



Education Impact & Mitigation Assessment[®]

Land West of Westbury Road, Warminster

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1. Introduction

1.1. Report Purpose & Scope

1.1.1. EHP Consultants has been asked to consider the proposed development for its likely impact on primary and secondary education places in the local area.

1.1.2. The purpose of this report is to act as a principal point of reference for future discussions with the relevant local authority to assist in the negotiation of education-specific mitigation and the potential, associated planning obligations pertaining to this site.

1.1.3. This report concludes an analysis of the development with regards to its likely impact on local education places.

1.2. Intended Audience

1.2.1. The intended audience are the clients and may be shared with other parties.

1.3. Research Sources

1.3.1. The contents of this Report are based on publicly available information, including relevant data from central government and relevant local planning authorities and local education authorities.

1.3.2. Information used within this Report has also been obtained via the submission of Freedom of Information ('FOI') requests.

1.4. Research & Analysis

1.4.1. Research for this report was carried out during 2020, 2021 and 2025.

1.4.2. Research has been conducted regarding the current position within local schools, current local policy on developer contributions and an analysis of the most up to date forecasts regarding local education provision in the public domain.

1.4.3. Wiltshire Council ('WC') produces individual school forecasts when assessing the impacts of residential development on school places.

1.4.4. For the purposes of this Report we have used the latest available school forecasts from WC. These are the most recent school forecasts available in the public domain.

1.5. Community Infrastructure Levy Regulations

- 1.5.1. The Community Infrastructure Levy ('the levy') Regulations came into force in April 2010. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site-specific impact mitigation requirements without which a development should not be granted planning permission.
- 1.5.2. However, in order to ensure that planning obligations and the levy can operate in a complementary way and the purposes of the two regimes are clarified, the regulations scale back the way planning obligations operate. Limitations are placed on the use of planning obligations in three respects.
- 1.5.3. The first of these, which is the relevant consideration in this matter, is putting the Government's policy tests on the use of planning obligations set out in Circular 5/05 Planning Obligations on a statutory basis for developments that are capable of being charged the levy.
- 1.5.4. The regulations place into law for the first time the Government's policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the levy and provide a stronger basis to dispute planning obligations policies, or practice, that breach these criteria. This seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to use of the levy.
- 1.5.5. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- a) necessary to make the development acceptable in planning terms; and
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 1.5.6. The above tests are set out as statutory tests in [regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework at [paragraph 58](#). These tests apply whether or not there is a levy charging schedule for the area.
- 1.5.7. From 1st September 2019 revised regulations came into force and these, amongst other things, introduced a requirement on CIL charging authorities to produce an annual statement regarding sums received both through CIL and planning obligations.
- 1.5.8. These regulations also removed the limit of pooling no more than 5 planning obligations towards one item of infrastructure, which had been a particular issue with regards to the provision of education infrastructure.

1.6. Department for Education Guidance on Planning Obligations

1.6.1. In April 2019 the Department for Education ('DfE') published a non-statutory guidance document titled "Securing Developer Contributions for Education". This guidance was updated by the DfE in November 2019 and in August 2023.

1.6.2. This DfE document is non-statutory guidance for local authorities regarding seeking planning obligations towards education provision from residential development.

1.6.3. Whilst this DfE document is non-statutory, it is important to consider elements of this guidance as they would carry some weight in a planning context.

1.6.4. The purpose of the DfE guidance is underpinned by four principles, as set out below:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

[Source: DfE Securing Developer Contributions for Education (August 2023), page 5, at Appendix EHP01].

1.6.5. However, it should be noted that nothing within this non-statutory guidance supersedes the tests set out in section 1.5 above.

2. Setting the Context for Local School Place Planning

2.1. Wiltshire Council's Duty to Secure Sufficient School Places

2.1.1. The site lies within the primary and secondary designated catchment areas for schools for which the local education authority is Wiltshire Council ('WC').

2.1.2. The Education Act 1996 (as amended) provides in section 14(1):

*"A local education authority shall secure that sufficient schools for providing –
(a) primary education and (b) secondary education ... are available for their area".*

2.1.3. The Education Act does not state it is the duty of a local education authority to ensure that there are sufficient school places at the catchment area school for all children residing within that particular school's catchment area.

2.1.4. The Education Act simply states that the education authority must provide school education appropriate to the requirements of pupils for its area. In the case of WC that is the area defined as the county of Wiltshire.

2.1.5. This duty applies in relation to all the children in the local education authority area, whether they have lived there all their lives or have just moved into a new development.

2.1.6. The residential component of the proposed development will include family housing. Family housing often includes school age children who will seek to enrol in local schools. Those schools may or may not be sufficient to accommodate these children without the need for additional capacity to be provided.

2.2. School Organisation

2.2.1. The year of entry into primary schools is known as Year R, when children are typically 5 years of age. The year of entry into secondary schools is known as Year 7, when children are typically 11 years of age, with the exception of studio colleges or university technical colleges whose year of entry is Year 10 when children will be 14 years old.

2.2.2. Education is compulsory for children up until the age of 16, equivalent to Year 11; hence there are 5 year groups at secondary school. The sixth form year groups are known as Years 12 and 13 respectively. Not all secondary schools offer sixth form education.

