

Our Ref: DfE/Local Plan/Greater Cambridge

10/12/21

Dear Sir/Madam,

Re: Greater Cambridge Local Plan First Proposals

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

Submission of the Department for Education (DfE)

1. DfE welcomes the opportunity to contribute to the development of planning policy at the local level.
2. We responded to the previous Regulation 18 consultation on the Local Plan in February 2020, and to the Area Action Plan consultation for North East Cambridge in March 2019. I attach these previous consultation responses for your information.
3. The department has approved several free schools currently in the “pre-opening” phase in Cambridgeshire. We aim to deliver schools in suitable locations at the time they are needed. The following representations focus primarily on the delivery of the Cambridge Maths School, though we have also made more general recommendations regarding the proposed climate change and biodiversity policies, and the evidence base to justify developer contributions towards education. For ease of reference, our comments are organised under the relevant section/policy headings.

Section 1 – Vision and Aims

4. The department notes that the plan’s vision focuses on reducing climate impacts while increasing quality of everyday life for communities. New development must minimise carbon emissions and reliance on the private car, create thriving neighbourhoods, increase green space and safeguard heritage and landscapes. We support the strategic aim to provide infrastructure, including educational facilities, in the right places and built at the right time to serve growing communities.
5. Consistent with paragraph 94 of the National Planning Policy Framework, we recommend that the plan adopts a positive approach to new state-funded education facilities in order to deliver on this strategic aim and the plan’s overall vision. All new schools delivered by DfE will be net zero carbon in operation, they make an invaluable contribution to new and existing communities, and (depending on the type of facility) create additional sports provision which can be made

accessible to the wider community. Cambridge Maths School (CMS) in particular will diversify educational opportunities and create jobs, while also delivering on the Local Plan's environmental objectives. This school represents a significant public sector infrastructure investment in Cambridge, providing free state education to the most talented pupils aspiring to careers in STEM sectors.

Policy S/DS: Development strategy

6. We note that the proposed policy direction is to direct development to locations that have the least climate impact, where active and public transport is the natural choice, and where green infrastructure can be delivered alongside new development.
7. The department supports this approach, and would like to emphasise the importance of proactive planning of educational facilities when sites are actively being sought. The Local Plan provides an opportunity to plan strategically for education uses that maximise sustainable transport choices and create an employment pipeline for the Greater Cambridge area.
8. CMS is an approved specialist maths school for up to 200 16-19 year olds. The government has committed to having a maths school in every region, building upon the success of Exeter, King's and the University of Liverpool Maths Schools, which have already opened in partnership with their local universities. The University of Cambridge, Isaac Physics and Cambridge Mathematics are strategic partners to CMS. Please see the attached letters of support from the University of Cambridge and Cambridgeshire County Council.
9. The department has secured a temporary site for CMS at 119 Mill Road, with the intention of opening at reduced capacity until a permanent site can be delivered. This should demonstrate our commitment to opening CMS, and we request that the councils work with us to deliver the permanent school building in the best available location and with minimal delay. The department makes use of permitted development rights where appropriate, but also wishes to explore options for strategic site allocations with the best public transport connectivity, as outlined in our response to the North East Cambridge Area Action Plan consultation. We believe it is in everyone's best interests to deliver CMS in the most sustainable location.
10. If CMS is delivered as a freestanding new build, it will require a site of 0.5 acres (minimum 0.2 acres). Ideally there would be an area of external space but as a sixth form college CMS will not need sports provision/playing fields. If the school is delivered in an existing building, there is a space requirement of 2,450 square metres GIFA.

Policy S/NEC: North East Cambridge

11. In our response to the Area Action Plan consultation for North East Cambridge in 2019, the department suggested that a D1 use (now F1) of the type and specialism described would be complementary to the high tech science park and the university, while fitting well within the proposed residential-led mixed use development. The location close to the new railway station was considered highly suitable for CMS, given the larger-than-local catchment area for the school and the need to encourage sustainable travel choices. We requested that a site be allocated for a school within the larger mixed use allocation.
12. We note that the proposed policy direction for Policy S/NEC includes schools among the necessary infrastructure to be provided. As well as providing new

school places directly linked to the need from housing growth, the councils should have regard to the NPPF requirement to allow for sufficient choice of school places, giving great weight to the need to widen choice in education (para 94). CMS would be instrumental in diversifying educational opportunities for this new community, the rest of Cambridge and the wider sub-region. The local education authority, Cambridgeshire County Council, has provided the attached letter of support, and confirmed they would also consider supporting alternative sites for CMS provided they are equally accessible by public transport and offer equally good connectivity for students travelling from a wide area. If a site for CMS within the NEC allocation were secured, the department would work closely with the councils to ensure the development accorded with the NEC Trip Budget, making sustainable transport the most attractive option for students and staff.

