



**Our Ref: ESFA/Local Plan/Medway 2018**

24<sup>th</sup> April 2018

Dear Sir/Madam,

**Re: Medway Local Plan Development Strategy**

**Consultation under Regulation 18 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, bringing 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. We do this through a variety of means, including by supporting the adoption of sound local plan policies, site allocations and guidance (all based on robust evidence) that facilitate the delivery of education infrastructure where and when it is needed and maximise developer contributions for schools. In this capacity, we would like to offer the following comments in response to the proposals outlined in the above consultation document.
4. The comments provided here follow on from the responses submitted by the ESFA to consultations on previous versions of the local plan and the recent consultation on the developer contributions guide. Cross references have been included to specific consultation questions in the draft local plan where relevant.

**General Comments on the Local Plan Approach to New Schools**

5. The ESFA notes that significant growth in housing stock is expected in the borough, with the Government's new standard method for calculating Housing Need indicating a need for 37,143 homes over the plan period, or 1665 homes per year. This could mean a housing target substantially higher than the target of

29,463 homes consulted on in the previous Local Plan Development Options consultation.

6. This level of housing growth will place significant pressure on social infrastructure such as education facilities. The Local Plan will need to be 'positively prepared' to meet the objectively assessed development needs and infrastructure requirements.
7. The ESFA welcomes reference within the plan to support the development of appropriate social and community infrastructure, including education infrastructure, in the vision (p.18), strategic objectives (p.23) and the section on the Hoo Peninsula Rural Town (p.29, p.31). The emphasis on the timely and effective delivery of infrastructure and the requirement for developers to contribute to the funding of key infrastructure in **Policy H1: Housing Delivery** and **Policy I1: Infrastructure Planning and Delivery** are particularly welcomed. **Regarding Question I1**, the policy is considered an appropriate approach to planning for infrastructure requirements.
8. **Policy I3: Education** is also supported as it represents an appropriate approach for securing education facilities to support new housing (**Question I3**). The clarification that large new residential developments will need to provide education facilities on site, informed by the School Organisation Plan and assessment of existing capacity by the education planning team; and the reiteration of the need for developments to contribute to the funding of education are especially welcomed. It may also be useful to reference the Integrated Development Plan in this policy, as this can provide a clear indication to developers and other stakeholders about the anticipated scale of education infrastructure that will be required at different sites; moreover, this information can be updated regularly in accordance with the latest projections.
9. In light of the requirement for all Local Plans to be consistent with national policy, the explicit references at paragraph 10.9 to *National Planning Policy Framework* (NPPF, para 72) advice on planning for schools is welcomed. This picks up a comment made in the ESFA's response to the previous Development Options consultation.
10. In light of the above and the Duty to Cooperate on strategic priorities such as community infrastructure (NPPF para 156)<sup>1</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.
11. Ensuring that there is an adequate supply of sites for schools is essential and will enable Medway to swiftly and flexibly respond to the existing and future need for school places to meet the needs of the borough over the plan period.

### **Site Allocations**

12. At this early stage of the emerging Local Plan site allocations have not yet been drafted. However, the consultation document does set out a broad development strategy, focusing investment on urban waterfront and centre opportunity areas as well as the development of a small rural town around Hoo St Werburgh (that would include new schools).

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<sup>1</sup> NPPF paragraph 180 specifies that this collaborative working should include infrastructure providers.

13. The next version of the Local Plan should seek to identify specific sites (existing or new) which can deliver the school places needed to support growth, based on the latest evidence of identified need and demand in the annual review of the School Organisation Plan and the Infrastructure Delivery Plan. The site allocations or associated safeguarding policies should also seek to clarify requirements for the delivery of new schools, including when they should be delivered to support housing growth, the minimum site area required (informed by Building Bulletin 103<sup>2</sup>), any preferred site characteristics, and any requirements for safeguarding additional land for future expansion of schools where need and demand indicates this might be necessary. For an example of the latter, see draft policy CC7 in Milton Keynes's Plan:MK Preferred Option draft from March 2017<sup>3</sup>.
14. Delivering new schools could form a part of a wider strategy for improving education attainment. This is recognised as a 'core priority' in the local plan (paragraph 10.10) and would be in keeping with the Department for Education's categorisation of Medway as a Category 5 'Achieving Excellence Area', a measure of current educational performance and capacity to improve which was published by the Department for Education in March 2016.<sup>4</sup>.
15. While it is important to provide clarity and certainty to developers, retaining a degree of flexibility about site-specific requirements for schools is also necessary given that the need for school places can vary over time due to the many variables affecting it. The EFSA therefore recommend the Council consider highlighting in the next version of the Local Plan 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; and that
  - 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.
16. The ESFA currently has a series of live free school projects in Medway:
  - Inspire Academy Chatham – this special school is open on its permanent site, but is due to expand.
  - The Beeches, Chatham – this alternative provision school is proposed to be located on a site very close to the school above.
  - The Bridge Academy, Rochester – this special school has a site which is on part of an existing school site (The Delce Academy). A pre-app meeting is taking place with the Council in the near future.
  - The Maritime Academy - this all-through school is still seeking a site and the process has been very difficult given the size of the school (3FE primary and 6 FE secondary, 1500+ pupils) and the lack of available sites. Any ongoing assistance the council can provide in securing a deliverable site would be welcomed.
  - Medway Academy, Rainham - this is a large secondary school that has a proposed site; an initial pre-app discussion recently took place with the Council.