2.2.3. All schools have a Published Admissions Number ('PAN') which indicates the number of pupils the school can take in each year group. If this number is then multiplied by the number of year groups at the school, this gives an indicative capacity of the numbers that the school can theoretically accept.

2.2.4. School capacity is often measured in terms of forms of entry ('FE'). A single class can typically accommodate up to 30 children. The Number on Roll ('NOR') is the number of children at a school.

2.2.5. Reception is the year of entry to primary school and is often referred to as "Year R". The subsequent year groups are often referred to as "Year 1" to "Year 6" respectively.

2.2.6. As primary schools have 7 year groups, a 2FE primary school would have capacity for 420 children [*calculation*: $30 \times 7 \times 2 = 420$]; with 1FE of primary education provision equating to 210 primary school places.

2.2.7. Similarly, as secondary schools have 5 year groups, a 6FE secondary school would have capacity for 900 pupils aged 11-16 [*calculation*: $30 \times 5 \times 6 = 900$]; with 1FE of secondary education provision equating to 150 secondary school places.

2.3. Walking Distance to School

2.3.1. The DfE states the following regarding the maximum statutory walking distances to school:

Statutory walking distances⁶

9. The statutory **walking** distances are used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory **walking** distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the **parent** is responsible for arranging their child's travel to school. There is no expectation that the child will **walk**. It is for the **parent** to determine what arrangements would be suitable for their child.

10. A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their **home**.

11. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their **home**.

[Source: DfE - Travel to school for children of compulsory school age (January 2024), page 11, at Appendix EHP02].

2.3.2. The DfE also states:

“When a local authority assesses whether the distance between a child's home and their school is further than the statutory walking distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may walk in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school”

[Source: DfE - Travel to school for children of compulsory school age (June 2023), page 11, at Appendix EHP02].

2.3.3. My analyses include an assessment of the position at the schools within a reasonable walking distance of the proposed development.

2.4. Patterns of Pupil Migration

2.4.1. There is likely to be movement of children between respective schools' catchment areas, pseudo-catchment areas (based on furthest distances of places offered), designated areas, or priority areas. This movement of children due to parental preference and other factors is often referred to as "inflow" and "outflow".

2.5. The Role of School Forecasts in School Place Planning

2.5.1. Each Local Education Authority ('LEA') is obliged to provide annual school forecasts to the DfE.

2.5.2. The DfE provides detailed guidance to LEAs to help ensure that school forecasts are as accurate as possible.

2.5.3. The DfE makes the following request with regards to how LEAs treat housing developments within their forecasts:

"Housing developments can have a significant impact on the demand for places in individual planning areas, or across entire local authorities.

The pupil forecasts you submit in SCAP should only include expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts. In most cases, such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast period, we expect that development to be present in the relevant planning authority's latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by reviewing evidence on the site's deliverability and assessing delivery against previous 5-year land supply plans in the relevant planning authority."

[Source: DfE - School Capacity (SCAP) Survey 2025 - Guide for local authorities (May 2025), pages 32 and 33, at Appendix EHP03]

3.2. Dwelling Numbers & Mix

3.2.1. The total number of dwellings on the proposed development site is up to 205 dwellings.

3.2.2. There is no confirmed indicative housing mix available at the present time; however, the following is an approximate, potential dwelling mix:

Dwelling	Potential dwelling ratios	Potential dwelling mix (based on 205 dwellings)
1 bedroom	5%	10
2 bedrooms	23.5%	48
3 bedrooms	52.5%	108
4+ bedrooms	19%	39
All	100%	205

3.2.3. For the purposes of the analyses within this Report it has been assumed that 30% of these 205 dwellings would be affordable dwellings.

3.2.4. On this basis it has been assumed that the Site would have 195 dwellings which would have 2+ bedrooms and these would be a mix of open market dwellings and affordable dwellings [*calculation*: 205 dwellings – 10 1-bedroom dwellings = 195 dwellings].

3.2.5. It has also been assumed that all of the 1-bedroom dwellings would be open market dwellings.

3.3. Other Local Residential Developments

3.3.1. The following are examples of other residential development sites in the local area which have recently received planning consent:

- A site of 203 dwellings at Land west of St Andrews Road, Warminster. Planning application reference 14/06562/FUL. This application was approved in February 2017.
- A site of up to 1,000 dwellings at Land North of Victoria Road (WWUE strategic site), Warminster. Planning application reference 15/01800/OUT. This application was approved in December 2020.
- A site of 227 dwellings at Bugley Barton Farm, Land South of Victoria Road, Warminster. Planning application reference 17/01463/FUL. This application was approved in September 2022.

3.3.2. Our analyses and assessment of the impact of local residential development on local school places includes the Site and reference to these other local sites.

