



**Our Ref: ESFA/Local Plan/Tendring 2017**

14<sup>th</sup> July 2017

Dear Sir/Madam,

**Re: Tendring Local Plan Publication Draft for Consultation**

**Consultation under Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012**

**Submission of the Education and Skills Funding Agency**

1. The Education and Skills Funding Agency (ESFA) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. The ESFA launched on 1st April 2017, brings together the existing responsibilities of the Education Funding Agency (EFA) and the Skills Funding Agency (SFA), to create a single funding agency accountable for funding education and training for children, young people and adults. The ESFA are accountable for £61 billion of funding a year for the education and training sector, including support for all state-provided education for 8 million children aged 3 to 16, and 1.6 million young people aged 16 to 19.
3. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and the ESFA is the delivery body for many of these, rather than local education authorities. As such, we aim to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. In this capacity, we would like to offer the following comments in response to the planning policy framework outlined in the above consultation document.

**Comments on the Strategic Approach to New Schools in North Essex**

4. The ESFA notes that the strategic policies in this Local Plan are contained in the plans for Braintree, Colchester and Tendring. Comments on these strategic policies are provided in this section. Comments on the policies specific to Tendring district are provided separately in the following section.
5. The ESFA notes that significant growth in housing stock is expected across the North Essex districts of Braintree, Colchester and Tendring; the Local Plan confirms the annual housing target of 2,186 new homes a year (43,720 in total) for this area (excluding Chelmsford) over the plan period 2013 to 2037. The specific requirement for Tendring District is 550 homes per year (11,000 in total). This will place significant pressure on social infrastructure such as education facilities.
6. The ESFA welcomes reference within the plan (section 6B) to adopting a coordinated approach to infrastructure planning across North Essex, including by

ensuring new development provides for new and expanded schools in accordance with the details in districts' Infrastructure Delivery Plans.

7. The ESFA supports the requirement established in policy SP5 for new development to be supported by the infrastructure required to meet the needs arising from that development. We also support the strategic education infrastructure priorities identified, particularly the focus on providing sufficient school places. The policy refers to "larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required". We suggest it would also be useful to refer to developer contributions to the build cost of new schools here, to make it clear that for larger sites developers should be both providing the land for new schools (to meet demand arising from the new development) and funding or contributing to the cost of their construction. As such the Policy would read "*...with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required, as well as funding or contributing to the cost of building the new schools*". 'Larger developments' should also be clearly defined. These amendments would ensure that the delivery requirements are clear and that the plan is **'effective'**.
8. The ESFA also welcomes the focus in policy SP7 on the sequencing of development and infrastructure provision to ensure that the latter is provided ahead of or in tandem with the development it supports. Policies SP 8, 9 and 10 relate to each of the three proposed Garden Communities. Each policy requires at least one secondary school, primary schools (number and size unspecified) and early-years facilities to be provided to serve new development. The Integrated Delivery Plans for each district provide further details of the number and size of primary and secondary schools required. These details should be included in the above mentioned policies to further demonstrate that the plan has been **'positively prepared'** based on a strategy which seeks to meet objectively assessed infrastructure requirements.
9. The ESFA notes that a site specific Strategic Growth DPD will be developed for the garden communities and that this will include further details of how infrastructure will be delivered and phased alongside new development, including allocating specific sites for schools.

#### **Comments on Tendring's Policies and Site Allocation for New Schools**

10. The Local Plan's strategic objective on education is strongly supported, as is the commitment to ensure "that the planned growth in housing development is supported by investment in either building new or creating capacity in our primary and secondary schools through the planning system" (para 6.8.3).
11. The ESFA supports the principle of Tendring District Council safeguarding land for the provision of new schools to meet government planning policy objectives as set out in paragraph 72 of the NPPF. Ensuring there is an adequate supply of sites for schools is essential and will ensure that Tendring District Council can swiftly and flexibly respond to the existing and future need for school places over the plan period.
12. The site specific policies highlight on site requirements for primary schools for a number of site allocations. Policy SAMU2 (Hartley Gardens, Clacton; 800-1000 homes), SAMU3 (Oakwood Park, Clacton; at least 500 homes), SAMU4 (Rouses Farm, Clacton; at least 850 homes) and SAMU5 (Weeley; at least 280 homes) all include a requirement for 2.1 hectares of land for a new primary school with co-located 56 place early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations.

