

The Essex County Council Local and Neighbourhood Planners' Guide to School Organisation and Place Planning



Limebrook Way Primary School, Maldon (main entrance)



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1. The purpose of this document

This Guide explains how Essex County Council's (ECC) School Organisation & Place Planning team can assist Local Planning Authorities (LPAs) in the preparation of Local and Neighbourhood Plans to ensure sufficient school places are provided to meet the need arising from new development over the Plan period. This work is completed in conjunction with ECC's Planning Service, which leads and coordinates ECC's response to Local and Neighbourhood Plans on behalf of all ECC services.

During the drafting of development plans the LPA needs to consider the availability of school places and, where there is insufficient capacity, the feasibility and viability of expanding provision or constructing new schools. Although school place planning is often based on larger geographical areas Neighbourhood Planners should consider the needs of their local schools, especially if land for additional housing is to be allocated. Section 6 of this Guide is specifically aimed at Neighbourhood Planners. Through Neighbourhood Plans issues such as the quality of the local environment around a school can also be considered.

A number of 'core documents' are referred to in this Guide and should be read in conjunction with it. These documents are listed in Appendix A, along with a web address from which they can be downloaded.

2. Background information

2.1 The role of the School Organisation & Place Planning team

Under section 14 of the 1996 Education Act local authorities must secure sufficient school places to serve their area. The available schools must be sufficient in number, equipment and range of character to provide all pupils with the opportunity of an appropriate education. Section 2 of the 2006 Education and Inspections Act further places the appropriate local authority, ECC, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice. Subsequent legislation has also encouraged the development of a more diverse range of education providers, in particular Academy Trusts and Free Schools. To meet these duties ECC identifies need and works with local schools to balance capacity with demand for places. If necessary ECC will administer statutory processes to establish new schools and identify operators. The final decision over appointees is made by the Department for Education (DfE) Regional Director on behalf of the Secretary of State.

Regardless of whether local schools are Academies, Free Schools, or Maintained Schools ECC is the appropriate authority to assess the requirement for additional school places to serve any new housing developments proposed by a Local Plan or supported by a Neighbourhood Plan. Where a Section 106 agreement (s106/developer contribution) delivers the land and funding for a new school ECC will usually procure the buildings and then lease them to the successful school provider at nominal cost.

2.2 National planning policy and guidance

The National Planning Policy Framework¹ (NPPF) sets out the Government's planning policies for England and how these should be applied. It states that when Local Plans are prepared strategic policies should make sufficient provision for 'community facilities', and that LPAs and County Councils are under a duty to cooperate with each other. It also states effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively

prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure, such as schools, is necessary. Thereby the LPA needs to prepare a statement of common ground with ECC to demonstrate effective and on-going joint working.

Paragraph 27 of the NPPF states:

‘Once the matters which require collaboration have been identified, strategic policy making authorities should make sure that their plan policies align as fully as possible with those of other bodies where a strategic relationship exists on these matters, and take into account the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:

*a) a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience; and strategic health, **education** and other social infrastructure’.*

Critically, paragraph 100 states that:

‘It is important that a sufficient choice of early years, school and post-16 places are 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. They should:

a) give great weight to the need to create, expand or alter early years, schools and post 16 facilities through the preparation of plans and decisions on applications; and

b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’

The ‘Plan Making’ section of Planning Practice Guidance² which accompanies the NPPF provides guidance on statements of common ground and the duty to cooperate. Compliance with this ‘duty to cooperate’ is assessed at each Plan’s Examination in Public and is a key determinant in judging whether the Plan is sound. Early and continuous engagement throughout the plan-making progress by the LPA with ECC will result in clear and agreed outcomes.

2.3 The broad impact of new homes on demand for school places

When forecasting pupil numbers ECC works on the basis that 100 houses will on average generate demand for 30 mainstream primary state school places and 20 secondary school places (excluding sixth form). These estimates are halved for most flats and bungalows. Some dwelling types which are not expected to generate demand for school places, such as single bedroom properties, student accommodation and retirement homes, are excluded from such calculations. In summary the demand forecast per dwelling is:

Age	House	Flat	Discounted Unit
Primary	0.3	0.15	0
Secondary	0.2	0.1	0

Using the factor of 0.3 pupils per house, 700 new or existing houses equates to expected demand for a 'form of entry' or 210 pupils in total at primary level i.e. one class of thirty pupils in each of the seven primary year groups. It should be noted that the DfE currently looks to establish two form entry primary schools (potentially filled by 1,400 houses) to ensure financial viability. ECC supports this approach. Thereby when considering new primary school sites an area of 2.1 hectares will usually be sought as a minimum. This is in line with DfE guidance set out in their Building Bulletin 103 (see core document list) and provides space for commensurate Early Years and Childcare provision. The age profile of inhabitants of new housing is younger than average, so most new developments will, for a time, generate greater demand for school places than suggested by the factors above.

