

**REPORT AUDIT TRAIL****CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

<b>Name/Position</b>	<b>Portfolio/Ward/ Directorate</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Councillor Victoria Cusworth	Cabinet Member for <b>Children and Young People</b>	08/08/25	Click here to enter a date.	
<i>Nicola Curley</i>	Assistant Chief Executive/ Strategic Director for <b>Children and Young People's Services</b>	Click here to enter a date.	Click here to enter a date.	
<i>Joshua Amahwe,</i> Finance	Finance and Customer Services	28/07/25	29/07/25	6.2
<i>Stuart Evans,</i> Legal Services	Legal Services	21/07/25	29/07/25	7.1
<i>Amy Leech,</i> Human Resources	Assistant Chief Executive's Office	21/07/25	30/07/25	No HR implications.
<i>Karen Middlebrook,</i> Procurement	Finance and Customer Services	21/07/25	21/07/25	6.1
<i>Steve Eling,</i> Equalities	Assistant Chief Executive's Office	21/07/25	12/08/25	10.1
<i>Nigel Hancock,</i> <i>Head of Planning and Building Control</i>	Regeneration & Environment	21/07/25	30/07/25	Comments and amendments made.

**REPORT APPROVAL TRACKING**

<p><b>Equalities</b> Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices</p>	<p><b>Initial Screening completed and included with report</b></p>	YES	
	<p><b>Full Assessment completed and included with report</b></p>	YES	
<p><b>Carbon Impact Assessments</b> Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to <a href="mailto:climate@rotherham.gov.uk">climate@rotherham.gov.uk</a> for feedback prior to your report being sent to your Strategic Director for approval.</p>	<p>Carbon Impact Assessment completed and included with report.</p>	YES	
<p><b>Background information</b> <b>MANDATORY:</b> Insert headings for a few main <b>public</b> documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, <b><u>insert hyperlinks</u></b>. Do not list private documents.</p>	<p>Report to Council Cabinet (19/12/22): Section 106 Developer Education Contributions Policy</p> <p>Department for Education Guidance, August 2023: Securing developer contributions for education (<a href="https://publishing.service.gov.uk">publishing.service.gov.uk</a>)</p>		
<p><b>Appendices</b> If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports.</p>	<p>Appendix 1 Revised Section 106 Developer Contributions – Education (Draft) Appendix 2 Equalities Impact Assessment Appendix 3 Carbon Impact Assessment</p>		
<p><b>Cabinet Member Approval</b> You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off</p>	YES	Click here to enter a date.	
<p><b>Report Authorised by Strategic Director</b></p>	YES/NO (delete as appropriate)	Click here to enter a date.	
<p><b>Report Authorised for publication by Chief Executive</b></p>	YES/NO (delete as appropriate)	Click here to enter a date.	

**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 27 August 2025

**Report Title**

Updated Section 106 Developer Education Contributions Policy

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children and Young People's Services

**Report Author(s)**

Sarah Whitby, Head of Service Access to Education  
01709 255097 or sarah.whitby@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

The Section 106 Developer Contributions Policy aligned to the Town and Country Planning Act 1990 has been updated to reflect the latest cost multipliers published by the Department for Education (DfE) and BCIS (Building Cost Information Service).

**Recommendations**

1. That approval be granted to the revised Section 106 Developer Education Contributions Policy.

**List of Appendices Included**

Appendix 1 Revised Section 106 Developer Contributions – Education (Draft)  
Appendix 2 Equalities Impact Assessment  
Appendix 3 Carbon Impact Assessment

**Background Papers**

Report to Council Cabinet (19/12/22): Section 106 Developer Education Contributions Policy

Department for Education Guidance, August 2023: [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/section-106-developer-contributions)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Updated Section 106 Developer Education Contributions Policy**

### **1. Background**

- 1.1 Housing development can have a significant impact on local education infrastructure and create a shortfall in available school places for local schools and within local communities. The Town and Country Planning Act 1990 (Section 106) makes provision for Local Authorities to seek financial contributions from developers towards education infrastructure where it can be evidenced that a development will put pressure on existing school capacity.
- 1.2 The Section 106 Developer Education Contributions Policy sets out the Council's strategy towards analysing the impact on education and requesting developer contributions towards creating additional school places where necessary and appropriate.

