
Report of Director of City Development

Report to Joint Plans Panel

Date: 22nd June 2017

Subject: Planning and Schools Provision

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. Officers from Children's Services and the Planning Service (City Development) continue to work together to facilitate the delivery of new school places. This is in response to a number of factors including population growth (which impacts upon basic need) and in planning for future housing growth via the development plan (Site Allocations Plan) and planning applications. This results in the need to plan for new infrastructure, including the provision of new school places.
2. Notwithstanding the City Council's continued efforts, the delivery of new school places is complex both in terms of national legislation and guidance in the provision of new schools and the intricacies of the planning and the education funding regimes.

Recommendations

1. Joint Plans Panel is invited to note and comment on the contents of this report.

1 Purpose of this report

- 1.1 The purpose of this report is to provide an overview and to update Members of the ongoing working being undertaken by the Planning Service (City Development) and officers from Children's Services in the delivery of new school place provision.

2 Background information

- 2.2 The provision of new school places arises from two principal considerations, the continued increase in the birth rate in Leeds (from a low of 7,500 in 2000/1 to an average of just over 10,000 for the last 5 years); and increasing demand arising from the new housing requirements identified in the Adopted Leeds Core Strategy (and subsequently the identified requirements of the Site Allocations Plan and the Aire Valley Leeds Area Action Plan).
- 2.3 These combined requirements have necessitated a close and continued working relationship between the Planning Service and Children's Services (supported by other services) to enable the delivery of school places in a timely and coordinated manner. However, whilst good progress is being made, the operating context for this joint working is complex and dynamic as a result of a range of issues including: national education policy and requirements, the role of new school providers (such as Free Schools), the nature of available funding mechanisms through the planning system, role of the Education Funding Authority (EFA) and uncertainties around delivery.

3 Main issues

Existing Need for School Places (Basic Need)

- 3.1 The demand for new places is determined by Capacity and Sufficiency in Children's Services, using the latest demographic projection model and this establishes need. The projection model uses data obtained from the NHS of births and tracks children through their health registration over time. This allows data on the number of children in Leeds and where they are living at key entry points to schools (Reception classes in Primary Schools and Year 7 in Secondary Schools).
- 3.2 This data is analysed geographically and is compared to the approved admission limits in local schools. The analysis is performed for 42 primary planning areas (based on the policy imperative for children to be offered a school place within 2 miles of where they live) and 9 secondary areas. The analysis creates a profile of need over time for each planning area. Need is rounded into forms of entry, with half a form or 15 children being the lowest denomination.
- 3.3 Since 2009, over 1,600 reception class (primary school) places have been created as part of the Basic Need programme. This equates to a total capacity across the primary estate of over 10,000 additional places.
- 3.4 Between 2017 and 2020, up to a total of 32 forms of entry (960 reception class places) is likely to be required to meet projected demand across the city. This will be met through a mixture of permanent expansions of existing schools, new Free Schools and bulge cohorts. Plans are well under way to meet this need with 11

forms of entry already approved by executive board as permanent expansions and will be delivered for September 2017 (7FE) and September 2018 (4FE) respectively. Consultations are ongoing or due to start for additional permanent expansion to be delivered for September 2019 and 2020, leaving approx. 3FE of permanent solutions to be identified by 2020.