Generally, secondary schools accommodate at least 600 pupils. That is equivalent to four forms of entry i.e. four classes of thirty pupils in each of the five secondary year groups. However, larger schools are:

- able to offer a wider curriculum to their community;
- cheaper to build on a per place basis;
- more resilient to fluctuations in demand that could challenge financial viability.

For these reasons ECC will look to establish a new secondary school only where long-term demand for around six forms of entry can be established. Using the factor of 0.2 secondary school pupils per house, excluding sixth form pupils, that is equivalent to 4,500 houses i.e. $4,500 \text{ houses} \times 0.2 = 900 \text{ pupils}$ divided by 150 (30 pupils x 5 year groups) = 6.

For neither age group is there an exact growth threshold for establishing a new school. The following factors need to be considered when deciding whether a development should include land for a school:

- The ability of local schools to expand sufficiently and the impact of a new school on them;
- Cumulative impacts with other residential development proposals and the needs of the existing community;
- The viability of the development and the cost of a new school against other solutions;
- The viability in terms of revenue funding of a new school (particularly in the first years);
- School transport costs and the promotion of active travel.

The ECC Developers' Guide to Infrastructure Contributions sets out the criteria that school land must meet and how it needs to fit with the overall development masterplan and/or Design & Access Statement. This document, along with ECC's Garden Communities & Planning School Places Guide (relevant to all large developments) and the Essex Design Guide, should be consulted at the earliest opportunity (see core documents list). From an education perspective the learning environment, pupil safety and promoting active travel are key decision-making drivers in determining where a school should be located on a new development.

2.4 [School capacity and pupil numbers data](#)

Details of current school capacities and the number of pupils on roll at each school can be found on the DfE's Gov.UK web page 'Get Information about Schools.' Longer term demand forecasts for Reception places in each area are available in ECC's Ten

Year Plan ‘meeting the demand for mainstream school places in Essex’ (see core documents list). When using these forecasts it should be noted that it is recommended³ that around 5% of capacity remains unfilled to accommodate mid-year admissions and facilitate parental choice.

Each school allocates places using ‘admissions criteria.’ Most give priority to local children, either within a defined Priority Admissions Area (catchment) or by straight line distance between the school and the child’s home address. Some schools give priority to siblings, or consider factors such as faith or ability. Details of admissions policies for each school are published annually in Admissions Booklets (see core documents list).

The School Organisation & Place Planning team can provide maps and Geographical Information System (GIS) data files that pin-point the location of all state schools in Essex. School Priority Admissions Areas and a range of other data can also be provided*. To request this information you should contact the team using the email address school.organisation@essex.gov.uk.

2.5 Topic Papers

The production of a separate education ‘topic paper’ to support the preparation or examination of a Plan is unnecessary in most cases and can even be unhelpful. The core documents listed in appendix A to this Guide provide the evidence base needed to support the plan making process. Where a specific local issue emerges that warrants elaboration care must be taken to ensure information in the core documents is not contradicted or open to alternative interpretation. Any topic paper proposals should be discussed with and considered by the School Organisation & Place Planning team before the LPA begins drafting. The Inspector may raise specific questions as part of the ‘Matters, Issues and Questions’ following the Plan’s submission and ECC will help the LPA provide a response if required. Any issue raised by ECC during Plan preparation should be incorporated within the Statement of Consultation, setting out how it has been addressed.

3. The Local Plan Preparation Stage (regulation 18⁴)

3.1 Call for sites

Where the demand for school places is rising due to inward migration or rising birth rates the School Organisation & Place Planning team may identify the need for land, to be allocated within a Local Plan, for school use (F1 use: Learning and non-residential institutions). At this early stage of the Local Plan making process, housing growth and its distribution is yet to be determined. Thereby such representations would instead be prompted by current forecast need in areas where school expansion options are not viable.

