

**PLANNING STATEMENT
EDUCATION MATTERS
W/16/1666**

Land on the south side of Southam Road, Radford Semele, Leamington Spa

SUMMARY

Warwick District Council Planning Committee have already approved a number of applications for new housing in Radford Semele and this means that the County Council is no longer able to provide sufficient primary school places within the village.

In order to meet its statutory duty the County Council will need to transport children out of the village to secure a school place. The nearest schools to Radford Semele are also either at or close to capacity and, as with Radford Semele Primary School, have physical restraints to expansion.

When a school is oversubscribed from within a priority area, children living closest to the school take priority from those further away. For this reason we cannot stipulate whether the children who are no longer able to secure a place at the school as a result of approved planning applications will be the children from those developments or children who live elsewhere within the village.

This development alone does not support a request for land to enable the expansion of the existing primary school through the development of separate infant and junior sites, nor does it support a request for land for a new primary school. However, the alternative is that families will be unable to access primary education locally and the County Council will have to meet home to school transport costs. As a consequence WCC is willing to discuss a reduction in the education financial contribution requested from this development in return for the provision of up to 1.2 hectares of land for education purposes.

This document however focuses on the financial contributions based solely on pupil yield calculations. This produces a financial contribution of £1,030,901.00

Early Years / Pre-School	Increase provision within 2 miles of the development	£46,748
Primary School	Increase provision within the North or South Leamington Planning Areas.	£338,923
Primary SEN	Enhance provision at a primary school as required.	£13,079
Secondary	The phased expansion of Campion School. Exact use to be determined.	£306,789
Post 16	The phased expansion of Campion School. Exact use to be determined.	£63,176
Secondary and Post 16 SEN	Enhance provision at Campion School or elsewhere as appropriate.	£18,436
Primary Home to School Transport contribution	Cost based on 29 pupils. Spread evenly across age group we could assume 4 x 7 years (50x195)x 7 = £68,250 4 x 6 years (50x195)x 6 = £58,500 4 x 5 years (50x195)x 5 = £48,750 4 x 4 years (50x195)x 4 = £39,000 4 x 3 years (50x195)x 3 = £29,250 We will assume children in Years 5 and 6 will stay within their existing schools	£243,750

	Costs based on the use of taxi transport with an adult attendant. 4 Children to a taxi. Costs as at September 2016 based on £50 per day.	
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1. Introduction and context

- 1.1. This planning statement sets out the reasons for seeking a financial contribution towards additional education provision from a development at Land on the south side of Southam Road, Radford Semele, Leamington Spa

2. Education Sufficiency Duties

- 2.1. The County Council has a statutory responsibility under the Education Act 1996 to provide a school place to all of its school-age resident children.
- 2.2. This responsibility still remains despite the recent direction of government policy towards giving schools more autonomy. As a result, all schools, including Academies and Free Schools, are considered equally in the County Council's planning of school places. The consequences of the County Council not meeting this duty are serious and would involve considerable financial costs as explained below:
 - Parents can exercise their right to complain to the Local Authority.
 - Where it is considered that the Authority is in breach of its legal duty to secure sufficient school places, affected persons (e.g. parents) could pursue Judicial Review proceedings in the High Court. Apart from the cost implications of the Court ordering the Authority to comply with their statutory duty under section 14 of the Education Act 1996 to provide sufficient school places, the Authority would normally have to pay the legal costs of the parents as well as its own legal costs.
 - Complaints to the Local Government Ombudsman. The Ombudsman might recommend payments to be made to parents who complain (in recognition of injustice suffered) if their child does not have a school place due to maladministration by the Authority.
 - The Secretary of State under section 497A of the Education Act 1996 has wide powers to secure proper performance of the Authority's education functions which include the duty to secure sufficient school places.
 - Parents can appeal to Independent Admission Appeal Panels if the admissions authority refuses a child admission to a school. If the shortage of places leads to Independent Appeal Panels upholding more appeals, this could lead to already oversubscribed schools having to admit even more pupils. If Panels uphold infant class size appeals, the admission authority will normally be required to take measures for the following year to ensure that the class falls within the infant class size limit, for example, by providing a new teacher or a new classroom. The potential cost implications could be significant.
- 2.3. Even when a place can be found, if it is not close enough to home – i.e. within a 2 mile safe walking route for primary-age pupils and within a 3 mile walk for secondary age pupils – the local authority is liable for the cost of transporting the child to and from school each day for the length of time they are at the school.

