primary 1 intakes. This information about future primary 1 intake comes from school admission systems, household surveys, and births and deaths registration information from the NHS Trust. The NHS Trust information is used rather than the General Register Office information as the NHS Trust information is factual and up to date.
- (v) The council then examines the population database that the council maintains. The population database is a record of every child/young person under the age of 19 in the council's area. The database records attributes about the child/young person such as age, gender and school attending.
- (vi) The council also takes into account the property type, including the number of bedrooms.
- (vii) All of the above information is then combined using formulae that have been established by the council to produce anticipated child product ratios for each type of housing in the council's area.
- (viii) The council can then apply the anticipated child product to programmed future house building in its area. The end result of this process is that it provides a school roll for that area for 10 years in respect of primary schools and secondary schools.
- (ix) In this forecasting method, no account is taken of future windfall housing sites.



4.5 West Lothian Council is the education authority for the denominational sector for parts of rural west Edinburgh which are within the administrative area of the City of Edinburgh Council. Education and Cultural Services will have regard to committed and planned housing developments within this area when producing school roll projections for St. Margaret's Academy and its associated primary schools.

The West Lothian Council Housing Model

4.6 The Development Planning team within WLC Planning Services maintains a housing model which details the latest estimate of programmed completions and includes housing sites under construction, sites with planning consent and sites in the local plan.

4.7 The information contained within the *Development Planning Housing Model* contains inputs from the annual housing land audit but also contains additional inputs in relation to anticipated completions beyond the period covered by the audit. All sites allocated in the local plan are included in the housing model. Education and Cultural Services utilise the information contained within the *Development Planning Housing Model* when preparing school roll projections. West Lothian Council consults developers/landowners on the draft housing model so that their views can be taken into account before the model is finalised. The model is updated at least annually. A copy of the model can be obtained from Development Planning at County Buildings, Linlithgow.

General approach to considering education capacity

5.1 When considering education capacity issues in relation to planning applications for residential development, the council will adopt the following general approach:

- (i) Identify any policies in the development plan which relate to the provision of education and education capacity and which are relevant to the proposal. Identify whether education capacity is a material consideration to take account of when determining the application.
- (ii) Consider whether there is existing education capacity within the catchment area for the application site and if not (a) whether education capacity is going to become available or could become available as a result of a specific or potential event and (b) whether there is potential to accommodate the potential pupils by changing the catchment area. Consider the timescale and resource requirements for a catchment area change.
 - (iii) Consider what implications the grant of permission would have in relation to education infrastructure and capacity.
 - (iv) Consider the extent to which the lack of education capacity could be addressed by way of conditions/legal agreements and consider the positive and negative points in so addressing capacity.
 - (v) Assess the proposal against the development plan policies and consider whether the evidence on education capacity is for or against the proposal and consider the weight that should be attached to that evidence when assessing whether the proposal warrants a departure from the development plan.



Key principles in relation to considering developer contributions.

6.1 The local plan recognises that new schools and school extensions will be necessary to facilitate the scale of housing development planned. Fundamental to the local plan strategy is the principle that, in circumstances where public funds are not available, developers will need to contribute to the provision of the infrastructure which is required to support their proposed housing developments. This approach is consistent with Policy HOU 5 of the approved E&LSP.

6.2 Therefore, if problems of school capacity are a factor preventing the granting of planning permission, the council will consider whether or not it would be appropriate to seek a contribution to assist in the funding of additional school capacity and school commissioning costs. Consultation with Education and Cultural Services will determine whether a contribution is required and confirm the contribution to be secured. The following key principles will apply:

- (i) Each development proposal will be assessed against existing capacity and up to date school roll projections.
- (ii) Where sufficient capacity will be available to serve all proposed housing development within the relevant school catchment areas, developers will not be required to contribute towards capital works or school commissioning costs.
- (iii) Where there is insufficient capacity to serve all proposed housing development within the relevant school catchment areas, the council will consider if capacity problems can be addressed by carrying out a catchment area review. The council may wish to explore how developers might contribute to the costs incurred by the council in carrying out a catchment area review. Developers should note that given the legislative framework and consultative nature of catchment reviews, it is not possible to guarantee or pre-empt the outcome of such a review or pre-empt a decision that a review will be undertaken.
- (iv) Where there is insufficient capacity and the capacity problem cannot be addressed by carrying out a catchment area review, the council will consider whether or not it would be appropriate to seek a developer contribution to provide additional capacity and assist with school commissioning costs.
- (v) In determining the level of developer contribution necessary, the council will have regard to the amount and type of housing proposed and will assess how this will impact on school rolls. The council will have regard to SODD circular 12/1996 Planning Agreements and any subsequent updated or replacement circular on planning agreements when assessing requirements for developer contributions.
- (vi) In certain circumstances, the council may be prepared to agree to additional education infrastructure being provided in phases.
- (vii) Phasing arrangements may need to be agreed between the council and developers so that, at all times, sufficient school capacity is available.
- (viii) Contributions will be secured by means of a planning legal agreement under either section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973, entered into between



the council and the developer/landowner. The planning legal agreement will require to be concluded before planning permission can be granted. Developers may wish to contribute to the cost of preparing legal agreements. Heads of terms for planning legal agreements will require to be agreed before planning applications are reported to Development Control Committee.

