

Planning Inquiry

Town and County Planning Act 1990 (as amended)

Appeal Reference: APP/K1935/W/20/3255692

Local Planning Authority Reference: 19/00474/FPM

Proof of Evidence

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QUALIFICATIONS AND EXPERIENCE

My name is Kate Ma and I am a Senior School Planning Officer working in the Children's Services Directorate of Hertfordshire County Council, responsible for planning school places in the eastern half of the County. I have an MBA and have over 17 years of experience in the field of school planning.

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1. Introduction

- 1.1 This proof of evidence addresses the current and forecast primary education capacity levels in Stevenage.
- 1.2 My evidence for this Inquiry draws upon material submitted to Stevenage Borough Council (SBC) in response to the planning application consultation and Appendix 3 of Stevenage Borough Council's Statement of Case (submitted to the Planning Inspectorate on 5 March 2021).
- 1.3 It should also be read in conjunction with the Proof of Evidence of Dan Hardy, which deals with the methodology which has been used to calculate the pupil yield arising from this development, and the Proof of Evidence of Antony Proietti which deals with the planning context and justification for the education contributions.

2. Statutory Responsibilities for School Place Planning

- 2.1 Under section 14 of the 1996 Education Act (**Appendix 1**), local authorities must ensure there are sufficient school places to provide primary and secondary education to serve their area. It is the Council's role to plan and commission the right number of school places in a way that raises standards, manages supply and demand and creates a diverse infrastructure.
- 2.2 By virtue of the 2006 Education and Inspections Act and the 2011 Education Act, the Local Authority's role in the provision of school places is that of a commissioner of places rather than a provider, with proposals to establish new schools subject to open competition and the expectation that all new schools should be Academies (which includes 'Free Schools').
- 2.3 Schools have a variety of governance arrangements. Hertfordshire County Council is only the admitting authority for Community and Voluntary Controlled Schools. Others, such as Voluntary Aided, Foundation Schools as well as Free Schools and Academies, are their own admitting authorities.
- 2.4 Within this greater autonomy in the 'education market', the Local Authority retains the statutory responsibility to ensure there are sufficient places available for every child and therefore, in its role as commissioner, must work in partnership with providers to deliver sufficient school places, rather than impose solutions on them. It must also secure developer contributions and infrastructure requirements to support that provision, mindful that it must do so in a manner that does not prejudice the outcome of any statutory consultation.

- 2.5 The Education Act 1996 as amended by Part 6 of the Education and Inspections Act 2006 also places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by s44 (5) of the Education Act 2006 at two miles for under-eights and three miles for those over eight years old. Distances are measured by way of the shortest available walking route. The legal definition of an 'available route' is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.
- 2.6 Section 508A of the Education Act 1996 further places a general duty on the County Council to promote the use of sustainable travel and transport. The Act defines sustainable modes of travel as those that the local authority considers may improve the physical well-being of those who use them, the environmental well-being of all or part of the local authority's area or a combination of the two.