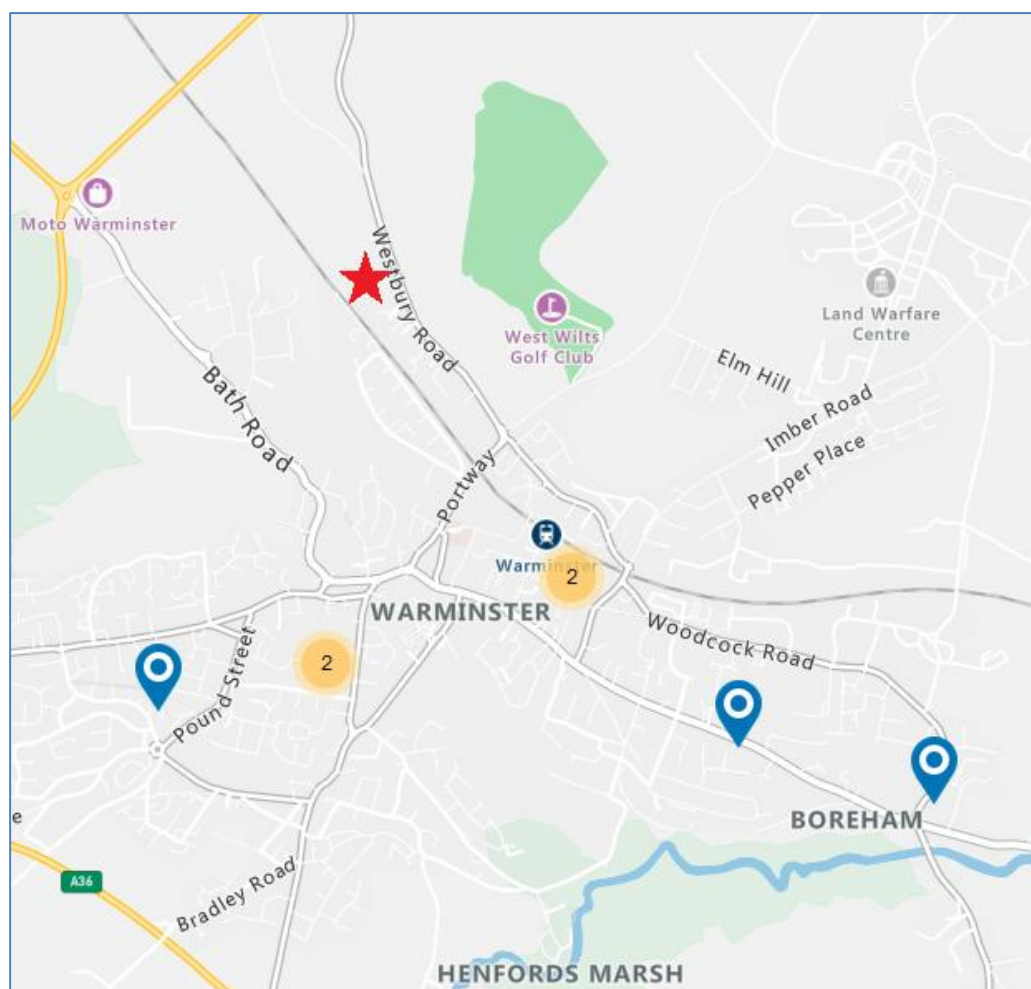
4. The Position at Local Schools

4.1. Local Primary School Locations

4.1.1. In order to assess the degree of mitigation required from the proposed development regarding primary school place provision EHP Consultants has considered the impact on the area within two miles by straight line distance of the site postcode.

4.1.2. The catchment area school for this site is defined by WC as The Avenue Primary School [source: WC School catchment maps, at Appendix EHP05].

4.1.3. The broad locations of the closest local primary schools are indicated below (the blue icons indicate single school locations, the number icons indicate the number of schools located close together in a given area) and the red star indicates the approximate location of the Site:



Graphic: Primary school locations relative to the proposed development.

[Source: DfE]

4.1.4. The primary schools in order of shortest distance from the site postcode and within a 2-mile straight line distance of the site postcode are as follows:

- The Avenue Primary School
- The Minster CE Primary School
- New Close Primary School
- Sambourne CE Primary School
- Princecroft Primary School
- St John's CE Primary School
- St George's RC Primary School

4.2. Local Primary Schools – Forecast Status of Pupil Places

4.2.1. According to the most recently available school data obtained from WC via the submission of an FOI request, the forecast position of pupil places at local primary schools (including infant and junior schools) is due to be as shown below:

Primary School	Total Capacity	Forecast Children on Roll *				Forecast Surplus / Deficit Places			
		2026	2028	2030	2032	2026	2028	2030	2032
The Avenue *	210	225	218	212	210	-15	-8	-12	0
The Minster CE	210	202	192	185	177	8	18	25	33
New Close	210	171	166	169	171	39	44	41	39
Sambourne CE	147	127	115	105	95	20	32	42	52
Princecroft	210	202	207	208	208	8	3	2	2
St John's CE **	105	111	110	104	105	-6	-5	1	0
St George's RC	210	63	49	46	48	147	161	164	162
TOTAL						201	245	263	288

Table: Forecast Primary School places in the local area.

[Source: Children on Roll from WC forecast data at Appendices EHP06 to EHP12]

4.2.2.* The Avenue Primary School recently decided to reduce its Year R PAN from 45 to 30 places from 2025/26 onwards. Over time this will mean that the total operational school capacity will become 210 places; whereas it would have had 315 places if the Year R PAN had remained at 45 places each year.

4.2.3.** St John's CE Primary School previously had a Year R PAN of 21 and a total operational capacity of 147 places. However, this has been reduced to a Year R PAN of 15 and a total operational capacity of 105 places.