- 3.5 As with recent years, a level of bulge or temporary solutions will need to be sought and secured between 2017 and 2020. For September 2017 5FE has been agreed and secured with schools, with a further 5FE estimated between 2018 and 2020. Free Schools will also help to meet the projected demand over the 3 years to 2020 with 8FE planned via applications now approved via the Education Funding Agency.
- 3.6 As the increase in children progress through primary school, this will inevitably impact on secondary school places. The strategy for creating secondary school places is somewhat different to primary school place planning. Several secondary schools have been able to increase their PAN (Published Admission Number), without the need for additional accommodation, with some of these being permanent changes and others over admitting to deal with a temporary localised increase.
- 3.7 Since 2014, nearly 800 additional year 7 places have been created through local authority led permanent expansions, schools increasing their PAN temporarily or permanently and the creation of secondary free schools. Planning ahead, it is projected that another 1000 year 7 places will need to be created by 2021, based on the number of places available for academic year 2017/18. This will be met through options stated above but will also include local authority led free school presumptions.
- 3.8 A team comprising of representatives from Children's Services and City Development (Asset Management, Regeneration and Planning and Highway services - known as the Planning, Highways and Land Programme Team) meet to identify suitable sites to meet the basic needs school places requirements across Leeds. The team have been progressing site search work for the past several years to provide a joined up approach to school place planning to provide solutions for new sites and school expansions. This process has and continues to consider highways, traffic, environmental and general planning issues alongside the need for school places in certain locations and the best use of Council assets.
- 3.9 Decisions on sites are often required as a matter of urgency, both in order to progress the provision of school places to the required timescales, enabling the council to deliver its statutory responsibility on providing school places, and also to allow sites to be removed from other programmes (i.e. brownfield programme, asset review) for use as schools, or to be discounted and allow the Council to market these sites for other uses, such as housing. This process enables detailed scrutiny to take place at an early stage and before proposals is presented to Executive Board for consideration.
- 3.10 The basic need programme is funded to deliver the Council's statutory duties and responsibilities for providing school places. The programme estimates the resources the council will need to secure sufficient places for the immediate and medium term. This is based on the projection of demand for school places

produced by Children's Services in cooperation with the Intelligence Unit in Strategy and Resources.

Basic Need Funding

3.11 Basic need funding is mainly provided from the following sources:

- Residual government grant funding and borrowing;
- Basic Need government grant funding since 2011/12;
- Targeted basic need funding.

*Basic need programme may be adjusted for Free Schools which open.

Need Arising from Future Housing Growth

i) Planning Applications for New Housing

- 3.12 When a planning application is put forward, the planning of future school places is considered ahead of any decision being made. The calculation used to determine an approximate number of children yielded from the development is 25 primary aged children and 10 secondary aged children per 100 family dwellings. This needs to be aligned with projected numbers of children based on any increases in birth rate or net migration.
- 3.13 There are many uncertainties when planning school places based on new housing developments, such as when/if a development will come forward, the build rates per year and how long this will take to be completed. Although places need to be planned in ahead of the need arising, the timing is essential.
- 3.14 At the point a planning application is submitted, demographics based on NHS data allow for planning up to 4 years in advance based on children currently living in a particular area. Adding in a projected yield from the development will give some idea of the level of need and whether expansion of existing schools or a new school is required.
- 3.15 However, this needs regular reviewing as the demographic landscape is constantly changing and most housing developments take more than 5 years to complete or even start, at which time demographic and school numbers on roll data used at the initial planning stage may become out of date.
- 3.16 At the planning application stage, it is difficult to be certain of the exact number of school places that will be required once a housing development is complete due to the uncertainties mentioned above.
- 3.17 In general terms where an additional need would appear to be a short term requirement, the options to create a bulge cohort would be considered. Where this is likely to be a longer term need, then permanent expansion of existing schools or the requirement for new school(s) is considered. In addition, a knowledge of which schools have potential to expand requires a detailed feasibility study to be carried out, and this would only take place once a proposed solution is being taken

forward. Therefore only a high level summary of the proposed solution can be discussed at the planning application stage.

- 3.18 For new pupil places required because of planning applications for new housing development developer contribution plays a key role and where new housing schemes create a need for more school places, these will generally be accommodated across the existing school network through payments from the Community Infrastructure Levy (CIL) for e.g. school extensions. Major residential applications immediately trigger a consultation with children's services and where schemes are presented to plans panel often colleagues from Children's Services are in attendance to discuss the school place implications.

ii) Strategic Planning

- 3.19 The Policy and Plans Service have been working with Children's Services since the preparation of the Core Strategy up to the present time with the recent submission of the Site Allocations Plan.
- 3.20 For the Core Strategy, services worked together to identify the overall number of school places arising from the housing requirements, broken down into the 11 Housing Market Characteristic Areas (HMCAs). The Core Strategy was subsequently adopted in 2014.
- 3.21 Since the early stages of the preparation of the Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP), Children's Services have advised on the need for school places arising from potential development sites coming forward as housing allocations. This work has evolved as the development plans have become more advanced from the issues and options stages through to the submission and examination of the plans. The AVLAAP was submitted to the Secretary of State on the 23rd September 2016 followed by the hearing sessions in January 2017. Subsequent to the examination hearings officers prepared Proposed Modifications to the plan, which were subject to public consultation until the 8th June. The Inspector's Report is now awaited. The SAP was submitted to the Secretary of State on the 5th May 2017 and the hearing sessions as part of the examination process are anticipated to commence in Autumn 2017.
- 3.22 The process of identifying the level of need for new school places and the means for delivery has broadly followed the following 5 stage methodology:
- i) Quantifying the general need for school places arising based on different site options;
 - ii) Identifying local need arising from proposed allocations;
 - iii) Establishing the means to deliver new school places, through expansion of existing schools and providing new schools;
 - iv) Where new schools are needed, identifying the most appropriate site to accommodate the new school (from the supply of proposed housing allocations):