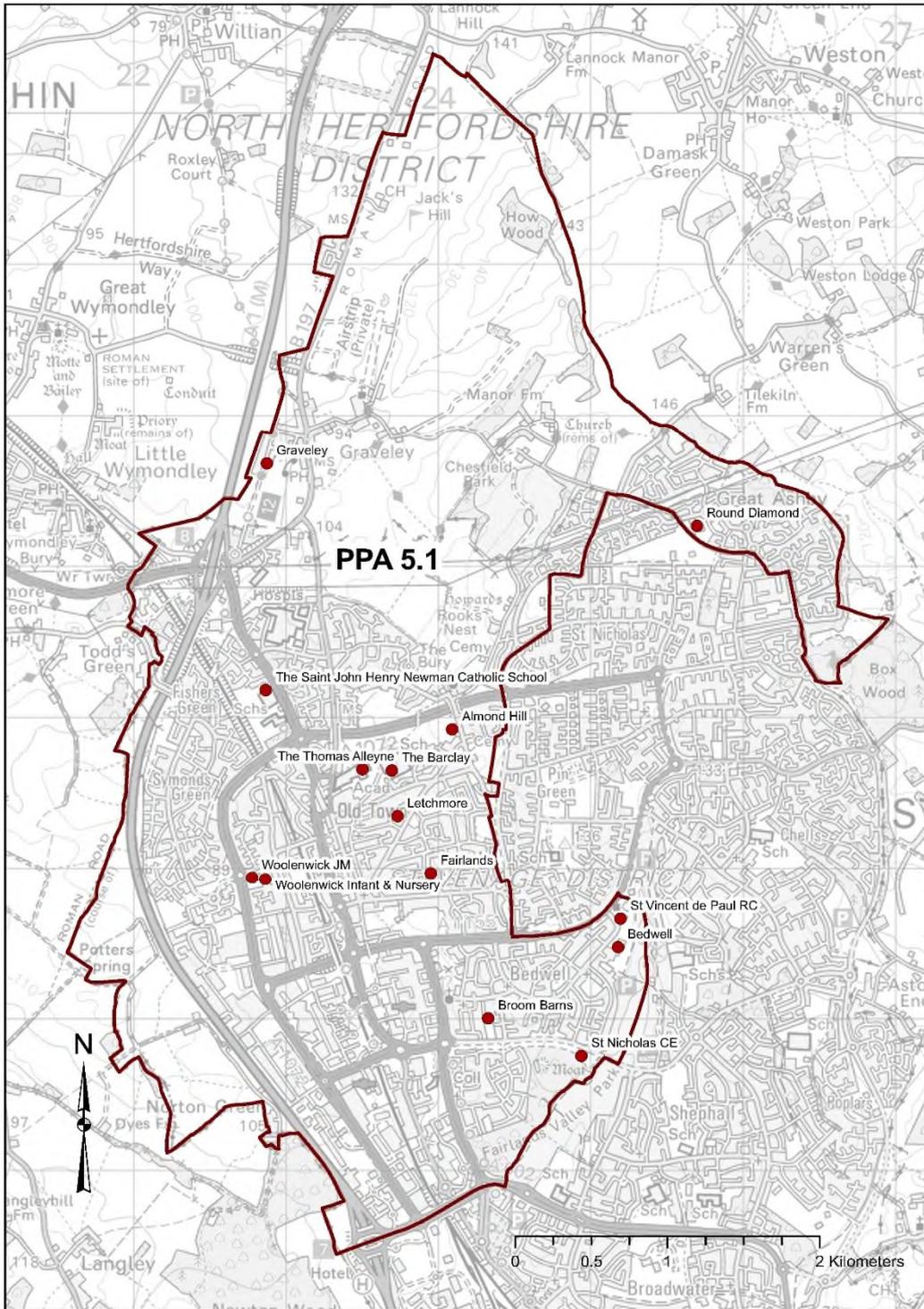
3. Planning for School Places

- 3.1 The County Council is the Local Authority with the statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places to meet the needs of its population. This provision includes nursery, primary, secondary and sixth-form education and special needs services and facilities.
- 3.2 The capacity of local schools is an important part of the process of determining need for contributions alongside the level of demand for school places arising from the local community which is informed by the County Council's pupil forecasts. The County Council plans for sufficient school places close to where children live both to encourage community cohesion and to facilitate children walking or cycling to school in their local neighbourhood.
- 3.3 The primary pupil forecasts project four years into the future, beyond which children are not yet born. These forecasts are informed by the numbers of pre-school aged children registered with GP surgeries as living in the area and take account of historic migration patterns as well as an assumed pupil demand from new housing expected to be built, occupied and yielding new pupils who are likely to seek a school place within the forecast period.
- 3.4 The forecast information is used, along with other data, to assess whether there is sufficient capacity in local schools to cater for the pupil yield from new development. If there is considered to be insufficient capacity in local schools to cater for new development, an assessment is made of the expansion potential of local schools. This is informed by advice from the County Council's Property Service on town planning, highways & site size constraints around

whether an existing school site is likely to achieve a planning consent for physical expansion. If the need cannot be met from within existing local capacity and/or expansion potential identified, then appropriate financial contributions from developers are sought to mitigate the impact of the proposed new housing development.

