

## London Plan Written Representation

<b>Ministry of Housing Communities and Local Government (MHCLG)</b>	<b>Reference ID 2631</b>
<b>Matter Title – Education &amp; Childcare Facilities</b>	<b>Matter no. 53</b>
<b>Matter Question (s)</b>  M53. Would Policy S3 provide an effective and justified approach to support the provision of good quality education and childcare facilities in London? In particular: a) Would it provide an effective and justified strategic framework for the preparation of local plans and neighbourhood plans in relation to good quality education and childcare facilities? b) Would it provide appropriate guidance on development management matters taking account of local circumstances? Does it take account of the impacts of poor air quality on the provision of good quality education and childcare facilities in accordance with Policy GG3 DB? Should Policy S3A3 include a development size threshold to ensure a strategic approach to the policy? In the absence of a size threshold, would this be realistic, particularly in light of Policy H2, which increases the role of small sites in meeting London’s identified housing need?	

### Introduction

1. In its consultation response, Government highlighted that “London faces specific challenges on the number of available sites for new schools. We have some concern that your draft Plan, in restricting development opportunities beyond national policy, would not help tackle this. We would ask that the Examination considers whether there are further flexibilities that could be introduced in London to facilitate delivering new schools in specific circumstances.”
2. The DfE has extensive experience of searching for and delivering school sites in London and we have found that suitable, available sites are in very short supply. We currently have 10 schools (2 primary schools, 4 secondary schools, 4 all-through schools) in London in ‘pre-opening’ (the period when a sponsor has been appointed to open the school) that have yet to secure a site to deliver the permanent school accommodation.

### The Mayor’s proposed Minor Modifications (MM) and response to the Preliminary Questions

3. The Department for Education (DfE) accepts the GLA’s proposed amendments to Policy S3 ‘Education and Childcare Facilities’ and the supporting text. However, we suggest three further minor amendments to ensure that the plan provides an effective and justified strategic framework for the preparation of local plans in relation to the provision of good quality education facilities, recognising the particular pressure on such facilities in London.

4. As well as providing some clarification around site allocations (suggested amendment 2 below), our suggestions seek to avoid policy and/or supporting text that could have the unintended effect of further constraining the supply of suitable sites for schools, undermining the ability of local authority education departments to meet their statutory duty to provide sufficient school places to meet need within their areas<sup>1</sup>. The suggested amendments below would ensure that the plan is positively prepared and effective in terms of meeting objectively assessed needs for school places.

### Suggested Amendments

5. Taking into account the above context, and the DfE's role working closely with local authority education departments and planning authorities to deliver new schools, our proposed amendment to Policy S3 and two further amendments to the supporting text aim to aid and improve the plan. Government accepts the GLA's proposed amendments to the policy and supporting text which, where included below, are in **bold** font. DfE's proposed further amendments are highlighted in **bold underlined** font.

### Proposed amendment 1:

6. The DfE requests the deletion of part B10 of Policy S3 that reads: *"ensure that there is not a net loss of facilities, unless it can be demonstrated that there is no ongoing or future demand."*
7. Linked to this change, we also suggest the insertion of supporting text following Policy S3 to highlight the link between Policies S3 and S5: **"Development proposals for education and childcare facilities affecting existing playing field and sports facilities should be considered against Policy S5."**

### Justification for proposed amendment 1:

8. As currently worded, part B10 of Policy S3 is inflexible. It can be interpreted as indicating that there should be no net loss of a wide range of facilities, including playing fields, under any circumstances except where *"it can be demonstrated that there is no ongoing or future demand"*. Thus the policy excludes, and is inconsistent with, the caveats in 2018 NPPF<sup>2</sup> paragraph 97 regarding building on playing fields.
9. The critical need for sites for schools within London is such that it is important that the London Plan allows some flexibility where there is a clear overall benefit of enhanced facilities being provided (taking into account local needs), even where a limited loss in the quantity of some existing facilities may be proposed. For example, a new school providing indoor and outdoor facilities for sport of significantly

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<sup>1</sup> Education Act 1996.

<sup>2</sup> We appreciate that the draft London Plan is being tested against the 'old' 2012 NPPF but future local plans and planning applications will be tested against the 2018 NPPF.

improved quality, accessibility and availability for shared use by the local community (secured through a community use agreement if appropriate). This flexibility will enable greater benefits to health and wellbeing and facilitate the provision of new schools where required to meet growing need. It should also be recognised that schools provide considerable longevity of use for playing fields and facilities, including reliable stewardship and investment over time. They can also provide sports specialisms which vary from one school to another, impacting greatly on the futures of the children who attend.

10. For these reasons, and to ensure Policy S3 is consistent with the 2018 NPPF paragraph 97, the above amendment is required. For the same reasons some amendments to Policy S5 are also suggested, as detailed in our statement for Matter 54 Play and Informal Recreation.

