



# Education Impact & Mitigation Assessment<sup>®</sup>

## Land at Carrow Works, Norwich

Client: Fuel Properties (Norwich)

Report By: Oliver Nicholson, Strategy Director

Document Date: 24<sup>th</sup> February 2023

Document Version: 1-0

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## 1. Introduction

### 1.1. Report Purpose & Scope

1.1.1. EHP Consultants has been asked to consider the proposed development (the 'Site') for its likely impact on education places in the local area.

1.1.2. The purpose of this report is to act as a principal point of reference for future discussions with the relevant local authority to assist in the negotiation of education-specific mitigation and the potential, associated planning obligations pertaining to the Site.

1.1.3. This Education Impact & Mitigation Assessment includes an analysis of the development with regards to its likely impact on local education places.

### 1.2. Intended Audience

1.2.1. This version of the Education Impact & Mitigation Assessment is intended for the client team and made be shared with the local planning authority and local education authority.

### 1.3. Research Sources

1.3.1. The contents of this Report are based on publicly available information, including data from central government and any relevant local planning authorities and any relevant local education authorities.

### 1.4. Research & Analysis

1.4.1. Research for this Education Impact & Mitigation Assessment was carried out during 2022 and early 2023.

1.4.2. Research has been conducted regarding the current position within local schools, current local policy on developer contributions and an analysis of the forecasts regarding local education provision in the public domain.

1.4.3. Norfolk County Council ('NCC') produces school forecasts when assessing the impacts of residential developments on school places.

1.4.4. For the purposes of this Report we have used school forecasts from NCC.

1.4.5. Other data and related information for use within this Education Impact & Mitigation Assessment was requested via the submission of Freedom of Information ('FOI') requests to NCC. Our commentary regarding the relevance of this data and related information is also set out within this Assessment.

## 1.5. Community Infrastructure Levy Regulations

1.5.1. The Community Infrastructure Levy ('the levy') Regulations came into force in April 2010. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site-specific impact mitigation requirements without which a development should not be granted planning permission.

1.5.2. However, in order to ensure that planning obligations and the levy can operate in a complementary way and the purposes of the two regimes are clarified, the regulations scale back the way planning obligations operate. Limitations are placed on the use of planning obligations in three respects.

1.5.3. The first of these, which is the relevant consideration in this matter, is putting the Government's policy tests on the use of planning obligations set out in Circular 5/05 Planning Obligations on a statutory basis for developments that are capable of being charged the levy.

1.5.4. The regulations place into law for the first time the Government's policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the levy and provide a stronger basis to dispute planning obligations policies, or practice, that breach these criteria. This seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to use of the levy.

1.5.5. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- a) necessary to make the development acceptable in planning terms; and
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

1.5.6. The above tests are set out as statutory tests in [regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework at [paragraph 57](#). These tests apply whether or not there is a levy charging schedule for the area.

1.5.7. From 1<sup>st</sup> September 2019 revised regulations came into force and these, amongst other things, introduced a requirement on CIL charging authorities to produce an annual statement regarding sums received both through CIL and planning obligations.

1.5.8. These regulations also removed the limit of pooling no more than 5 planning obligations towards one item of infrastructure, which had been a particular issue with regards to the provision of education infrastructure.

## 1.6. Department for Education Guidance on Planning Obligations

1.6.1. In April 2019 the Department for Education ('DfE') published a non-statutory guidance document titled "Securing Developer Contributions for Education". This guidance was updated by the DfE in November 2019.

1.6.2. This DfE document is non-statutory guidance for local authorities regarding seeking planning obligations towards education provision from residential development.

1.6.3. Whilst this DfE document is non-statutory, it is important to consider elements of this guidance as they would carry some weight in a planning context.

1.6.4. The purpose of the DfE guidance is underpinned by four principles, as set out below:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Pupil yield factors should be based on up-to-date evidence from recent housing developments;
- Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information;
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

[Source: DfE Securing Developer Contributions for Education (November 2019), at Appendix EHP01]

1.6.5. However, it should be noted that nothing within this non-statutory guidance supersedes the tests set out in section 1.5 above.

## 2. Setting the Context for Local School Place Planning

### 2.1. Norfolk County Council's Duty to Secure Sufficient School Places

2.1.1. The Site lies within the primary and secondary designated catchment areas for schools for which the local education authority is Norfolk County Council ('NCC').

2.1.2. The Education Act 1996 (as amended) provides in section 14(1):

*"A local education authority shall secure that sufficient schools for providing – (a) primary education and (b) secondary education ... are available for their area".*

2.1.3. The Education Act does not state it is the duty of a local education authority to ensure that there are sufficient school places at the catchment area school for all children residing within that particular school's catchment area.

2.1.4. The Education Act simply states that the education authority must provide school education appropriate to the requirements of pupils for its area. In the case of NCC that is the area defined as the county of Hampshire.

2.1.5. This duty applies in relation to all the children in the local education authority area, whether they have lived there all their lives or have just moved into a new development.

2.1.6. The residential component of the proposed development will include family housing. Family housing often includes school age children who will seek to enrol in local schools. Those schools may or may not be sufficient to accommodate these children without the need for additional capacity to be provided.

### 2.2. School Organisation

2.2.1. The year of entry into primary schools is known as Year R, when children are typically 5 years of age. The year of entry into secondary schools is known as Year 7, when children are typically 11 years of age, with the exception of studio colleges or university technical colleges ('UTCs') whose year of entry is typically Year 10 when children will be 14 years old.

2.2.2. Education is compulsory for children up until the age of 16, equivalent to Year 11; hence there are 5 year groups at secondary school. The sixth form year groups are known as Years 12 and 13 respectively. Not all secondary schools offer sixth form education.

2.2.3. All schools have a Published Admissions Number ('PAN') which indicates the number of pupils the school can take in each year group. If this number is then multiplied by the number of year groups at the school, this gives an indicative capacity of the numbers that the school can theoretically accept.

2.2.4. School capacity is often measured in terms of forms of entry ('FE'). A single class can typically accommodate up to 30 children. The Number on Roll ('NOR') is the number of children at a school.

2.2.5. Reception is the year of entry to primary school and is often referred to as "Year R". The subsequent year groups are often referred to as "Year 1" to "Year 6" respectively.

2.2.6. As primary schools have 7 year groups, a 2FE primary school would have capacity for 420 children [*calculation*:  $30 \times 7 \times 2 = 420$ ]; with 1FE of primary education provision equating to 210 primary school places.

2.2.7. Similarly, as secondary schools have 5 year groups, a 6FE secondary school would have capacity for 900 pupils aged 11-16 [*calculation*:  $30 \times 5 \times 6 = 900$ ]; with 1FE of secondary education provision equating to 150 secondary school places.

### 2.3. Walking Distance to School

2.3.1. Two miles is considered the maximum reasonable statutory walking distance to school for children aged 8 and under, and three miles for those over 8 years of age, as indicated by the Department for Education in its document “Home to school travel and transport guidance” [*source*: Appendix EHP02].

### 2.4. Patterns of Pupil Migration

2.4.1. There is likely to be movement of children between respective schools’ catchment areas, pseudo-catchment areas (based on furthest distances of places offered), designated areas, or priority areas. This movement of children due to parental preference and other factors is often referred to as “inflow” and “outflow”.

### 2.5. The Role of School Forecasts in School Place Planning

2.5.1. Each Local Education Authority (‘LEA’) is obliged to provide annual school forecasts to the DfE.

2.5.2. The DfE provides detailed guidance to LEAs to help ensure that school forecasts are as accurate as possible and makes the following request with regards to how LEAs treat housing developments within their forecasts:

*“One situation where you may wish to manually adjust your forecasts is to account for inflow of pupils due to new housing being built. Housing developments can have a big impact on the demand for places in individual planning areas, or across entire local authorities.*

*The pupil forecasts you submit in SCAP should only include expected pupil yields from housing developments that have a high probability of being delivered within the timeframe of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast’s timeframe, we expect that development to be present in the relevant planning authority’s latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by reviewing evidence on the site’s deliverability and assessing delivery against previous 5-year land supply plans in the relevant planning authority.”*

[*Source*: DfE Guide to School Forecasting, at Appendix EHP03]

### 3. The Site

#### 3.1. Proposed Development Locations

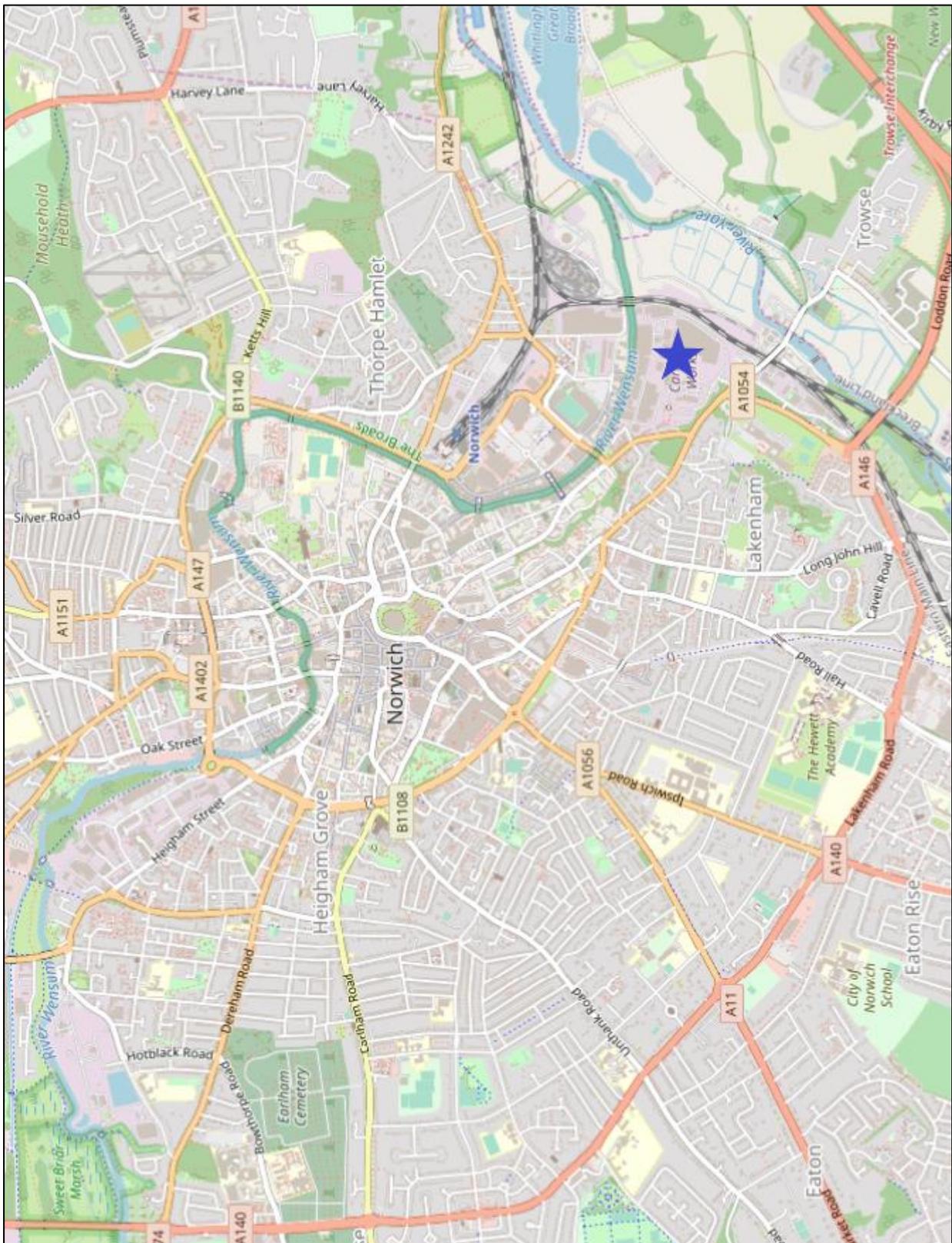
3.1.1. The proposed development site (the 'Site') in Norwich lies within the planning remit of Norwich City Council ('NCIC').