Developers may pay for pre-planning application advice regarding their proposals at any point in the process. If developers would like to take advantage of this service details can be found on ECC’s web site or by contacting the Infrastructure Planning team directly using their email address development.enquiries@essex.gov.uk. Site specific advice is not usually provided to the LPA at this stage and individual teams, such as School Organisation & Place Planning, should not be contacted directly.

3.2 Issues and Options

It is unlikely that a district’s entire identified housing need can be accommodated by utilising unfilled places at existing schools. Thereby education provision is likely to be

an 'issue' for every Local Plan and the LPA needs to work closely with the School Organisation & Place Planning team and the Planning Service to fulfil their duty to cooperate and ensure that sufficient school places are provided to meet the identified need over the Plan period.

In terms of 'options' it may be possible to minimise the impact of new development on existing schools, and maximise site viability, by matching housing numbers to surplus places in the area. Indeed, the availability of sufficient surplus school places in an area should be viewed as a positive factor in favour of the relevant development. In particular, where there are a significant number of unfilled places at a small rural primary school additional pupils to ensure its long-term viability will be welcome.

Unfortunately, it is not always the case that a good location for primary provision is also a good location for secondary provision. A common issue for villages is the lack of a secondary school within a reasonable distance. Where suitable schools are beyond 'Statutory Walking Distance,' two miles via a safe route⁵ for children under the age of 8 and three miles for older children, ECC must bear the long-term revenue cost of home to school transport. Developments that require significant additional school transport costs should be resisted.

When mitigating the impact of development on school places it is generally the case that the largest and the smallest developments are the least problematic. It is the developments that generate a demand for places which is too large to be accommodated within existing schools and too small to deliver new ones that present the most significant challenge. Local Plan spatial strategies that disperse growth widely are therefore more likely to come up against objections regarding school place planning.

At this early stage of the Local Plan making process the School Organisation & Place Planning team can only play a guiding role. The specific needs of each community and a detailed plan to deliver sufficient school places can only be developed as more of the necessary information regarding site allocations becomes available. The team will, however, want to ensure that the following issues are considered:

- The avoidance of any land uses close to schools (existing or proposed) that may compromise pupil safety or damage the learning environment, for example proximity to roads;
- The delivery of safe direct walking and cycling routes to schools from the communities they serve;
- Improvements to the environment around schools, for instance traffic speed reductions and pedestrianised areas;
- Any educational resources that development can deliver such as public access to historical assets, art installations or wildlife areas.

3.3 Developing the Preferred Option

To establish an evidence-based approach to considering school provision in site selection a 'cascade' along the following lines should be used:

1. Developments within statutory walking distance of a school with sufficient surplus capacity to accommodate the needs of the development;
2. Developments within statutory walking distance of a school that can be expanded to meet the needs of the development;

3. Developments that can accommodate new schools of a sustainable size to meet their own need and/or local cumulative impact;
4. Developments within statutory walking distance of another site where a new school is feasible, and which can assist the delivery thereof;
5. Developments beyond the statutory walking distance of a suitable school but accessible to a school with sufficient surplus capacity to accommodate the needs of the development;
6. Developments beyond the statutory walking distance of a suitable school but accessible to a school that can be expanded to meet the needs of the development;
7. Developments beyond the statutory walking distance of a suitable school that can contribute towards new schools and help facilitate solutions that meet cumulative impact and, thereby, assist in overall Local Plan delivery;
8. Sites that can deliver other demonstrable benefits to education.

Sites where it would not be viable for developers to mitigate their impact on education through appropriate contributions (as set out in the ECC Developers' Guide to Infrastructure Contributions) should not be allocated.

Within each of the above categories priority should be given to those sites that are closest / best linked to appropriate schools and thereby able to minimise 'school run' traffic and encourage active travel to school. The evidence collected as part of this process should also form part of the Local Plan's overall Sustainability Appraisal and/or Integrated Impact Assessment. Relevant best practice is set out in ECC's Sustainable School Travel Design Guide (see core document list).

To ensure a consistent evidence base the team at the LPA undertaking site assessments should work from the most recent edition of the 10 Year Plan 'meeting the demand for mainstream school places in Essex' (see core document list). The School Organisation & Place Planning team can provide additional information regarding the suitability of individual schools for expansion. ECC's Infrastructure Delivery team may be commissioned to undertake feasibility studies where certainty regarding an expansion project is essential in establishing a Plan's soundness*.

