



Crawley 2035

Ref No:
<i>Office use only</i>

Crawley Submission draft Local Plan Representation

Please return your completed representation form to Crawley Borough Council by 5pm on 2 March 2020.

Representations can be made via this form and emailed to forward.planning@crawley.gov.uk or sent via post to: Local Plan Consultation, Strategic Planning, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ. Alternatively, representations can be made online using the [eform](#) which allows attachments of documents.

This form has two parts:

PART A – Personal details

By law, representations cannot be made anonymously. All representations will be published alongside your name, company name (if applicable), and your client's name/company (if applicable). The Council will use the information you submit to assist with formulating planning policy.

Further information about Data Protection Rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example, how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at www.crawley.gov.uk/privacy. Specific reference to the Local Plan and planning policy related public consultation can be found on: www.crawley.gov.uk/pw/web/PUB351893

PART B – Your representation

Please fill in a separate sheet for each representation you wish to make. You may submit multiple "PART B" sections with a single "PART A" completed.

PART A – Personal details

Please ensure that you complete all fields in 1. If a planning agent is appointed, please enter the Title, Name and Organisation in 1, and complete the full contact details of the agent in 2.

	1. Personal details	2. Agent's details
Title:	Miss	
First name:	Phoebe	
Surname:	Juggins	
Organisation:	Department for Education	
Address line 1:	Sanctuary Buildings	

Address line 2:	Great Smith Street	
Town/city:	London	
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PART B – Your representation

3. Please tick the document that you would like to make a representation on:

- Crawley submission Local Plan
- Crawley submission Local Plan Map
- Crawley submission Sustainability Appraisal
- Habitats Regulation Assessment Screening Report

4. Which part of the Local Plan does this representation relate to?

Paragraph:		Policy:	IN1, IN2	Other:	
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5. Do you consider the Local Plan to be: (Please tick)

- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| 5.1. Legally compliant? | Yes | <input type="checkbox"/> | No | / |
| 5.2. Sound? | Yes | <input type="checkbox"/> | No | / |
| 5.3. Compliant with the duty to co-operate? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

6. Please give details explaining your response to 5.1, 5.2, or 5.3 below. Please be as clear as possible.

1. DfE supports the reference to developer contributions being sought for education schemes. However, it is noted that a number of housing delivery policies include intensification, infill, extensions and changes of use, which are more likely to cumulatively generate the need for school places, but are unlikely to justify the need for new built physical education infrastructure on site in isolation. Therefore, DfE would recommend that policy IN1 clarifies that where development generates the need for new school places, developer contributions will be sought.
2. The following policy amendments are proposed:

*... This will include the seeking of planning obligations towards **the provision of school places where the need for places is generated by the new development.** *specific Education schemes related to the development....**
3. In addition to this, we request a minor amendment either to this policy or its supporting text, to clarify that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing

growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward. This minor amendment would help to demonstrate that the plan is positively prepared and deliverable over its period.

4. This will ensure that all developments impacting on the need for school places are required to contribute proportionally, to ensure that the provision is able to be delivered. Please see further discussion in the Developer Contributions and Community Infrastructure Levy (CIL) section of this letter below.

5. Policy IN2 considers the provision of new infrastructure. With regards to education, the relevant elements of the policy are that community facilities (including education) may be provided alongside allocated housing sites where there is evident need, suitability in relation to the community needs and compliance with other relevant planning policies.

6. It should be noted that the NPPF (paragraph 94) sets out that:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

7. As such, the policy approach at IN2 must reflect the need for sufficient choice and proactivity in planning for school places, rather than simply relating to existing communities.

8. The policy goes on to state that:

Subject to the requirements above, education facilities may be considered acceptable as an alternative use on sites allocated for uses including housing where the educational need met is demonstrated to outweigh the needs that would have been met by the allocated use(s).