3.1.2. The Site is located in east Norwich and north of the A147, as shown in the masterplan extract below:



[Source: Site Location of Land at Carrow Works]

3.1.3. The approximate location of the Site in relation to the wider area is shown below by the blue star:



[Source: Site Location within the wider Norwich area]

### 3.2. Dwelling Mix

3.2.1. The housing mix for the Site is as follows (the refurbished apartments do not form part of the current planning application and would therefore not generate a need for education places; the refurbished houses are vacant and form part of the current planning application and would therefore potentially generate a need for education places):

**New Houses**

2B – 78

3B – 200

3B – 74

4B – 29

5B – 5

**Total - 386**

**Refurbished Houses**

1B - 1

2B – 1

3B - 1

4B - 1

5B – 2

**Total - 6**

**New Apartments**

1B – 572

2B – 303

2B – 464

**Total – 1,339**

**Refurbished Apartments (provided within existing buildings)**

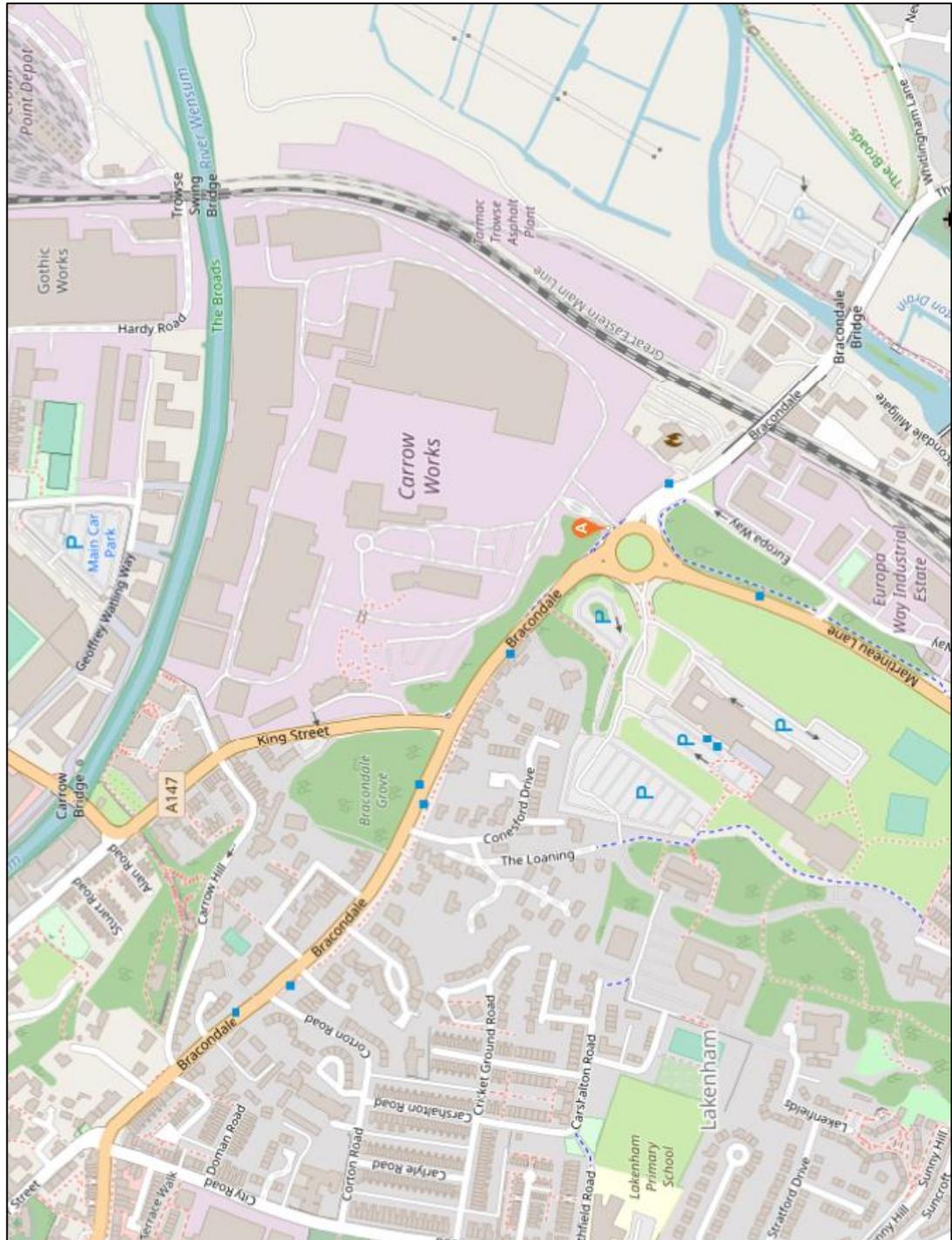
**Total – 125**

### 3.3. Estimated Build Programme

3.3.1. The client's estimated start date is Q1 2026 but no estimated build-out timeline has been defined.

### 3.4. Walking Routes from the Site Location

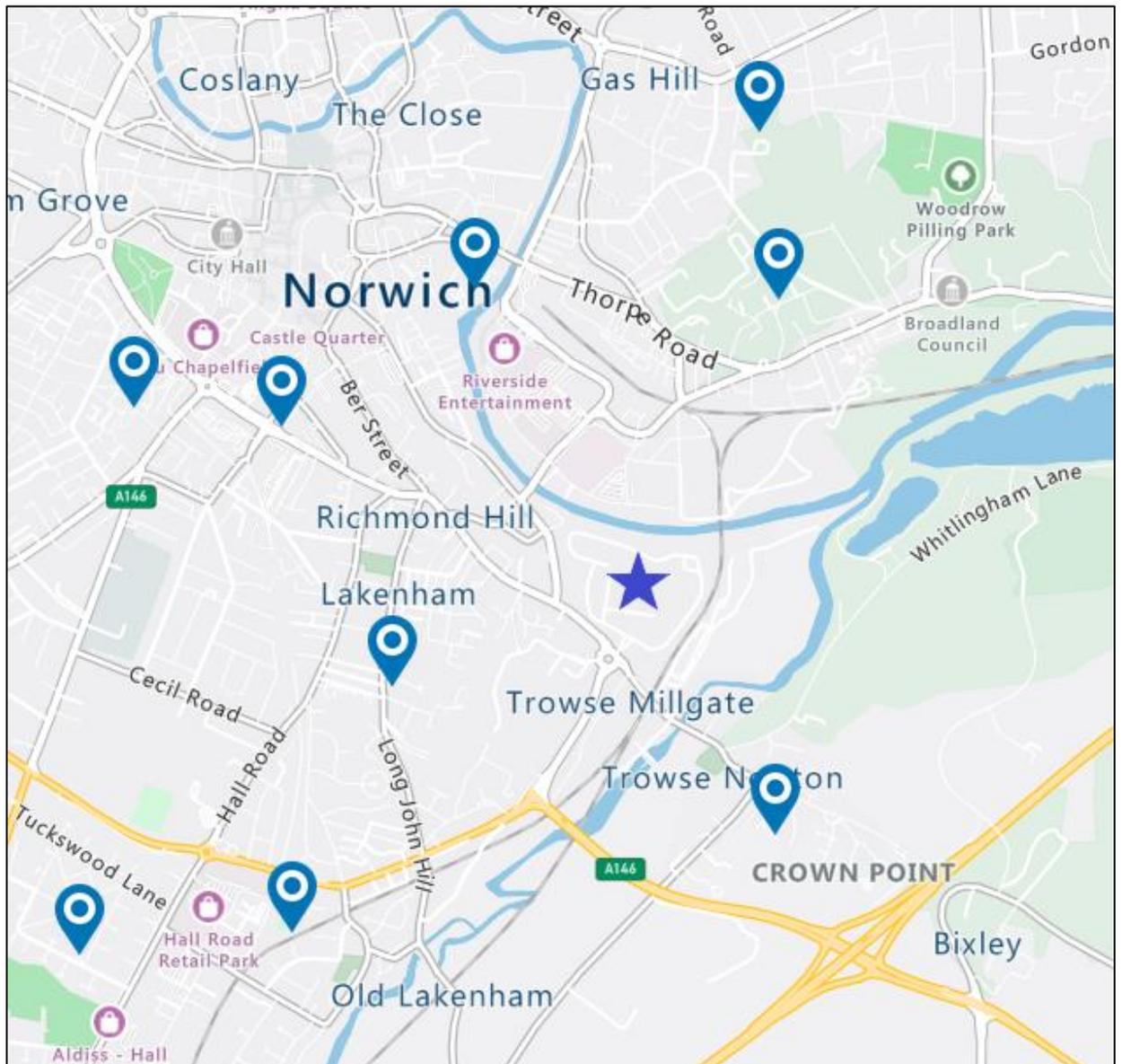
3.4.1. For the purposes of this Assessment all walking distances from the Site have been measured from the site entrance near the A147, as shown by the orange 'A' icon on the map extract below:



## 4. The Position at Local Schools

### 4.1. Local Primary School Locations

4.1.1. The broad locations of the closest local primary schools are indicated below (any blue icons indicate single school locations and the blue star is an indication of the approximate location of the Site):



**Graphic:** Primary school locations relative to the Site.

[Source: DfE website extract with EHP annotations]

4.1.2. The following primary schools (including any infant, junior and all-through schools) are the nearest NCC primary schools within 2 miles' walking distance of the Site:

<b>Primary School</b> (including any infant and junior schools)	<b>Walking Distance</b> <b>from the Site (miles)</b>
<b>Trowse Primary School</b>	<b>0.5</b>
<b>Lakenham Primary School</b>	<b>0.6</b>
<b>Edith Cavell Academy and Nursery</b>	<b>0.9</b>
<b>The Free School Norwich</b>	<b>1.0</b>
<b>Charles Darwin Primary School</b>	<b>1.1</b>
<b>Bignold Primary School and Nursery</b>	<b>1.2</b>
<b>Tuckswood Academy and Nursery</b>	<b>1.4</b>
<b>Lionwood Infant and Nursery School</b>	<b>1.5</b>
<b>Lionwood Junior School</b>	<b>1.7</b>
<b>Magdalen Gates Primary School</b>	<b>1.8</b>
<b>Avenue Junior School</b>	<b>1.9</b>

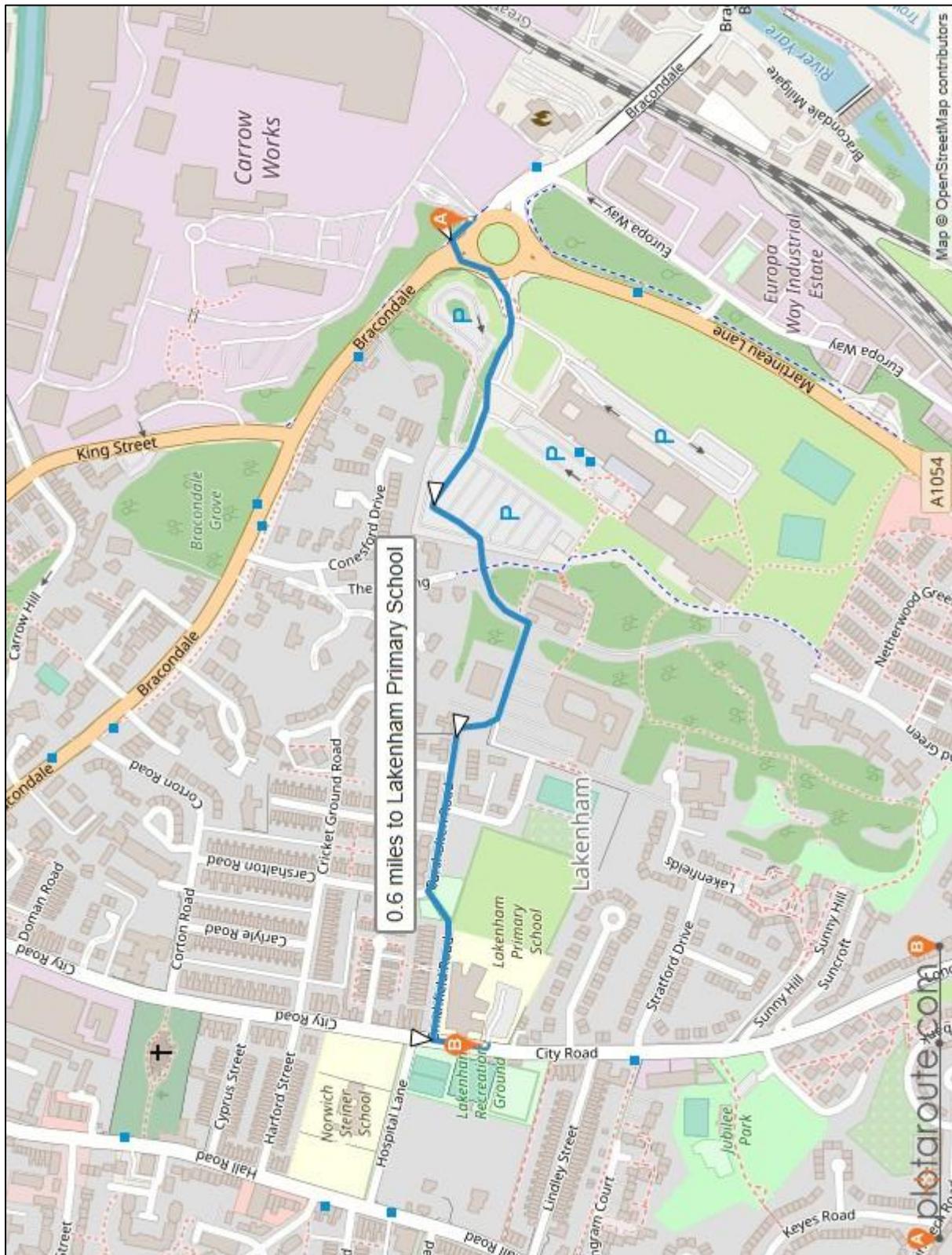
**Table:** Walking distances from the Site to any primary schools in order of increasing distance. Any other primary schools are beyond 2 miles' walking distance of the Site.

