

**From:** [PICKERING, Liz](#)  
**To:** [Strategy](#)  
**Subject:** Department for Education  
**Date:** 05 March 2020 09:26:37

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Good morning,

Please find attached a response to your Local Plan consultation, submitted on behalf of the Department for Education.

I'd be grateful if you could acknowledge receipt.

Kind regards,

**Liz Pickering MRTPI**

Forward Planning Manager (South/South West)

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Web: [www.education.gov.uk](http://www.education.gov.uk) | See the DfE 'Developer Loans for Schools' prospectus [here](#)

**Our Ref: DfE/Local Plan/SWTC 2020**

5<sup>th</sup> March 2020

Dear Sir/Madam,

**Re: Somerset West and Taunton Local Plan Issues and Options**

**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 significant growth in housing stock is expected in the district, particularly in Taunton. As you know, 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. 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).

## Specific Comments

6. Objective 5 of the emerging Local Plan seeks to ensure that new development is supported by essential infrastructure in a timely manner. It is important to consider from the outset how essential infrastructure such as school expansions and new schools can and should be funded.
7. As set out in Planning Practice Guidance (PPG), viability assessments should inform options analysis and site selection, with site typologies reflecting the type and size of developments that are envisaged in the district. 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. The price paid for land is no longer a valid consideration.
8. The Local Plan must comply with the revised NPPF and PPG. Please see the viability PPG paragraph 029, and planning obligations PPG paragraphs 007 and 008 in particular. The Government expects that development will provide both land and funding for the construction of new schools required as a result of development, and adjusts state funding of school places accordingly. The DfE guidance for local authorities on securing developer contributions (linked to the the PPG) provides further detail on this, explaining that public funding in the form of the DfE basic need grant should be used to the minimum extent necessary to maintain development viability.
9. We advise against the Council's current approach of asking the public which infrastructure type is the most important, at the expense of the others. The plan should identify the amount of infrastructure funding/provision that can be viably levied from development, and consider how critical the needs are for the different types of infrastructure based on objective evidence rather than popular opinion. Ultimately, development should not proceed unless essential infrastructure can be delivered by the time it is needed, so it is vital that robust evidence of infrastructure needs and deliverability underpins the Local Plan.
10. The viability assessment, incorporating education needs and costs of provision alongside other anticipated infrastructure requirements such as primary healthcare and utilities, will provide the evidence necessary to inform the Council's decisions about infrastructure priorities. We advise the Council to work constructively with Somerset County Council to identify the number of school places likely to be generated by the level of housing growth proposed, the feasibility of delivering local school expansions and new schools, and the costs per pupil of providing new school places (temporary school expansions, permanent expansions and new schools). DfE guidance also provides advice on establishing the costs of provision.<sup>1</sup>
11. Strategic infrastructure such as school place provision, bus services and community facilities should not be conflated, as this reduces their perceived importance. The reference to pooling of contributions for this infrastructure under the Community Infrastructure Levy (CIL) does not justify this approach. Section 106 contributions may also be pooled following the September 2019 revision to the CIL Regulations. Infrastructure providers such as the county council need certainty of investment, including any funding to be received through developer contributions. With CIL, where "the Council later decides what projects money

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<sup>1</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

will be spent on rather than being set out in the Local Plan<sup>2</sup>, the funding situation for strategic infrastructure providers can be unacceptably precarious. This approach risks the plan failing the tests of soundness, in that there is no commitment or certainty that new school places required due to housing growth will be deliverable, contrary to Objective 5.

12. As such, we recommend that the funding mechanisms for infrastructure be reviewed alongside this Local Plan. DfE supports the use of Section 106 to secure funding for education wherever there is a direct need generated by development. We advise the Council to review its CIL charging schedule at the earliest opportunity, to align with the new Local Plan's viability assessment and up-to-date government policy and guidance on planning obligations, CIL and viability. DfE's guidance for local authorities on securing developer contributions for education provides additional detail on how planning for education can be best achieved. First and foremost, we recommend positive collaborative working with Somerset County Council, to ensure a deliverable Local Plan which makes appropriate provision for the education of children in your district.
13. Finally, please note that some of the references in the consultation document appear to be out-of-date, such as endnote 36 (referring to the CIL Regulation 123 list, which no longer applies), and 37 (referring to PPG on viability that predates the 2019 revisions). Section 106 and CIL funding can now be used for the same infrastructure and the national viability guidance proposes a very different approach to viability assessment, including new advice on education, as explained above.

### **Conclusion**

14. I hope these comments are helpful in shaping the Somerset West and Taunton Local Plan, with specific regard to developer contributions for education. Please advise DfE of any proposed changes to the emerging Local Plan policies and evidence base arising from these comments.
15. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with Somerset West and Taunton Council to aid in the preparation of a sound Local Plan.

Yours faithfully,



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<sup>2</sup> Consultation document, page 30