9. Whilst we welcome the inclusion of specific reference to education provision as requested in DfE's Reg 8 representations, this specific wording is too restrictive and could lead to challenges when delivering much needed school places as part of this policy. Indeed, the IDP notes that there is a need for c.8-10FE of secondary school capacity and no suitable sites have yet been identified. It would therefore be advisable to create a more supportive and proactive policy position in relation to school place planning. When implemented, the policy would require the applicant to demonstrate that the education development would meet needs outweighed by the need for new housing. This comparison exercise is inherently flawed as it is not possible to compare the acuteness of education need versus housing need. In any case, a shortage of school places would be exacerbated further by new housing development that does not include sufficient provision. Without a sufficiently flexible approach to infrastructure delivery, to encourage the location of infrastructure where new housing is located, the plan is not sound.

10. Therefore, we would propose the following changes to the policy:

*The provision of community facilities alongside housing within sites allocated for uses including housing ~~may~~ **will** be considered acceptable where:*

- *there is an ~~evident~~ need for the type of facility concerned;*
- *the infrastructure/facilities are suitable to meet the needs of the community served **and the needs of future communities;***
- *the proposal complies with other policies in this Plan, including any site-specific requirements for additional or replacement services, facilities, enhancements, safeguards,*

investigations and other mitigatory measures.

~~Subject to~~ **Notwithstanding** the requirements above, education facilities may be considered acceptable as an alternative use on sites allocated for uses including housing where the educational need **requires the provision of such infrastructure.** ~~met is demonstrated to outweigh the needs that would have been met by the allocated use(s).~~

If required, please continue your response on an additional piece of paper and securely attach it to this response

7. **Please set out what modification(s) you consider necessary to resolve the issues you have identified above. You need to state why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to suggest how the wording of any policy or text should be revised. Please be as clear as possible. Any non-compliance with the duty to co-operate is incapable of modification at examination.**

As above.

If required, please continue your response on an additional piece of paper and securely attach it to this response

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues s/he identifies for examination.***

8. **If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings? (Please tick)**

No, I do not wish to participate in the examination hearings

Yes, I wish to participate in the examination hearings

9. **If you wish to participate in the public examination hearings, please outline why you consider this to be necessary:**

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

If you would like to make a representation on another policy or part of the Local Plan then please complete a separate PART B section of the form or securely attach an additional piece of paper. Copies of the representation form can also be downloaded from the council's website at: www.crawley.gov.uk/crawley2035

Signature

P Juggins

Date

2nd March 2020

Our Ref: DfE/Local Plan/Crawley 2020

28th February 2020

Dear Sir/Madam,

Re: Crawley Local Plan

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

Submission of the Department for Education

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. You will be aware that DfE submitted representation to the Reg 18 Local Plan Consultation in August 2019 as part of the 'Early Engagement' consultation. This response is appended, and referenced DfE guidance on developer contributions for education and raised a number of comments in relation to:
 - IDP referencing detail on school provision, funding and timescales;
 - Reference to S106 obligations being required as well as CIL (post revised CIL regulations) for the funding of education infrastructure; and
 - Proposed amendments to Policy IN2.
3. We would like to offer the following comments in response to the above consultation document.

Soundness

4. As you will be aware, the primary focus at this stage of the Local Plan's preparation is on the soundness of the plan, with regard to it being positively prepared, justified, effective and consistent with national policy. The following detailed comments set out DfE's view of the plan's soundness in respect of education provision.
5. DfE supports the reference to developer contributions being sought for education schemes. However, it is noted that a number of housing delivery policies include intensification, infill, extensions and changes of use, which are more likely to cumulatively generate the need for school places, but are unlikely to justify the need for new built physical education infrastructure on site in isolation. Therefore, DfE would recommend that policy IN1 clarifies that where development generates the need for new school places, developer contributions will be sought.
6. The following policy amendments are proposed:

... This will include the seeking of planning obligations towards **the provision of school places where the need for places is generated by the new development.** ~~specific Education schemes related to the development....~~