Policy S/AMC: Areas of Major Change

13. While we are interested in delivering the permanent CMS site within the North East Cambridge site if possible, the department is also considering alternative options. Our response to the previous Local Plan consultation requested reference within the site allocation policies for Areas of Major Change to the potential inclusion and acceptability of D1 (now F1) uses. Express support for education use within these policies would create a more positive policy context for education provision.

Policy S/OA: Opportunity Areas

14. The department notes that existing opportunity areas are being carried forward from the existing local plans and two new ones are being created at Newmarket Retail Park and the Beehive Centre. We welcome the recognition that the urban retail landscape is changing and these sites present an opportunity to reimagine these places close to the heart of Cambridge. Please consider education among the potential suitable uses within these areas, subject to other criteria such as active and sustainable travel. Education development can be a complementary use which increases footfall in retail areas that may be struggling to remain viable.

Policy CC/NZ: Net zero carbon buildings

15. The department welcomes the councils' ambitions to deliver net zero carbon buildings. In November 2021 we published a new Output Specification (OS21), outlining how all our school buildings will be net zero carbon in operation.¹ It is unclear at present whether the Local Plan policy will require whole-life net zero carbon (a considerably higher bar than net zero in operation) or only consideration/calculation of embodied carbon.
16. OS21 is broadly aligned with the proposed net zero requirements and other climate change policies, exceeding the requirements in several areas. There will need to be further detail and clarity on some of the requirements. We request flexibility on the assessment methodologies that may be used to demonstrate whole-life carbon and the energy performance gap. To ensure that development is not unnecessarily burdened or delayed, we also recommend flexibility on the application of the requirements so that measures which exceed requirements in some areas may be balanced against marginal under-provision in others, to demonstrate overall compliance. Requiring absolute adherence to each criterion

¹ <https://www.gov.uk/government/publications/output-specification-generic-design-brief-and-technical-annexes>

without any holistic consideration of the merits of development would undermine sound professional and balanced judgement.

Policy BG/BG: Biodiversity and geodiversity

17. It appears that this policy will be more specific and onerous than OS21, so there would be an additional cost to compliance which the councils should carefully consider, both in terms of the cost to the public purse and the knock-on effect on requests for developer contributions to reflect the higher cost of education provision.
18. There may be opportunities for strategic planning of biodiversity net gain on existing education sites, to facilitate new school development and also new housing elsewhere in the Greater Cambridge area. We recommend that you work with Cambridgeshire County Council, further/higher education providers and other partners to explore how the education estate might deliver biodiversity net gain and support sustainable development.

Policy BG/GI: Green Infrastructure

19. As with Policy BG/BG, this policy appears more specific and onerous than OS21, but the strategic outcomes are the same. We request a degree of flexibility and pragmatism in the final drafting of this policy.

Policy BG/PO: Protecting open spaces

20. This policy does not distinguish between public open space and open space on education sites that in most cases is not accessible to the wider community. The plan recognises that in some cases development on open space may be appropriate if it has limited qualities and the development would lead to an overall improvement in quality or quantity. The department welcomes this approach, and recommends that on education sites, the loss of open space is considered on the basis of whether it is still needed (as demonstrated by the applicant) and what mitigations are proposed, such as enhanced quality of remaining open space or more inclusive accessibility.

Policy WS/CF: Community, sports and leisure facilities

21. This policy specifically includes educational facilities. The proposed policy direction is to support development of new facilities in appropriate locations where there is a local need for the facilities, and they are in close proximity to the people they will serve. New or replacement major facilities serving the city, or where appropriate the sub-region, would need to follow the sequential approach to main town centre uses established by national policy, and be located in sustainable, accessible locations.
22. The difficulty with this is that education would not normally be considered a main town centre use, and a new school or college serving a city-wide or sub-regional area (such as CMS) might be pushed towards a city centre location without a genuine justification in national policy. We request that the final policy makes it clear that education facilities serving a wider catchment area will not be considered a town centre use requiring the sequential approach to be applied, but that any such facilities must be located in sustainable, accessible locations.
23. The department welcomes the plan's recognition that easy access to good quality educational provision is important for supporting economic growth, developing strong sustainable communities, promoting economic prosperity and sustaining

quality of life. The plan states that new and replacement facilities should facilitate the growth of the area by providing sufficient capacity to accommodate community need and demand. We request an addition to this, explaining that in some cases this will include wider sub-regional community demand, and that for educational facilities there is a national policy requirement to provide a sufficient choice of school places, which is not necessarily the same as meeting a capacity need within a specific pupil place planning area.

