

Education Contributions arising from Affordable Housing

Ashford Borough Council

March 2001



Interim Planning Guidance **SPG5**



Introduction

This interim planning guidance cannot replace paragraph 12.49 of the Borough Local Plan. However, it represents the Borough Council's current policy on the issue of education contributions from affordable housing. This interim planning guidance provides guidance for use in the development control context in relation to education contributions from affordable housing, since it is acknowledged that the adopted plan is deficient in the latter respect.

- The Inspector who considered objections to the draft Ashford Borough Local Plan recommended, in effect, that contributions towards the cost of educational facilities in relation to the affordable element of housing schemes should be limited to cases where requiring a contribution would not jeopardise the development itself or other more pressing contributions to community facilities required from the development.
- The Council accepts that the adopted Plan, in imposing a blanket exception for affordable housing, inadequately addresses the issue and accept that in due course a formal plan review will address this. Paragraph 12.49 of the adopted Ashford Borough Local Plan remains a material consideration for development control purposes. The Borough Council's position is that, due to the identified deficiency in the policy approach included in the Plan, paragraph 12.49 should carry less weight than this interim guidance.
- In the meantime, this interim planning guidance has been adopted for use in development control. Whilst it is not practicable to undertake a formal review of the Plan simply to deal with this one issue, it is the Borough Council's intention to commence a review of the Borough Local Plan mid-2002 (following the completion of the Ashford Regional Planning Guidance Study). The first deposit period should take place during 2003, with adoption of the Plan occurring well in advance of 2006 – the end of the current Plan period. This review will encompass a formal review of the adopted policy position in relation to education contributions.
- This Interim Planning Guidance has been issued following a High Court challenge by Kent County Council, as Local Education Authority, under Section 287(1) of the Town and Country Planning Act 1990.



Guidance on the contribution that affordable housing should make towards education contributions

1. Paragraph 12.49 of the adopted Ashford Borough Local Plan states that education contributions will not be required from affordable housing. The implication of this is that there will be no planning applications where the ability of the affordable housing to provide education contributions will be examined.

2. The Borough Council now accepts that there will be some sites proposed for affordable housing where the affordable housing generates a need for additional education facilities and where the provision of an education contribution will not seriously affect the viability of the wider site, the ability of the site to provide other infrastructure requirements, the viability of the affordable housing element, or the level of housing affordability that can be delivered.

3. The Borough Council considers that in these cases it would be appropriate for an education contribution to be requested by the Local Education Authority and agreed with the Borough Council.

4. Therefore all housing sites where an affordable element is required will be assessed when a planning application is made. The Borough Council considers that the onus should be on individual developers to demonstrate, where they consider it appropriate, that the elements set out below will be significantly affected by an education contribution and, therefore, that the contribution should not be made or a reduced contribution made.

5. Whether an education contribution is included in any Section 106 agreements will be dependent upon the following factors:

- the impact of the contribution on the viability of the wider site,
- its impact on the ability of the site to make contributions towards other social and physical infrastructure,
- its impact on the viability of the affordable housing element of the proposal,
- its impact on the level of housing affordability.

6. If none of these elements is significantly affected, the Borough Council will require a contribution to be made, based on the education need generated by the affordable element. This will be secured in the same way and assessed using the same calculation methods as general market demand housing.