7. In addition to this, we request a minor amendment either to this policy or its supporting text, to clarify that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward. This minor amendment would help to demonstrate that the plan is positively prepared and deliverable over its period.
8. This will ensure that all developments impacting on the need for school places are required to contribute proportionally, to ensure that the provision is able to be delivered. Please see further discussion in the Developer Contributions and Community Infrastructure Levy (CIL) section of this letter below.
9. Policy IN2 considers the provision of new infrastructure. With regards to education, the relevant elements of the policy are that community facilities (including education) may be provided alongside allocated housing sites where there is evident need, suitability in relation to the community needs and compliance with other relevant planning policies.

10. It should be noted that the NPPF (paragraph 94) sets out that:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

11. As such, the policy approach at IN2 must reflect the need for sufficient choice and proactivity in planning for school places, rather than simply relating to existing communities.
12. The policy goes on to state that:

Subject to the requirements above, education facilities may be considered acceptable as an alternative use on sites allocated for uses including housing where the educational need met is demonstrated to outweigh the needs that would have been met by the allocated use(s).

13. Whilst we welcome the inclusion of specific reference to education provision as requested in DfE's Reg 8 representations, this specific wording is too restrictive and could lead to challenges when delivering much needed school places as part of this policy. Indeed, the IDP notes that there is a need for c.8-10FE of secondary school capacity and no suitable sites have yet been identified. It would therefore be advisable to create a more supportive and proactive policy position in relation to school place planning. When implemented, the policy would require the applicant to demonstrate that the education development would meet needs outweighed by the need for new housing. This comparison exercise is inherently flawed as it is not possible to compare the acuteness of education need versus housing need. In any case, a shortage of school places would be exacerbated further by new housing development that does not include sufficient provision. Without a sufficiently flexible approach to infrastructure delivery, to encourage the location of infrastructure where new housing is located, the plan is not sound.

14. Therefore, we would propose the following changes to the policy:

*The provision of community facilities alongside housing within sites allocated for uses including housing ~~may~~ **will** be considered acceptable where:*

- *there is an ~~evident~~ need for the type of facility concerned;*
- *the infrastructure/facilities are suitable to meet the needs of the community served **and the needs of future communities**;*
- *the proposal complies with other policies in this Plan, including any site-specific requirements for additional or replacement services, facilities, enhancements, safeguards, investigations and other mitigatory measures.*

*Subject to **Notwithstanding** the requirements above, education facilities may be considered acceptable as an alternative use on sites allocated for uses including housing where the educational need **requires the provision of such infrastructure**. ~~met is demonstrated to outweigh the needs that would have been met by the allocated use(s).~~*

Forward Funding

15. In light of the above comments relating to the need to provide sufficient infrastructure alongside new housing development, DfE loans to forward fund schools as part of large residential developments may be of interest, for example if viability is an issue. Please see the Developer Loans for Schools prospectus for more information.¹ 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

16. The WSCC Planning School Places 2019 report demonstrates that there will be an increase in forecast pupil numbers when known committed housing development is factored in (graph at page 64). The report also referenced the current adopted Local Plan housing target of 5,100 dwellings/340 per annum. Strategic Policy H1 seeks the delivery of 500 dwellings per annum for the first 5 years of the plan period, 450 dwellings per annum for years 6-10 of the plan period and 121 dwellings per annum thereafter for years 11-15. Accordingly, this proposed delivery trajectory will have impacts on the timings and requirements for education provision to meet the needs arising from these new housing developments.
17. Therefore, it is critical that the implications of the emerging Local Plan stepped trajectory are factored into the overall evidence base consideration for school planning. This should be fed into the Infrastructure Development Plan and the viability evidence base to ensure compliance with the approach set out in Planning Practice Guidance on viability and DfE's guidance for local authorities on securing developer contributions for education.²

¹ The Developer Loans for Schools prospectus is available here -

<https://www.gov.uk/government/publications/developer-loans-for-schools-apply-for-a-loan>

² Planning Practice Guidance at <https://www.gov.uk/government/collections/planning-practice-guidance> and DfE guidance at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>.