4.2.4. On this basis these two local primary schools will have reduced their collective capacity by a total of 147 places of capacity [calculation: (315 – 210) + (147 - 105) = 147 places].

4.2.5. It is important to note that the WC school forecasts shown above do not include the impact of developments which have the benefit of recent planning permission or which are pending approval.

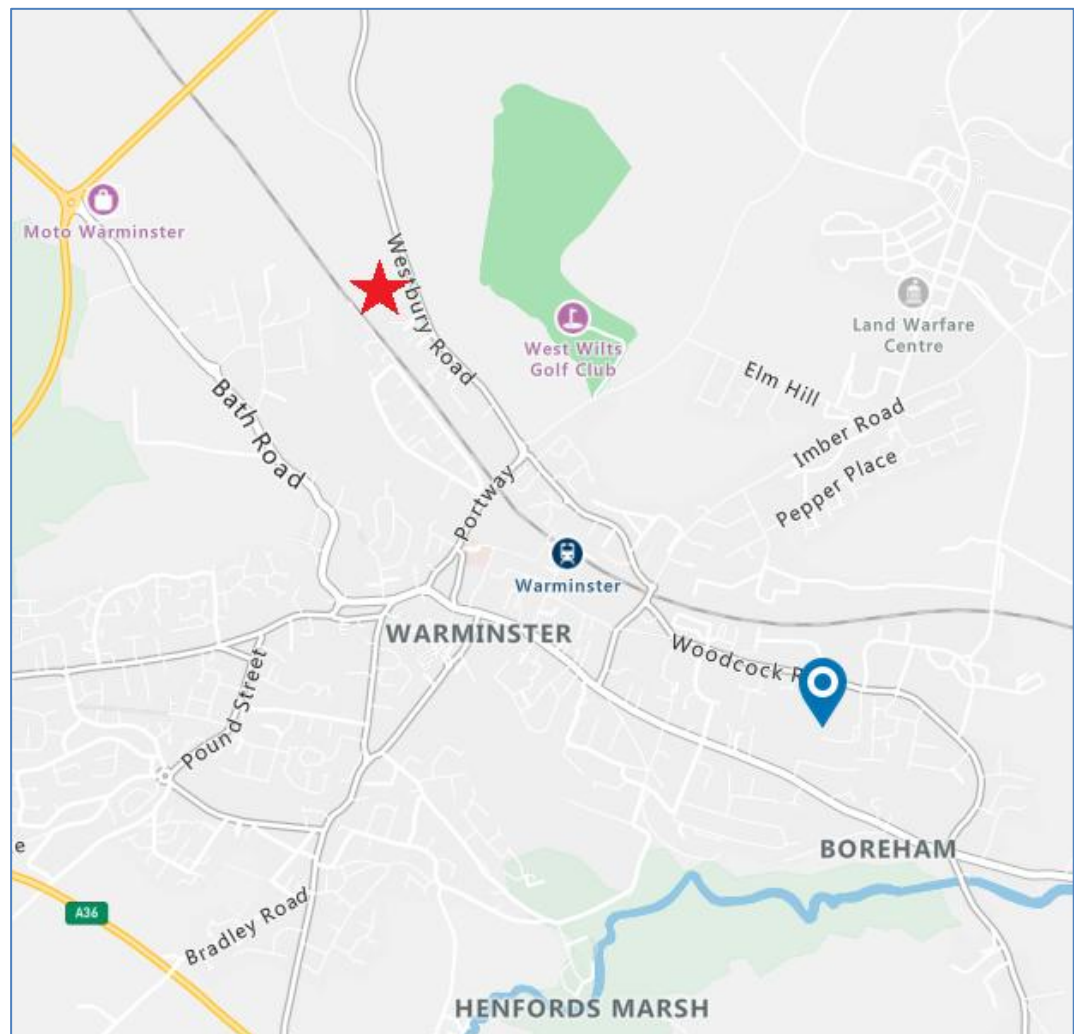
- 4.2.6. It is also important to note that although WC produce forecasts beyond 2029, all current forecasts beyond 2029 need to rely on a degree of assumed birth rates, rather than known, actual birth rates as some of the predicted children who are included in these latter forecasts will not have been born yet.
- 4.2.7. It is evident that on the basis of this WC data, and excluding the impact of developments which have the benefit of planning permission or are pending approval, there is forecast to be a significant surplus of local primary school places.
- 4.2.8. This forecast surplus is 201 places in 2026, rising to 288 by 2032. The WC forecasts also show surplus places up to and including 2033.
- 4.2.9. By way of comparison, in 2021 I completed an analysis of these schools prior to the recent changes in local school capacity and the forecast surplus was due to 318 places in 2020, rising to 351 by 2026. These earlier WC forecasts also previously showed surplus places up to and including 2028.
- 4.2.10. WC also provides school forecasts which show the predicted impact on local school places of housing developments which are either registered pending approval or approved.
- 4.2.11. However, we disagree with WC's approach in using such forecasts to assess pending local developments in the context of seeking S106 education contributions. In some instances sites which are registered do not gain approval and for this reason we do not consider it appropriate for sites pending approval to be included within forecasts which are used to assess pending local developments in the context of seeking S106 education contributions.
- 4.2.12. Our commentary on how WC applies these impacts within its other forecasts is set out later in this Report and shows an analysis of the cumulative impact of such developments across the wider Warminster area rather than at the individual schools.
- 4.2.13. We emphasise that our stated approach differs from WC's assessment methodology in that we include all schools within a 2-mile straight-line distance, whereas WC only include schools within a 2-mile safe walking distance.
- 4.2.14. In primary school education there is typically a pattern of some child migration beyond a 2-mile safe walking distance from home to school. For example, some parents elect to seek a place for their child at a primary school which is beyond a 2-mile safe walking distance from their home for a variety of reasons.
- 4.2.15. On this basis, in my opinion, unless there is evidence that all children at primary schools in Warminster attend a school no further than a 2-mile safe walking distance from their home, the inclusion of schools within a 2-mile straight-line distance is a more robust approach to assessing the local position with regards to school place planning.