(ix) Developers will be expected to make appropriate contributions to land costs.

Equalisation principles will apply so that all parties make fair and equitable contributions to overall costs.

(x) Briefs will be prepared for each school project by the council. Developers may wish to contribute to the cost of preparing these briefs to avoid delays.

(xi) The council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. It is therefore possible that school works may be delayed until such time as the necessary scale of funding is available to meet the costs of an appropriate scale of extension/adaptation works at a school. Agreements will make provision for returning funds after an agreed period of time if not used.

(xii) Other ways of dealing with capacity issues may be acceptable or preferable. These could include deferring the start date of development, amending house types or controlling the rate of development through planning conditions.

(xiii) Where agreement cannot be reached on how capacity problems will be dealt with, planning permission will be recommended for refusal. In circumstances where the council refuses planning permission on the grounds of insufficient school capacity, full details for refusal will be clearly set out in the decision notice. For the avoidance of doubt, and in accordance with the plan led system within which the council must exercise its statutory planning duties, where windfall development as defined by the E&LSP is proposed and there is insufficient school capacity to accommodate the windfall development plus allocated housing sites identified in the local plan and committed development, planning permission will be recommended for refusal unless agreement can be reached on how the capacity problem is to be addressed.

Further information

For further information please contact the council: [01506 280000](tel:01506280000)

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APPENDIX 1A

PLANNING POLICIES RELEVANT TO CONSIDERATION OF EDUCATION CAPACITY ISSUES

Edinburgh and the Lothians Structure Plan 2015

HOU 1: Existing housing sites

The Lothian Councils support the development of:

- a. existing housing sites identified in *Housing Land Audit 2001* (effective and constrained);
- b. emerging local plan sites identified in the supporting statement.

HOU 2: Brownfield housing sites

The Lothian Councils support the development of suitable urban brownfield sites for housing through re-use, redevelopment or conversion. Where appropriate, higher densities will be encouraged (see policy TRAN4).

HOU 5: Infrastructure

The development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required improvements are provided or committed. The infrastructure requirements in the Action Plan may be supplemented by site-specific requirements identified in local plans.

Planning permission should not be granted for housing development until all relevant infrastructure in the Action Plan and/or local plan is provided or committed.

HOU 6: Community facilities and amenities

In addition to the requirements set out in HOU5, contributions will be required from the housing developers to remedy any deficiencies in local facilities and amenities, which result from the additional housing. Local plans should set out the potential deficiencies pertaining to particular sites/communities.

West Lothian Local Plan (adopted 13 January 2009)

HOU 2 : Infill residential development

Within settlement envelopes shown on the proposals map:

- a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excess resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of importance open space value (where policy COM 2 would apply);
- b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of Policy HOU 9;
- c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting;

- d. infill development will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and
- e. development briefs, will be prepared where appropriate.

HOU 3: Infill residential development in Linlithgow and Linlithgow Bridge

Proposals for infill or brownfield housing developments within the settlement boundary of Linlithgow and Linlithgow Bridge will be resisted where they significantly exacerbate problems of infrastructure or traffic congestion or adversely affect the character of the town. Proposals will only be supported where they:

- a. meet special need housing requirements or;
- b. make use of a vacant site unsuitable for other uses or;
- c. offer significant environmental, amenity, land improvement or traffic benefits and ;
- d. otherwise conform to the requirements of policies HOU 4 - HOU 10 inclusive; and
- e. do not raise education capacity issues, or are phased to the satisfaction of the council as Education Authority.

IMP 1: Armadale Academy

All developers of housing sites within the catchment area of Armadale Academy will be required to contribute to the cost of providing a new non-denominational secondary school to replace Armadale Academy.

IMP 2: Denominational secondary education

All developers of housing sites will be required to contribute to the cost of providing additional education infrastructure in West Lothian for the denominational secondary sector. Contributions will be used to fund a new denominational secondary school. Contributions may potentially be used to extend St. Margaret's Academy. Where appropriate, phasing conditions will be imposed to control the annual rate of house completions on housing sites. Housing developments which will exacerbate capacity problems at existing denominational secondary schools will be resisted.

IMP 3: Considering proposals for housing developments

Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:

- a. secure the provision of new schools or extensions, and associated community facilities from developers where this is directly attributable to serving their proposed housing development; and/or
- b. phase development to manage demand on school places. Where education constraints cannot be overcome, there will be a presumption against housing development.

Where education constraints cannot be overcome there will be a presumption against housing development.

APPENDIX 1B

CONSULTATION RESPONSES BY EDUCATION AND CULTURAL SERVICES IN RELATION TO PLANNING APPLICATIONS

Education and Cultural Services will identify the catchment non-denominational and denominational primary and secondary schools.