18. As referenced in DfE's 2019 Regulation 18 representations, the IDP does not include details of the specific funding mechanisms and requirements. The IDP should be updated alongside the viability assessment and CIL evidence base (which DfE has also been invited to comment on) to ensure that realistic education costs are factored in, to ensure a robust evidence base when seeking developer contributions.
19. In determining the number of early years children, school pupils and post-16 students likely to arise from development (an essential step before understanding the cost of provision), you may be interested in DfE's planned pupil yield methodology, which we aim to publish by the end of this year. This will enable a consistent approach among local authorities to the calculation of pupil yields, based on local evidence from recent developments. In the meantime, existing local approaches to estimate pupil yields remain valid and the Local Plan viability assessment and other evidence should include assumptions about the number of new school places generated by the level development required.
20. It would be useful to clarify 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 over the plan period. This would help to demonstrate that the approach to the planning and delivery of education infrastructure is justified based on proportionate evidence.
21. Given the significant cross-boundary movement of school pupils between Crawley and adjoining areas (including Horsham District and Mid Sussex), DfE recommends that the Council covers this matter and the outcomes of cooperation to address it as part of its Statement of Common Ground.³

Developer Contributions and Community Infrastructure Levy (CIL)

22. One of the tests of soundness is that a Local Plan is 'effective', meaning 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. DfE notes that as set out in Strategic Policy IN1 and in the IDP, the Council will review CIL rates to ensure appropriate rates are levied and the cost of providing school places is secured. DfE welcomes the specific reference within this policy to education contributions being specifically sought through developer contributions for the reasons set out below and also as relevant to Crawley being situated within a two-tier system, and the cross-boundary issues.
23. Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of

³ NPPF paragraph 27; and the PPG on Plan-Making - <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.

24. DfE would be particularly interested in responding to any update to the Infrastructure Delivery Plan/Infrastructure Funding Statement, viability assessment or other evidence relevant to education that may be used to inform revisions to local planning policies or the CIL charging schedule. As such, please continue to engage with DfE and consult us on any relevant future consultations.

Conclusion

25. Finally, I hope the above comments are helpful in finalising Crawley's Local Plan, with specific regard to the provision of land and developer contributions for new schools.
26. Please notify DfE when the Local Plan is submitted for examination, the Inspector's report is published and the Local Plan is adopted.
27. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with Crawley to develop a sound Local Plan which will aid in the delivery of new schools.

Yours faithfully,

Phoebe Juggins MRTPI

Forward Planning Manager – South East

Tel: 07862282679

Email: phoebe.juggins@education.gov.uk

Web: www.gov.uk/dfe

Enclosed: DfE response to Regulation 18 consultation

DfE response to CBC Local Plan and CIL Viability Assessment - Stakeholder Consultation

Our Ref: DfE/Local Plan/Crawley 2019

13/09/19

Dear Sir/Madam,

Re: Draft Crawley Borough Local Plan 2020-2035

Consultation under Regulation 18 of Town and Country Planning (Local Planning) (England) Regulations 2012

Submission of the Department for Education

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these, rather than local education authorities. However, local education authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, 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 have published guidance on education provision in garden communities and securing developer contributions for education, at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations, viability and safe and healthy communities.
3. We would like to offer the following comments in response to the above consultation document.

