

# Crawley Borough Council

## Consideration Report for Delegated Decision by Leader

**Expected Date of Decision 27 December 2019**

### **Transfer of Section 106 Monies for Education**

Report of the Head of Economy & Planning: PES/340

#### **1. Purpose**

- 1.1. This consideration report seeks Council Leader approval for the transfer of S106 monies to West Sussex County Council as the Local Education Authority since these monies have been received for the provision of education services.

#### **2. Recommendations**

- 2.1. To the Leader: Approve the transfer of £498,200.17 of Section 106 monies for education services to West Sussex County Council.

#### **3. Reason for Recommendations**

- 3.1. Section 106 monies must be used for the purpose specified in the associated legal agreement. The monies that are being allocated in this report are specifically required to be allocated to education and to assist in the provision of additional school places.

#### **4. Background**

- 4.1. Monies for education improvements have been received through Section 106 legal agreements connected to planning permissions for residential development. These are required to be spent on improving education provision in Crawley in order to help meet the extra demands placed on schools as a result of the development.
- 4.2. As the Local Education Authority, West Sussex County Council is responsible for the provision of education services in Crawley and intends to spend the S106 monies as summarised below.

#### **5. Description of Issue to be resolved**

##### Ifield Community College

- 5.1. Ifield Community College took an extra class of pupils in September 2019 due to a shortage of secondary places in the catchment. The school plan (and WSCC support) to increase their published admission number for 2020 permanently from 180 to 210. The expansion will utilise space formerly used by the Aspire Adult Education Service.

£90,100 has been used this year for equipping a classroom and further funding is required to remodel the Adult Ed space going forward next year.

- 5.2. Significant further funding is required to remodel existing accommodation at Ifield Community College and extend the dining area which will be in part utilised by the College sixth form. The sixth form will provide additional places as required as demand for places increases with the growth in lower year groups. The exact amount of funding required for the remodelling and dining extension is yet to be identified.
- 5.3. WSCC have requested £242,353.53 from S106 Education be transferred by Crawley Borough Council for Ifield Community College. The applicable S106 monies that have been received are from the following developments: -

PLANNING REF	ADDRESS	VALUE	S106 Clause
CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD, IFIELD	£178,756.48	for secondary education additional equipment for Ifield Community College for secondary education
		£63,597.05	for further secondary education as a contribution towards additional equipment for Ifield Community College Sixth Form for further secondary education and necessitated by the Development in accordance with SPD 1

**£242,353.53**

- 5.4. This scheme is deemed an eligible use of S106 monies since it is in line with the legal agreements related to the site as presented above.

#### Waterfield Primary School

- 5.5. Waterfield Primary expanded permanently from 1FE to 2FE (see page 58 of the [Planning School Places document 2019](#) ) taking additional pupils from 2014. The scheme cost £2.199m for Phases 2&3 and completed in 2018. The school then became an academy run by The Collegiate Academy Trust. This serves the local community to the West of Crawley (mainly Waterfield and Bewbush). West Sussex County Council will apply the £255,846.64 funds retrospectively to offset the £2.199m incurred by the County for this project.
- 5.6. WSCC have requested £255,846.64 from S106 Education be transferred by Crawley Borough Council for Waterfield Primary School. The applicable S106 monies that have been received are from the following developments: -

PLANNING REF	ADDRESS	VALUE	S106 Clause
CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD, IFIELD	£255,846.64	For primary education, phased extension of Our Lady Queen of Heaven Catholic Primary School and/or the phased extension of Waterfield Primary School for primary education.

- 5.7. This scheme is deemed an eligible use of S106 monies since it is in line with the legal agreements related to the site as presented above.

## **6. Information & Analysis Supporting Recommendation**

- 6.1. WSCC as the Local Education Authority identified where to allocate the S106 monies, taking into account the urgent need for additional school places.

## **7. Implications**

### Financial Implications

- 7.1. The monies being allocated have been received from developers through S106 agreements associated with residential development. The terms of the legal agreements require the monies to be spent on the provision of education services.. Therefore other uses for the monies cannot be considered. The monies are currently held by the Borough Council and will be transferred to WSCC as Local Education Authority.

### Legal Implications

- 7.2. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms. The legal agreement sets out the obligations which are appropriate to that development and must be complied with.

### Other Implications

- 7.3. The monies will be spent by WSCC in their role as the local education authority. Therefore there are no other direct implications to the Borough Council in relation to the implementation of the schemes to which the monies are being allocated.
- 7.4. The Constitution states that the Leader has the authority to approve the transfer of S106 monies between £100,000 and £500,000 to West Sussex County Council which have been collected specifically for spend categories within the County Council's remit.