13. The ESFA suggest that the wording of these policies should be clarified to clearly identify the size of the primary schools that are required based on the latest evidence of need from the LEA (p.21 of the Integrated Development Plan indicates primary schools should be 2FE). This would provide greater clarity and certainty for developers. However, retaining a degree of flexibility is also necessary given that the need for school places can vary over time due to the many variables affecting it. With regard to delivery of school places, it may be helpful if the council also highlighted that:
- specific requirements for developer contributions to enlargements to existing schools and the provision of new schools for any particular site will be confirmed at application stage to ensure the latest data on identified need informs delivery;
  - requirements to deliver schools on some sites could change in future if it were demonstrated and agreed that the site had become surplus to requirements, and is therefore no longer required for school use.
14. Policy SAH1 (Greenfield farm, Dovercourt; at least 164 homes) includes a requirement for financial contributions to primary and secondary school provision, as required by the Local Education Authority, primarily through Section 106 Planning Obligations or the Community Infrastructure Levy. The ESFA support this approach.
15. It would be useful if a background paper could be developed setting out clearly how the forecast housing growth at allocated sites has been translated (via an evidence based pupil yield calculation) into an identified need for specific numbers of school places and new schools at different times, expanding on the information in the Infrastructure Delivery Plan and the site specific policies. This could also reference Essex County Council's recently published 10 year plan for meeting the demand for school places<sup>1</sup>. This would help to demonstrate more clearly that the approach to the planning and delivery of education infrastructure is **justified** based on proportionate evidence. If required, the ESFA can assist in providing Tendring with good practice examples of background documents relevant to this stage of your emerging Plan.
16. The ESFA recommends that where sites are identified for new schools, local authorities should consider safeguarding additional land for any future expansion of these schools where demand indicates this might be necessary. For an example of this approach, see draft policy CC7 in Milton Keynes's Plan:MK Preferred Option draft from March 2017<sup>2</sup>.
17. In light of the **Duty to Cooperate** on strategic priorities such as community infrastructure (NPPF para 156)<sup>3</sup>, the ESFA encourages close working with local authorities during all stages of planning policy development to help guide the development of new school infrastructure and to meet the predicted demand for primary and secondary school places. Please add the ESFA to your list of relevant organisations with which you engage in preparing future Local Plan documents.

### **Developer Contributions and CIL**

18. Section 10 sets out the approach taken to securing the delivery of supporting infrastructure. Developers will be expected to contribute towards meeting

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<sup>1</sup> <http://www.essex.gov.uk/Education-Schools/Schools/Delivering-Education-Essex/School-Organisation-Planning/Pages/School-place-planning.aspx>

<sup>2</sup> <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk>

<sup>3</sup> NPPF paragraph 180 specifies that this collaborative working should include infrastructure providers.

“appropriate infrastructure costs” through section 106 planning obligations and/or community infrastructure levy (CIL). Policy D11 states that “Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal.” Policy PP12 further states that “Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer’s cost, either on-site or through financial contributions (potentially through the Community Infrastructure Levy) towards off-site improvements.” These policies are welcomed.

19. One of the tests of soundness is that a Local Plan is ‘**effective**’ i.e. the plan should be deliverable over its period. In this context and with specific regard to planning for schools, there is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments. The ESFA note that Essex County Council has produced a Developers’ Guide to Infrastructure Contributions (revised 2016) that includes an explanation of contributions towards expanding existing schools and creating new schools. It would be helpful and relevant for this document to be referenced in the Local Plan alongside policy D11 and/or policy PP12.
20. The ESFA would be particularly interested in responding to any update to the Infrastructure Delivery Plan or review of infrastructure requirements, or any CIL proposals. As such, please add the ESFA to the database for future CIL consultations.

### **Forward Funding**

21. In light of the level of new housing being planned for (including within the three proposed Garden Communities) and the requirements for new schools to support this, emerging ESFA proposals for forward funding schools as part of large residential developments may be of interest to the council. We would be happy to meet to discuss this opportunity at an appropriate time.

### **Conclusion**

22. Finally, I hope the above comments are helpful in shaping Tendring’s Local Plan, with specific regard to the provision of land for new schools.
23. Please notify the ESFA when the Local Plan is submitted for examination, the Inspector’s report is published and the Local Plan is adopted.
24. Please do not hesitate to contact me if you have any queries regarding this response. The ESFA looks forward to continuing to work with the Council to aid in the preparation of the Local Plan.

Yours faithfully,

DC McNab

**Douglas McNab MRTPI**  
Forward Planning Manager

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