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<sup>2</sup> <https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

<sup>3</sup> <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk>

<sup>4</sup> <https://www.gov.uk/government/publications/defining-achieving-excellence-areas-methodology>

17. **The ESFA requests that the next version of the plan includes site allocations safeguarding and referencing all of the above schools, where sites are identified.**
18. The local planning authority should note that there are two routes available for establishing a new school. Firstly, where a local authority thinks a new school needs to be established, section 6A of EIA 2006 places the local authority under a duty to seek proposals from new school proposers (academy trusts) to establish an academy (free school) and to specify a date by which proposals must be submitted to the local authority. In this 'local authority presumption route' the local authority is responsible for finding the site, providing the capital and pre-/post-opening funding and managing the build process. Secondly, an academy trust can apply directly to the Department for Education during an application round or 'wave' to set up a free school. The local authority is less involved in this route but may support groups in pre-opening and/or may provide a site for basic need. For further details please see:  
<https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

### **Forward Funding**

19. In light of the proposals for a new town on the Hoo Peninsula including new education infrastructure, emerging ESFA proposals for forward funding schools as part of significant residential developments may be relevant, for example if viability becomes an issue. The ESFA aims to be able to clarify forward funding options for schools in 2018. We would be happy to meet to discuss this opportunity further once the proposal for the new town has been refined and if/when relevant. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.

### **Evidence Base**

20. The approach to planning for schools should be 'justified' based on proportionate evidence. A Medway Infrastructure Position Statement has been produced that indicates planned provision of new primary schools at Hoo St Werburgh and as part of the Rochester Riverside development. The consultation document states that the council is working on a full **Infrastructure Delivery Plan** (IDP), to be published alongside the next version of the Local Plan. This will be a key evidence base document identifying the strategic infrastructure interventions needed to support growth over the plan period, including new and expanded schools.
21. It will be useful if the IDP can, with respect to education infrastructure, set out clearly how the forecast housing growth at allocated sites (and the likely scale and distribution of growth of non-allocated sites) has been translated (via an evidence based pupil yield calculation) into an identified need for specific numbers of school places (primary, secondary, sixth form, SEND) and new schools over the plan period. Account should also be taken of any need arising from developments close to the borough boundary in Kent. This evidence base is not yet clearly presented. Setting out this evidence 'story' will be important to demonstrate that the approach to the planning and delivery of education infrastructure is '**positively prepared**' based on a strategy which seeks to meet objectively assessed infrastructure requirements and **justified** based on proportionate evidence.

22. [Reigate and Banstead's Infrastructure Development Plan](#) is a good example of an IDP that systematically sets out the education evidence base, with a clear story from evidence of need to site allocations.

#### **Developer Contributions and CIL**

23. The ESFA provided comments on developer contributions in our response to the Development Options consultation in May 2017. In addition, we responded to the consultation on the revised Medway Guide to Developer Contributions in February 2018. These comments are not reiterated here, however draft policy I2 is supported as it is considered to represent an appropriate approach (**Question I2**).

#### **Conclusion**

24. Finally, I hope the above comments are helpful in shaping Medway's Local Plan, with specific regard to the provision of land for new schools. Please advise the ESFA of any proposed changes to the emerging Local Plan policies, supporting text, site allocations and/or evidence base arising from these comments.
25. Please do not hesitate to contact me if you have any queries regarding this response. The ESFA looks forward to continuing to work with Medway Council to aid in the preparation of a sound Local Plan.

Yours faithfully,



**Douglas McNab MRTPI**  
Forward Planning Manager



Web: [www.gov.uk/esfa](http://www.gov.uk/esfa)