4.1.3. Any other primary schools are beyond 2 miles' walking distance of the Site.

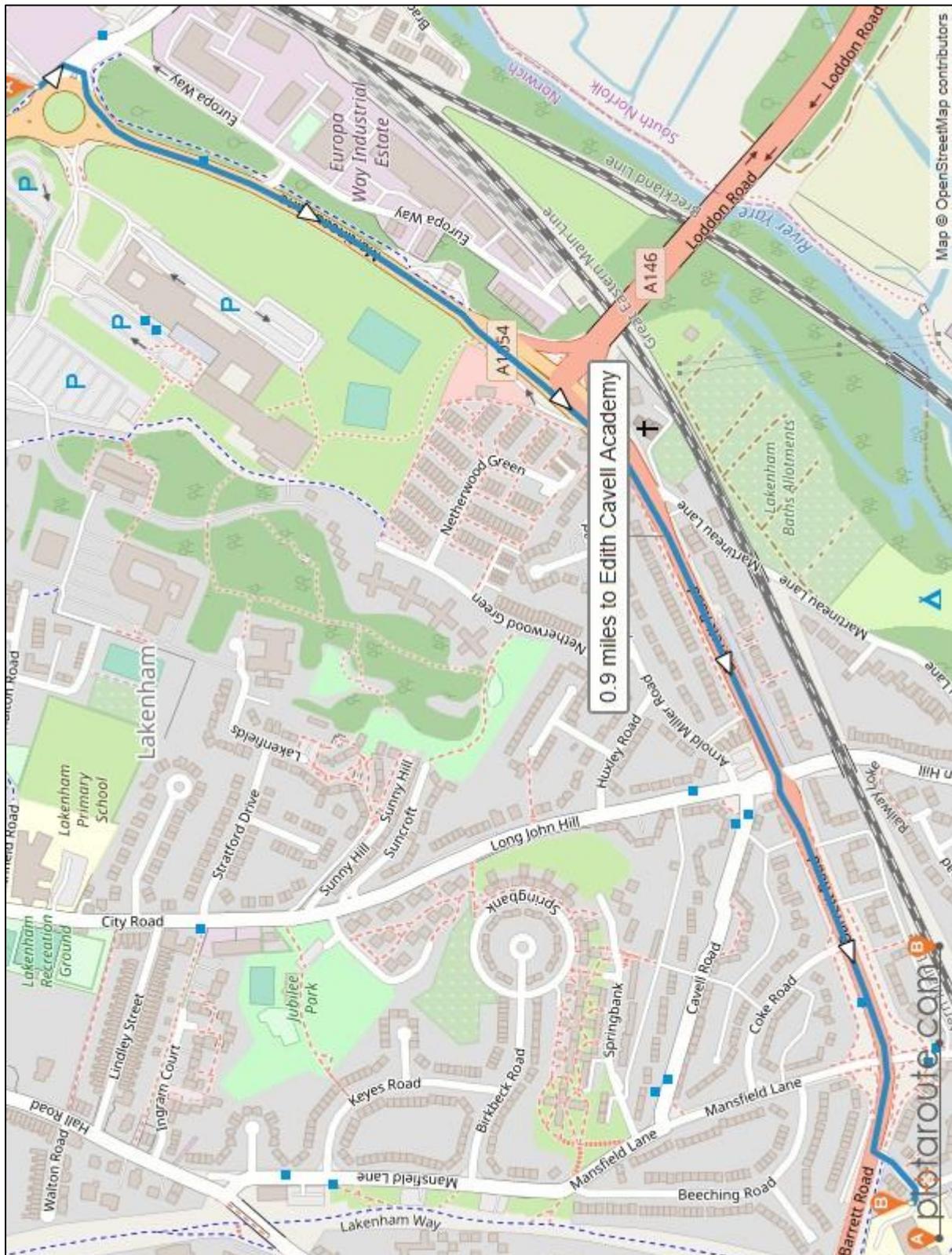
4.1.4. The following map shows a 0.5-mile walking route from the Site to Trowse Primary School:



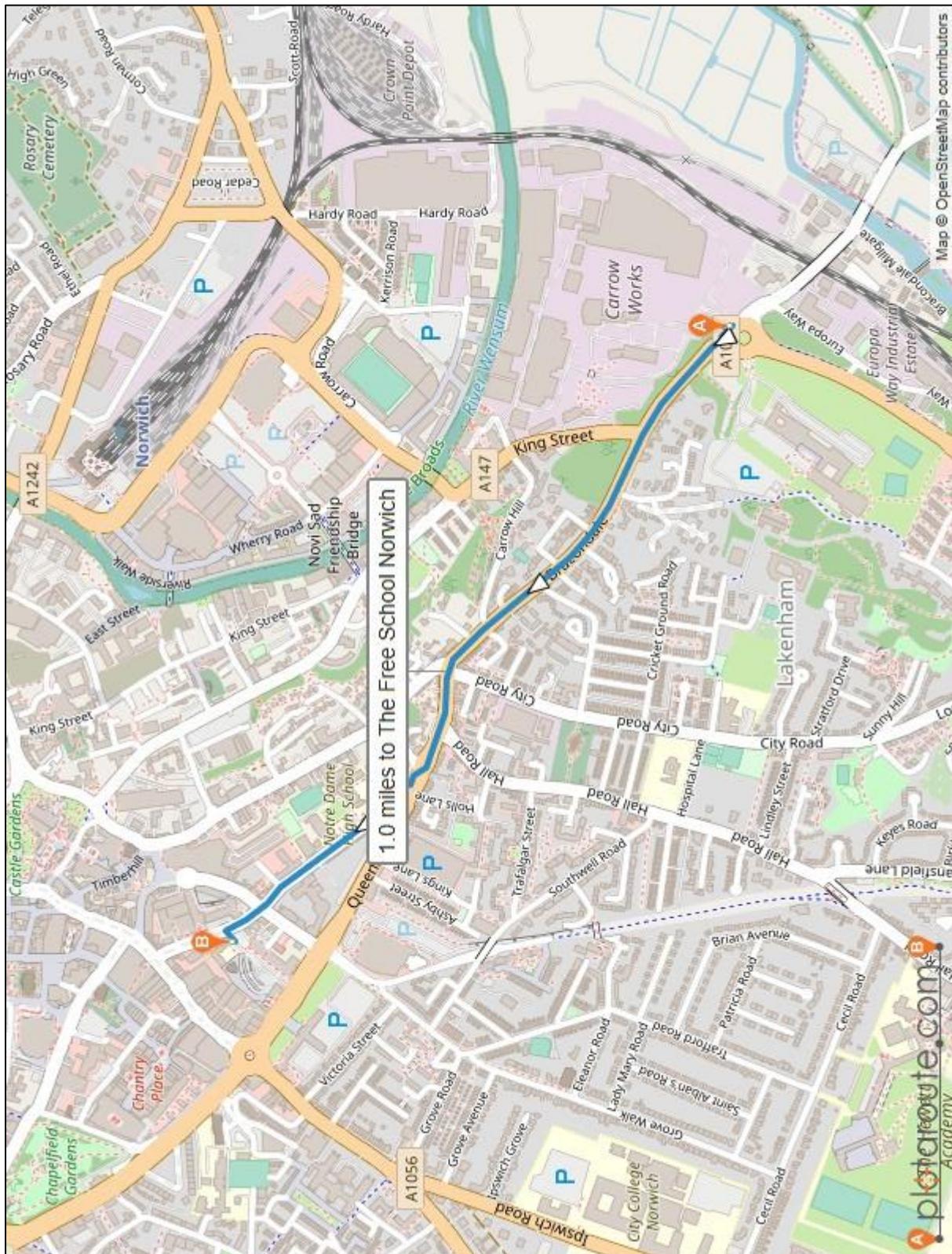
4.1.5. The following map shows a 0.6-mile walking route from the Site to Lakenham Primary School:



4.1.6. The following map shows a 0.9-mile walking route from the Site to the location of Edith Cavell Academy:



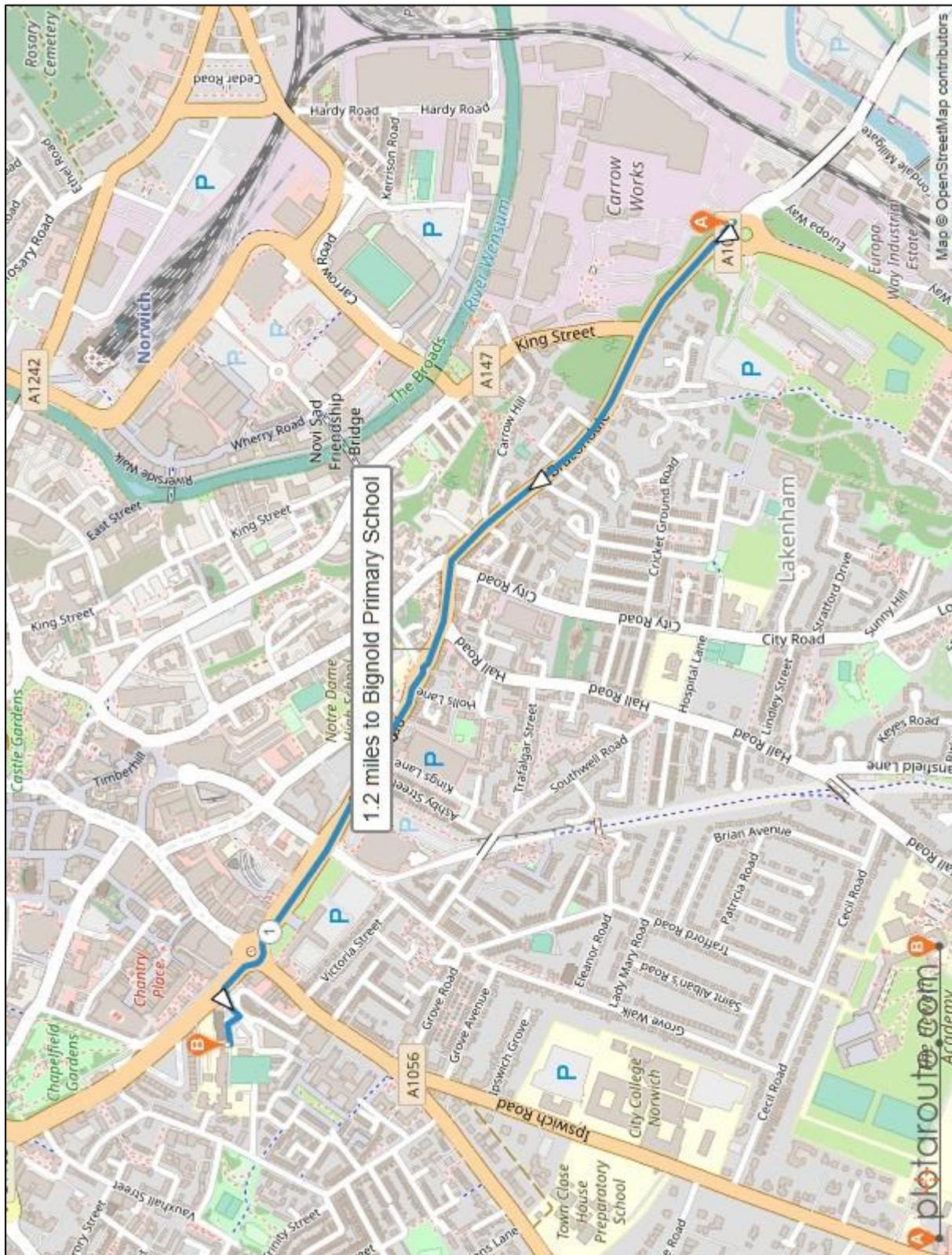
4.1.7. The following map shows a 1.0-mile walking route from the Site to the location of The Free School Norwich:



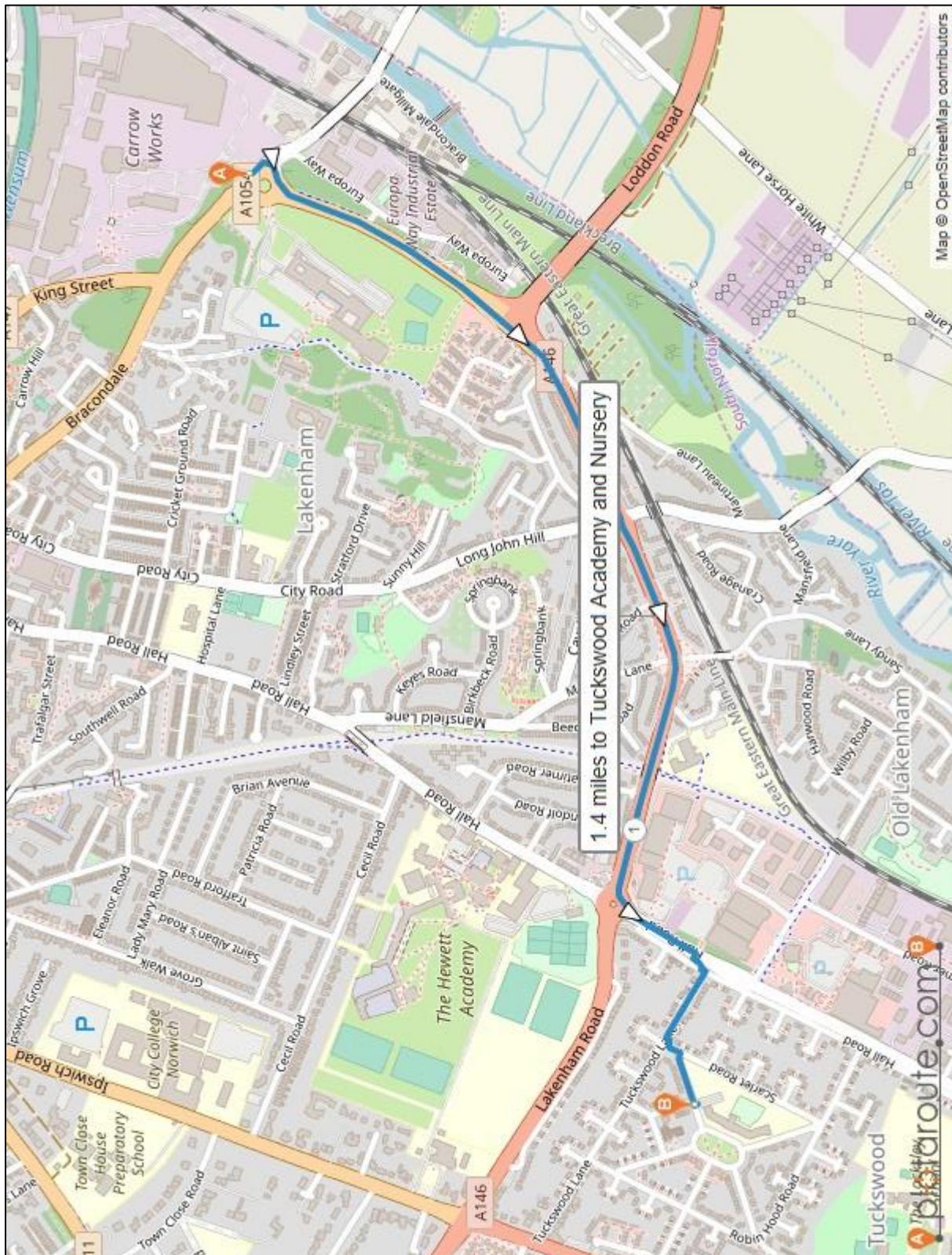
4.1.8. The following map shows a 1.1-mile walking route from the Site to the location of Charles Darwin Primary School:



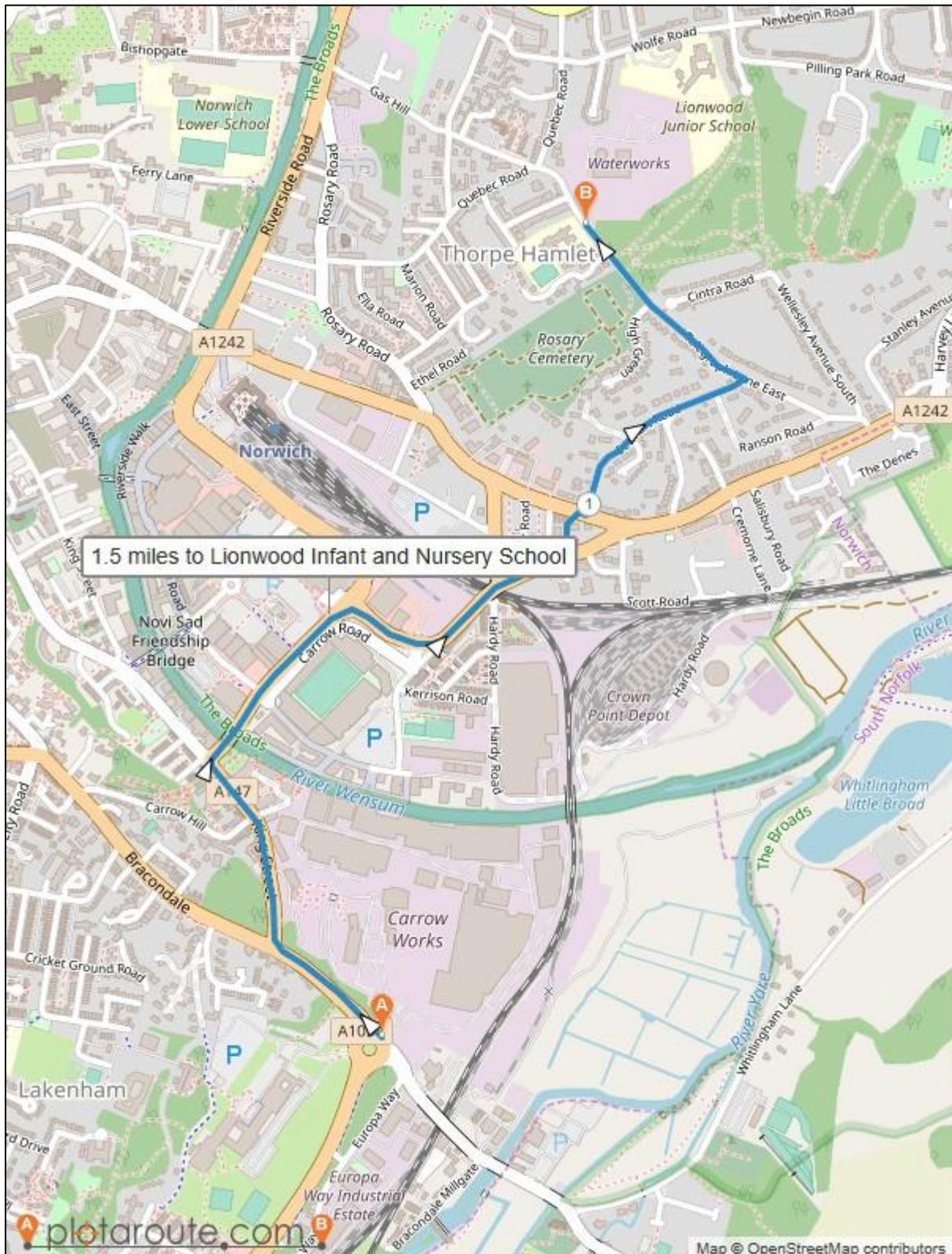
4.1.9. The following map shows a 1.2-mile walking route from the Site to the location of Bignold Primary School:



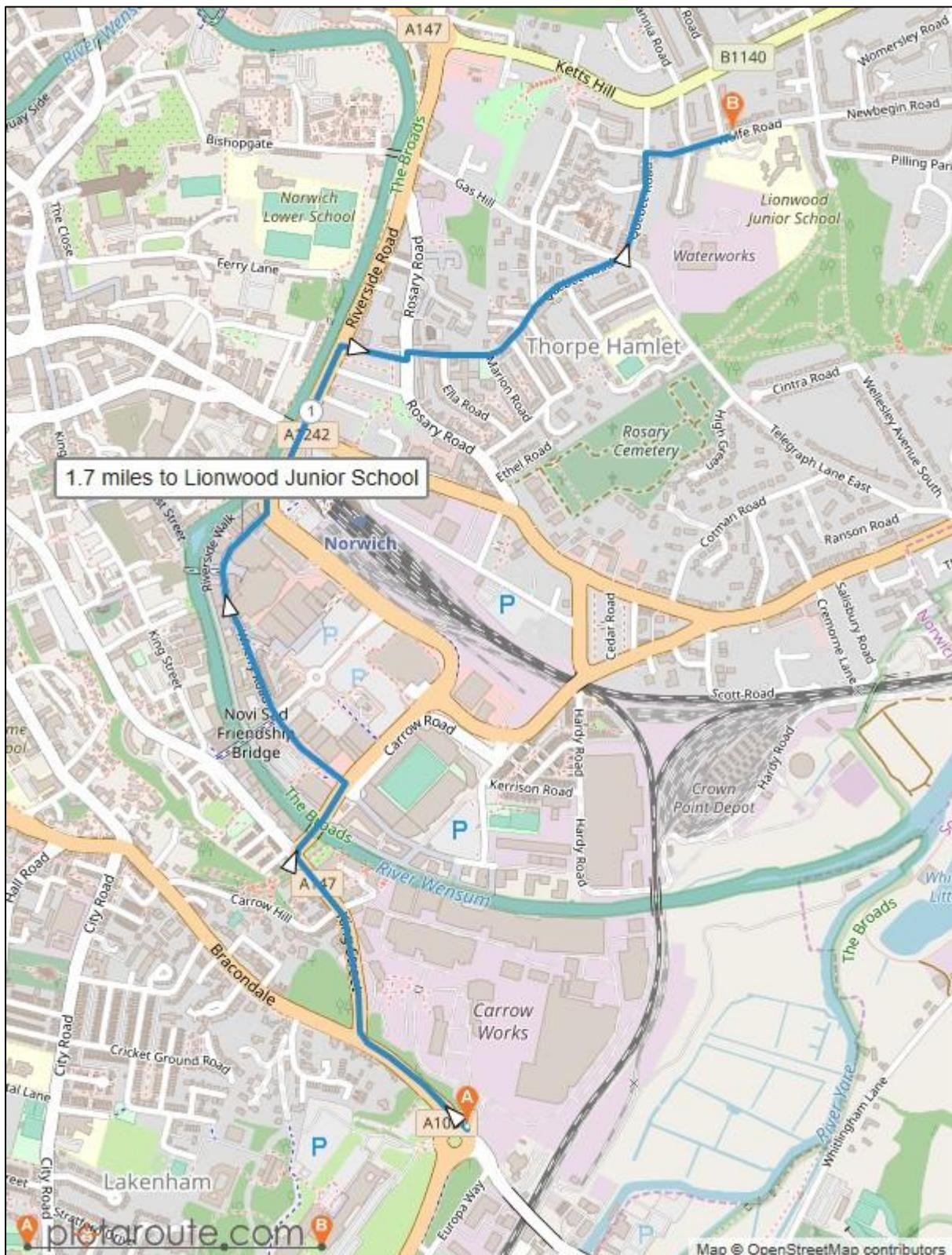
4.1.10. The following map shows a 1.4-mile walking route from the Site to the location of Tuckswold Academy and Nursery:



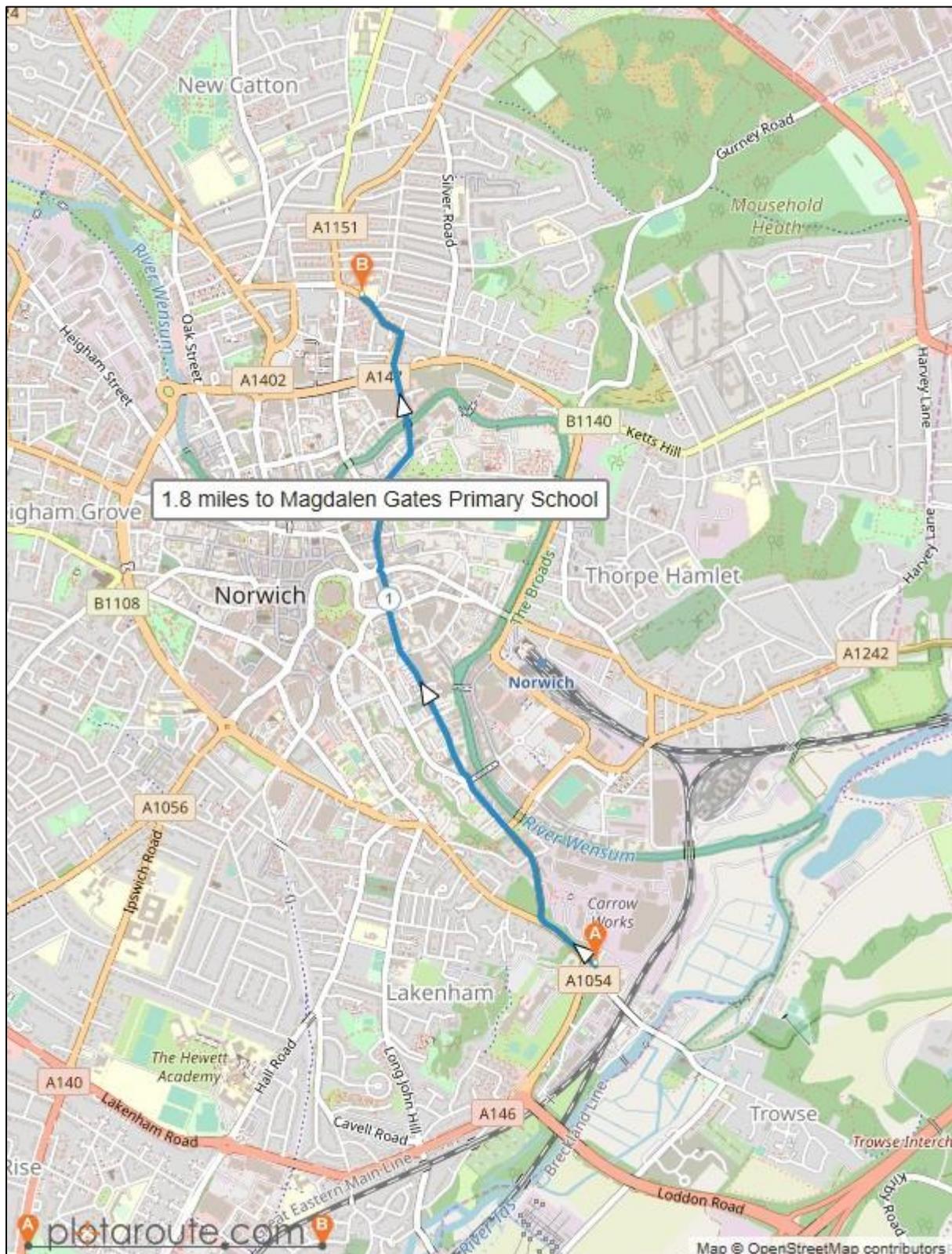
4.1.11. The following map shows a 1.5-mile walking route from the Site to the location of Lionwood Infant and Nursery School:



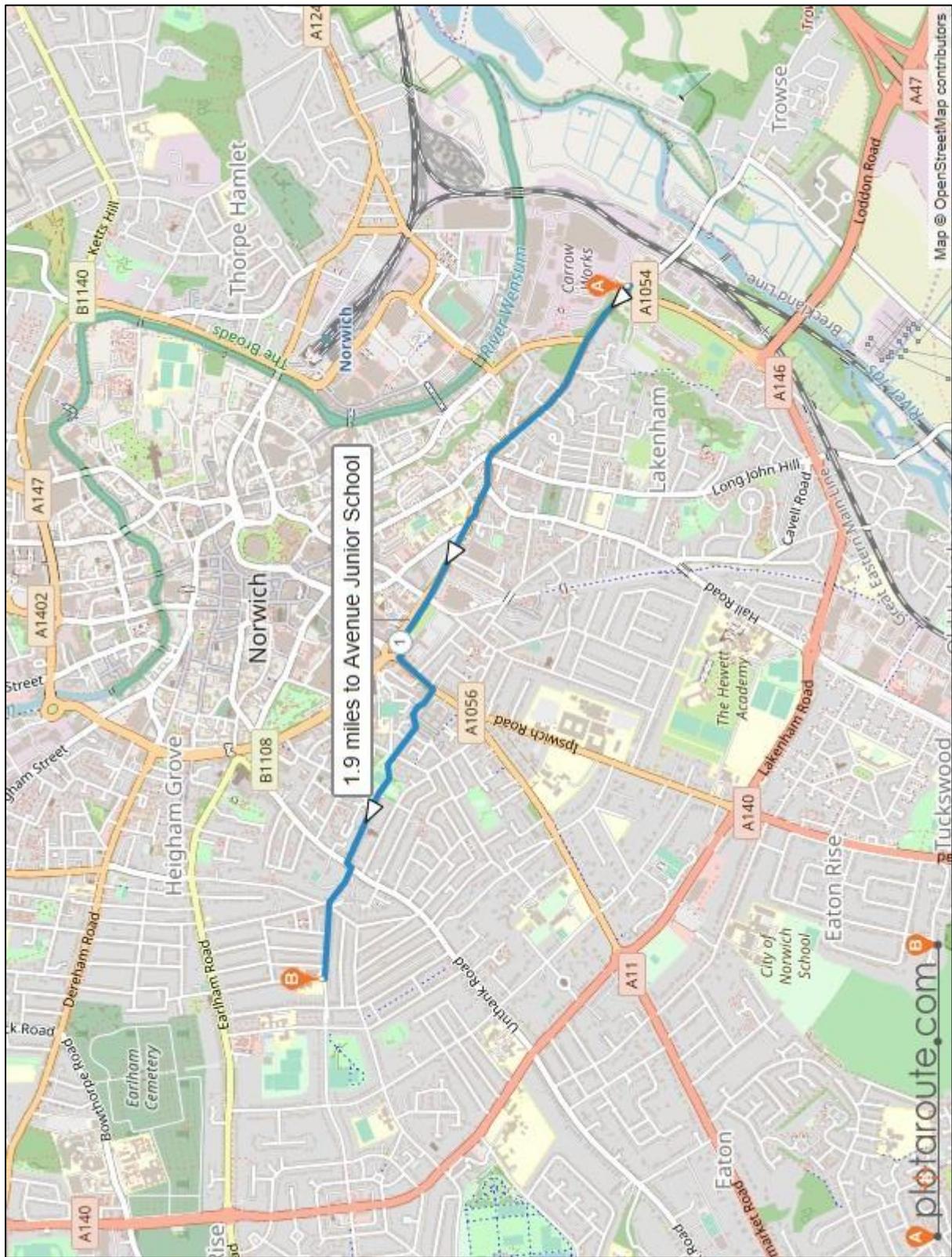
4.1.12. The following map shows a 1.7-mile walking route from the Site to the location of Lionwood Junior School:



4.1.13. The following map shows a 1.8-mile walking route from the Site to the location of Magdalen Gates Primary School:



4.1.14. The following map shows a 1.9-mile walking route from the Site to the location of Avenue Junior School:



#### 4.2. Local Primary Schools – Forecast Status of Pupil Places

4.2.1. EHP has obtained individual primary school forecasts via the submission of an FOI request to NCC. According to this NCC school data, the forecast position of total pupil places for the primary schools within 2 miles' walking distance of the Site is due to be as shown in the Table below:

School	Capacity (derived from NCC PAN)	NCC Forecast Children on Roll *				NCC Forecast Surplus / Deficit Places			
		25/26	27/28	29/30	31/32	25/26	27/28	29/30	31/32
Trowse Primary School *	105 to 210 (15 to 30)	150	210	211	210	30	0	-1	0
Lakenham Primary School	420 (60)	387	375	370	379	33	45	50	41
Edith Cavell Academy and Nursery **	210 (30)	143	200	195	197	7	10	15	13
The Free School Norwich ***	196 (28)	137	199	201	204	3	-3	-5	-8
Charles Darwin Primary School	420 (60)	414	454	463	475	6	-34	-43	-55
Bignold Primary School and Nursery	420 (60)	312	369	383	391	108	51	37	29
Tuckwood Academy and Nursery ****	392 (56)	205	183	177	176	175	209	215	216
Lionwood Infant and Nursery School	270 (90)	156	160	162	164	114	110	108	106
Lionwood Junior School	360 (90)	228	218	218	221	132	142	142	139
Magdalen Gates Primary School	210 (30)	171	252	269	281	39	-42	-59	-71
Avenue Junior School	480 (120)	437	411	406	415	43	69	74	65
<b>TOTAL</b>		<b>2,740</b>	<b>3,031</b>	<b>3,055</b>	<b>3,113</b>	<b>690</b>	<b>557</b>	<b>533</b>	<b>475</b>

**Table:** Forecast position of pupil places for local primary schools each academic year from 2025/26 to 2031/32, as cited by NCC.

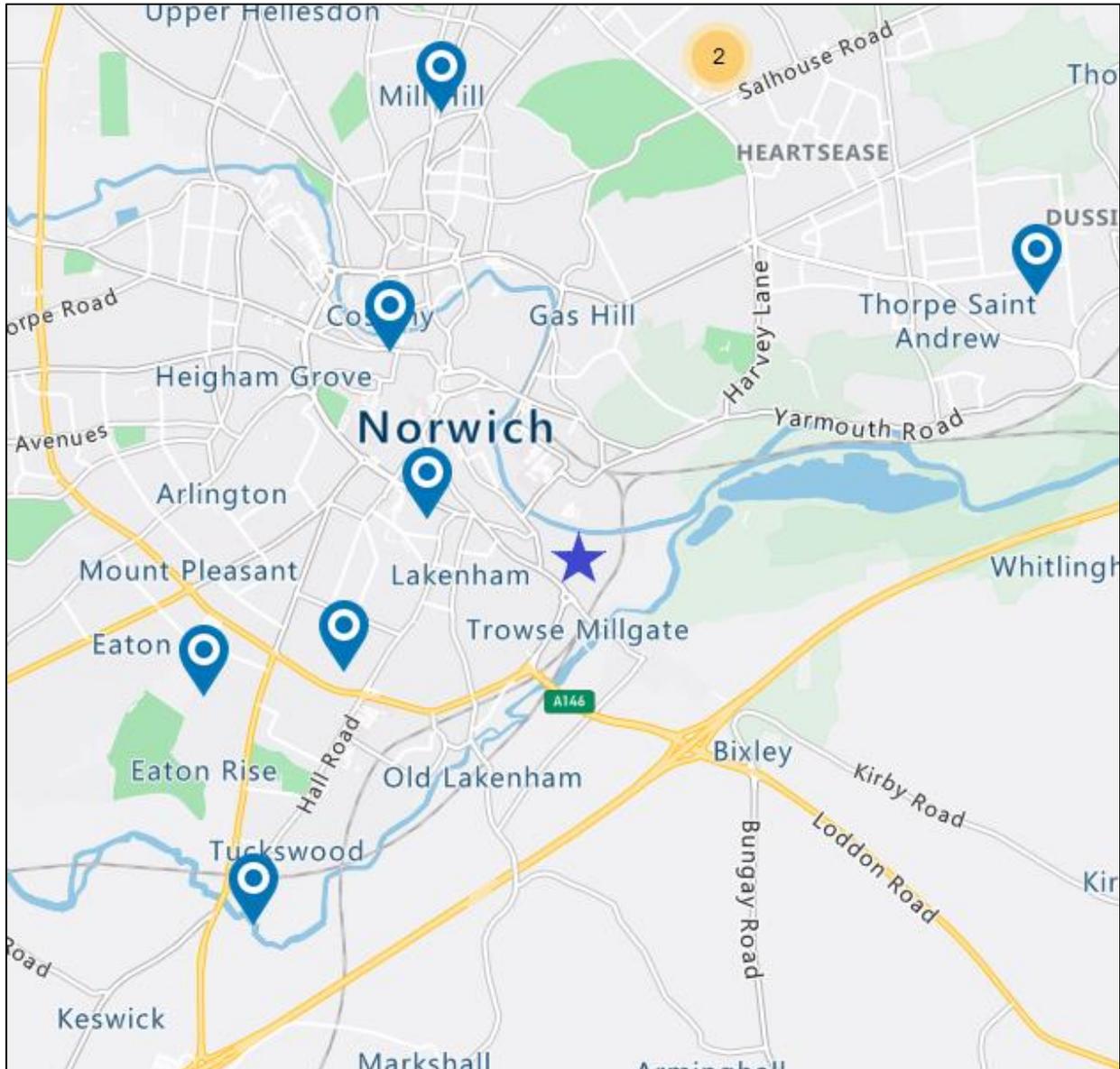
[Source: NCC forecast data, at Appendix EHP04]

4.2.2. \* Trowse Primary School previously had a PAN of 15 and a capacity of 105 places. This is due to increase to a capacity of 210 places by 2027/28 as additional places are made available at this school each academic year. The analyses above reflect these changes to the school's operational capacity.

- 4.2.3.\*\* Edith Cavell Academy has been making more places available each year, in 2025/26 it will have 5 year groups with 30 places in each year group, by 2027/28 it will be operating at a capacity of 210 places across all 7 year groups. The analyses above reflect these changes to the school's operational capacity.
- 4.2.4.\*\*\* The Free School Norwich has been making more places available each year, in 2025/26 it will have 5 year groups with 28 places in each year group, by 2027/28 it will be operating at a capacity of 196 places across all 7 year groups. The analyses above reflect these changes to the school's operational capacity.
- 4.2.5.\*\*\*\* Tuckswood Academy and Nursery has been making more places available each year, in 2025/26 it will have 5 year groups with 56 places in each year group, by 2027/28 it will be operating at a capacity of 392 places across all 7 year groups. The analyses above reflect these changes to the school's operational capacity.
- 4.2.6.It is important to note that at the time these forecasts were prepared any forecasts for the academic years beyond 2026/27 would have needed to rely on a degree of assumed birth rates, rather than known birth rates.
- 4.2.7.According to the NCC forecasts for the nearest primary schools combined which are all within a 2-mile walking distance of the Site there will be **a surplus of 690 primary school places at these schools by the academic year 2025/26.**
- 4.2.8.Moreover, according to the NCC forecasts for the nearest primary schools combined which are all within a 2-mile walking distance of the Site there will be **a surplus of 475 primary school places at these schools by the academic year 2031/32.**
- 4.2.9.In the event that NCC provides an assessment of the Site using updated primary school forecasts then we would be able to update our analyses above accordingly.
- 4.2.10. Our analyses and commentary on these matters is set out later in this Assessment.