3.4 Testing the Preferred Option (scenario test)

Once the LPA has developed a preferred option that sets the level of development needed and the specific sites that will deliver it the cumulative impact of the Plan can be assessed. Whilst a couple of alternative options can be assessed the School Organisation & Place Planning team cannot repeat the exercise for multiple scenarios or any ill-defined options.

In order for the School Organisation & Place Planning team to test the preferred option the LPA must provide the team with a list including all permitted but unoccupied new homes and all proposed development in the preferred option (that is, all dwellings that will be added to the area between the date the scenario is tested and the end of the plan period, rather than one limited to proposed allocations). The list should consist of a single Excel spreadsheet with only the following column headings:

- **Site reference** – the reference that will be used throughout the Local Plan process to refer to the site;
- **Planning reference** – existing planning permission or a live planning application;
- **Site name** – give alternative names in brackets if applicable;

- **Location** – address including town, village or suburb;
- **Postcode** – use point that access will be taken from if greenfield development;
- **GIS / map coordinates** – six-digit easting and northing of development's centre point (shape files are also useful if clearly cross referenced);
- **Number of dwellings already occupied on development** - excluded from next three 'net increase' figures;
- **Number of qualifying houses** – net increase excluding one-bedroom houses and others unlikely to house children such as student and retirement properties;
- **Number of qualifying flats and bungalows** – net increase excluding one-bedroom properties and others unlikely to house children such as student and retirement properties;
- **Number of discounted units** – net increase excluded from above two figures;
- **Total dwellings** – equal to sum of above four columns.

It is essential that this list is comprehensive to ensure all new 'qualifying' households are picked up in the calculation of pupil generation. Likewise, any homes already occupied must be correctly identified and excluded to ensure pupils that are already on school rolls are not double counted.

Once the School Organisation & Place Planning team receives the list it requires around a month to match the list to local schools, calculate anticipated pupil numbers, check the additional demand against current capacity, identify where deficits in provision will likely occur and look for potential solutions (new schools or expansions). Any potential 'showstoppers' can then be fed back, such as areas where no solution has been found or where the cost of mitigation is likely to be too high for development to be viable. If requested, similar types of assessment can also be undertaken at this stage by the ECC teams responsible for Early Years & Childcare and Special Educational Needs.

4. The Publication and Submission Stage (regulation 19⁶)

4.1 Finalising the draft Local Plan

Following the 'preferred options' consultation it is inevitable that some changes must be made to the draft Plan. It is important that the evidence base accurately reflects what will be in the submitted Plan and that the data presented will still be sufficiently current to use during the Examination in Public. It is thereby appropriate for the LPA to ask the School Organisation & Place Planning team to re-run the 'scenario test' exercise carried out at the previous stage with any final changes. It must be recognised that relatively small changes in housing numbers and locations can lead to significantly different solutions for pupil place planning and that objections may still be lodged if the proposed changes cannot be accommodated effectively by the education system.

The submission draft Plan must include sufficient detail to provide certainty that suitable new school sites will be delivered. Whilst it is not necessary to agree precise 'red line' boundaries it is important to allocate sufficient land for F1 use (Learning and non-residential institutions) in the appropriate locations, and to demonstrate that it will be fit for its intended use. An evidence base in line with the Land Compliance Study process, set out in ECC's Developers' Guide to Infrastructure Contributions (see core

documents list), should therefore be established. Some parts may, however, need to be completed as the masterplan for the development emerges.

Specifying the areas of land that are allocated for school use (F1) in each relevant site policy is essential. On some occasions it may also be appropriate to safeguard additional land which may be needed longer-term on a precautionary basis. However, if new or expanded schools are likely to be needed during the Plan period (as demonstrated by the scenario test) then safeguarding sites for education use without demonstrating how the Plan will ensure the land is rendered fit for purpose and will be transferred to ECC is insufficient to make the Plan sound in school place planning terms.

Where new school sites, or schools that could require expansion, are located within the 'green belt' (see NPPF¹ paragraphs 142-160) the Local Plan process must redesignate the land to ensure the necessary new infrastructure can be delivered. Because school place planning is not a precise science LPAs are asked to work on a precautionary basis to maximise the flexibility afforded to potential school project options.