- 3.5 Hertfordshire County Council forecasts primary education demand by Primary Planning Area (PPA). Stevenage is split into planning areas and the relevant planning area for this development and the town centre area is 5.1 Stevenage North West which has eleven primary schools (including two infant and junior schools). The PPA 5.1 area is set out in Map 1 below.

Map 1: Pupil Planning Area 5.1 – Stevenage North West Map



3.6 The closest existing primary schools to the Land West of Lytton Way development site are Fairlands Primary School (0.5 mile walking distance),

Letchmore Infants School (0.6 mile walking distance), Woolenwick Infant and Junior School (0.7 mile walking distance) and Broom Barns Primary School (1 mile walking distance). Historically, all these schools have been full at Reception, although there is some space in Reception in this current academic year. When looking specifically at the Stevenage North West PPA, Latest data of pre-school aged children obtained from GP registrations (Spring 2021 data) indicates more 0-4 year olds residing in this area than the number of reception places available.

| | | Count of Pre-school aged cohort and the year they would seek a Reception place | | | |
|------------|-----------------------------------|---|----------------|----------------|----------------|
| PPA | Reception places available | 2021/22 | 2022/23 | 2023/24 | 2024/25 |
| 5.1 | 421 | 466 | 444 | 461 | 445 |

- 3.7 It also shows that the existing numbers in each pre-school aged cohort are fairly consistent across the next four years; the population is not reducing in size and as such, additional yield from new housing will add further demand on places in the area.
- 3.8 The current pupil forecast (summer 2020/21) for the Stevenage North West PPA is shown below.

| 5.1 Stevenage North West | | | | | | | | | | |
|---|--|------------------|------------|------------|------------|------------|-------------|-------------|-------------|--------------|
| School Code | School Name | Places Available | Actuals | | | | Forecast | | | |
| | | | 2020-21 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2020-21 | 2021-22 | 2022-23 |
| 2109 | Letchmore Infants' and Nursery School | 90 | 89 | 88 | 89 | 87 | | | | |
| 2110 | Fairlands Primary School | 90 | 85 | 88 | 90 | 76 | | | | |
| 2169 | Broom Barns Community Primary School | 30 | 30 | 29 | 30 | 30 | | | | |
| 2188 | Bedwell Primary School | 45 | 33 | 25 | 29 | 29 | | | | |
| 2406 | Woolenwick Infant and Nursery School | 60 | 60 | 60 | 59 | 60 | | | | |
| 3018 | Graveley Primary School | 16 | 8 | 16 | 16 | 10 | | | | |
| 3369 | St Nicholas CofE (VA) Primary School and Nursery | 30 | 27 | 30 | 30 | 29 | | | | |
| 3977 | Saint Vincent de Paul Catholic Primary School | 60 | 58 | 55 | 59 | 57 | | | | |
| Total Year R Pupil Demand | | | 390 | 391 | 402 | 378 | 388 | 388 | 390 | 377 |
| Total Year R Places Available | | 421 | | | | | 421 | 421 | 421 | 421 |
| Surplus or Shortage of Year R Places (No.) | | | | | | | 33 | 33 | 31 | 44 |
| Surplus or Shortage of Year R Places (%) | | | | | | | 7.8% | 7.8% | 7.4% | 10.5% |
| Surplus or Shortage of Year R Places (FE) | | | | | | | 1.1 | 1.1 | 1.0 | 1.5 |

- 3.9 The forecast above shows surplus capacity of between 7% and 10%. Fluctuations in demand are expected as the population ebbs and flows, and the county council would always plan for a small level of surplus to allow for both

these fluctuations in demand and parental preference. Not all unfilled school places should be considered “surplus”. The National Audit Office recognises that some spare school capacity is necessary to provide some flexibility for parental preference. The 2013 *National Audit Office report Capital Funding for New School Places (Appendix 2)* confirms that the Department for Education (DfE) considers it “reasonable for authorities to aim for between 5 and 10 per cent primary surplus to allow them some opportunity to respond to parental choice” (para 1.17) and that 5% is “the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools” (para 1.16).