#### 4.3. Local Secondary School Locations

4.3.1. The broad locations of the closest local secondary schools are indicated below (any blue icons indicate single school locations, any numbered icons indicate multiple schools near the same location and the blue star is an indication of the approximate location of the Site):



**Graphic:** Secondary school locations relative to the Site.

[Source: DfE website extract with EHP annotations]

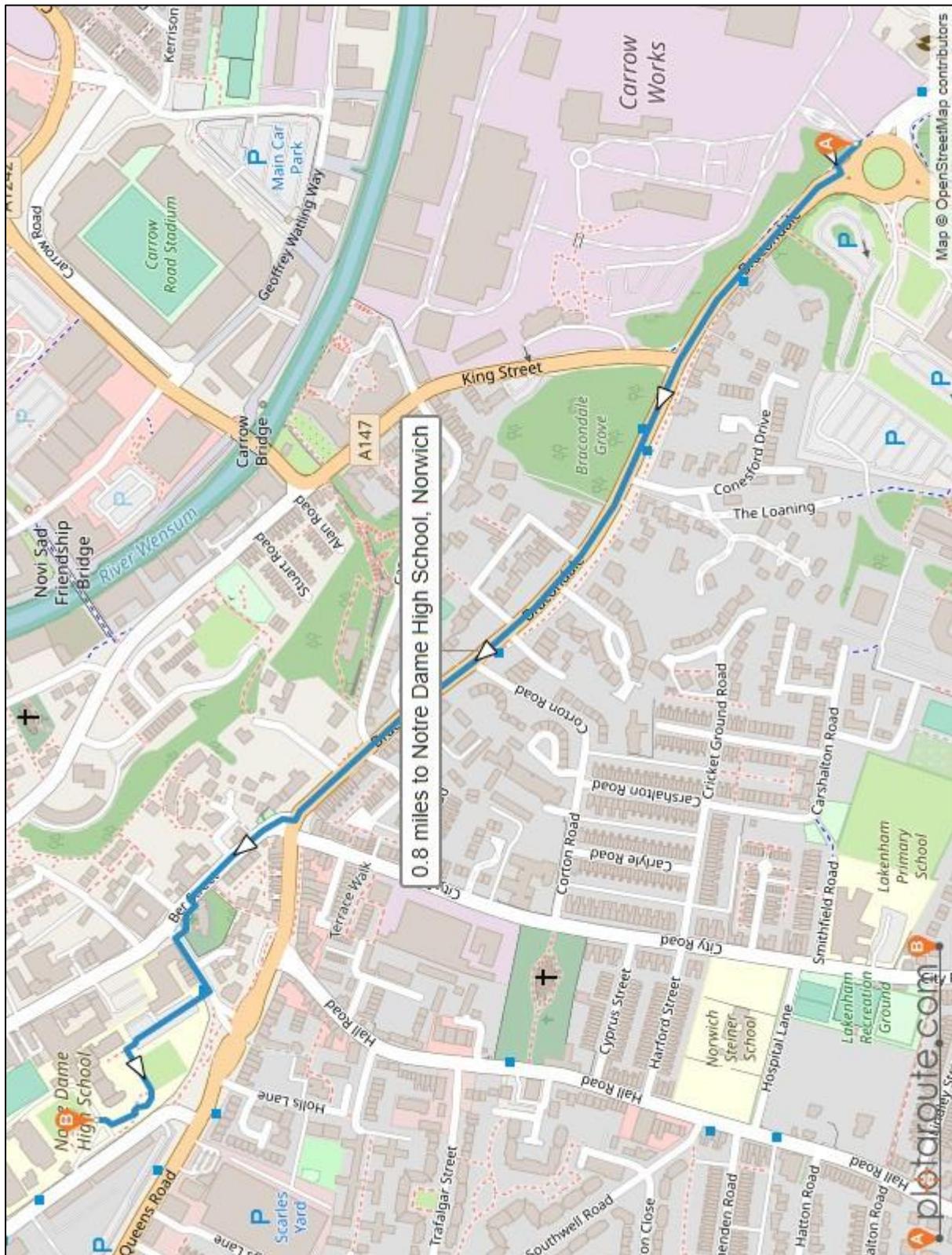
4.3.2. The following secondary school is the only NCC secondary school within 3 miles' walking distance of the Site:

Secondary School	Walking Distance from the Site (miles)
Notre Dame High School, Norwich	0.8
Hewett Academy	1.2
Jane Austen College	1.4
City of Norwich School, An Ormiston Academy	1.9
Sewell Park Academy	2.4
The Open Academy	2.6
Sprowston Community Academy	3.0

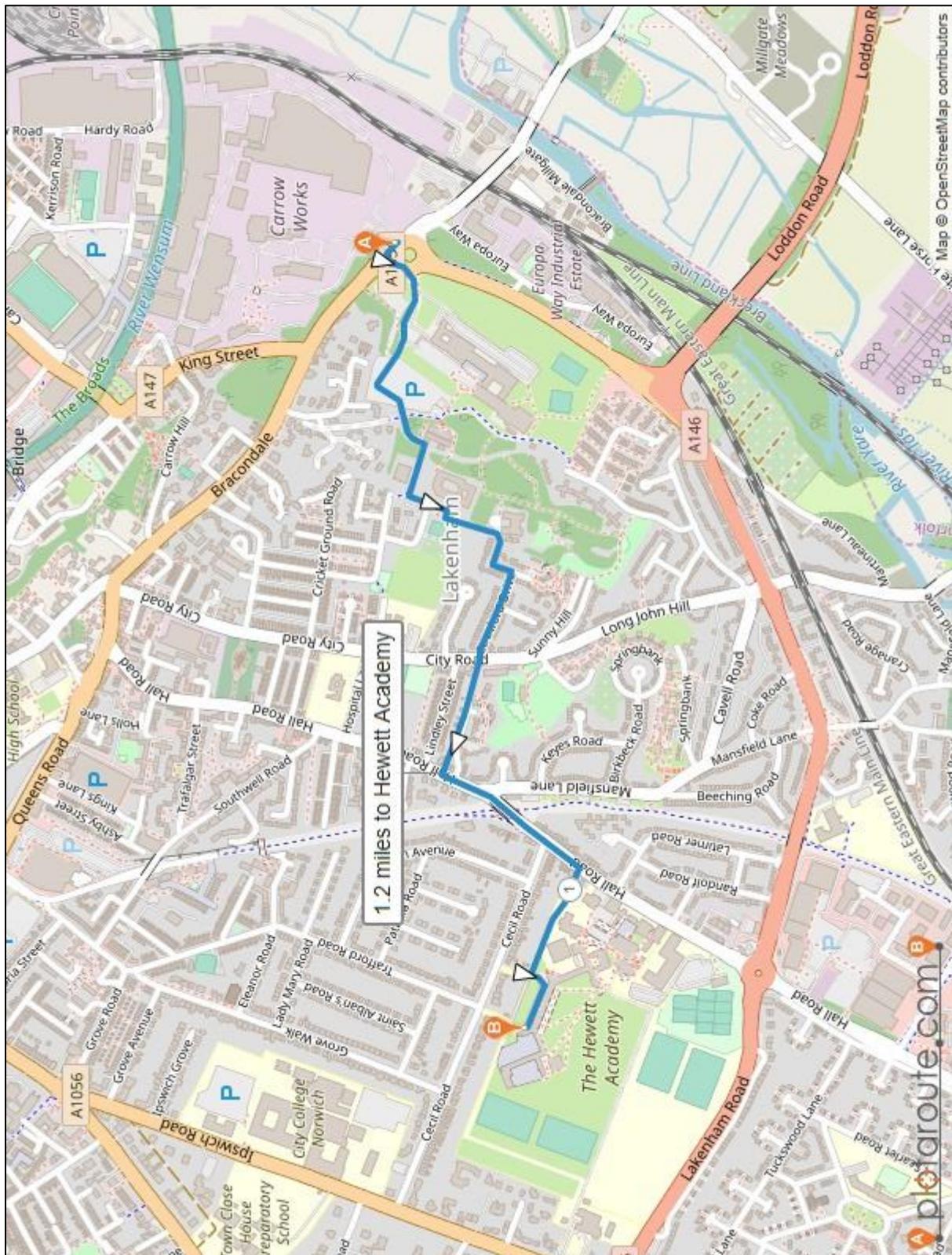
**Table:** Walking distances from the Site to any secondary schools within 3 miles' walking distance of the Site.