General Comments

4. DfE notes that the draft Local Plan anticipates an annual housing target of 451 dwellings per year until 2024/25 and then 255 dwellings per year until the end of the plan period in 2035. This will place additional 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.
5. Please note that there are two routes available for establishing a new school. Firstly, a local authority may seek proposals from new school proposers (academy trusts) to establish a free school, after which the Regional Schools

Commissioner will select the successful trust. Under this 'local authority presumption route' the local authority is responsible for finding the site, providing the capital and managing the build process. Secondly, school proposers can apply directly to DfE 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 provide a site. Either of these routes can be used to deliver schools on land that has been provided as a developer contribution. DfE has published further general information on opening free schools¹ as well as specifically in relation to opening free schools in garden communities.²

6. The National Planning Policy Framework (NPPF) advises that local planning authorities (LPAs) should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of communities and that LPAs should give great weight to the need to create, expand or alter schools to widen choice in education (para 94).
7. In order to comply with this national policy, the Local Plan should safeguard land for the provision of new schools and school expansions where appropriate. When new schools are developed, local authorities should also seek to safeguard land for any future expansion of new schools where demand indicates this might be necessary, in accordance with Planning Practice Guidance and DfE guidance on securing developer contributions for education.³
8. Crawley Borough Council should also have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on Planning for Schools Development⁴ (2011) which sets out the government's commitment to support the development of state-funded schools and their delivery through the planning system.
9. In light of the above and the Duty to Cooperate on strategic priorities such as community infrastructure (NPPF para 24-27)⁵, DfE 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 DfE to your list of relevant organisations with which you engage in preparation of the plan.
10. Where there is significant cross-boundary movement of school pupils between a borough and adjoining areas, DfE recommends that the Council covers this matter and progress in cooperating to address it as part of its Statement of Common Ground.⁶ This should be regularly updated during the plan-making process to reflect emerging agreements between participating authorities and the Council's own plan-making progress.

¹ <https://www.gov.uk/government/collections/opening-a-free-school>

² <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption> and <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

³ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁵ NPPF paragraph 24-27 specifies that this collaborative working should include infrastructure providers.

⁶ NPPF paragraph 27; and the PPG on Plan-Making - <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

Specific Comments

11. DfE welcomes reference within the plan's vision to the role of education provision in creating stronger communities. Paragraph 1.20 refers to collaboration between Crawley Borough Council and other authorities and infrastructure providers to meet forecast demands. You will be aware of two live free school projects in Crawley, being delivered directly by DfE through the 'wave' approval route explained above in paragraph 5, rather than West Sussex County Council. These projects include:
 - Gatwick Free School – which is open on a site at 23 Gatwick Road and in the process of securing permanent planning permission; and
 - Forge Wood High School – which does not yet have an identified site.
12. Due to these projects, it would be helpful to include DfE in your discussions about infrastructure provision, involving us in the position statements the plan refers to in paragraph 1.21. There should be collaborative working between DfE, Crawley Borough Council and West Sussex County Council on education provision to meet the needs of the borough.
13. Paragraph 2.21 of the draft Local Plan recognises the unusual population profile in Crawley, with around two thirds of the population under the age of 45 and forecast demographic change leading to increased demand for educational facilities. However, there are no proposals in the plan to allocate sites for education, and the draft Infrastructure Delivery Plan (IDP) provides very little detail on school provision to meet demand from anticipated housing growth. The lack of detail on school provision in the current Local Plan is one of the reasons why it has been difficult to successfully progress schemes for new education provision in the Crawley area.
14. For the plan to be effective and positively prepared, the IDP should identify which developments the planned school provision will serve (including cumulative or windfall developments where appropriate), the costs of provision, the predicted timescales in line with the housing trajectory, and the funding sources for each identified education project. The IDP should be prepared in conjunction with an updated viability assessment to ensure that realistic education costs are factored into any decisions about the amount and type of developer contributions that will be required.
15. Viability assessment should inform options analysis and site selection, with site typologies reflecting the type and size of developments that are envisaged in the borough. This enables an informed judgement about which developments would be able to deliver the range of infrastructure required, including schools, leading to policy requirements that are fair, realistic and evidence-based. In accordance with Planning Practice Guidance, there should be an initial assumption that applicable developments will provide both land and funding for the construction of new schools. The total cumulative cost of complying with all relevant policies should not undermine deliverability of the plan, so it is important that anticipated education needs and costs of provision are incorporated at the outset, to inform local decisions about site selection and infrastructure priorities.⁷