4.3. Local Secondary School Locations

4.3.1. In order to assess the degree of mitigation required from the proposed development regarding secondary school place provision EHP Consultants has considered the impact on the area within three miles by straight line distance of the site postcode.

4.3.2. The catchment area school for this site is defined by WC as Kingdown School [source: WC School catchment maps, at Appendix EHP05].

4.3.3. The broad location of Kingdown School is indicated below (the blue icon indicates the single school location) and the red star indicates the approximate location of the proposed development site:



Graphic: Secondary school locations relative to the proposed development.

[Source: DfE]

4.3.4. The secondary schools within a 3-mile straight line distance of the site postcode are as follows:

- Kingdown School

4.4. Local Secondary Schools – Forecast Status of Pupil Places

4.4.1. According to the WC forecast data, and assuming the capacity of places for 11-16 year-old pupils as being 1,385, the position at Kingdown School (excluding sixth form, i.e. for 11-16 year-old pupils only) is due to be as shown below:

Secondary School	Capacity (PAN 320)	Forecast Children on Roll *				Forecast Surplus / Deficit Places			
		2026	2029	2032	2035	2026	2029	2032	2035
Kingdown School (11-16)	1,600	1,207	1,248	1,197	1,107	393	352	403	493

Table: Forecast Secondary School places in the local area, excluding sixth form.

[Source: Children on Roll from WC forecast data at Appendix EHP13, capacity data based on Kingdown School's current PAN]

4.3.5. This forecast surplus at Kingdown School (excluding sixth form) is 393 places in 2026, reducing to 352 in 2029, but rising again to 493 by 2035. The WC forecasts show surplus places every academic year from 2025 to 2037.

4.3.6. It is evident that on the basis of this WC data, and excluding the impact of developments which have the benefit of recent planning permission or are pending approval, there is forecast to be a significant surplus of local secondary school places at Kingdown School.

4.3.7. As stated earlier in this Report, WC also provides school forecasts which show the predicted impact on local school places of housing developments which are either registered pending approval or approved.

4.3.8. However, we disagree with WC's approach in using such forecasts to assess pending local developments in the context of seeking S106 education contributions. In some instances sites which are already registered do not gain approval and for this reason we do not consider it appropriate for sites pending approval to be included within forecasts which are used to assess pending local developments in the context of seeking S106 education contributions.

4.3.9. Our commentary on how WC applies these impacts within its forecasts is set out later in this Report.

5. Primary and Secondary Education Mitigation

5.1. WC Child Yield Methodology

5.1.1. WC provides the following position with regards to how it assesses child yield from housing developments:

The Council has tracked the actual number of children arriving in Early Years settings and Wiltshire schools from a variety of different sized housing developments over 12 years and recently commissioned an update survey to review the number of children arising from new developments in Wiltshire. From this it has calculated pupil product figures which it uses as the basis for estimating the number of nursery, primary and secondary aged children likely to come from future housing developments. These figures are:

- 0.04 per dwelling for Early Years 0-2 year olds (4 per 100 dwellings)
- 0.09 per dwelling for Early Years 3-4 year olds (9 per 100 dwellings)
- 0.31 per dwelling for Primary aged pupils (31 per 100 dwellings) and
- 0.22 per dwelling for Secondary aged pupils (22 per 100 dwellings).

These “pupil products” apply to all sizes/types of dwelling including affordable housing with the exception of 1 bed properties.

In order to make an assessment of the impact of the new housing upon the existing education infrastructure in the locality, the Council’s officers will first deduct any one bed sized units from the accommodation schedule and then apply a standard discount of 30% to the remaining (if any) affordable housing. This discount reflects evidence that families in affordable housing move within the immediate area and so their children will not need to change schools, and is most pertinent at secondary level where designated areas can be wide ranging.

[Source: WC Planning Obligations (2017), page 3, at Appendix EHP14]

5.1.2. When applying the standard WC 30% child yield discount to the 30% affordable dwellings on any residential development site this effectively applies a factor of 0.91 to the number of ‘applicable dwellings’ [calculation: ((100% all dwellings - (30% affordable dwellings x 30% child yield discount)) = 0.91].