Policy J/NE: New employment development proposals

24. This policy supports employment development in use classes E(g) (office, R&D, light industry), B2 (general industry) and B8 (storage and distribution) particularly in the strategic sites, Areas of Major Change and Opportunity Areas. The department benefits from permitted development rights to change the use of a building/site from a wide range of uses falling in Class E to a state-funded school. While we recognise the intense demand for employment space in Greater Cambridge, we recommend the councils take a pragmatic approach to new employment development which recognises the longer-term ability for E(g) uses to change to education, and the benefits education brings to the local labour market.
25. CMS will create jobs as well as developing a skills pipeline to higher education and industry, focusing specifically on STEM, so this sort of provision should be explicitly supported in the plan. The councils should recognise the long-term benefits of specialist education provision that produces the next generation of business owners and employees in the fields identified in the Employment Land and Economic Development Evidence Study – life sciences, ICT, professional services and advanced manufacturing. We therefore request some flexibility in the policies and site allocations, recognising the direct and indirect employment benefits of education facilities such as CMS.

Policy J/RC: Retail and centres

26. The department welcomes the plan's reference to diversification of uses on high streets potentially improving their appeal to local communities. While education is not necessarily a town centre use, it can lead to significantly increased footfall in struggling retail areas. CMS will have up to 200 students aged 16-19, with a high degree of independence in shopping, eating out and supporting the night-time economy. We recommend that the final policy makes an allowance for education as a use which can support the long-term vibrancy and appeal of town and city centres. This would be consistent with the amended Use Classes Order which allows many town centre uses to be changed to a state-funded school without express planning consent. We recommend that Greater Cambridge policies accept the principles of that legislative framework, rather than attempting to block permitted development rights through Article 4 Directions.

Policy J/FD: Faculty development and specialist/language schools

27. We welcome the proposed policy direction that specialist education facilities will be supported where they make efficient use of land, facilitate active travel, reduce car parking and introduce active frontages at ground floor level.
28. We recommend that the supporting text with this policy makes a distinction between privately operated and state-funded education, in view of the bearing this can have on changes of use under permitted development rights. The department makes use of permitted development rights when appropriate, but also welcomes

the opportunity to work with local planning authorities on comprehensive plans for regeneration and successful place-making, including sustainable transport planning and innovative design. New school buildings will be net zero carbon in operation, as set out in OS21 and referenced elsewhere in this consultation response.

Policy I/ST: Sustainable transport and connectivity

29. The department supports the policy direction but we request that the councils recognise that some uses are justified and important despite generating trips from a wider sub-regional area. The department will comply with policy requirements regarding Transport Assessments and Travel Plans, to minimise the need to travel by car and ensure that public transport is an accessible and appealing option for all students, staff and visitors to CMS. We request that the plan makes it clear that the principle of education infrastructure will be supported, accepting that specialist and further education can draw students from a wider catchment area than local primary and secondary schools. Close proximity to suitable public transport is therefore essential to meeting the plan's carbon reduction objectives.

Policy I/ID: Infrastructure and delivery

30. We note that developers will be required to deliver infrastructure directly or contribute through Section 106, CIL or its successor. We welcome the reference to development creating additional demand for infrastructure and services, so it is reasonable for developers to address these needs to make development sustainable. We have published guidance for local authorities on securing developer contributions for education,² and you will also be aware of Planning Practice Guidance specifically relating to education in the chapters on viability, planning obligations and safe and healthy communities.
31. With regard to the emerging Infrastructure Delivery Plan and Viability Assessment, we can offer the following general advice regarding education.
32. The next version of the Local Plan should seek to identify specific sites (existing or new) which can deliver the school places needed to support growth, based on the latest evidence of identified need and demand in the Infrastructure Delivery Plan. The site allocations 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 indicates this might be necessary. Establishing these requirements within the plan is particularly important for securing sites at an appropriate value when additional land or standalone sites for schools need to be purchased, as DfE 'Basic Need' funding allocations do not factor in the costs of site acquisition.
33. 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. 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

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

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.³

34. 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. The department 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.
35. 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 school places required to meet the increase in demand generated by new developments.
36. The councils should set out education infrastructure requirements additional for the plan period within an Infrastructure Funding Statement⁴. Where additional need for school places will be generated by housing growth, the statement should identify the anticipated CIL and/or 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.
37. 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. The department supports the use of 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.
38. We also request a reference within the Local Plan's policies or supporting text to explain 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

³ PPG on viability and planning obligations: <https://www.gov.uk/government/collections/planning-practice-guidance>

⁴ PPG on Plan-Making: <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

secondary school to ensure that places are available in time to support development coming forward. This helps to demonstrate that the plan is positively prepared and deliverable over its period.

39. The department 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 which may be used to inform local planning policies and CIL charging schedules. As such, please add the department to the database for future consultations on relevant plans and proposals.