3. General School Place Planning Context

- 3.1. Warwickshire's school age population has been changing significantly over the past few years as a result of demographic change and government policy. As with many parts of the country, Warwickshire, particularly in urban areas, has seen an upturn in the number of births each year following a drop in numbers some years ago. As a result there is significant pressure on primary school places, whilst many secondary schools are sitting on surplus places waiting for them to be filled over time by the larger primary cohorts entering the secondary school system.

- 3.2. Whilst there is some surplus capacity in certain primary schools, it is often in older year groups where the effect of the rising birth rate will be felt first in the Reception year. Surplus capacity in later year groups is therefore likely to be taken up as pupils roll through the school.
- 3.3. The picture for secondary schools is more complex. Some schools currently have some level of surplus capacity whilst others admit pupils over their published capacity. Overall numbers in secondary schools will grow from September 2015 onwards as larger cohorts transfer from primary schools, expecting to peak in September 2022 to correspond with the Reception peak seven years earlier. Therefore, the current, apparent spare capacity in Secondary schools will be taken up as primary age pupils already in the system roll through to secondary school. Clearly the number of pupils accessing post-16 provision will be influenced by demographic changes. However, a further consideration is the recent legislation around Raising the Participation Age, which requires 17 and 18 year olds to continue in education or training.
- 3.4. Under the Childcare Act 2006, the LA has a statutory duty to secure sufficient childcare and free Early Years provision for eligible young children. Clearly, the demographic changes outlined above have an impact on Early Years provision first; however, there are recent changes in legislation that are adding to these pressures, particularly the statutory requirement to secure sufficient early education places for eligible 2 year olds. Approximately 40% of two year olds in Warwickshire qualified for this scheme in 2014, a further 1,200 places. The Government plans to increase entitlement for 3 to 4 year olds from 15 to 30 hours per week for working parents from September 2017. This entitlement will require significant growth from the sector to meet demands from the current population. Therefore, further investment and growth will be needed to absorb the impact of housing.

4. Requirements for Contributions

- 4.1. A contribution towards increased education facilities is sought when the predicted impact of a new housing development creates a shortfall in provision.
- 4.2. This is assessed by looking at current capacity and forecast demand using birth data from the health authorities, the school census and data on parental preferences and housing numbers. Where the additional pupil numbers brought to the area may be partly accommodated, the level of contribution requested would be adjusted accordingly. The additional demand, net of any spare capacity that might be available, informs the request for contributions.
- 4.3. Whilst excessive surplus is a problem so too is the lack of a certain level of surplus places to allow for flexibility in the system to meet parental preference, enable in-year transfers and help families moving to an area find a place for each of their children at the same school. The aspirational target for Warwickshire is for the supply of places to exceed demand by approximately 4% with as even a spread across the County as possible. Therefore, maintaining this level of surplus will also be considered when looking at current capacity and the impact of housing development in an area.

5. Key Place Planning Assumptions

- 5.1. Due to the importance of providing sufficient school places, the local authority is required to strategically plan as far in advance as possible. The existence of surplus capacity at a particular point in time does not mean that it will still be available for the duration of the planning period. For example, where there is an increasing birth rate, schools will fill from the youngest year groups up and through the school. Any current spare

capacity in older years groups will clearly be required to accommodate pupils from younger year groups as they progress through the school. It would therefore be unreasonable to assume that any current surplus in older year groups could be used to mitigate the impact of a housing development.