- 3.10 Whilst the forecast does demonstrate a limited surplus of places forecast within the Stevenage North West PPA, this forecast demand does not take account of the full level of housing growth proposed within the SBC Local Plan beyond immediate new development.
- 3.11 As outlined in 3.3 above, the primary forecasts are based on actual children and therefore only project four years into the future. They also take account of an assumed pupil yield arising from new housing anticipated to be approved and built and occupied within the forecast timeframe. As a result, they do not capture in full the significant scale of proposed or planned housing growth beyond this period or the anticipated pupil demand from it.
- 3.12 A total of 1268 new dwellings are included in the PPA 5.1 within the summer term 2020 primary forecast assumed to be built out and occupied by 2025. The following proposed housing sites are included within the current primary forecast:

| Proposed housing development included in Summer 2020 primary forecast in 5.1 PPA | Number of dwellings |
|---|----------------------------|
| Park Place (17/00846/FP) | 9 |
| Matalan (14/00559/OPM) | 526 |
| Six Hills House (16/00482/FPM) | 64 |
| 85-103 Queensway (18/00393/CPA) | 2 |
| 85-103 Queensway (18/00390/FP) | 8 |
| 85-103 Queensway (18/00386/CPA) | 11 |
| 85-103 Queensway (18/00268/FPM) | 94 |
| Land North of Stevenage | 160 |

| | |
|---|-------------|
| Land west of North Road | 30 |
| Longfield Fire & Rescue service (12/00547/OPM) | 95 |
| Town Centre Stevenage (07/00810/OP) | 120 |
| Other single or small developments (total) | 149 |
| TOTAL | 1268 |

3.13 There are circa 5,000 new homes proposed in the immediate area local to the Land West of Lytton Way development. The table below includes known new development sites with planning permission, current planning applications as well as proposed site allocations.

| Site name | Number of dwellings |
|--|----------------------------|
| Sites with planning permission granted | |
| Park Place (16/00511/FPM) | 202 |
| Matalan (14/00559/OPM)* | 526 |
| Six Hills House (16/00482/FPM)* | 64 |
| 85-103 Queensway (18/00268/FPM)* | 94 |
| 7 The Forum (19/00647/FPM)** excl. studio flats | 249 |
| SG1 (19/00743/FPM)* excl. BtR/studio flats | 1470 |
| Sites with planning application submitted | |
| Kings Court, London Road (19/00684/FPM) | 71 |
| ICON (19/00474/FPM) | 556 |
| Maxwell Road (19/00062/OPM) | 88 |
| | |
| No planning application as yet | |

| | |
|--|-------------|
| Marshgate Car Park (19/00540/PREAPP) | 300 |
| 77 - 83 Queensway (19/00546/PreApp) | 96 |
| 60a-80 Queensway (pre-app) | 40 |
| Stevenage Central (Leisure Park) Local Plan allocation | 1000 |
| 11 The Forum (pre-app) | 196 |
| Brent Court (pre-app) | 78 |
| TOTAL | 5030 |

** Included in HCC's primary pupil forecast (summer 2020)*

*** Subject completion of a S106 Legal Agreement*

- 3.14 Only three developments within the table above are included in the primary pupil forecasts. None of the additional pupil yield from other development is taken account of within the primary forecasts. This scale of new housing from over 5000 new dwellings is anticipated to yield cumulatively over 2.5 forms of entry (fe) of additional demand for primary school places. This level of anticipated demand cannot be accommodated within the current surplus available places in the existing schools and therefore additional capacity is required to ensure every child is able to access a local school place.
- 3.15 The closest existing primary schools to the development on Land West of Lytton Way (i.e. those described at paragraph 3.6 above) are full or have little spare capacity and cannot be relied upon to meet the pupil yield arising from all the new housing proposed in and around Stevenage town centre.
- 3.16 With insufficient capacity within the existing primary schools in close proximity to the town centre to meet the anticipated demand from the new housing arising within and around the edge of Stevenage town centre, which includes this development, Hertfordshire County Council's strategy is to establish a new 2fe primary school within the town centre to meet the pupil demand from these new developments. The site of this new primary school is approximately 0.8 miles walking distance from the Land West of Lytton Way development site.
- 3.17 The requirement for a new primary school to serve the wider Stevenage town centre area is set out within Policy TC2: Southgate Park Major Opportunity Area (Stevenage Borough Council Local Plan, adopted May 2019):