5.1.3. On the above basis and assuming the potential dwelling mix set out earlier in this Report, the Site with 195 dwellings of 2+ bedrooms, when applying the 30% standard discount for affordable dwellings set out above, would have the following child yield:

Phase of Education	WC Yield Rate (Per 100 Dwellings of 2+ Bedrooms)	Calculation	Child Yield
Primary (4-11 years)	31	$(31 / 100) \times 195 \times 0.91$	55.0
Secondary (11-16 years)	22	$(22 / 100) \times 195 \times 0.91$	39.0

5.2. WC's Assessment of Other Local Sites

5.2.1. This section summarises WC's position with regards to its assessment of the following other residential development sites in the local area which have received planning consent or are pending approval:

- A site of 203 dwellings at Land west of St Andrews Road, Warminster. Planning application reference 14/06562/FUL. This application was approved in February 2017. According to the latest WC education consultation response, the council stated:

"The designated area schools here are Princecroft Primary and at secondary level, Kingdown School."

"As this is the next application to come forward in Princecroft's area, it receives the benefit of the full 28 "spare" places, which reduces the shortfall of places requirement from 55 to 27. Our requirement here is therefore for a developer contribution towards the funding of 27 primary places at the current capital cost multiplier of £16,768 each = £452,736."

"Kingdown" . . . "In view of the school being full and forecast to remain so, we require a full developer contribution towards the provision of the 39 secondary places that this development proposal generates a need for. The 2014/15 capital cost multiplier for secondary places is £19,084 each."

"The capital cost multipliers quoted are those for the 2014/15 financial year and will apply to S106s completed in that year."

[Source: WC education consultation response for planning application reference 14/06562/FUL, at Appendix EHP15]

The signed S106 agreement for this site dated 2017 includes £628k primary education and £848k for secondary education, but no contributions towards additional early years places. The increase in these figures when compared to the original figures cited above is likely to be due to the relative costs indexation from 2014 to 2017.

[Source: S106 agreement for planning application reference 14/06562/FUL, at Appendix EHP16]

- A site of up to 1,000 dwellings at Land North of Victoria Road (WWUE strategic site), Warminster. Planning application reference 15/01800/OUT. This application was approved in December 2020. According to the latest WC education consultation response the council requested:

“a developer contribution from this application towards the remaining 225 new primary places that it needs.”

“Using the current cost multiplier per place of £17,545: 225 places x £17,545 = £3,947,625 (subject to indexation).”

“A 1.8Ha site for a new 1.5 FE primary school, with sufficient land for expansion to full 2FE Provision”

“Kingdown School” . . . “cannot expand on its existing site and so a separate expansion site of 1.8Ha is being sought from this development, adjacent to the 1.8Ha primary school land, therefore land site totalling 3.6Ha.”

“A financial contribution is also required towards the provision of the 200 – 2 = 198 new secondary places that the proposed development generates a need for, and which are not currently available.”

“Using the current cost multiplier of £23,316 per place = 198 x £23,316 = £4,616,568 (subject to indexation).”

Regarding early years contributions WC stated *“None applicable at the date of original registration”*.

[Source: WC education consultation response for planning application reference 15/01800/OUT, at Appendix EHP17]

It is evident that the WC assessment took into account a figure of 57 surplus primary school places at schools within a 2-mile safe-walking distance of this development site and 2 surplus secondary school places which according to WC were available at that time, as follows:

““Primary Assessment Details: ...57 of the 282 places required by this application can be met from current surplus capacity across the schools within 2 miles safe walking distance of the development site... The remaining 282 - 57 = 225 places needed are not currently available.... As a result, the Council intends to provide a new primary school to serve registered housing demand in Warminster, and which will be located on this development site.... We therefore require a developer contribution from this application towards the remaining 225 new primary places that it needs.”

“Secondary Assessment Details: ...50 spare places are nominally expected to be available.... In addition, places required by in area housing already registered/approved ahead of this application, but not yet built out & so not yet in our forecasts = 48.... So, there are effectively only 2 spare places available at Kingdown, which can be allocated against the 200 needed by this application.”

It is important to emphasise that WC did not consider the future surplus of school places at local primary schools, but solely the number of surplus places which were “currently available”.

According to the signed S106 agreement dated December 2020 the site will be providing all of the planning obligations set out above [source: signed S106 agreement for planning application reference 15/01800/OUT, at Appendix EHP18].

- A site of 227 dwellings at Bugley Barton Farm, Land South of Victoria Road, Warminster. This planning application was approved in September 2022. Planning application reference 17/01463/FUL. According to the latest WC education consultation response the council requested:

PRIMARY CONTRIBUTION REQUIREMENTS: Current Primary cost multiplier = £17,545 per place. (Please note however, that the cost multiplier quoted applies for 2017/18 and is due to be updated shortly for the 2018/19 financial year, and the new figure will apply to S106s signed in that financial year as per the S106 Methodology).

- Places for this development are not currently available at the designated area primary school or in any other one of the primaries within 2 miles safe walking distance.
- The Council intends to provide a new primary school to serve ongoing housing demand in Warminster, which will be located on the North of Victoria Road (aka WWUE), strategic site.
- We therefore require a full developer contribution from this application towards the 62 primary places that it generates a need for.
- Using the current cost multiplier per place of £17,545: 62 places x £17,545 = £1,087,790 (subject to indexation).
- This contribution will be secured via a Section 106 Agreement, to which the Council's standard terms will apply.
- However, the site for the new primary is not yet secured by S106 agreement and we don't yet have a timetable for delivering the new school.
- It is therefore imperative that application 15/01800/OUT is endorsed first and that the legal agreement (S106) is well advanced to provide confidence that new school infrastructure and an access route from Victoria Road will be delivered to service the school needs for the Bugley Barton site development.
- The new school site (3.6ha combined), fully serviced to it's boundaries, is needed within 12 months of residential commencement of development at Bugley Barton Farm or on the larger 15/01800/OUT site.
- As a consequence, restrictive legal clauses will be necessary as part of the S106 agreement here.