v) Establishing the mechanism for delivering new schools through three categories of site:

1. Housing and school allocations which identify a need for school provision where a number of sites in the area generating the need. The proposed site is considered to be the most suitable location for a school;

2. Housing and school allocations which identify a need for school provision, where the site generates the school need alone.

3. Sites reserved for school use only which are not allocated for housing.

3.23 The Infrastructure Background Paper supporting the SAP includes the Schools Background Paper which explains the process for identifying school place provision in response to the housing number proposed by both the SAP and AVLAAP. The Schools Background Paper is provided as Appendix 1 to this report. The general findings identify the following:

Primary School Places

3.24 Approximately 80 FE additional primary provision will be needed, which is equivalent to 40 new 2 FE primary schools. The SAP and AVLAAP identify options that would secure land equivalent to 43.5FE provision, with the remaining 36.5FE being met within the existing school estate through permanent expansions.

Secondary School Places

3.25 Approximately 60 FE of additional secondary provision will be needed. The two plans identify options securing land equivalent to 28 FE with the remainder met by the existing school estate through permanent expansions.

Challenges to Delivery

3.26 The process for delivering new school provision is both challenging and complex. As set out in the Schools Background Paper, the means for securing financial contributions through the planning process is through Section 106 Agreements (for the largest housing allocations generating the single need for the school provision), or for the majority of sites through the Community Infrastructure Levy (CIL), which is subject to competing pressures and to date the level of accrued funds is modest in comparison to the overall infrastructure needs of the District. In any event, it was only ever the Government's intention under CIL, that this would provide 'gap' funding for infrastructure projects and would not therefore be available to meet all of the costs.

3.27 In taking forward and in the adoption of CIL, it has been agreed that Executive Board will make key decisions on how and where available 'strategic' CIL contributions will be spent. Through this process and via the Strategic Investment Board, it has been recommended that the sums accrued to date from CIL contributions, should be spent on the Learning Places budget, subject to Executive Board agreement. A report will be presented to Executive Board in July seeking

agreement that the monies in the CIL strategic fund be used to contribute to the learning places deficit for schools.

- 3.28 Funding for school expansions is normally provided from the Learning Places programme through Basic Need allocations. The level of need for additional primary and secondary school places across Leeds, coupled with increasing costs for delivering additional accommodation, now means that going forward the basic need funding may need to be topped up from alternative sources such as council borrowing. Where a new school is required and linked to the SAP, the delivery of this under current legislation will be either through the local authority free school presumption route, and funded through the Basic Need grant, plus additional funds from s106/CIL contributions and where necessary additional council borrowing. Alternatively a free school can be delivered and funded via the EFSA as part of their wave of free school applications. Where this is the case, the local authorities Basic Need grant is adjusted to reflect new provision being established.
- 3.29 As outlined in this report, the delivery of new school places is highly complex and is influenced by a range of interrelated and interdependent factors. In reflecting these concerns and as a basis to deliver the Council's priorities, the Chief Planning Officer has recently written to the DCLG Chief Planner detailing the challenges faced by Leeds and the need for these to be remedied as a matter of urgency. Within this context (and as referenced as part of the Housing White Paper) further reforms to CIL are likely to emerge in the Autumn and the Planning Service has expressed the desire to work closely with DCLG to help shape and influence these reforms.