'Within the Southgate Park Major Opportunity Area, as defined on the Policies map, planning permission will be granted for:

e. A new primary school on the Eastgate car park'

- 3.18 Furthermore, paragraph 7.26 (of the Stevenage Borough Council Local Plan, adopted May 2019) notes that the purpose of this new primary school is to mitigate the additional growth within Stevenage town centre and the wider area:

'A new primary school, in a suitable urban (as opposed to edge-of-town) form, will be located on the Borough Council's current Southgate car park to serve the needs not only of the new Southgate Park residents but also of the larger new residential community proposed in and around Stevenage Central.'

- 3.19 The requirement for a new primary school in Stevenage town centre to serve the wider area is also set out in paragraphs 9.11 and 9.12 of the Stevenage Borough Council Developer Contributions Supplementary Planning Document (adopted March 2021). These state that:

'With the Town Centre regeneration and many private schemes being proposed and brought forward in the area, a new demand for education is being created. Land for a 2-Form Entry primary school is being provided within the Town Centre. This facility will be used to meet the needs of the majority of new developments in the surrounding area, not just the Town Centre (as defined in the Local Plan). This is because of the lack of alternative schools nearby, the lack of future capacity within these schools and in the wider area, and also the lack of ability for those schools to expand due to constraints on-site as identified by HCC.' (paragraph 9.11)

'As such, it is likely that HCC will seek financial contributions towards build costs and purchasing land for the Town Centre school from nearby development where they can demonstrate that pupils arising from those developments will place demand on Town Centre education.' (paragraph 9.12)

- 3.20 Given that the development at Land West of Lytton Way falls within this area, and the fact that pupils arising from this development will place demand on Town Centre provision, s106 contributions are sought towards this project.
- 3.21 This new 2fe primary school was part of the planning application 19/00743/FPM (for the site known as 'SG1'), which has recently been granted planning permission subject to the signing of a S106 legal agreement, which is sufficiently progressed. With the granting of the

planning permission for the SG1 development there is further certainty and therefore deliverability of the new town centre primary school.

- 3.22 HCC's primary education strategy for the area already identifies the need for a new primary school as the only existing schools in the town with expansion potential are located some distance away. Two primary schools have identified expansion potential within 2 miles of the development site (Broom Barnes and Bedwell Primary), offering a potential 1.5fe of additional capacity between them. Trotts Hill Primary School (1.6 miles) would only have expansion capacity if the adjacent Elderly Persons Facility was relocated to provide it with sufficient site area to enable it to increase in size. There is therefore no immediate expansion capacity available at this school site.
- 3.23 Whilst there is some capacity in a number of existing primary schools in the town, these are not the nearest to the Lytton Way development and, with other planned new housing sites proposed closer to these schools the residents of which would live nearer, those families would therefore have a higher priority based on distance criteria for a place over families from the West of Lytton Way development.
- 3.24 Notwithstanding this, there are already more pupils living in the north of Stevenage than there are Reception places available. Although a number of families living in the 5.1 PPA currently choose a school place outside the PPA, the schools closest to the development are full or almost full. The proposed scale of new housing, the majority of which is not taken into account within the forecasts (as outlined in 3.11 to 3.13), will put further pressure on the need for places in the future.
- 3.25 In my view there is insufficient capacity within the existing schools to cater for the demand from the existing community evidenced in the GP registration data of pre-school aged children and the anticipated new pupils arising from the housing schemes already approved come forward. Therefore, contributions are sought towards the new primary school within the town centre which the county council plans to establish to meet demand from new development in the area so as to ensure it is able to fulfil its statutory duty to ensure sufficient school places are available for the residents within its area.