- 5.2. The LA has a statutory duty to meet parental preference wherever possible under Section 86(2) of the School Standards and Framework Act (1998). Whilst Warwickshire generally operates priority areas (sometimes referred to as catchment areas) we are unable to force families to choose a particular school for their children. Priority areas are simply a mechanism to determine who should be offered places at a school in the event that they are oversubscribed. As a result there is complex pattern of movement between priority areas that sees no school take all of its pupils from its own priority area.
- 5.3. As previously explained, if places are available at a school at the time of an application to that school then the admission authority for the school may not refuse to offer a place regardless of where the children live. Once those children have been admitted, they may not be removed from the school.
- 5.4. Families moving to a new development may find that places have been taken by children from further afield. There is no mechanism available (or desirable) to move children attending a school but living outside of the priority area back to their local school. It is therefore important to consider the sufficiency of provision within a reasonable area rather than a single school unless there are no reasonable alternatives.
- 5.5. Reasonable, in this case, may be defined as within the government guidelines on walking distances to school (2 miles for primary age pupils and 3 miles for secondary age pupils) assuming there is a safe walking route. Where pupils are placed at schools further afield than these distances (i.e. where those pupils have not chosen to attend that school but have been allocated a place at that school), the LA would have a duty to fund home to school transport.
- 5.6. In addition to the use of priority areas, the admission system in Warwickshire uses straight line distance from home to school as a 'tie-breaker' when deciding who should be offered places.
- 5.7. On this basis, it is reasonable to assume that, in time, at normal points of transfer (e.g. starting primary or secondary school) children moving to a new development built very near to a school site would gain priority for admission over children living further away. However, it is important to consider the wider, knock-on impact this would have in terms of displacing pupils who would otherwise have been able to attend the school.
- 5.8. It is the LA's view that development should mitigate impacts that arise as direct result of the new development and that displacing pupils from one full school to another should be considered as such even though that other school may not be local to the development site.

6. Site Specific Request - Requirements for Land on the south side of Southam Road, Radford Semele

6.1. **Early Years:** By calculation, WCC would anticipate that 115 homes at 'Land on the south side of Southam Road' could create a demand for 4 children aged 0-4, one of whom might require Nursery Education Funded (NEF) nursery / pre-school provision

6.1.1. Local authorities are required by legislation under the Childcare Act 2006 to secure sufficient free early years provision for eligible young children. All children are entitled to free early education for 15 hours per week for 38 weeks per year from the start of their 3rd birthday until they start school. From 2013, Councils were also required to provide free early education places for eligible 2 year olds for 15 hours per week for 38 weeks per year. In Warwickshire, this equated to approximately 40% of two years qualifying for this entitlement. From September 2017, the entitlement for three and four year olds of working parents will double from 15 to 30 hours per week.

6.1.2. There are currently 3 pre-school/nursery settings within a two mile radius of this development, able to provide places for 82 children (0-4) at any one time. These settings range in the type of provision they provide and the age range of the child they can cater for.

6.1.3. As at February 2016 none of these settings had vacancies.

6.1.4. In the last couple of years 300 homes have been permitted in Radford Semele itself and a further 300 dwellings in the immediate area of Sydenham which could contribute over 80 additional children aged 0-4 to the early years cohort. The pressure on childcare places will also be heightened by the 4,500 dwellings approved along the South Leamington edge and when The Childcare Bill doubles free childcare available for working parents of 3 to 4 year olds to 30 hours in 2017. Therefore, in order to help increase sufficiency of nursery educated funded provision in the area, a contribution is requested towards increasing nursery/pre- school provision within two miles of the development site.

6.2. **Primary:** By calculation, WCC would anticipate that 115 homes at 'Land on the south side of Southam Road' would create a demand for 29 Primary Age children requiring a place at a local primary school.

6.2.1. There are currently four primary schools within a 2 mile safe walking distance of this site. All four schools are at, or close to, capacity and forecast to remain so. None of these schools have the physical space to support expansion.

Table 1

School Name	PAN	Capacity	Sep-17	Sep-18	Sep-19
Radford Semele C.Of E. Primary School	30	210	214	232	246
St. Anthony's Catholic Primary School	30	210	209	209	206
Sydenham Primary School*	60	420*	389	423	421
Clapham Terrace Community Primary	28	196	209	213	215
Total	148	1036	1021	1077	1088

*Growing organically to 2FE

6.2.2. 300 homes permitted in Radford Semele together with the 300 dwellings approved in the Sydenham area could contribute over 150 additional primary pupils over the next three to five years. This demand together with a larger early years cohort moving through into primary education will result in

schools in the vicinity of application W/16/1666 remaining at capacity and therefore unable to accommodate pupils from this development.

6.2.3. There are site constraints to the schools local to this site therefore there will be limitations to the amount of additional accommodation that can be provided particularly considering the level of housing already permitted in the area and the pupil place needs this will create.