It is evident that the WC assessment stated that no surplus places were available at that time at schools within 2 miles safe walking distance of this development site and that the site was expected to fully mitigate its impact on local primary school places by funding 62 new school places. The relevance of this matter is set out later in this Report.

SECONDARY CONTRIBUTION REQUIREMENTS: current secondary cost multiplier = £23,316 per place. (Please note however, that the cost multiplier quoted applies for 2017/18 and is due to be updated shortly for the 2018/19 financial year, and the new figure will apply to S106s signed in that financial year as per the S106 Methodology).

- There is no spare capacity available at Kingdown to accommodate the pupil product of this development.
- However, the school cannot expand on its existing site and so a separate expansion site is being sought on the 2015 '*Land North of Victoria Road*' development (15/01800/OUT).
- Therefore, a full developer contribution is required towards the provision of the 44 new secondary places that the proposed development generates a need for.
- Using the current cost multiplier of £23,316 per place = $44 \times £23,316 = £1,025,904$ (subject to indexation).
- This funding will contribute towards the phased expansion of Kingdown School.
- The contribution will be secured via a Section 106 Agreement, to which the Council's standard terms will apply.
- However, the secondary provision expansion site is not yet secured and so we don't currently have a construction timetable
- It is therefore imperative that application 15/01800/OUT is endorsed first and that the legal agreement (S106) is well advanced to provide confidence that new school infrastructure and an access route from Victoria Road will be delivered to service the school needs for the Bugley Barton site development.
- The new school site (3.6ha combined), fully serviced to its boundaries, is needed within 12 months of residential commencement of development at Bugley Barton farm or on the larger 15/01800/OUT site.
- As a consequence, restrictive legal clauses will be necessary as part of the S106 agreement here.

Previous WC consultation responses for this site also requested full S106 contributions towards additional early years places.

It is evident that the WC assessment stated that no surplus places were available at Kingdown School and that the site was expected to fully mitigate its impact on local secondary school places by funding 44 new school places. The relevance of this matter is set out later in this Report.

[Source: WC education consultation response for planning application reference 17/01463/FUL, at Appendix EHP19]

5.2.2. Our analyses and assessment of the impact of local residential development on local school places includes the Site and reference to these other local sites.

5.3. EHP Commentary & Conclusions on Primary Education Mitigation

5.3.1. On the basis of the WC child yield methodology the Site would generate a requirement for **55 primary school places** [calculation: $(31 / 100) \times 195 \times 0.91 = 55.0$], when rounded.

5.3.2. In terms of other local sites which have recently been approved, it is evident that:

- a) the site at Land west of St Andrews Road provided S106 primary education contributions towards the recently completed expansion of Princecroft Primary School.
- b) according to the signed S106 agreement the site at Land North of Victoria Road is likely to make full S106 primary education contributions towards new school places at the proposed new school and provide land for this new school to be located on-site. On the basis of the specific funding formula set out within the S106, the number of new primary school places to be funded may not reflect any adjustment regarding WC's previous assessment of 57 surplus places.
- c) the site at Land South of Victoria Road has been asked by WC to make full S106 primary education contributions towards the proposed new school by funding 44 new school places. This planning application was approved in September 2022.

5.3.3. In my opinion there is currently no basis for WC to seek any primary education S106 contributions from the Site. The evidence supporting this opinion is as follows:

As set out earlier in this Report, it is evident that on the basis of current WC data (which excludes the impact of developments which have the benefit of planning permission or are pending approval) there is forecast to be a significant surplus of local primary school places for the foreseeable future. The forecast surplus is 201 places in 2026, rising to 288 by 2032. The WC forecasts also show surplus places up to and including 2033.

According to the WC forecasts a total of **1,294** dwellings are due to be built and occupied during the forecast period until 2034 [source: WC forecasts at Appendices EHP06 to EHP12].

If the Site is also approved and built during this period this total would be **1,499** dwellings [calculation: $1,294 + 205 = 1,499$ dwellings].

However, it is evident that according to the signed S106 agreement the site at Land North of Victoria Road **is likely to make full S106 primary education contributions** towards school places at the proposed new school on the basis of a future reserved matters application [source: signed S106 agreement for planning application reference 15/01800/OUT, Schedule 4, Part 1, paragraph 3.7 at Appendix EHP18].

As a result the net effect of the dwellings at the site at Land North of Victoria Road on the forecast availability of local primary school places will be **zero** as this site will **fully mitigate its impact** on local primary school places.

Similarly, it is evident that the site at Land South of Victoria Road has been asked by WC to make **full S106 primary education contributions** towards school places at the proposed new school [source: WC education consultation response for planning application reference 17/01463/FUL, at Appendix EHP19].

As a result the net effect of the dwellings at the site at Land South of Victoria Road on the forecast availability of local primary school places is likely to be **zero** as this site is likely to **fully mitigate its impact** on local primary school places.