4. Conclusions

- 4.1 For the reasons above, in my view there is currently insufficient spare primary education capacity in the area to accommodate the proposed development and it will place demand on town centre education and the new primary school proposed for the town centre.

5. DECLARATIONS

5.1 I am employed by Hertfordshire County Council.

Statement of Truth

5.2 I confirm that, in so far as the facts stated in my Evidence, are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions expressed represent my true and complete professional opinion.

Declaration

5.3 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matters which would affect the validity of those opinions.

5.4 I can confirm that my duty to the Planning Inspector as an Expert Witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.

5.5 I confirm that I am not instructed under any conditional fee arrangement.

5.6 I can confirm that I have no conflicts of interest of any kind.

Appendix 1

Legislation

Education Act 1996 section 14

14 Functions in respect of provision of primary and secondary schools.

(1) A local authority shall secure that sufficient schools for providing—

(a) primary education, and

(b) education that is secondary education by virtue of section 2(2)(a),
are available for their area.

(2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

(3) In subsection (2) “appropriate education” means education which offers such variety of instruction and training as may be desirable in view of—

(a) the pupils’ different ages, abilities and aptitudes, and

(b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.

(3A) A local authority in England shall exercise their functions under this section with a view to—

(a) securing diversity in the provision of schools, and

(b) increasing opportunities for parental choice.

(4) A local authority is not by virtue of subsection (1)(a) under any duty in respect of children under compulsory school age.

(4A) A local authority for an area in Wales may secure that regional schools for providing—

(a) primary education, and

(b) education that is secondary education by virtue of section 2(2)(a),
are available for Wales or any part of Wales that includes the area of the authority.

(4B) For this purpose a “regional school”, in relation to a local authority, is a school maintained by that authority which provides education to meet both—

(a) the needs of pupils with particular special educational needs in their area, and

(b) the needs of such pupils in the rest, or any other part, of Wales, whether or not the institution also provides education suitable to the requirements of other pupils.

(6) In exercising their functions under this section, a local authority shall in particular have regard to—

(a) the need for securing that primary and secondary education are provided in separate schools;

(b) the need for securing that special educational provision is made for pupils who have special educational needs; and

(c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.

(7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

Appendix 2

Extract from: 2013 National Audit Office report Capital Funding for New School Places

Meeting the overall need for school places

1.16 The Department compiled its estimate of places required by examining local authorities' forecast data for pupil numbers in 2014/15 and existing capacity in May 2010

in each authority, and, for county councils, for each district within that authority. It then calculated the number of extra places needed to achieve a surplus of places of at least 5 per cent in each authority or district. The Department adopted this planning assumption in the context of a challenging spending review when preparing its funding

bid to HM Treasury. It considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools. As at September 2010, 37 of 152 authorities were forecasting a surplus of primary places of below 5 per cent by 2014/15

without any spending on new places, while another 62 would be in deficit, with fewer primary places than children.

1.17 The Department's overall framework for supporting the delivery of new school places is not fully aligned with its twin objectives of ensuring that there is a place for each child and some spare capacity to facilitate parental choice. Local authorities' statutory duty to provide sufficient schools does not require them to maintain surplus capacity for parental choice. Although the Department issued guidance in June 2009 that it was reasonable for authorities to aim for between 5 and 10 per cent primary surplus to allow them some opportunity to respond to parental choice, it did not subsequently communicate to authorities its September 2010 figure of a minimum of 5 per cent surplus. This is because this was a planning assumption, rather than a target

it expected authorities to meet. The Department recognises that it needs to undertake

work to identify whether its assumption realistically enables parental choice.

[https://www.nao.org.uk/wp-content/uploads/2013/03/10089-001 Capital-funding-for-new-school-places.pdf](https://www.nao.org.uk/wp-content/uploads/2013/03/10089-001_Capital-funding-for-new-school-places.pdf)