6.2.4. **Primary SEN:** It is anticipated that 115 homes could yield at least one primary age children with a Statement of Special Educational Need or Education and Health Care Plan. The rapid growth in housing over the next three to five years is expected to further exacerbate the pressure on the County's Special Schools which are either approaching or at full capacity. Additional provision for pupils with SEN will be needed in both mainstream schools, special schools and resourced provision attached to mainstream settings. Therefore, a contribution is requested towards SEN facilities within South Leamington.

6.2.5. The continued housing development within the village of Radford Semele, outside of that identified in the local plan means that the local schools will be unable to accommodate pupils from this development.

6.2.6. This development could provide land suitable for the provision of increased pupil places within the village, either through the provision of a new primary school or to support the delivery of an Infant Site for the existing Primary School. The current school site could then act as the Junior Phase.

7. Secondary Schools

7.1. By calculation, WCC would anticipate that 115 homes would create a demand for 21 Secondary School places and 4 Post 16 place.

7.2.

7.1.1. There is one secondary school within three miles of this development – Campion Secondary School. Just outside this three mile mark is Myton School. Both schools currently share a catchment area and in the next couple of years will see a significant growth in pupil numbers as a result of larger primary cohorts moving through and the high level of housing anticipated in the area.

7.1.2. Around 5,400 homes have been approved in the South Leamington area in recent years which are likely to impact on Myton and Campion with an expected yield of almost 1000 secondary age pupils and 200 sixth form pupils

Table 2: Campion School/Myton School - estimated number on Roll

School	Year	Age 11-16	Post 16	Total
Campion/Myton	Sep-17	2,057	365	2,422
Campion/Myton	Sep-18	2,175	374	2,549
Campion/Myton	Sep-19	2,269	443	2,712
Campion/Myton	Sep-20	2,378	459	2,837
Campion/Myton	Sep-21	2,481	483	2,964
Campion/Myton	Sep-22	2,649	508	3,157

	Current PAN	Current Capacity 11-16	Current Capacity P16	Total Current Capacity
Campion/Myton	430	2,150	427	2,577
Campion	155	775	100	875
Myton	275	1,375	327	1702

- 7.1.3. As illustrated in Table 2, as the housing builds out it is anticipated that available capacity at Campion School will be utilised over the next couple years and additional pupil places will need to be provided
- 7.1.4. As part of the planned expansion of secondary provision in the Warwick/South Leamington area there is a proposal to expand and remodel Campion School. As part of the project to add capacity to Campion, a contribution is requested towards science and specialist teaching facilities will need to be provided through the refurbishment of existing general teaching spaces.
- 7.1.5. **Secondary SEN:** It is estimated that there could be at least one pupil requiring special education provision. The County's special schools are struggling to cope with the demand for places and this pressure will intensify with the impact of housing. Additional provision for pupils with SEN will be needed in both mainstream schools, special schools and resourced provision attached to mainstream settings. Contribution requested towards the provision of additional SEND learning support facilities at Campion School.

APPENDIX 1

For Information: Sums that will be requested for the period 2015-2017.



Step 5: Calculate final allocations

Step 5a: Allocations per place

The total basic need funding pot (£2.05bn) is divided by the total need for places to give a basic allocation of £11,805.13 per place for primary, with a 25% uplift for secondary (i.e. £14,756.41). These amounts are adjusted to cover differences in building costs by area, with a further 3% London uplift to cover the additional difficulty and cost of procuring new sites and expanding existing sites. The London weighting is a new measure in the 2015-17 allocations.

Weighting multipliers	
2011 location factor for the local authority	0.99
London weighting multiplier	1

Allocations per place		
	Primary	Secondary
Basic	£11,805	£14,756
Weighted	£11,687	£14,609

The DfE allocation to Warwickshire for the period 2015 -2017 is

Primary: £11,687 / place

Secondary: £14,609 / place

These are the sums that Warwickshire requests as developer contributions to the cost of a new school place.

In addition Warwickshire requests the following sums:

Pre-school £11,687 / place – (pre-school places provided as part of the primary school provision)

Post 16 £15,794 / place – The increase in value over a secondary school places reflects the greater space standards applicable to post 16 study3.

SEN
Primary an additional sum of £13,079
Secondary an additional sum of £18,436

The sums for SEN provision are in addition to the cost of a mainstream place and reflect the additional cost of either meeting the needs of pupils with SEN in a mainstream setting or providing a place at a mainstream school.