Conclusion

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

Yours faithfully,



Liz Pickering MRTPI
Forward Planning Manager

Tel: [Redacted]
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Web: www.gov.uk/df

My ref: HAB/Free Schools
Your ref:

Date: 7 December 2021

Contact: Hazel Belchamber
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Mr Ryan Kelsall
Principal
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Dear Ryan

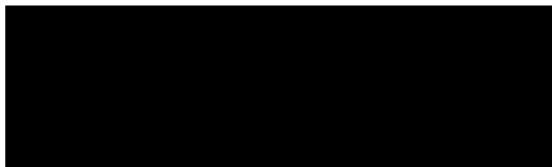
Cambridge Maths School

I am writing on behalf of the Council to confirm our support for securing the site identified for the Cambridge Maths School in the north of the City as its permanent location. The site seems an ideal location in that it:

- is very close the new railway station and also the guided busway, offering easy access for both students and staff via public transport. Use of public transport will support students to further develop their independence; and
- offers connectivity not just into Cambridge but, importantly, a much wider area, helping to reinforce one of the key aims of the Maths School which is to extend opportunities to students from other parts of the county (as well as potentially from other Local Authorities), thus broadening participation and outreach.

Wishing you and your colleagues every success with this exciting, innovative new school.

Regards



Hazel Belchamber
Assistant Director: Education Capital & Place Planning

7th December 2021

I write in my capacity as Senior Pro-Vice-Chancellor in the University of Cambridge to acknowledge the unreserved support of the University of Cambridge for the Cambridge Mathematics School and the need to identify a permanent site for the school.

The Cambridge Mathematics School is a new specialist sixth form being which is developed in partnership with the University of Cambridge. It will open in September 2023 with a focus on pioneering learning and increasing diversity in the field of maths. Temporarily based in Mill Road until a permanent site is identified, the School will welcome 16 to 19-year-old A-Level students from across the East of England, and aims to attract more female students into maths subjects, more students from minority ethnic groups, and more students from socially and educationally disadvantaged backgrounds.

The Eastern Learning Alliance (ELA) - a multi-academy trust with schools across Cambridgeshire and East Anglia – will run the Cambridge Mathematics School, in collaboration with the University of Cambridge. It will offer A-Level maths, further maths, physics, chemistry, biology and computer science, and join a nationwide network of maths schools, one for every region of England, announced by the government.

The principal aim of maths schools is to help prepare more of the UK's most mathematically able students to succeed in maths disciplines at top universities, and address the UK's skills shortage in science, technology, engineering and maths (STEM) subjects.

The School will draw on the University's Widening Participation and outreach experience, in particular the success of [The Millennium Mathematics Project \(MMP\)](#) and its [NRICH](#) programme, which provides free online mathematics resources for ages 3 to 18 - completely free and available to all. The University and Cambridge colleges will work together with the ELA on the project, and materials and learning created through the partnership would be shared with other schools to benefit students across the UK.

Graham Virgo

Our Ref: DfE/Local Plan/Greater Cambridge 2020

21st February 2020

Dear Sir/Madam,

Re: Greater Cambridge 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 growth in housing stock and economic activity due to the City Deal is expected in the Greater Cambridge Area (comprised of Cambridge City Council 'CCC' and South Cambridgeshire District Council 'SCDC'). This will place additional pressure on social infrastructure such as education facilities. The Plan will need to be 'positively prepared' to meet the objectively assessed development needs and infrastructure requirements.
5. DfE welcomes reference within the plan to support the development of appropriate social and community infrastructure within the 'Big Themes' of plan, and specifically at paragraph 4.3.3 regarding the need for provision of infrastructure alongside growth.

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. When new schools are developed, local authorities should seek to safeguard land for new schools and any future expansion where demand indicates this might be necessary, in accordance with Planning Practice Guidance and DfE guidance on securing developer contributions for education.¹ We would be happy to share examples of best practice.
8. CCC and SCDC 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 Development² (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)³, 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. 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 schools⁴ as well as specifically in relation to opening free schools in garden communities.⁵

Specific Comments

Question 36. How should the Local Plan ensure the right infrastructure is provided in line with development?

11. It is positive that the Plan recognises the need for the right infrastructure to be delivered at the right time to avoid undue pressures of new development impacting existing services.

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

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

³ NPPF paragraph 24-27 specifies that this collaborative working should include infrastructure providers.

⁴ <https://www.gov.uk/government/collections/opening-a-free-school>

⁵ <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>

12. DfE has a number of approved Free Schools in the delivery pipeline, for which it will be important that positive safeguarding of land/site allocation and delivery policies are in place to ensure that the necessary school places are able to be delivered.
13. There are three broad policy considerations DfE would suggest in relation to this issue.

Site allocations and safeguarded land

14. At this early stage of the emerging Local Plan site allocations have not yet been drafted. The next version of the Local Plan should seek to identify and/or safeguard specific sites (existing or new) which can deliver the school places needed to support growth, based on the latest evidence of identified need and demand, and the need for choice in education, in the Infrastructure Delivery Plan. The site allocations and/or associated safeguarding policies 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 indicates this might be necessary.