Land to mitigate the impact of new homes on school places should be transferred to ECC at nominal cost through a s106 agreement. Any additional land which is not directly related to the development of which it is part (non CIL reg 122 compliant) can only be purchased at intended use value as a higher cost would be difficult to represent as best value⁷.

For financial developer contributions towards building schools on the allocated land an overarching policy should also be included in the Local Plan, along the lines set out in appendix B. Unlike school land allocations, site-by-site financial contribution policies are not recommended as specific needs and appropriate solutions often change over a Plan period.

4.2 Infrastructure Delivery Plans

In reviewing the final Local Plan growth spatial strategy it is critical to consider the likely timing and cost of infrastructure delivery. In addition to updated housing development information (as listed in 3.4 above) the School Organisation & Place Planning team will at this point also require phasing details for each development, broken down by anticipated year of delivery. Obtaining this data is often problematic and Local Planning Authorities are encouraged to work closely with site promoters to ensure that different scenarios do not emerge during the Examination in Public.

Based on the projected phasing of development the School Organisation & Place Planning team will indicate when it is likely to need to open new schools, or expand existing schools. As the need for such provision will largely be determined by real-time build rates the dates provided should never be interpreted as definitive plans. New schools and significant changes to existing provision are subject to statutory process⁸ and a decision by the Regional DfE Director (for the East of England in the case of Essex). The Infrastructure Delivery Plan that accompanies the Local Plan is a 'living' document where estimated costs, funding, delivery and phasing will continue to be updated in conjunction with further work undertaken by site promoters and other partners.

The School Organisation & Place Planning team will provide benchmark costs for the infrastructure identified. The LPA must facilitate consistency with other infrastructure providers to ensure that the same assumptions, such as the base (indexation) date for costings, are used and clearly stated in the final document. Any specific costs outlined in the Infrastructure Delivery Plan submitted for the Local Plan examination should only be considered accurate at that time and are not intended to form the basis for s106 negotiations.

4.3 Joint Use Facilities

When developing the Local Plan and the Infrastructure Delivery Plan the question of public use of school facilities is often raised. Proposals can range from the occasional use of halls or sports pitches to the provision of additional facilities to form a full leisure centre. If such proposals are made the School Organisation & Place Planning team needs absolute clarity regarding which facilities would be used both by the school and the public, how they would operate and who would provide and maintain them. The facilities that a school requires are set out in The DfE's Building Bulletin 103 (see core document list). These facilities must be available for the sole use of the school during school hours, including appropriate after school clubs. The cost of any enhancements or additional facilities must be set out separately in the Infrastructure Delivery Plan and are the responsibility of the LPA.

The operation of the facility would be a matter for the LPA and the school in question. A Joint Use Agreement is a level of detail that it is not possible until later in the school place planning process, after an Academy Sponsor is appointed by the Regional DfE Director. Thereby in any s106 agreement ECC can only covenant to use reasonable endeavours to help facilitate joint use.

4.4 Other Plan Policies

There are a number of policies commonly included in Local Plans, other than housing allocations, which can impact and potentially benefit schools. These include policies designed to:

- Deliver sustainable buildings, for example Net Zero Carbon in operation (alignment to Essex Climate Action Committee⁹ Action Plan recommended in relation to schools);
- Provide the opportunity for relevant schools to expand on-site into the Green Belt in order to accommodate changes in population and afford flexibility for windfall housing sites;
- Provide multifunctional green spaces for natural play, sensory areas, enhanced biodiversity, climate change mitigation and adaptation (water management, shading, air quality et al) that can contribute to the curriculum and improve health & wellbeing;
- Safeguard playing fields (note, such policies, if poorly drafted, can restrict the ability to expand, enhance or relocate schools in a way that is unintended);
- Deliver school streets / zones to reduce school run traffic and improve road safety (note, all new schools should front traffic free pedestrianised public realm);
- Promote active and sustainable travel (including through school travel plans) and increase connectivity;

- Allocate Gypsy, Romani and Traveller sites, which can neglect the need for such provision to be accessible to schools;
- Refuse hot food takeaway and fast-food outlets within walking distance to schools (paragraph 97 of the NPPF), which can enhance health outcomes;
- Impose design or planning restrictions, which can impact on the use of new school buildings (school design guidance is set out the Essex Design Guide – see core document list);
- Specify building materials, which can increase the cost of new school buildings;
- Provide public art, which can offer valuable learning opportunities.