### **2. Key Issues**

- 2.1 There is a statutory duty on Local Authorities under the requirements of the Education Act 1996 to ensure the sufficiency of school places in their area within funding parameters.
- 2.2 Rotherham has a historic profile of satisfying parental preferences on Primary and Secondary School entry National Offer Days annually that is broadly in line with statistical Neighbours and above the national average.
- 2.3 A lack of sufficiency in areas of need can lead to parents being unable to secure a place locally for their child(ren) meaning that places have to be sought further afield potentially impacting on the Council's home to school transport budget and National Offer Day allocation profiles.
- 2.4 The latest cost multipliers issued by Department for Education (DfE) and BCIS (Building Cost Information Service) have down lifted the previous cost formula from £5,455 to £3,996 for Primary, £3,737 to £3,131 for Secondary and £1,621 to £1,567 for Sixth Form. The policy revision reflects the changes in the Rotherham location factor.
- 2.5 A previous Cabinet report in December 2022 regarding update to the S106 Education Developer contributions policy stated that 'In future these costs will be updated annually to reflect increases in build costs and as good practice in negotiating S106 planning contributions'. This report is prepared in relation to such an update.

### **3. Options considered and recommended proposal**

- 3.1 Leave the S106 Education Developer Contributions Policy as it is. This was last updated in August 2024 and references figures that have been outdated by more recent Department for Education Guidance. The impact would be that education contributions that are sought aligned with new development vary to those recommended to support education infrastructure requirements.

3.2 Recommended- the revised Section 106 Developer Education Contributions Policy is approved to reflect the most up to date cost formula and ensure that appropriate education contributions are sought from housing development to support education infrastructure.

#### **4. Consultation on proposal**

4.1 Consultation has taken place with relevant Officers within School Organisation, Legal and Planning departments.

#### **5. Timetable and Accountability for Implementing this Decision**

5.1 July 2025- addition of decision to forward plan.

5.2 August 2025 - Officer Delegated Decision taken and revised Policy implemented.

#### **6. Financial and Procurement Advice and Implications**

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 The policy update aligns with the Council's commitment (from the December 2022 Cabinet report) to annually review and update the cost multipliers. The following are the key financial risks / considerations to updating (and reducing) the cost multipliers in line with DfE guidance:

- Reduced funding contributions from housing developers: The lower multipliers mean that for each qualifying housing development, the Council will receive less funding per pupil place than under the previous policy.
- Potential funding gap: If the cost of delivering new school places remains constant or increases (due to inflation or other factors), the Council may face a shortfall between the contributions received and the actual infrastructure / build cost.
- Increased pressure on other funding sources: Any funding gap may need to be covered by other sources such as: basic need capital grant from the DfE; prudential borrowing; and other capital funding.
- Impact on home to school transport: reduced funding contributions from developers could result in insufficient local school places, which could lead to increased transport costs if pupils must travel further to schools with available places.

#### **7. Legal Advice and Implications**

7.1 The report sets out that the S106 Developer Contribution Policy has been updated to reflect the most up to date formula and updated policy is recommended for approval. In relation to S106 agreements it is crucial to

make the agreements legally enforceable, that the information included is up to date and defensible if challenged at a planning appeal or a legal challenge through the courts. If the updated policy is not adopted there is a greater risk of challenge from developers and a council with increased housing development requirements may fail to collect the necessary monetary contributions to support education in line with updated national cost multipliers published by the Department of Education.

## **8. Human Resources Advice and Implications**

8.1 No Human Resource implications.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 Contributions from developers are sought, where the Council can evidence a shortfall in school places will occur as a result of future development. Section 106 contributions and other funding streams such as basic need funding (allocated to local authorities for the provision of new school places) are used for the provision of new school places to meet demand and are accompanied by strict contractual arrangements including timeframes for the utilisation of funding.

## **10. Equalities and Human Rights Advice and Implications**

10.1 The Council Plan theme supported by the proposal is to ensure every child is able to fulfil their potential. This is supported by providing school places in areas of need and in line with parental wishes.

10.2 An equalities impact assessment has been completed and is Appendix 2 to this report.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 An impact assessment has been undertaken linked to the proposals contained within this report and is Appendix 3.

## **12. Implications for Partners**

12.1. The revised policy has been prepared following consultation with Planning Officers, School Admissions and other internal stakeholders including Finance, Legal department and Procurement.

12.2 The policy links to the adopted Developer Contributions SPD (Supplementary Planning Document), pp 28 to 36 on educational provision. The SPD does say that "The local cost adjustment factor shall be annually adjusted in accordance with guidance."

## **13. Risks and Mitigation**

13.1 The Local Authority has a statutory duty to ensure a sufficiency of school places in areas of current and future need within funding parameters

#### **14. Accountable Officers**

Sarah Whitby - Head of Service – Access to Education Christopher Stones -  
Principal Officer – School Organisation and Planning

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This report is published on the Council's [website](#).