Flexible and positive policy framework

15. It is also important that the policy context for delivering education is not unduly restrictive or onerous, to the extent that it represents a barrier to the delivery of school places, which is required by NPPF paragraph 94. Not only are places required to meet 'basic need', but also to provide sufficient choice of places for children to meet a variety of different educational demands.
16. In relation to this, policies should not seek to prioritise existing or specific proposed uses in preference to D1 use. This is because of the scarcity of land in the Plan area, and the need for infrastructure to be able to be delivered. If sites are protected for other uses and D1 use restricted/prevented, this is likely to lead to the unintended consequence of insufficient infrastructure being able to be delivered. DfE would therefore suggest that the provision of social infrastructure be supported through the Plan. This is discussed further below with regard to specific existing policies in both CCC and SCDC's adopted Local Plans.
17. While it is important to provide the clarity and certainty to developers and the communities affected by development through site allocations and safeguarding, 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 Councils consider highlighting in the next version of the 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.

Developer contributions strategy

18. Where new development generates the need for new school places, developer contributions should be sought.
19. 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 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.
20. Therefore, DfE would suggest specific reference to this, in an infrastructure-specific policy, and/or as part of specific site allocations which are likely to be required to contribute land and construction costs. However, it is important that all developments regardless of whether strategic in scale (but where there is demonstrable impact on the requirement for school places) contributes proportionately thereto.
21. We also request a reference within the Local Plan's policies or supporting text to explain 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 helps to demonstrate that the plan is positively prepared and deliverable over its period.

Development Management Policies

22. Development Management policies should not be unreasonably onerous or costly for the delivery of school expansions or sites. Value for money and efficient and effective use of public funds are clearly important, and the need for timely delivery is also essential. In addition, the educational requirements of prospective pupils are an important focus when considering school layout and design. Therefore, positive and robust yet flexible and creative development management policies regarding issues such as open space, sports provision, community use, biodiversity, design, sustainable drainage, and energy etc. should be considered.

Site Allocations

23. ***Question 2 - Tell us about employment and housing site options***
24. DfE would like to be included as early as possible in discussions on potential site allocations, as there are central wave pipeline free school projects in Greater Cambridge which may be appropriate for specific designation. We would welcome the opportunity to meet with the Council in the near future to discuss these projects. The provision of school places is required to ensure that the needs of existing and future communities are met, as well as widening choice, increasing quality and maximising opportunity through education. Therefore, it is

important that the policy framework ensures the expedient delivery of schools and expansions.

25. In relation to **questions 38-48**, regarding the specific location of development, DfE would request that the infrastructure delivery considerations are assessed as part of determining the overall spatial strategy. This is to ensure that the right sites are able to be brought forward in the right timescales for infrastructure delivery, with as few additional burdens to delivery as possible.

Existing Local Plan Policies

Question 49. Do you have any views on any specific policies in the two adopted 2018 Local Plans? If so, what are they?

26. It is not clear whether the intention is to replace or review existing adopted Local Plan policies. Therefore, the abovementioned points relating to general policy strategy for the provision of education should be considered as the context for the specific policy changes proposed below. If entirely new policies are to be produced, then the below suggestions indicate the direction of travel, as well as the general themes implied above.

Education Policies

27. Education provision through Free Schools seeks to provide not only school places to meet basic need and need generated by new development, but also to enhance choice, improve quality and deliver specialist education provision. Therefore, the following adopted policies relating to education are considered to be out of date in this respect, and not wholly compliant with the NPPF paragraph 94 (which seeks to ensure sufficient choice of school places) nor are the policies positively prepared. Specialist schools are a key opportunity for increasing choice, enhancing opportunity and skills and providing a high quality variety of education provision. As such, some schools may have a wider catchment area, providing a regional education offer rather than just local. This would also be the case for other types of specialist provision, including SEN schools and faith schools.
28. SCDC Policy TI/9 / CCC Policy 74: 'Education Facilities' as adopted, are too narrow to sufficiently support the delivery of Free Schools, in consideration of the specialist provision that they can offer, and the wider catchment associated. The policies are based on a sole Local Authority delivery model which is no longer the way in which schools are delivered.
29. Therefore, we would propose the following changes to the policy wording, in order to fully recognise this nature of provision:

SCDC Policy TI/9:

~~1. Local circumstances, including increasing pressure on provision of places, must be taken into account when assessing proposals for education facilities in order to achieve the most sustainable development. In addition, **New or enhanced education facilities should:**~~

a. Improve the scale, range, quality and accessibility of education provision;

*b. Be appropriately located ~~to~~ for the **existing and future communities** they serve;*

c. **Be delivered and phased appropriately alongside** ~~Mitigate the impact of~~ any associated residential development; and

d. Comply with the strategic objectives of Cambridgeshire County Council, the local Children's Services Authority, **National Policy regarding the delivery of school places** and/or the ambition of the community they serve.