When taking the above S106 mitigation matters into account (thereby discounting the combined **997** dwellings predicted to be built on the site at Land North of Victoria Road and the site at Land South of Victoria Road), according to the WC child yield methodology the net 709 dwellings [*calculation: 1,499 – 997 = 502*] would be predicted to give rise to up to **156** children of primary school age [*calculation: (31 / 100) x 502 = 155.62*].

As set out earlier in this Report, the local forecast surplus of primary school places is **288** by 2032, and with the WC forecasts showing surplus places in 2026, **there will be sufficient local primary school capacity to cater for the demand for up to 156 primary school places** arising from these 502 dwellings, **including the 55 children of primary school age predicted to arise from the Site.**

Furthermore, it is important to emphasise that **in reality this child yield figure of 156 will be lower** given WC's policy of discounting affordable dwellings and 1-bedroom dwellings from child yield calculations, hence **the net number of surplus places in the future is likely to be significantly higher.**

Moreover, it is evident from the calculations above that, if the site at Land North of Victoria Road eventually provides a lesser total amount of funding by making a downward adjustment to reflect WC's previous assessment of 57 surplus places, the net effect of this reduction in funding would still not trigger a requirement for the Site to make primary education contributions given the significant notional surplus of places that would remain available.

Furthermore, it is evident that two local primary schools have recently reduced their collective capacity by a total of 147 places. In the unlikely event that additional primary school places were required then these places could become operational once more.

- 5.3.4. On this basis, in my opinion, a WC request for primary education S106 contributions from the Site would fail to meet the test of such planning obligations being necessary to make the development acceptable in planning terms.

5.4. EHP Commentary & Conclusions on Secondary Education Mitigation

5.4.1. On the basis of the WC child yield methodology the Site would generate a requirement for **39 secondary school places** [calculation: $(22 / 100) \times 195 \times 0.91 = 39.0$], when rounded.

5.4.2. In terms of other local sites which have recently been approved, it is evident that:

- a) the site at Land west of St Andrews Road has provided, or will provide, S106 secondary education contributions.
- b) according to the signed S106 agreement the site at Land North of Victoria Road will make S106 secondary education contributions and provide land on-site for the creation of additional secondary school places.

5.4.3. In my opinion there is currently no basis for WC to seek any secondary education S106 contributions from the Site. The evidence supporting this opinion is as follows:

As set out earlier in this Report, it is evident that on the basis of current WC data (which excludes the impact of developments which have the benefit of planning permission or are pending approval) there is forecast to be a significant surplus of local secondary school places for the foreseeable future. The forecast surplus at Kingdown School (excluding sixth form) is 393 places in 2026, reducing to 352 in 2029, but rising again to 493 by 2035. The WC forecasts show surplus places every academic year from 2025 to 2037.

The recent expansion of Kingdown School by 300 places will provide more than sufficient capacity to cater for the demand arising from the developments cited within the WC school forecasts at Appendices EHP06 to EHP12, plus the potential demand for 39 secondary school places arising from the Site.

5.4.4. On this basis, in my opinion, a WC request for secondary education S106 contributions from the Site would fail to meet the test of such planning obligations being necessary to make the development acceptable in planning terms.

6. Appendices

The following appendices accompany this document:

- APPENDIX EHP01 - DfE - Securing Developer Contributions for Education (August 2023)
- APPENDIX EHP02 - DfE - Travel to school for children of compulsory school age (January 2024)
- APPENDIX EHP03 - DfE - School Capacity (SCAP) Survey 2025 - Guide for local authorities (May 2025)
- APPENDIX EHP04 - 0736-201 Location Plan-AOP
- APPENDIX EHP05 - WC - School catchment maps
- APPENDIX EHP06 - WC - School Forecast - The Avenue Primary School (2025)
- APPENDIX EHP07 - WC - School Forecast - The Minster CE Primary School (2025)
- APPENDIX EHP08 - WC - School Forecast - New Close Primary School (2025)
- APPENDIX EHP09 - WC - School Forecast - Sambourne Primary School (2025)
- APPENDIX EHP10 - WC - School Forecast - Princecroft Primary School (2025)
- APPENDIX EHP11 - WC - School Forecast - St John's CE Primary School (2025)
- APPENDIX EHP12 - WC - School Forecast - St George's RC Primary School (2025)
- APPENDIX EHP13 - WC - School Forecast - Kingdown School (2025)
- APPENDIX EHP14 - Wiltshire Council - Developers Contributions - Education Infrastructure (2017)
- APPENDIX EHP15 - WC 14_06562_FUL Land West of St Andrews Road, Warminster - Education (2014)
- APPENDIX EHP16 - WC 14_06562_FUL Land West of St Andrews Road, Warminster - S106 (2017) (extracts)
- APPENDIX EHP17 - WC 15_01800_OUT Land at the proposed West Warminster Urban Extension North of Victoria Road (Education Formal Assessment 08-05-18)
- APPENDIX EHP18 - 15_01800_OUT Land at the proposed West Warminster Urban Extension North of Victoria Road (S106 15-12-20) (extracts)
- APPENDIX EHP19 - WC 17_01463_FUL Bugley Barton Farm, Land South of Victoria Road, Warminster (Education Formal Assessment 08-05-18)