Planning Applications for New Schools

- 3.30 For applications for proposed new schools and school expansions, in general the processing of most primary and secondary school proposals, is carried out by a dedicated planning officer. The process often involves feasibility studies linked to the above process described in paragraph (3.8) and extensive pre-application discussion involving ward members. Where appropriate, pre-application presentation to plans panels also takes place as well as community engagement to ensure that proposals can be properly integrated into the urban fabric and appropriate mitigation measures are also fully considered.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 As part of consultation on Basic Need proposals, the process is managed in accordance with the relevant legislation and with local good practice.
- 4.1.2 The initial consultation period, which is not statutory, would normally consist of a four weeks of public consultation period, including drop-in sessions for parents/carers, residents, local ward members and other stakeholders that may have an interest.
- 4.1.3 The drop in sessions are information sharing events that provide an opportunity for parents/carers, residents and other stakeholders to ask questions of council

officers, relating to the proposal. Normally 3 drop-in sessions are held (morning, afternoon and evening) to ensure best possible engagement with the local community. Other forms of advertising/engaging during a consultation period include: Letters, leaflets, various social media as well as information added to council and school websites.

- 4.1.4 The SAP and the AVLAAP have both been subject to extensive consultation which has included consultation with the general public, stakeholders and Ward and Development Plan Panel Members. Both plans have a Report of Consultation explaining the consultation processes undertaken and have been submitted for examination.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity/Cohesion and Integration (EDCI) screening form is or would be completed ahead of any proposal to expand or create new school provision. This would happen prior to any public consultation stage.
- 4.2.2 In the preparation of the SAP and AVLAAP, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of a EDCI Screening The purpose of such Appraisal is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. This reflects the approach set out in the Core Strategy, which has also had the same regard to these issues

4.3 Council policies and Best Council Plan priorities.

- 4.3.1 The Core Strategy and the Pre-Submission Publication SAP, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be the 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, these Plans seek to implement key City Council These include the Best Council Plan (2017/18) (in particular priorities relating to 'Good growth' (Growing the economy, creating jobs, improving skills, promoting a vibrant city) and 'Child friendly city' (Keeping children safe, supporting families, raising aspirations and educational attainment) and Breakthrough Projects including 'Housing growth and high standards in all sectors' and 'Strong communities benefiting from a strong city'.
- 4.3.2 Any proposal to create additional school provision as part of the SAP would be taken forward to meet the Council's statutory duty to ensure there are sufficient school for all the children in Leeds. Providing places close to where children live allows improved accessibility to local places helping to support good levels of school attendance. Any proposal to create additional school places will provide tangible support for the city's aspiration to be the Best Council, the best city in which to grow up and a Child Friendly City. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a Child Friendly City and by creating good quality local places that offers strong support towards achievement of the aim to improve educational achievement and the closure of achievement gaps.

- 4.3.3 The delivery of these objectives and commitments for the benefit of generations now and in the future, is dependent in part upon the effective use of interventions and mechanisms which are timely and fit for purpose. As outlined in the report, the Council is working within the framework which has been set by national guidance and has identified a number of operational and financial issues in delivering much needed school places. The City Council is committed to influencing reforms to these existing mechanisms and systems 'upstream' and through the development plan process, whilst working to secure effective provision via the Basic Needs programme and planning application process.

4.4 Resources and value for money

- 4.4.1 The preparation of statutory Development Plan Documents or the Local Plan is a necessary but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in taking the Development Plan process forward.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The SAP and AVLAAP will follow the statutory Development Plan process (Local Development Framework). The report is not eligible for call-in as no decision is being taken.

4.6 Risk Management

- 4.6.1 Ensuring there are sufficient local school places across Leeds is a statutory duty for the local authority. Without developing plans linked to the potential pupil yield from the SAP, the authority's ability to meet its statutory duty for sufficiency of school places within Leeds would be at risk.
- 4.6.2 Without current allocations plans for Leeds City Council in place, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy Policies and proposals (including District wide requirements for Housing and General Employment Land) or the requirements of national planning guidance. Early delivery is therefore essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority. The further the Plan progresses, the more material weight can be given to it. In addition, the Government has stated that they will intervene, unless Plans are in place by 2017.

5 Conclusions

- 5.1 The provision of school places is a statutory responsibility of the Council. Children's Services and City Development will continue to work together to facilitate the delivery of future school places in response to population growth and new housing. However, the scale of the work is considerable given the scale of future housing growth and the constraints of the processes for delivery.

6 Recommendations

- 6.1 The Joint Plans Panel is invited to note and comment on the contents of this report