⁷ PPG on viability and planning obligations: <https://www.gov.uk/government/collections/planning-practice-guidance>

16. Site allocations (for standalone school sites or schools within housing developments) 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, any preferred site characteristics, and any requirements for safeguarding additional land for future expansion of schools where need and demand indicate this might be necessary.
17. While it is important to provide this clarity and certainty to developers and the communities affected by development, 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. DfE therefore recommends the Council consider highlighting in the next version of the Local Plan that:
 - specific requirements for developer contributions to increasing capacity of 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.
18. With regard to the consultation questions on key infrastructure priorities and whether any community facilities are missing or need improvement (page 83), DfE recommends that the next version of the Local Plan make reference to the provision of new schools on suitable sites when required, with a key priority that the provision of infrastructure should be in step with housing development, making appropriate use of developer contributions.
19. With regard to the consultation questions for draft Policy IN1 (Infrastructure Provision), asking whether the proposed approach is appropriate, justified and consistent with the Community Infrastructure Levy (CIL) Regulations, DfE advises that the approach is reviewed following the introduction of the revised CIL Regulations on 1st September 2019. The CIL Charging Schedule should be reviewed alongside the Local Plan review, giving consideration to new Planning Practice Guidance on viability, CIL and planning obligations as well as the new CIL Regulations which remove the pooling limitation on planning obligations and allow both CIL and Section 106 funding to be used for the same item of infrastructure. These considerations are fundamental to your assessment of the deliverability of the plan, including the size of any infrastructure funding gap and how developer contributions should be secured. All phases and types of education should be considered, including the need for special educational needs provision, with needs and plans for provision set out in the plan.
20. We note the statement in the IDP that provision of schools will form part of the calculation of CIL and additional funding sources will need to be considered. In light of the removal of the Section 106 pooling restriction and increased flexibility in how CIL and Section 106 funds are used, we recommend that the Council revisit this matter and consider using Section 106 planning obligations for the provision of new schools and school expansions in all cases where the development will give rise to a need for new school places and there is insufficient capacity in applicable schools to meet that need. It is important to consider the size of any CIL funding gap and whether there will be sufficient CIL funds available to cover the cost of these school places. If CIL will be insufficient or unavailable at the point of need, it would be preferable to seek developer

contributions through a planning obligation, to mitigate the direct impacts of development.

21. As recommended above, construction costs and land requirements should be incorporated in the viability assessment to ensure that any barriers to delivery are identified early, to inform the Council's planning and prioritisation of infrastructure delivery. Government 'basic need' grant for the creation of new school places does not include funding for land acquisition. Therefore, it is particularly important that education land required within large development sites is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) are secured for the purchase of standalone sites for new schools. We request that you consider carefully the appropriate balance of CIL and Section 106 funding for education, to ensure that new schools and school expansions can be delivered when they are needed, in step with housing development. Our guidance on securing developer contributions for education provides further advice on the types of education need that should be considered, and how to calculate the costs of provision.⁸
22. DfE supports the sustainability objectives of draft Policy IN2 (New Infrastructure Provision). As explained above, DfE recommends that sites for schools are allocated in the plan, but in the absence of specific allocations the plan should at least recognise that essential community infrastructure such as schools may be considered an acceptable alternative use to other allocated uses, provided the location is proven to be environmentally sustainable and suitable to meet the needs of the community served. This is important in view of the land availability constraints in the borough and the importance of providing infrastructure for existing and new communities. It would also align with the "great weight" placed on the provision of school places in the NPPF. Making this clear in the plan would simplify the decision-making process when planning applications are considered. DfE requests this clarification in answer to the consultation question on page 85, asking whether the wording needs further clarification in the policy or elsewhere.
23. While there appears to be an intention to roll forward existing allocations from the adopted Local Plan, the Council should consider afresh the need for education facilities and the mechanisms for delivery, taking account of the latest Planning Practice Guidance and DfE guidance on securing developer contributions for education. As noted above, the absence of detail on education provision in the current Local Plan has been an issue for school delivery in the Crawley area.
24. Whether in addition to or in replacement of the IDP, the Council should set out education infrastructure requirements for the plan period within an Infrastructure Funding Statement⁹. Where additional need for school places will be generated by housing growth, the statement should identify the anticipated CIL and Section 106 funding towards this infrastructure. The statement should be reviewed annually to report on the amount of funding received via developer contributions and how it has been used, providing transparency to all stakeholders.
25. DfE would be particularly interested in responding to any update to the IDP/Infrastructure Funding Statement, viability assessment or other evidence relevant to education which may be used to inform local planning policies and