Planners are asked to specifically consider the potential impacts of each Plan policy on schools when undertaking relevant assessments.

4.5 Examination in Public

During the Local Plan's Examination in Public the School Organisation & Place Planning team can make a representative available for the appropriate session on education. It is not possible for the representative to be available for sessions on individual developments and it is therefore important to seek a topic-based approach from the Inspector if they wish to hear from the School Organisation & Place Planning team. Assistance can also be provided when responding to the Inspector's Matters, Issues and Questions.

5. Planning Briefs and Site-Specific Plans

ECC's Developers' Guide to Infrastructure Contributions and the Essex Design Guide (School Design) provide information regarding the suitability of land for education use and how the environment around schools should be designed to keep pupils safe, enhance learning and avoid issues for the local community (see core documents list).

As alluded to in 4.1 above, the suitability of a potential school site must be established by the completion of a Land Compliance Study. Producing this document should be seen as an iterative process, commenced as Local Plan site allocations and proposals on non-allocated sites emerge. The end product should be an agreed 'red line' school site. It is important that the LPA works with developers and the School Organisation & Place Planning team to ensure that new school sites are at the heart of the masterplan process rather than an afterthought. Developers and landowners are tasked with the formal completion of Land Compliance Studies. The submission of an appropriate report with any subsequent planning application is essential and this should be included in the LPA's planning application validation requirements list.

6. Neighbourhood Plans

The level of necessary support from the School Organisation & Place Planning team for Neighbourhood Plans will depend to a large degree on the stage the relevant Local Plan has reached. Where the proposed Neighbourhood Plan is consistent with a recent Local Plan additional school place analysis should not be necessary.

Where an up-to-date Local Plan evidence base is not available, or significant additional housing land allocations are proposed, the Neighbourhood Plan team should request analysis similar to the work set out in 3.4 above. A Land Compliance Study may also have to be produced if land is needed for a school.

As with Local Plans, Neighbourhood Plans should provide a link to ECC's 10 Year Plan (see core document list), rather than summarise local school capacity at a particular point in time. Numbers on roll and forecasts are updated frequently and quoting out of date figures can prompt questions during the Examination process.

Neighbourhood Plans can play a key role in safeguarding and improving the environment around schools. The following issues should be considered:

- Establishing and improving safe direct walking and cycling/scooter routes to schools;
- Reducing school run traffic and dispersing it away from school entrances (which must be entirely traffic free in the case of all new schools);
- Enforcing low traffic speeds around schools (including introducing School Streets);
- Ensuring footways around schools are clear and wide enough for parents with pushchairs to pass;
- Providing public art, nature areas and local history information boards, in the immediate area to offer learning opportunities;
- The planting of trees and other suitable vegetation to enhance air quality / reduce exposure to poor air quality;
- The use of landscaping and carefully selected street materials to reduce noise;
- Providing play and outdoor gym equipment to encourage exercise.

Head teachers and school governors may have ideas in addition to those listed above that can benefit their individual school. ECC encourages direct contact with schools regarding such issues. Where concerns regarding the availability of school places are raised the School Organisation & Place Planning team should be contacted to ensure a joined-up approach.



Cold Norton Primary School, Cold Norton (double classroom block)

Appendix A: Core Documents

Department for Education Building Bulletin 103 – ‘Mainstream Schools Area Guidelines’ (BB103)

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

The ECC Developers’ Guide to Infrastructure Contributions

<https://www.essex.gov.uk/planning-advice-guidance/guidance-for-developers>

ECC Education 10 Year Plan: ‘Meeting the demand for mainstream school places in Essex

<https://www.essex.gov.uk/school-organisation-and-place-planning>

Garden Communities and Planning School Places Guide

<https://www.essex.gov.uk/school-organisation-and-place-planning>

The Essex Design Guide - School Design Principles

<https://www.essexdesignguide.co.uk/>

ECC Sustainable School Travel Design Guide

<https://www.local.gov.uk/case-studies/essex-county-council-sustainable-school-travel-design-guide>

Essex school admissions booklets

<https://www.essex.gov.uk/schools-and-learning/schools/admissions/admissions-booklets-policies-and-forms/admissions-booklets>

Department for Education guidance – ‘Securing developer contributions for education’

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

Appendix B:

Recommended Infrastructure Delivery & Impact Mitigation Policy

Proposals for any development must demonstrate that the required infrastructure to support the development will be delivered in a timely and, where appropriate, phased manner.