#### **Proposed amendment 2:**

11. DfE support GLA's proposed supporting text to Policy S3 at paragraph 5.3.5. This paragraph is set out in full below only to provide the context to the new paragraph we suggest should follow it:
12. ***"There is a growing need for school places in London, with projected demand for 705,000 state maintained primary school places for the academic year 2018/19. This is an increase of 7,000 over the number of places required in 2016/17. The level of need is projected to fall to 686,000 places a year by 2027/28. In 2016/17, there was a need for 403,000 places in state maintained secondary schools. The number of places required is projected to increase by 65,000, over the period to 2027/28. an additional 60,000-67,000 primary school places and 105,000-122,000 secondary school places in state maintained schools up to 2025<sup>3</sup>. This demand, particularly for secondary school places, requires a strategic approach to delivery, making it harder to quantify within individual boroughs. Boroughs are encouraged to work together to meet the needs for secondary school places. Where possible, sites for schools should be allocated within Development Plans."***
13. The DfE suggests inserting the following new paragraph after 5.3.5:

**"Boroughs should demonstrate a sequential approach to site allocations for schools, where partial or full release of land from existing designations (such as Metropolitan Open Land (MOL) is proposed. Boroughs should only consider partial or full release of MOL for either temporary or permanent use for schools in exceptional circumstances, where evidence demonstrates that no suitable alternative site can be delivered in time to meet the identified need and where benefits outweigh any potential impact."**

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<sup>3</sup> Projected Demand for School Places (2015) 2018 GLA School Place Demand Projections (2018) GLA Intelligence Unit

## Justification for proposed amendment 2:

14. The GLA's proposed additional text at paragraph 5.3.5 highlights the growing need for primary and secondary school places in London, and the original text within that paragraph appropriately encourages boroughs to allocate sites in their Development Plans to help meet this projected need. DfE currently encourage boroughs to allocate sites for schools, both at strategic meetings with boroughs and in formal responses to Local Plan consultations. This plan-led approach can also help to speed up assessment of applications by boroughs (and therefore timely delivery of schools).
15. Alongside encouraging site allocations, in light of the limited availability of sites, DfE also encourage imaginative use of land and buildings, including mixed-use developments, to help meet the need for school places. Examples of this approach in London boroughs include delivery of a primary school over retail use (currently under construction in LB Richmond) and delivery of schools with residential above or adjacent (consents recently granted in RB Kingston upon Thames and LB Ealing).
16. Whilst policy compliant sites should be the preferred option for all boroughs making school site allocations in their local plans, in some instances such sites may not be available or deliverable in time to meet the need for the school places and for the borough to meet its statutory duty.
17. Whilst the DfE notes the Mayor's position on MOL, it is also noted that the draft London Plan recognises the importance of providing access to high quality education (para 5.3.1). In recent years a number of new/expanded schools in Greater London have been developed on sites on MOL. Where a sequential approach to site selection has been undertaken and clearly demonstrated, Inspectors have also supported school site allocations on MOL in local plans, notably Bromley<sup>4</sup> and Ealing<sup>5</sup>. In such cases, any necessary land take should be minimised, existing brownfield land used in preference to greenfield land and any buildings should be grouped as closely as practicable to existing built footprints.
18. In light of the growing need for school places combined with the shortage of sites, and notwithstanding consideration of imaginative approaches to delivery, London

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<sup>4</sup> London Borough of Bromley Local Plan: see the Inspector's report (December 2018, Issue 5, paras 61-71) which deals with schools. The Inspector supported four sites for new/enhanced school provision, five sites to be removed from MOL/GB for new school development and seven sites to be released from MOL/GB for expansion of existing education facilities, including primary, secondary and SEND. See: <https://www.bromley.gov.uk/downloads/file/4719/bromley-local-plan-inspector-s-report>

<sup>5</sup> London Borough of Ealing Planning for Schools DPD: The Inspector's report (March 2016) confirmed support for the de-designation of three MOL sites for school provision. Paras 25-26 confirm the Councils thorough approach and robust assessment of potential sites and para 29 concludes "given the pressing need for additional school provision, the locations in the Borough where that need arises and the demonstrable lack of reasonable alternative sites in those areas, I find that there are the exceptional circumstances for de-designating MOL through the Plan". See: <https://www.ealing.gov.uk/info/201164/local-plans/1961/planning-for-schools-dpd/2>

boroughs are increasingly likely to have to consider non-policy compliant sites when allocating sites for schools. If a borough can demonstrate a sequential approach, it should be acceptable for non-policy compliant sites to be considered and allocated in Development Plans *in certain circumstances*. The suggested additional paragraph above would provide clarification to all boroughs on the specific circumstances in which such an approach is acceptable.

### Proposed amendment 3:

19. “5.3.10 The design ***and appropriate siting*** of education and childcare facilities is critical to the creation of ~~a~~ good ***quality, accessible*** learning environments. Education and childcare facilities should ***generally*** be in locations well-connected by public transport. ***In London, primary schools typically have small pupil catchments. When evaluating the suitability of sites for primary schools, consideration should therefore be given to accessibility by walking and cycling, and not solely public transport accessibility. All children should be able to travel to school by walking, cycling or public transport.*** The design of entrances to schools and playgrounds is important in ensuring that children are encouraged to walk and cycle to the school gate, and can do so safely. ~~All children should be able to travel to school by walking, cycling or public transport.~~ Facilities should be located away from busy roads, with traffic calming at entrances, to benefit from reduced levels of air pollution, noise and road danger...”

### Justification for proposed amendment 3:

20. Primary schools in London typically have small pupil catchment areas and pupils therefore have the opportunity to walk or cycle to school rather than being dependent on public transport. DfE therefore request the above amendment to paragraph 5.3.10 of the supporting text to Policy S3 to clarify the interpretation of the policy.
21. In a meeting between DfE and GLA officers on 11<sup>th</sup> October 2018 to discuss our requests for amendments to the plan, GLA officers broadly accepted the point we were making about accessibility to primary schools and suggested this might be best addressed through an amendment to the supporting text to Policy S3, consistent with the recommendation proposed here.

Word Count (excluding Question and title/references) = 1911 words