

Item No. 6	Classification: Open	Date: 19 April 2023	Meeting: Education and Local Economy Scrutiny Commission
Report title:		<u>S106 Education Contributions and Impact Mitigation Contributions overview.</u> Outlining the contributions collected, released and available.	
Ward(s) or groups affected:		All Wards	
From:		Director of Planning and Growth	

PURPOSE

1. The purpose of this report is solely to inform the Education and Local Economy Scrutiny Commission of the use and availability of section 106 education contributions.

BACKGROUND INFORMATION

2. Planning obligations under S106 of the Town and Country Planning Act 1990 are used to address the negative impacts caused by a development and contribute to providing infrastructure and facilities necessary to achieve sustainable communities. The council can enter into a legal agreement with a developer whereby the developer agrees to provide planning obligations. These obligations can take the form of financial contributions and can cover a range of facilities including contributions towards educational facilities.
3. The council has a statutory duty under the Education Act 1996 (amended by the Education and Inspections Act 2006) to “secure that sufficient schools for providing— (a) primary education, and (b) [secondary] education are available for their area” as well as to “secure diversity and increase opportunities for parental choice when planning the provision of school places” in the Borough.
4. The last drawdown released funds that fed into the programme of investment for Southwark schools to increase the numbers and address capacity issues.
5. As published by [Southwark Council](#), the recent trend shows declining birth rates and other factors have left Southwark with a surplus of school places. As of September 2022, the amount of vacant spaces was at 5,856 representing 22% of places across all year groups.
6. In addition to the education contributions, the Thames Tideway project is

underway and impact mitigation contributions have been collected under section 106 agreements to benefit three local schools: St Michael's Secondary School, Riverside Primary School and St Joseph's Primary School.

KEY ISSUES FOR CONSIDERATION

Education Contributions up until the last release report

7. In December 2017, £11,966,549.59 of section 106 contributions collected for education were released to aid in increasing school capacity in the borough due to an increase in birth rates of 12%.
8. This report titled 'School Expansion Programme' is attached in appendix 1 and was informed by the [school place strategy](#) and subsequent updates.
9. The proposed scope at each school was:

Project	Scope of Works
Albion Primary School	New school building on current site to replace existing school
Bellenden Primary School	New school building to replace existing
The Belham School	Refurbishment of previously disused Victorian school building (listed) with new extension
Bessemer Grange Primary School	New school building on annexe site
Charles Dickens Primary School	Alterations to existing building and new extensions, including expanded nursery and two-year old provision
Cherry Garden School	New school building on new site increasing the number of places from 48 to 72
Crawford Primary School	New extension to existing school
Grange Primary School	Alterations to existing building and new extensions, including expanded nursery provision
Ivydale Primary School	New school building on annexe site
Keyworth Primary School	New extension to existing school
Lyndhurst Primary School	New extension to existing school
Phoenix Primary School	Refurbishment of previously disused Edwardian school building on annexe site
Robert Browning Primary School	New extension to existing school
Southwark Inclusive Learning Service (KS 3) (SILS3)	New school building on current site to replace existing school
Southwark Park School	Full remodelling of existing school building with new extensions

10. As mentioned in paragraph 5, the needs have changed in recent years and so the strategy is adapting to consider how best to use section 106 contributions to help maintain the high standards of schooling in Southwark.

Current Available Education Contributions

11. Subsequent to the last drawdown the planning authority collected £1,868,006.68. This will be released to appropriate projects in the new Financial year (2023/24).
12. Once projects have been identified, a release report must be approved by planning committee. The report in appendix 1 provides an example of this. If the sum is below £100,000.00 this is signed off by a delegated authority.

Impact Mitigation Contributions

13. In addition to the education contributions, in 2014, a section 106 agreement secured a number of contributions to mitigate the impact of the Thames Tideway Tunnel on three local schools: St Michael's Secondary School, Riverside Primary School and St Joseph's Primary School. The section 106 agreement is included in appendix 2.
14. The funds secured through the Thames Tideway project are ring fenced for the projects specified in the deed. This is drawn down directly by finance, as it is identified for bespoke projects as set out within the legal agreement and is done annually.
15. These contributions have totalled £3,096,694.73 inclusive of indexation. The following are the contributions that were under the section 106 agreement:

Contribution Purpose:	Amount:
Riverside Primary School Garden Mitigation Contribution	£30,000.00
Riverside Primary School Green Wall Contribution	£64,000.00
Riverside Primary School Indoor Sports, Recreation and Music Contribution	£30,000.00
Riverside Primary School Teaching Assistants Contribution	£840,000.00
Riverside Primary School Impact Mitigation contribution	£700,000.00
Safer Routes to School Contribution	£100,000.00
St Joseph's Primary School Wellbeing Impact Mitigation Contribution	£350,000.00
St Michael's Secondary School Indoor Sports, Recreation and Music Contribution	£60,000.00

St Michael's Secondary School Wellbeing Impact Contribution	£700,000.00
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16. These contributions demonstrate additional financial uplifts that these three schools are receiving because of the funds secured and collected under section 106.

Policy framework implications

17. The use of these contributions meets the requirements within the following policies within the Southwark Plan.
SP2 – Southwark Together with a focus on investing in existing residents to receive the benefits of education from regeneration programmes.
SP3 – A great start in life.
P27 – Education Places – Best start in life.

Community impact statement

18. All projects have been designed to be fully accessible to all, without prejudice or discrimination.
19. The proposals have no negative impacts on any particular age, disability, faith or religion, race and ethnicity and sexual orientation.
20. With the exception of those benefits identified, the proposals are not considered to have a disproportionate effect on any other community or group.

Climate change implications

21. As an example of climate benefits from these contributions, the mitigation impact contributions provide a green wall and safer routes to school.

Consultation

22. The expansion programme that was part funded by the release of £11,966,549.59 was widely consulted upon, including the statutory consultation associated with each planning permission.
23. Similarly, the applications such as the Thames Tideway that have secured the contributions currently available have followed the statutory consultation process.

Conclusion

24. In 2017, £11,966,549.59 of section 106 education contributions were released with the purpose of contributing towards the schools expansion programme.

25. There are £1,868,006.68 of education contributions available for release in 2023/2024 for appropriate projects across all wards. These are subject to the usual release process through planning committee.
26. In addition to the education contributions, three schools have been receiving impact mitigation contributions from the Thames Tideway project. These are ring fenced for specified projects.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Release Report for School Expansion Programme (2017)	Planning Division, 160 Tooley Street, London, SE1	David Whitehead 07732 828276
Section 106 Agreement for Thames Tideway (14/AP/0000)	Planning Division, 160 Tooley Street, London, SE1	David Whitehead 07732 828276
S106 Agreement Available from the Planning Register .		

APPENDICES

No.	Title
Appendix 1	Release Report for School Expansion Programme (2017)
Appendix 2	Section 106 Agreement for Thames Tideway (14/AP/0000)

AUDIT TRAIL

Lead Officer	Dennis Sangweme	
Report Author	David Whitehead	
Version	V2	
Dated	12 April 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team / Scrutiny Team	12 April 2023	