
Spend of Section 106 contributions

Executive Decision

Decision to be taken by: Assistant City Mayor for Children
and Young People

Decision to be taken on: 6 March 2025

Lead director/officer: Sophie Maltby

Useful information

- Ward(s) affected: Abbey
- Report author: Michael Wilsher, Head of Education Sufficiency and Admissions
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- Report version number: v1.1

1. Summary

The potential demand on school places is part of a Section 106 agreement between a housing developer and the local authority (LA). When a planning application is submitted, a calculation is undertaken by the LA to determine the number of new pupils that will need a school place as a result of the new houses and the cost of this provision. This is then payable to the LA by the developer at agreed stages within the building programme.

As a result of Section 106 agreement between the LA and the Somerset Avenue/Heacham Drive developer (formerly known as the Blackbird Road playing field) the LA is currently in receipt of £847,373 Section 106 funds. This remaining allocation needs to be spent on Primary schools.

In order to allocate the £847k we have identified Primary schools which have increased their pupil numbers in recent years. We have identified facilities which will help the school provide a better teaching environment.

2. Recommended actions/decision

Executive Member is recommended to:

2.1 Note the contents of the report

2.2 Approve the release of the Section 106 funds for the schemes at Wolsey House Primary School and Slater Primary School whose proposals meet the criteria for Section 106 spend.

3. Scrutiny / stakeholder engagement

Both schools have been involved in developing the plans for the proposed works.

4. Background and options with supporting evidence

4.1 Requirements of the Section 106 agreement stipulates that funds can only be spent on primary schools that are within one mile of the specified development and secondary schools that are within two miles.

The funds can lawfully be used to create additional places to accommodate the increase in demand as a result of the new development, enhance the learning environment or to provide designated special provisions within mainstream schools. The funding can only be used to enhance schools' facilities if it can be directly linked to the new development.

4.2 Approval is sought to fund the following projects.

Wolsey House Primary School –

Wolsey House expanded from 60 pupils per year group to 90 (from a 2-form entry school to a 3-form entry). The increase in pupil numbers requires a larger number of intervention spaces and meetings with external bodies. The proposal is to infill two external areas to create two small group rooms.

This proposal has been assessed by Education and Legal Officers as meeting the requirements of the Section 106 agreement. The previous expansion has provided pupil places for residents of the Somers Avenue development, and the intervention spaces will be used by these pupils.

Slater Primary School –

Slater Primary have increased their planned admission number from 23 per year group to 30. However, this school remains on a very confined site. The funds propose to build a dedicated early years provision. This would in turn mean that the current foundation stage area could be repurposed to provide a multifunction space to be used for dining and group activities to support the increase of pupils.

Both proposals address a deficit of resource spaces within their current provision. Both proposals have been considered by Education Officers to meet the S106 and the funding criteria.

4.3 Please find below a table summarising the schemes which Education officers believe falls within guidance and are supported by the Education Sufficiency and Admissions service. The service has explored various uses of the s106 funding within the required area and guidance; and considers these projects to provide the best use of funding.

School	Proposal	Proposed funding allocation
Wolsey House Primary School	Additional intervention small group rooms	£300k
Slater Primary School	Remodel area to form a multi purpose group room and new early years classroom	£547.4k

4.4 If the above schemes are approved, Estates and Building Services would be commissioned to project manage the schemes. The section 106 funding agreement for this area has a clawback date. All projects must be complete and money spent by February 2026.

4.5 If approved, a Request to Release the Section 106 funds will also be sent to the Head of Planning to inform and ask for sign off of the intended spend of the funds. This feeds into the quarterly spend report which is presented to the City Mayor on a quarterly basis.

4.6 If approval is not granted for these schemes to go ahead, further advice would need to be sought to establish possible projects which meet the criteria. If the funds are not spent, these must be returned to the developer.

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5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

The scheme is funded by the S106 funds received from the developers.

Signed: Paresh Radia – Principal Accountant

Dated: 6 January 2025

5.2 Legal implications

Under the terms of the S106 Agreement, the Primary Education Contribution (“Education Contribution”) must be spent according to the terms of Schedule 4 of the Agreement. The primary schools are specifically listed in S106 Agreement.. Both of the proposed developments fall within the scope of the purpose for the Education Contribution as they are linked to the increasing number of students that they are accommodating.

The Council is also subject to a 5 year clawback provision on receipt of the funds so there is a time pressure to allocating the Education Contribution.

Signed: Aqeel Adnan, Planning Lawyer, Property and Highways

Dated: 6 January 2025

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

If the funding is approved for both Wolsey House Primary School and Slater Primary School it should lead to positive outcomes for pupils attending both schools who will be from across a range of protected characteristics.

Signed: Sukhi Biring, Equalities Officer

Dated: 7 January 2025

5.4 Climate Emergency implications

Schools are a significant sources of greenhouse gas emissions in Leicester. Following the city council's declaration of a Climate Emergency and ambition to achieve net zero carbon emissions addressing these emissions is an important part of the council's efforts in meeting this aim. This is particularly important in projects where the council has greater influence and can ensure that highest possible standards of energy efficiency and carbon reduction are achieved.

As part of the proposed projects consideration should be given to all relevant measures to increase energy efficiency and reduce emissions. This could include the installation of high-performing insulation, energy efficient heating, low energy lighting, low carbon/renewable energy systems such as solar PVs and heat pumps and the use of sustainable materials, as relevant and appropriate to the works carried out. These measures may also reduce energy bills and improve the level of comfort for occupants.

Any development will nonetheless be required to follow relevant development policies and building regulations. A toolkit is also being developed to support the achievement of reduced carbon emissions in council capital construction and renovation projects, which could potentially be used to inform development.

Signed: Aidan Davis, Sustainability Officer, ext 37 2284

Dated: 3 January 2025

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Background information and other papers:

7. Summary of appendices:

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)? No

9. Is this a “key decision”? If so, why? No