4.3.3. All other secondary schools are beyond 3 miles' walking distance of the Site.

4.3.4. The following map shows a 0.8-mile walking route from the Site to Notre Dame High School, Norwich:

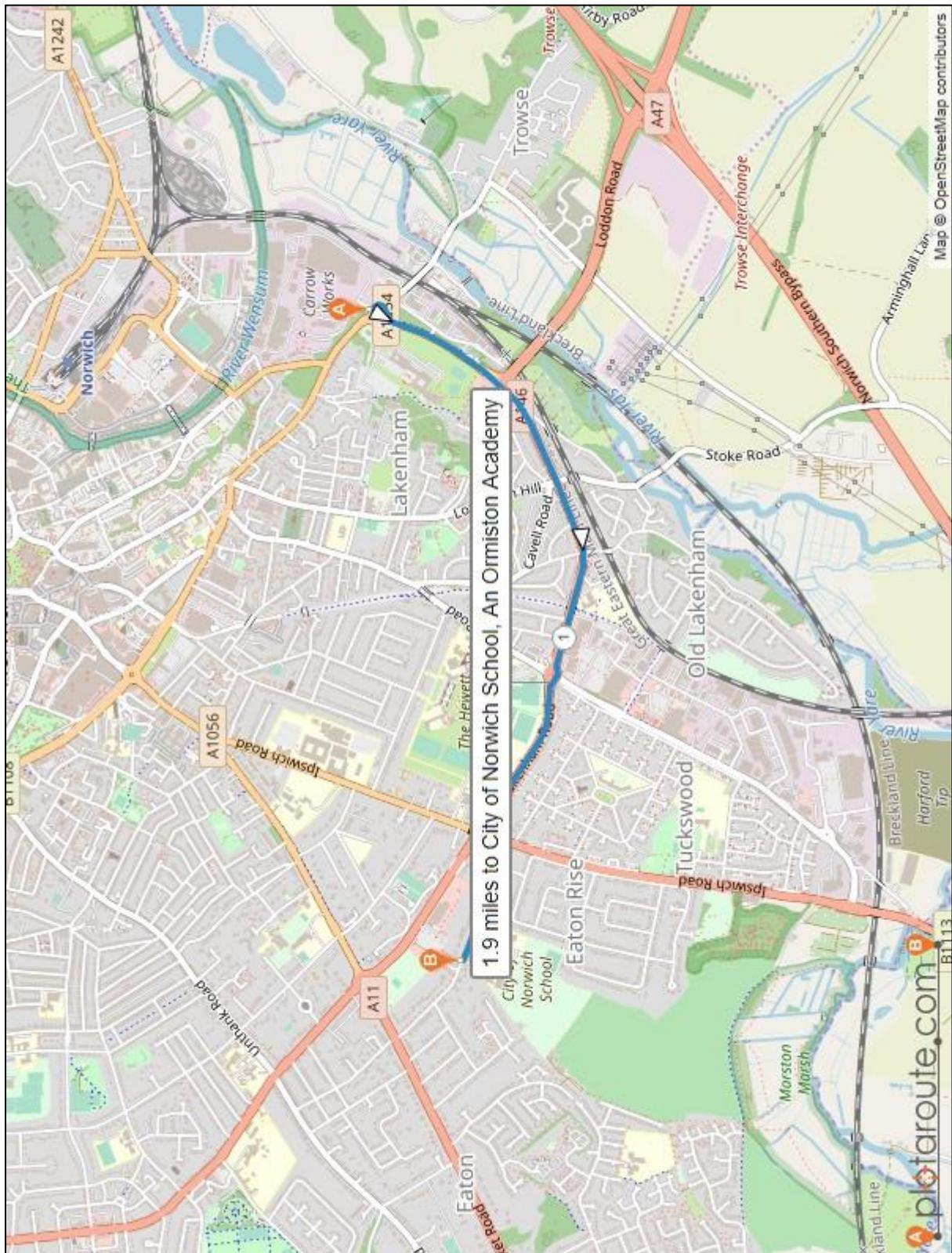


4.3.5. The following map shows a 1.2-mile walking route from the Site to Hewett Academy:

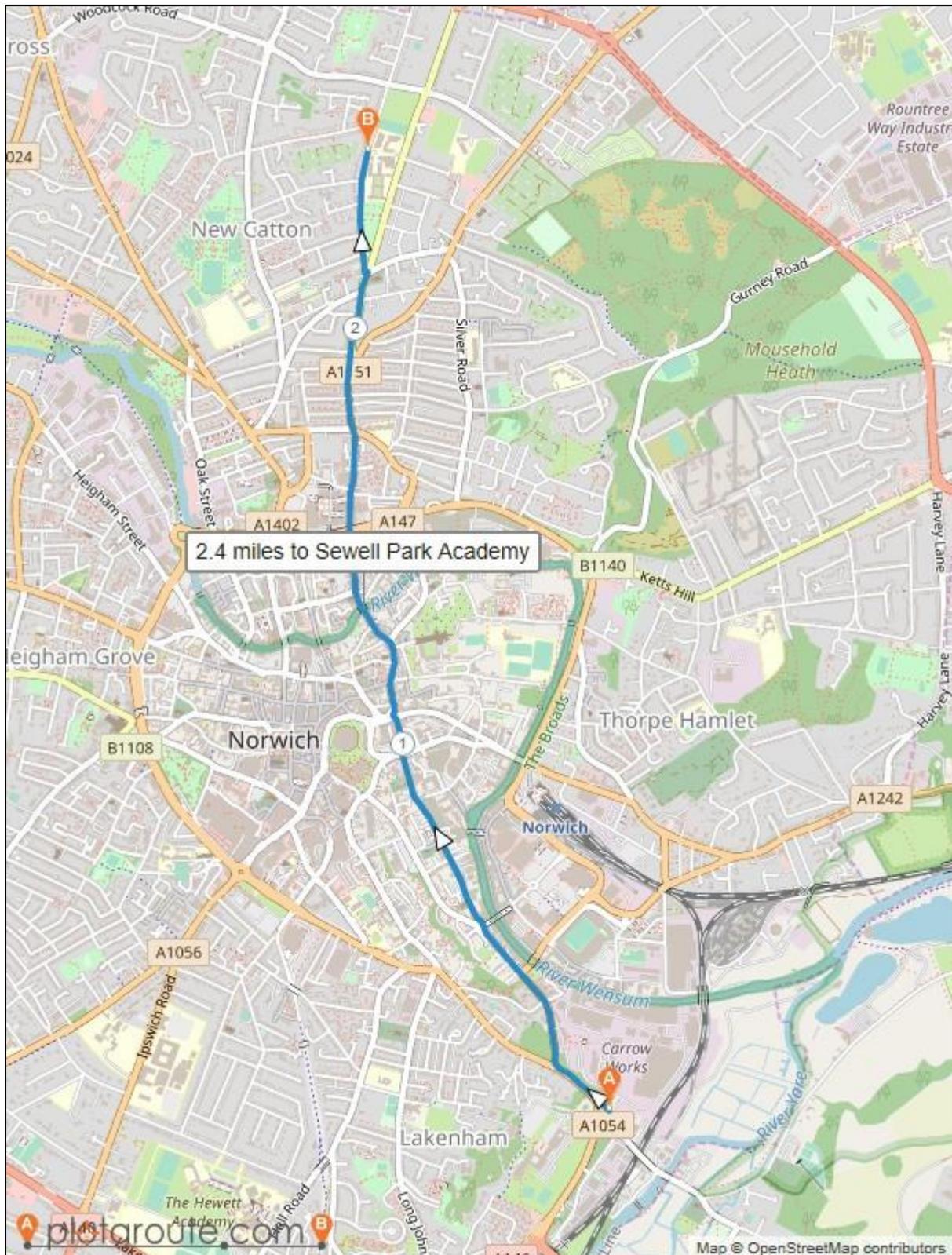




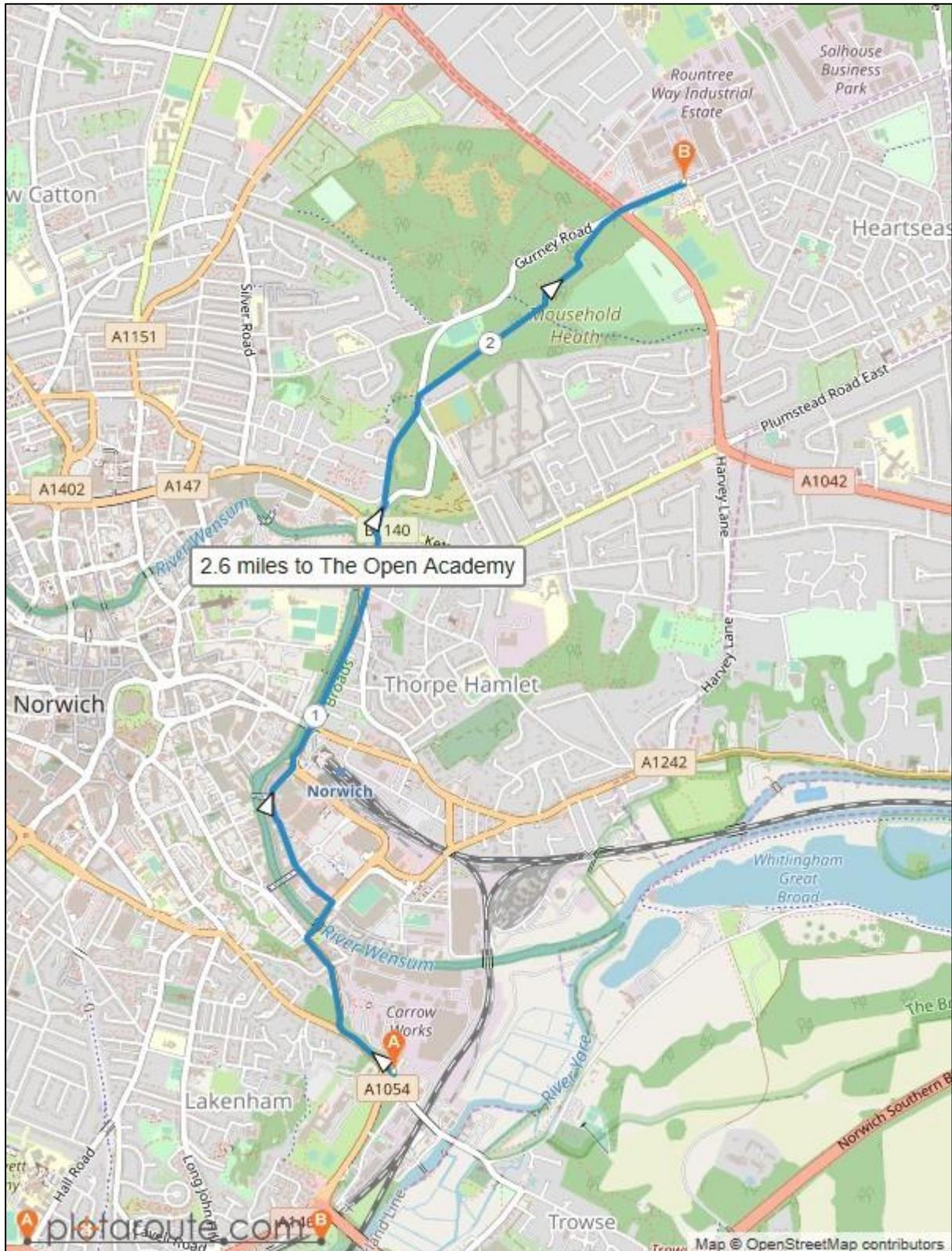
4.3.7. The following map shows a 1.9-mile walking route from the Site to City of Norwich School, An Ormiston Academy:



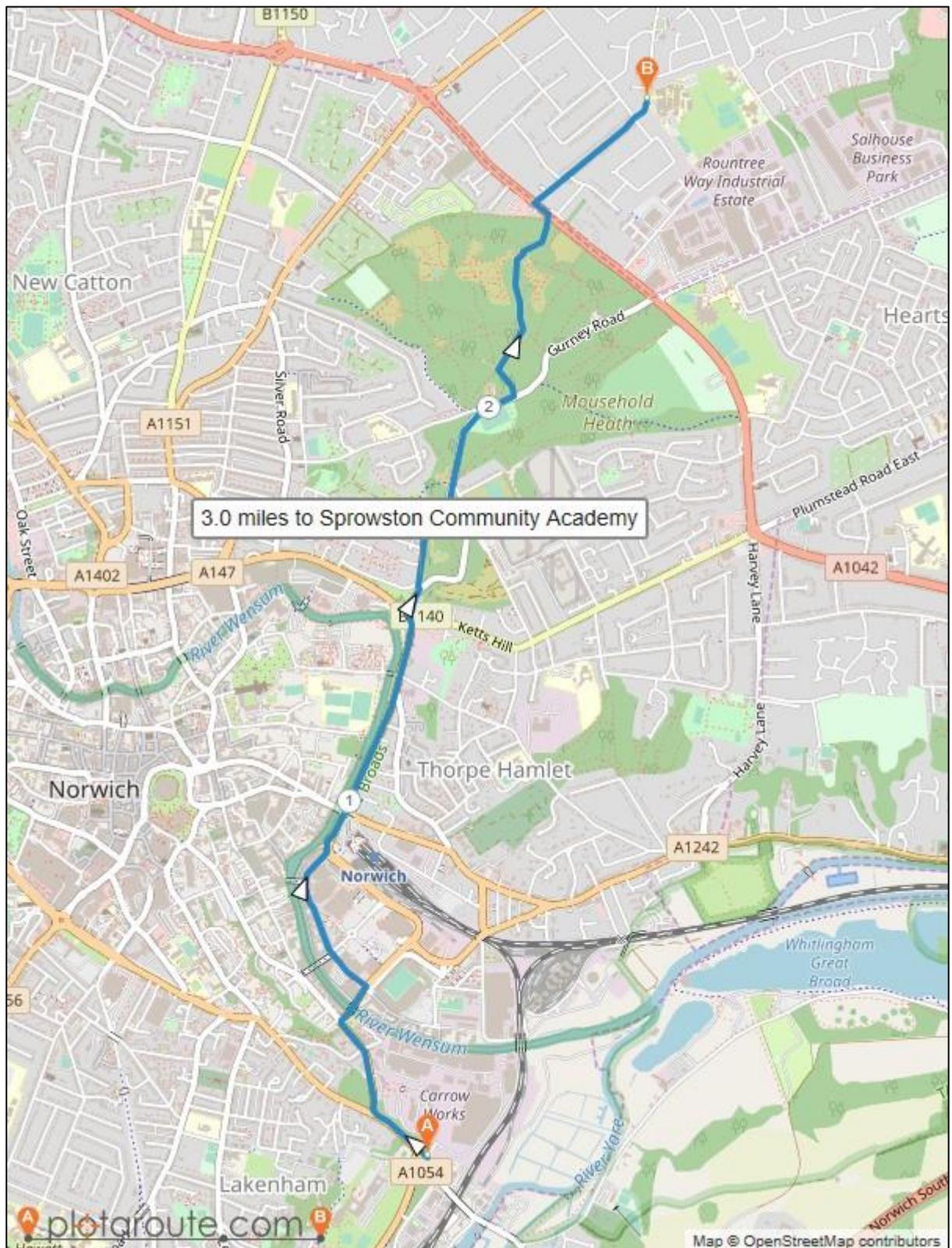
4.3.8. The following map shows a 2.4-mile walking route from the Site to Sewell Park Academy:



4.3.9. The following map shows a 2.6-mile walking route from the Site to The Open Academy:



4.3.10. The following map shows a 3.0-mile walking route from the Site to Sprowston Community Academy:



#### 4.4. Local Secondary Schools – Forecast Status of Pupil Places

4.4.1. EHP has obtained individual secondary school forecasts via the submission of an FOI request to NCC. According to this NCC school data, the forecast position of total pupil places for the nearest secondary schools 3 miles’ walking distance of the Site is due to be as shown in the Table below:

School	Capacity (derived from NCC PAN)	NCC Forecast Children on Roll *				NCC Forecast Surplus / Deficit Places			
		25/26	27/28	29/30	31/32	25/26	27/28	29/30	31/32
Notre Dame High School, Norwich	1,050 (210)	1,149	1,171	1,147	1,093	-99	-121	-97	-43
Hewett Academy	750 (150)	328	341	332	309	428	409	418	441
Jane Austen College	900 (180)	1,025	1,040	1,002	958	-125	-140	-102	-58
City of Norwich School, An Ormiston Academy	1,350 (270)	1,489	1,537	1,502	1,392	-139	-187	-152	-42
Sewell Park Academy *	1,250 (250)	833	836	800	782	417	414	450	468
The Open Academy **	750 (150)	509	511	490	480	241	239	260	270
Sprowston Community Academy	1,400 (280)	1,666	1,693	1,654	1,621	-266	-293	-254	-221
<b>TOTAL</b>		<b>6,999</b>	<b>7,129</b>	<b>6,927</b>	<b>6,635</b>	<b>457</b>	<b>321</b>	<b>523</b>	<b>815</b>

**Table:** Forecast position of pupil places for local secondary schools each academic year from 2025/26 to 2031/32, as cited by NCC.

[Source: NCC forecast data, at Appendix EHP04]

4.4.2. \* Sewell Park Academy has a capacity of 1,250 places according to the NCC document dated May 2022 at Appendix EHP05.

4.4.3. \*\* The Open Academy has a current PAN of 110 and a capacity of 550 places, although the official potential capacity of this school according to the DfE is up to [750 places](#). On this basis a further 200 places could be made available at this school if necessary and our analyses above reflect this higher capacity figure which is consistent with the NCC document dated May 2022 at Appendix EHP05.

4.4.4. According to the NCC forecasts for the nearest secondary schools combined which are all within a 3-mile walking distance of the Site there will be **a surplus of 457 secondary school places at these schools by the academic year 2025/26.**

4.4.5. Moreover, according to the NCC forecasts for the nearest secondary schools combined which are all within a 3-mile walking distance of the Site there will be **a surplus of 815 secondary school places at these schools by the academic year 2031/32.**

4.4.6. In the event that NCC provides an assessment of the Site using updated secondary school forecasts then we would be able to update our analyses above accordingly.

4.4.7. Our analyses and commentary on these matters is set out later in this Assessment.

## 5. Education Mitigation

### 5.1. NCC's Recent Assessment of Another Local Development

5.1.1. The NCC consultation response dated May 2022 regarding the nearby proposed development of 1,100 dwellings at Anglia Square states as follows:

Address: Anglia Square, Norwich (1,100 dwellings)

Application No. 22/00434/F

Date: 23 May 2022

**The following infrastructure will need to be funded through CIL**

**Education: Mitigation required at Infant and Junior School Sectors for 236 places.**

**Library Provision: Improvements to existing library facilities.**

**Education:**  
**Education response based on**  
 1,100 dwellings, mix as follows:  
 165 x 1 bed flats  
 189 x multi-bed flats/maisonettes  
 733 x mix unknown + 13 multi-bed houses

Table 1 Children generated from this development

Early Education age: 82	High School age: 122
Infant School age: 108	Sixth Form age: 13
Junior School age: 128	

[Source: NCC consultation response dated May 2022 regarding the nearby proposed development of 1,100 dwellings at Anglia Square, at Appendix EHP05]

5.1.2. It is evident from the above NCC consultation response that in the event that any additional education infrastructure is required it would be funded via CIL receipts.