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. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.

Developers will need to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the relevant Infrastructure Delivery Plan and other policies in this Plan, where such contributions are compliant with national policy and the legal tests. Where necessary, developers will be required to:

1. Enter into a Section 106 agreement to make provisions to mitigate the impacts of the development.
2. Make a proportionate contribution on a retrospective basis towards such infrastructure as may have been forward funded from other sources where the provision of that infrastructure is necessary to facilitate and/or minimise the impacts of their development (including the cumulative impacts of planned development).

Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively): -

- Financial contributions towards new or expanded facilities and the maintenance thereof;
- On-site construction of new provision;
- Off-site capacity improvement works;
- The provision of land (on and/or off-site).

Developers and landowners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.

The Council will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.

If the applicant seeks an exception to this policy, the Council will only consider it where:

- A fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and landowner receipt necessary for the development to proceed;
- It is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm;

- Full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts and
- Obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.

Recommended glossary definition of Infrastructure:

Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively):

- affordable housing
- community and social facilities
- cultural facilities, including public art
- digital and mobile connectivity
- drainage and flood protection
- education (including early years, primary, secondary, Post 16 & SEND)
- childcare
- emergency services
- facilities for specific sections of the community such as youth or the elderly
- footways, cycleways, bridleways and highways
- green and blue infrastructure
- healthcare
- live/work units
- open space
- public transport
- sports, leisure and recreation facilities
- waste recycling facilities
- supported and specialist housing



Appendix C:

Recommended policy or matters to be included in Local Plans

The policy must refer to the land area requirement (not forms of entry) and allocated land use. The exact wording will be confirmed by ECC Education as Local Plan preparation takes place e.g. *'2.1 hectares of suitable land allocated for education, childcare and associated use.'*

The following wording must also be included in policies relating to developments that include new school sites:

- Comprehensive land compliance study reports, in the format set out in the ECC Developers' Guide to Infrastructure Contributions, must be submitted with Outline and Full Planning applications, proving that the land will be suitable for the intended use.
- The area around education facilities must be appropriately considered during master-planning with particular attention paid to pupil safety; active travel and the learning environment. The main pupil entrance points must be from vehicle free pedestrianised public realm which, for the avoidance of doubt, should not abut roads or parking areas.
- For Garden Communities and other large developments, proposals must be supported by bespoke independent demographic studies, commissioned by the developer, to provide a consistent evidence base for the planning of schools along with all relevant social and community infrastructure.



Beaulieu Park Primary School, Chelmsford

Notes:

* Denotes that fees may apply to these services.

1. The National Planning Policy Framework was published in December 2024.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
2. Planning Practice Guidance.
<https://www.gov.uk/government/collections/planning-practice-guidance>
3. The National Audit Office report 'Capital Funding for New School Places' (2013) refers to minimum 5% surplus that the DfE assumes in its planning as necessary to support operational flexibility. See executive summary 'key finding 9'.
https://www.nao.org.uk/wp-content/uploads/2013/03/10089-001_Capital-funding-for-new-school-places-Executive-summary.pdf
4. Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
<https://www.legislation.gov.uk/ukxi/2012/767/regulation/18>
5. The safety of routes is assessed by reference to Road Safety GB's document 'Assessment of Walked Routes to School' (March 2012).
<https://www.roadsafetyknowledgecentre.org.uk/rskc-612/>
6. Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations.
<https://www.legislation.gov.uk/ukxi/2012/767/regulation/19>
7. Best value standards and intervention: a statutory guide for best value authorities.
<https://www.gov.uk/government/publications/best-value-standards-and-intervention-a-statutory-guide-for-best-value-authorities>
8. Opening, closing and making changes to schools.
<https://www.gov.uk/guidance/opening-closing-and-making-changes-to-schools>
9. Essex Climate Action Committee: The Essex Climate Action Plan, published in November 2022, lists actions in relation to schools on pages 19 & 20.
<https://www.essexclimate.org.uk/>



Limebrook Way Primary School, Maldon (rear view)

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