⁸ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

⁹ PPG on Plan-Making: <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

CIL charging schedules. As such, please add DfE to the database for future consultations on relevant plans and proposals.

Conclusion

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

Yours faithfully,



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Our Ref: DfE/Viability/Crawley

28th February 2020

Dear Sir/Madam,

Re: Crawley Borough Council – Local Plan and CIL Viability Assessment – Stakeholder Consultation

Submission of the Department for Education

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. DfE has previously responded to the Regulation 18 consultation in August 2019 as part of the 'Early Engagement' consultation, and is intending to submit representations to the Regulation 19 consultation which is running currently.
3. We have published guidance on education provision in garden communities and securing developer contributions for education, at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations, viability and safe and healthy communities.
4. We would like to offer the following comments in response to the above stakeholder engagement.
5. The viability assessment for the Local Plan should take into account the full education needs and likely costs of provision associated with the level of development proposed, in accordance with Planning Practice Guidance on viability and DfE's guidance for local authorities on securing developer contributions for education.¹ Viability assessment should inform options analysis and site selection, with site typologies reflecting the type and size of developments that are envisaged in the borough/district.
6. The total cumulative cost of complying with all relevant policies should not undermine deliverability of the plan, so it is important that anticipated education needs and costs of provision are properly incorporated in the Local Plan evidence base, to inform local decisions about site selection and infrastructure priorities. It is important that Local Plan viability factors in the cost of providing new school places as developers are expected to contribute towards this proportionally.

¹ Planning Practice Guidance at <https://www.gov.uk/government/collections/planning-practice-guidance> and DfE guidance at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>.

7. In determining the number of early years children, school pupils and post-16 students likely to arise from development (an essential step before understanding the cost of provision), you may be interested in DfE's planned pupil yield methodology, which we aim to publish by the end of this year. This will enable a consistent approach among local authorities to the calculation of pupil yields, based on local evidence from recent developments. In the meantime, existing local approaches to estimate pupil yields remain valid and the Local Plan viability assessment and other evidence should include assumptions about the number of new school places generated by the level development required.
8. DfE can offer the following advice in relation to build cost evidence for the delivery of schools.
9. DfE's Guidance² advises that the assumed cost of school places should be based on the national average costs (for both new schools and school expansions) published in the DfE school place scorecards.³ The scorecards and their supporting guidance direct you on how to adjust the averages to factor in regional variation. It is advised that the national average is used as a baseline, as local evidence is likely to provide too small a sample for underpinning a robust evidence approach. However, for particular projects where there are known abnormalities or other evidence for higher costs, these can be used instead.
10. Please also refer to paragraph 17 of the Guidance regarding Special Educational Needs school places.

Conclusion

11. Finally, I hope the above comments are helpful in assessing CBC's Local Plan viability, with specific regard to the provision of new school places as critical social infrastructure.
12. Please notify DfE when any further evidence is published.
13. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with you and CBC to develop a sound Local Plan which will aid in the delivery of new schools.

Yours faithfully,

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² <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

³ <https://www.gov.uk/government/collections/school-places-scorecards>