2. The Council will work with the County Council **and the Department for Education** to provide high quality and convenient local education services in all parts of the district, but particularly in areas of population growth.

3. Developers should engage with the Children's Services Authority at the earliest opportunity and work co-operatively to ensure the phasing of residential development and appropriate mitigation is identified in a timely manner to ensure appropriate education provision can be secured.

4. Planning permission will be granted for new education facilities in locations accessible by walking, cycling and public transport, where this will meet an existing deficiency, ~~or~~ support regeneration or new development **or achieve wider educational needs for quality enhancement and/or specialist provision.**

CCC Policy 74: New or enhanced education facilities will be permitted if:

a. the scale, range, quality and accessibility of education facilities are improved;

~~b. they are located in the area they are expected to serve;~~

c. they ~~mitigate the impact of~~ **are delivered and phased appropriately alongside** any associated residential development; and

d. they comply with the strategic objectives of the Children's Services Authority **and National Policy regarding the delivery of school places.**

The Council will work with the Children's Services Authority **and the Department for Education** to provide high quality and convenient local education services in all parts of Cambridge, but particularly in areas of population growth.

Developers should engage with the Children's Services Authority at the earliest opportunity and work cooperatively to ensure the phasing of residential development and appropriate mitigation is identified in a timely manner to ensure appropriate education provision can be secured.

Planning permission will be granted for new education facilities in locations accessible by walking, cycling and public transport, where this will meet an existing deficiency, and support regeneration or new development **or achieve wider educational needs for quality enhancement and/or specialist provision.**

Land Use Policies

30. SCDC Policy E/14: Loss of employment and CCC Policy 41: Protection of business space would prevent employment sites and uses being diversified to provide education uses. We would propose that an additional criterion is added to allow for the change of use to community uses and social infrastructure, without the need for marketing tests or viability evidence. This is to allow for the

positive planning of educational establishments, in areas where land supply can be challenging. The economic and knowledge generating benefits of education provision should be considered from a policy perspective (in terms of meeting the overall aims for sustainable development) and supported through the Local Plan.

31. CCC Policy 11: Development in the City Centre Primary Shopping Area should remove the 70% requirement for A1 uses. The High Street character is changing, and therefore there is a need for planning policy to allow greater flexibility and include further uses which can enhance the town centre, such as education, more freely within the PSA.
32. CCC Site Allocations Policies for Areas of Major Change (including Policy 12: Fitzroy/Burleigh Street/Grafton Area of Major Change and Policy 15: Cambridge Northern Fringe East and new railway station Area of Major Change) do not all currently refer to the potential inclusion or acceptability of D1 uses. We would suggest that D1 uses be more expressly supported in these policies to create a more positive policy context for education provision.

Development Management Policies

33. SCDC Policy SC/8: Protection of Existing Recreation Areas, Allotments and Community Orchards, as drafted, does not differentiate between publicly accessible open space and playing fields, and school playing fields which do not typically have unrestricted access by the public.
34. The NPPF (2019) sets out at paragraph 97 that:

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
35. It is important that the Local Plan allows flexibility to allow the provision of educational facilities, where there is a clear overall benefit in terms of enhanced facilities provision (taking into account local needs), despite a potential limited loss in the quantity of existing facilities, such as a new school providing indoor and outdoor facilities for sport of significantly improved *quality*, accessibility and availability for shared use by the local community (secured through a community use agreement if appropriate). It should be acknowledged that enhancements can take the form of both quality as well as quantity and as such, any quantitative loss may be more than compensated by qualitative enhancements. This flexibility will enable greater benefits to health and wellbeing. Policy SC/8 should be updated to reflect this context.
36. CCC Policy 67: 'Protection of Open Space' includes a relevant caveat for schools, which should be further reworded as follows:

*In the case of school, college and university grounds, development may be permitted where it meets a demonstrable educational need **and it has been demonstrated that the open space is no longer required** ~~and does not adversely affect playing fields or other formal sports provision on the site.~~ Where replacement open space is to be provided in an alternative location, the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.*

37. South Cambridgeshire Policy HQ/2 requires development over 1,000 sq m to provide or contribute to the provision of public art. The delivery of schools should not be burdened by challenging and onerous obligations. These requirements can add not only significant cost to projects (which does not assist in securing value for money) but it can also challenge the construction efficiencies for new schools and significant expansions. The DfE has produced guidelines for mainstream school areas, known as 'BB103'.⁶ It is important that the compliance with BB103 is not hampered by additional demands made on sites at a local policy level. In relation to this, the Educational Building and Development Officers Group (EBDOG) has published Capital Efficiency Guidance (2019) with DfE, and advises against such blanket policy approaches.⁷ Therefore, we would propose that the policy include a caveat to expressly exclude social infrastructure from this requirement.