For each school, Education and Cultural Services will:

- confirm the notional capacity of the school;
- confirm the current school roll;
- indicate whether or not the proposed development can be accommodated within the existing capacity of the school;
- indicate the implications for nursery provision, early years provision and wraparound;
- where a proposed development would result in the capacity of a school being exceeded, evidence will be supplied to show this. Such evidence will include an up to date school roll projection together with details of the assumptions made about child per house ratios, transfer rates, stage migration, programmed house completions etc;
- if there is no prospect of capacity issues being satisfactorily resolved Education Services will object and fully set out the adverse consequences which would arise if planning permission was granted (eg additional teaching costs, additional school transport costs).
- where there is a prospect of capacity issues being addressed to accommodate the proposed development, Education and Cultural Services will request that the planning application is continued to allow time to explore options. These options could include carrying out a catchment review, seeking developer contribution(s) for providing additional school capacity, phasing the development, or imposing negative conditions to delay the site start.

APPENDIX 1C

SCHOOL ROLL PROJECTIONS

The following factors are taken into account by the council when preparing school roll projections:

Primary school roll projections

- The start of session roll by stage as at the September census each year.

The council undertakes a census each September and submits the start of session pupil numbers to the Scottish Government.

- The projected primary one intake numbers.

The central source of information for the projected primary one intake is the 0-18 population and household database, maintained by the Planning and Information section within Education and Cultural Services, which identifies pre-school and school aged children.

The database is continuously updated from the following sources:

- Doorstep survey.
- School admission databases – pre-school, primary schools, wraparound care and secondary school, including mid-term admissions.
- Births and deaths data supplied by Lothian Health.
- Childcare questionnaire.
- School census (September).
- Prepaid query letter forms.

A number of adjustments are applied to data received to allow for children attending independent schools, non-catchment schools and incomplete school intake year. Dependent on the time of year, the Primary 1 intakes (catchment and non-catchment) for Years 1 to 4/5 are based on attendance assumptions, and actual applications from catchment and non-catchment children for the current session and previous two sessions.

The catchment and non-catchment P1 intakes for Year 6 to Year 12 are calculated from rolling averages.

- The projected stage migration ratio.

The stage migration factor reflects the anticipated migration between year groups and is based on past trends in migration between year groups. The Planning and Information Section maintain records detailing the year on year migration between each year group covering the last 20 years. The stage migration factors are updated annually by the Planning and Information Officer. Stage migration is calculated as a 3 year average based on historical primary school rolls, ie P1-P6 is compared with the following years P2-P7. Where the calculated figure generates a movement greater than +/- 5% the calculated figure is controlled to a maximum of +/- 5%. An adjustment is also made for actual house completions in the school catchment area using the appropriate child per house ratio.

- The projected number of children from future house completions in the catchment area.

The child per house ratio is a key component in the council's school roll projections. Details on the number and type of households within each catchment area are derived from property information provided by the Lothian Joint Valuation Board.

Population information derived from Lothian Health Board, door step surveys and school placement requests are then analysed against the household data to generate child per house ratios for denominational and non-denominational schools.

The council presently operates with default values of 0.28 children per house for nondenominational primary schools and 0.072 children per house for denominational primary schools.

The databases maintained by the Planning and Information section are updated nightly and the child per house ratios are recalculated on updates received from the data sources identified above.

The Planning and Information Officer is responsible for reviewing the calculated child per house ratio and comparing against the default values. If the calculated child per house ratio is within a tolerance of +/- 5% the default values are retained, otherwise the calculated child per house ratio will be applied.

Secondary school roll projections

The secondary school projections are based on the following factors:

- The start of session roll by stage as at the September census each year.

The council undertakes a census each September and submits the start of session pupil numbers to the Scottish Government.

- Stage migration

Stage migration is calculated as a 3 year average based on historical primary school rolls, ie S1-S3 is compared with the following years S2-S4. Where the calculated figure generates a movement greater than +/- 5% the calculated figure is controlled to a maximum of +/- 5%. An adjustment is also made for actual house completions in the school catchment area using the appropriate child per house ratio.

- The projected number of children from future house completions in the catchment area.

The child per house ratio is calculated from the 0-18 Population and Household Database maintained by the Planning and Information section. Standard child per house ratios of 0.048 and 0.2 are used for the denominational and non-denominational sectors.

- P7 to S1 transfer

The P7 to S1 transfer is calculated as a 3 year weighted average based on historical P7 and S1 pupil numbers. As with the stage migration calculation an adjustment is also made for actual house completions in the school catchment area using the appropriate child per house ratio.

- S4 to S5 and S5 to S6 stay on rates

The stay on rates are calculated as a three year weighted average based on historical numbers and an adjustment is made for actual house completions in the school catchment area using the appropriate child per house ratio.

Programmed housing completions

The Planning and Information section maintains a housing model which details the anticipated housing completions based on sites where planning consent have been approved, along with those sites identified for development under the local plan, and other sites where the council has indicated that it is minded to grant planning permission. This model contains information included in the *Housing Land Audit* and the *Development Planning Housing Model*.



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