Forward Funding

38. DfE loans to forward fund schools as part of large residential developments may be of interest, for example if viability becomes an issue. Please see the Developer Loans for Schools prospectus for more information.⁸ 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

39. An up to date Infrastructure Delivery Plan should be developed alongside the next iteration of the Plan, setting out clearly 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 and based on proportionate evidence, and the wider Government policy context relating to the provision of school places to meet both basic need and widen choice in education. It would also be helpful if this related to the Infrastructure Funding Statement⁹ and Cambridgeshire County Council school place planning document, to ensure that the approach is joined up and there is a link between need, delivery and funding requirements (and funding sought) identified. 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.

⁶ Link to BB103 and associated guidance: <https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

⁷ Link to Capital Efficiency Guidance: <https://ebdog.org.uk/article/making-the-most-of-schools-capital-funding/>

⁸ Please see DLS prospectus here: <https://www.gov.uk/government/publications/developer-loans-for-schools-apply-for-a-loan>

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

40. 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. 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.¹⁰
41. Given the significant cross-boundary movement of school pupils between SCDC/CCC and adjoining areas, DfE recommends that the Council covers this matter and progress in cooperating to address it, as well as engagement with Cambridgeshire County Council as part of its Statement of Common Ground.¹¹ 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.

Developer Contributions and Community Infrastructure Levy (CIL)

42. 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 there is no specific reference in the Plan to either existing or proposed Planning Obligations SPD, which should be developed/updated to reflect the new Plan priorities, and that the Councils will consider whether a review CIL rates is required to ensure appropriate rates are levied and the right infrastructure is secured across the borough.
43. 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 which may be used to inform local planning policies and CIL charging schedules. As such, please add DfE to the database for future consultations on relevant plans and proposals.

Conclusion

44. Finally, I hope the above comments are helpful in shaping the Greater Cambridge 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.
45. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with SCDC and CCC to aid in the preparation of a sound Plan.

¹⁰ PPG on viability and planning obligations: <https://www.gov.uk/government/collections/planning-practice-guidance>

¹¹ NPPF paragraph 27; and the PPG on Plan-Making - <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

Yours faithfully,

Phoebe Juggins MRTPI
Forward Planning Manager – South East

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Web: www.gov.uk/dfe

Our Ref: DfE/Local Plan/NE Cambridge

7th March 2019

Dear Sir/Madam,

Re: North East Cambridge Area Action Plan

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 the 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 schools, including sixth form places, 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 do this through a variety of means, including by supporting the adoption of sound local plan policies, site allocations and guidance (all based on robust evidence) that facilitate the delivery of education infrastructure where and when it is needed and maximise developer contributions for schools. In this capacity, we would like to offer the following comments in response to the proposals outlined in the above consultation document.

General Comments on the Area Action Plan Approach to New Schools

3. The DfE notes that significant growth and regeneration is being planned for North East Cambridge through joint development of this area action plan by Cambridge City Council and South Cambridgeshire District Council (referred to as the Councils below). While the number of homes has not yet been defined, a significant growth in housing stock is expected in the area which will place additional pressure on social infrastructure such as education facilities. The area action plan will therefore need to be 'positively prepared' to meet objectively assessed development needs and infrastructure requirements.
4. The DfE welcomes reference within the plan to support the development of appropriate community facilities (section 10) and we note that the councils are in ongoing discussions with service providers on what these needs are.
5. In light of the requirement for all Local Plans to be consistent with national policy, you will have no doubt taken account of key national policies relating to the provision of new school places, but it would be helpful if they were explicitly referenced or signposted within the document. In particular:

- 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).

- The DfE supports the principle of safeguarding land for the provision of new schools to meet government planning policy objectives as set out in paragraph 94 of the NPPF. 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.

- The Councils 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 Development'*¹ (2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

6. Given the above context and the Duty to Cooperate on strategic priorities such as community infrastructure (NPPF para 24-27)², the 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.
7. In planning for schools, the DfE commends, for example, the approach taken by the London Borough of Ealing in producing a Planning for Schools Development Plan Document (DPD, 2016)³. We are not suggesting that the Councils produce a separate DPD as Ealing have done, but we do believe that the systematic approach they have taken is informative for local plans. The DPD provides policy direction, establishes the Council's approach to providing primary and secondary school places and helps to identify sites which may be suitable for providing them (including, where necessary and justified, on Green Belt/MOL), whether by extension to existing schools or on new sites. It includes site allocations as well as policies to safeguard the sites and assist implementation and was adopted in May 2016 as part of the Local Plan. The DPD may provide useful guidance with respect to an evidence based approach to planning for new schools in the emerging AAP, securing site allocations for schools as well as providing example policies to aid delivery through Development Management policies.

Site Allocations

8. Ensuring there is an adequate supply of sites for schools is essential and will ensure that the Cambridge City and South Cambridgeshire District Councils can swiftly and flexibly respond to the existing and future need for school places to meet the needs of the borough over the plan period.
9. At this early stage of the emerging Local Plan site allocations have not yet been drafted. The next version of the Local Plan should seek to identify specific sites (existing or new) which can deliver the school places needed to support growth, based on the latest evidence of identified need and demand in the updated Infrastructure Delivery Plan. The site allocations and/or associated safeguarding policies should also

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

² NPPF paragraph 24-27 specifies that this collaborative working should include infrastructure providers.

³ https://www.ealing.gov.uk/info/201164/local_plans/1961/planning_for_schools_dpd

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 indicates this might be necessary. For an example of the latter, see draft policy CC7 in Milton Keynes's Plan:MK Preferred Option draft from March 2017⁴.

10. These site specific policy requirements need to be set out clearly, informed by robust evidence of infrastructure need, so that they can be accurately accounted for in the viability assessment of the local plan (to ensure that the total cumulative cost of all relevant policies will not undermine deliverability of the plan)⁵, and in the price paid for land by developers and other parties.
11. While it is important to provide clarity and certainty to developers, 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. The DfE therefore recommend the Council consider highlighting in the next version of the Local Plan that:
 - specific requirements for developer contributions to enlargements to 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.
12. The DfE currently has one live central wave pipeline free school project for which a site has been identified in the AAP area: Cambridge Mathematics School, a mainstream sixth form with a specialism in Maths (200 pupils at full capacity). We have identified a site in the south east corner of the AAP area, located immediately west of the new Cambridge North station on vacant land that was formerly railway sidings. The site is central within an area proposed for residential, commercial and business uses.
13. The DfE believe that a D1 use, of the type and specialism proposed here, would be complementary to the high tech science park to the west, as well as the university and would fit in well as a community use within the proposed residential-led mixed use development of the wider site. A school with a Maths specialism will attract pupils from an area wider than the immediate city and district, therefore this location close to the new railway station is considered a highly suitable and sustainable site for this particular school. It will contribute to widening choice in the local education offer, as supported by the NPPF (see paragraph 5 above). To provide certainty around delivery of the school, we request that a site which can be brought forward early, be considered for formal allocation for D1 use to accommodate the proposed school in the next iteration of the AAP. We would be happy to provide further information about the school if required.

Forward Funding

14. In light of proposals for significant mixed use development proposed for NE Cambridge, emerging DfE proposals for forward funding schools as part of large residential developments may be relevant, for example if viability becomes an issue. The DfE aims to be able to clarify forward funding options for schools shortly, following recent

⁴ <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/plan-mk>

⁵ PPG on Viability: <https://www.gov.uk/guidance/viability#viability-and-plan-making>

approval from Treasury. We would be happy to meet to discuss this opportunity further once details of the plans for the area, including requirements for new schools, have been progressed. 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.

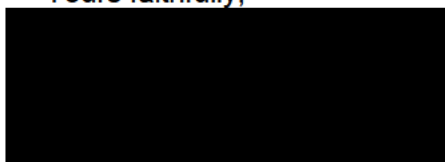
Developer Contributions and CIL

15. One of the tests of soundness is that a Local Plan is 'effective' i.e. 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. The DfE notes that neither Cambridge City Council or South Cambridgeshire District Council currently have adopted a Community Infrastructure Levy; rather the Councils intend, through the AAP, to put in place a Section 106 regime specific to the area "*to ensure all proposed developments across NEC contribute equitably to the provision and/or funding of all appropriate infrastructure requirements*" (para 12.4). The DfE broadly support this approach to ensuring developer contributions address the impacts arising from growth.
16. The council should set out education infrastructure requirements for the plan period within an Infrastructure Funding Statement⁶. Where additional need for school places will be generated by housing growth, the statement should identify the anticipated section 106 funding towards this infrastructure. The statement should be reviewed annually to update the schedule and phasing of infrastructure requirements and report on the amount of funding received via developer contributions and how it has been used, providing transparency to all stakeholders.
17. The DfE would be particularly interested in responding to any update to the Infrastructure Delivery Plan or review of infrastructure requirements, which will inform any emerging CIL and/or amendments to the Regulation 123 list. As such, please add the DfE to the database for future CIL consultations.

Conclusion

18. Finally, I hope the above comments are helpful in shaping the NE Cambridge Area Action Plan, with specific regard to the provision of land for schools.
19. Please do not hesitate to contact me if you have any queries regarding this response. The DfE looks forward to continuing to work with Cambridge City Council and South Cambridgeshire District Council to aid in the preparation of a sound Area Action Plan.

Yours faithfully,



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⁶ PPG on Plan-Making: <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>