## 5.2. EHP Commentary & Conclusions on Education Impact & Mitigation

5.2.1. The following is a summary of the forecast position at local schools as set out earlier in this Assessment:

- According to the NCC forecasts for the nearest primary schools combined which are all within a 2-mile walking distance of the Site there will be a **surplus of 690 primary school places at these schools by the academic year 2025/26.**
- Moreover, according to the NCC forecasts for the nearest primary schools combined which are all within a 2-mile walking distance of the Site there will be a **surplus of 475 primary school places at these schools by the academic year 2031/32.**
- According to the NCC forecasts for the nearest secondary schools combined which are all within a 3-mile walking distance of the Site there will be a **surplus of 457 secondary school places at these schools by the academic year 2025/26.**
- However, according to the NCC forecasts for the nearest secondary schools combined which are all within a 3-mile walking distance of the Site there will be a **surplus of 815 secondary school places at these schools by the academic year 2031/32.**

5.2.2. It is evident from the NCC consultation response dated May 2022 regarding the nearby proposed development of 1,100 dwellings at Anglia Square that in the event that any additional education infrastructure is required it would be funded via CIL receipts.

5.2.3. In our opinion the same approach to assessing any additional education infrastructure should be taken by NCC when assessing the potential impact of the Site on local education places.

5.2.4. Moreover, according to the NCC school forecasts there will be a very significant amount of surplus primary and secondary school places available in the relevant local area to meet the educational needs of children arising as a direct result of the Site being built and occupied.

5.2.5. **On this basis we do not foresee any constraints regarding local education infrastructure which would arise as a direct result of the Site coming forward, being built and occupied.** NCC will clearly have funds available from CIL receipts if additional education places are needed in the relevant local area.

## 6. Appendices

The following appendices accompany this document:

- APPENDIX EHP01 - DfE Securing Developer Contributions for Education (November 2019)
- APPENDIX EHP02 - DfE - Home to School Travel and Transport Guidance (July 2014)
- APPENDIX EHP03 - DfE - School Capacity (SCAP) Survey 2022 - Guide for local authorities (May 2022)
- APPENDIX EHP04 - NCC - Pupil Forecasting - Summary (Housing with planning permission only) (2021)
- APPENDIX EHP05 - NCC Infrastructure Requirements - Anglia Square, Norwich (Application No. 22\_00434\_F)



Department  
for Education

# Securing developer contributions for education

November 2019

# Contents

Summary	3
Expiry or review date	3
Who is this publication for?	3
Introduction	4
Purpose	4
Mechanisms for securing developer contributions	5
Evidence of pupil yields from housing development	7
Costs of provision	9
Identifying education projects	10
Safeguarding land for schools	11
Strategic developments and new settlements	12
Annex	16
Developer delivery of new schools	16
State Aid	17
Public contracts and OJEU procurement	18

## **Summary**

This publication provides non-statutory guidance from the Department for Education (DfE). It has been produced to help local authorities secure developer contributions for education so that housing developers contribute to the cost of providing the new school places required due to housing growth. The guidance promotes good practice on pupil yield evidence, engagement with local planning authorities and the delivery of expanded or new schools with funding from housing development.

## **Expiry or review date**

This guidance will be reviewed as necessary (for example, in response to changes in legislation or government policy).

## **Who is this publication for?**

This guidance is for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

## Introduction

Government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new garden communities. The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.

DfE expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. You should consider the recommendations in this guidance alongside National Planning Practice Guidance on the evidence, policies and developer contributions required to support school provision.

This guidance is for local authorities with a responsibility to provide sufficient school places under the Education Act 1996. The guidance does not:

- Advise the construction/development industry on its duties or responsibilities in paying for infrastructure;
- Replace or override any aspects of other DfE publications such as guidance on [SCAP](#) and the [Admissions Code](#), or policy/guidance produced by other government departments;
- Make recommendations for individual schools or academy trusts on managing their capacity or published admission numbers;
- Propose new DfE policy on setting up new schools ([central](#) or [presumption](#) route), parental preference or the academy system.

## Purpose

As a local authority with education responsibilities, you already provide evidence of education need and demand for use by planning authorities in plan- and decision-making. This guidance draws on existing good practice and is intended to help you establish a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Pupil yield factors should be based on up-to-date evidence from recent housing developments;
- Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information;
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for

education in that area. This guidance is not intended to replace local approaches, which often provide detail on:

- The approach to seeking contributions for education from affordable housing.
- Types/sizes of homes that will be excluded from calculations of developer contributions.
- Education projects developer contributions may fund.
- The minimum viable size of new schools.
- Assumptions about the schools children from a development will attend, when assessing available capacity in affected schools.
- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.
- Contributions 'in kind' (land and/or construction).
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- Standard planning obligation clauses.

As local approaches to securing developer contributions for education are reviewed, they should take account of updated National Planning Practice Guidance, this guidance, and the Department's emerging national methodology for the calculation of pupil yields from housing development.

## **Mechanisms for securing developer contributions**

1. Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure, including education. Alternatively, a Section 106 planning obligation secures a contribution directly payable to the local authority for education (or direct provision of a school 'in kind'), though a planning obligation must comply with the following tests set out in the CIL Regulations<sup>1</sup>, requiring it to be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

2. The CIL Regulations (as amended in September 2019) no longer impose a 'pooling restriction' on the use of planning obligations to fund the same type of infrastructure or infrastructure project, and an infrastructure project may receive funding

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<sup>1</sup> Regulation 122 of [The Community Infrastructure Levy Regulations 2010](#).

from both CIL and Section 106. We advise you to work with local planning authorities in devising their approaches to securing developer contributions, to consider the most appropriate mechanism (Section 106 planning obligations and/or CIL) to secure contributions from developers towards education alongside other infrastructure funding priorities. Also, when CIL charging schedules are prepared, this engagement with local planning authorities should ensure that school developments are among those D1 uses that are viability tested. A nil rate can be applied if the viability evidence indicates this is appropriate. Local planning authorities should be made aware of the considerable public investment in community infrastructure that a school represents.

3. It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on an up-to-date pupil yield factor;
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries;
- Available sources of funding to increase capacity where required; and
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.

4. The local authority providing children's services is not always the charging authority for the purposes of collecting and distributing CIL. Effective on-going communication between teams responsible for planning and education is essential to ensure that education needs and costs are factored into decisions about policy requirements and delivery mechanisms. In two-tier areas where education and planning responsibilities are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified).

5. Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. When the DfE free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site on a peppercorn basis and make use of developer contributions towards construction. National Planning Practice Guidance explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will

be provided.<sup>2</sup> Given that basic need allocations do not explicitly factor in funding for land acquisition, it is particularly important that education land required within larger development sites is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) are secured for the purchase of standalone sites for new schools.

6. While basic need funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having taken into account all infrastructure requirements. Where you have a reasonable expectation of developer funding being received for certain school places,<sup>3</sup> and you have declared this in your SCAP return (or plan to do so), then basic need funding should not be considered available for those school places other than as forward funding to be reimbursed by developer contributions later.

7. There are other options besides basic need grant for forward-funding school places, including the use of local authority borrowing powers where necessary. Where new schools or school expansion is necessary to mitigate the impacts of development, and those new facilities are to be forward funded (for example by local authorities borrowing money to fund school development prior to receiving Section 106 monies or by using capital reserves), it may be possible to secure developer contributions to recoup the monies spent, including interest, fees and expenses as well as the principal sum spent. Where this model is envisaged, we recommend that you engage with the local planning authority before forward funding occurs to ensure that the local planning authority supports this approach. The CIL Regulations prohibit borrowing against future CIL receipts, so this method of forward-funding only applies to planning obligations. Local authorities can bid for funding under government grant programmes such as the Housing Infrastructure Fund (HIF) as they become available, while developers delivering schools directly as an 'in kind' contribution may be eligible for loan funding from DfE or Homes England, allowing a new school to be delivered at an earlier stage in the development than would have been possible otherwise.<sup>4</sup>

## Evidence of pupil yields from housing development

8. Pupil yield factors should be based on up-to-date evidence from recent local housing developments, so you can forecast the education needs for each phase and type of education provision arising from new development. As well as being useful for pupil place planning across your area, pupil yield factors allow you to estimate the number of

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<sup>2</sup> [National Planning Practice Guidance](#). Construction costs include ICT and furniture and equipment required for the delivery of the school.

<sup>3</sup> In accordance with a local plan's viability assessment, policies and/or an infrastructure funding statement.

<sup>4</sup> Guidance on the [Home Building Fund](#) and DfE [Developer Loans for Schools prospectus](#).

early years, school and post-16 places required as a direct result of development, underpinning the contributions agreed in planning obligations. We are working on a detailed methodology for calculating pupil yields from housing development (including assessment of available capacity in existing schools), to be published in due course. In the meantime, local approaches to calculating pupil yields remain valid.

9. While many early years settings fall within the private, voluntary and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2 year olds and the 30 hours funded childcare offer for 3-4 year olds. The take-up has been high, increasing demand for early years provision. All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional nursery places required as a result of housing growth, however they may be provided, in particular where these are proposed as part of school expansions or new schools.

10. You are also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19. Furthermore, you must secure sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.<sup>5</sup> Pupil yield data should identify the number of students living in recent housing developments, aged 16-19 (without an EHC plan) and up to the age of 25 (with an EHC plan). We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.

11. To determine the need for SEN provision, pupil yield data should identify the number of pupils/learners within recent local housing developments who attend special schools, pupil referral units or alternative provision, SEN units and resourced provision within mainstream schools. It is reasonable and fair to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. There is no standard capacity assessment applicable to special schools and other types of non-mainstream education, as their ability to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special school/SEN places generated by a development, where there is a need for additional SEN provision. Greater travel distances to special schools and alternative provision should not affect your

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<sup>5</sup> [Participation of young people: education, employment and training.](#)

consideration of whether a planning obligation meets the legal tests outlined in paragraph 1.

12. We advise you to identify a range of SEN or other non-mainstream projects and ensure that planning obligations allow you the flexibility to direct funds appropriately within a 10 year period. Non-mainstream provision does not conform to standard class sizes, these being determined according to need. While it may be appropriate to pool contributions towards a new classroom in a special school or SEN unit at a mainstream school, it is equally valid to seek contributions for school building alterations that increase a school's capacity to cater for children with SEN, such as additional space for sensory rooms, facilities to teach independent living skills or practical teaching space.

13. It is not necessary to disaggregate the SEN pupil yield factor according to different complex needs. All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is built. Site-specific factors will always need to be taken into account, but a robust local authority-wide pupil yield factor based on evidence of recent developments will often be sufficient to demonstrate that this need is reasonably related in scale and kind to the development.

## Costs of provision

14. The amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.

15. We advise that you base the assumed cost of mainstream school places on national average costs published in the DfE school place scorecards.<sup>6</sup> This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors.<sup>7</sup> We recommend the use of index linking when developer contributions are discussed at planning application stage and in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

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<sup>6</sup> [School places scorecards](#).

<sup>7</sup> Further guidance on doing this is available with the school place scorecards (see the technical notes) for 2018 onwards.

16. Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school. Similarly, further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place.

17. Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. We recommend that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.<sup>8</sup> You can also refer to the National School Delivery Cost Benchmarking report for the costs of delivering SEN school places.<sup>9</sup>

18. Where there is local evidence of higher costs for a particular project, such as a bespoke feasibility study or known site abnormalities, these can be used in preference to the adjusted national average.

## Identifying education projects

19. Local plans and other planning policy documents should set out the expectations for contributions from development towards infrastructure, including education of all phases (age 0-19) and special educational needs.<sup>10</sup> We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school provision and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places, but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision should be required.

20. We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, as long as both would comply with the Section 106 tests. This will help you respond to changing circumstances and new information, such as detailed feasibility work leading you to abandon a preferred expansion project.

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<sup>8</sup> [Primary and secondary school design guidance.](#)

<sup>9</sup> [National School Delivery Cost Benchmarking: Primary, Secondary and SEN Schools](#)

<sup>10</sup> [National Planning Practice Guidance](#)

21. We advise you to consider the realistic potential for schools in your area to expand or increase capacity through other alterations, in discussion with academy trusts, and identify site options for any new schools (within proposed housing developments or on standalone sites). Including suitable projects in the local planning authority's infrastructure funding statement will ensure that developer contributions are clearly identified as the funding source where new schools, expansions or alterations are required due to housing growth. This background work will also minimise the risk of a specified school project in a planning obligation proving undeliverable. Planned expansions to academies may require an agreement between the local authority and academy trust to ensure that school places provided by developer contributions are commissioned/delivered appropriately.

## **Safeguarding land for schools**

22. National Planning Practice Guidance advises on how local planning authorities should prepare plans and take account of education requirements. We advise you to work with local planning authorities and developers to ensure your long-term pupil place planning objectives are reflected in the development plan (and supplementary planning documents which do not form part of the development plan, but which are material planning considerations).<sup>11</sup> Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase.

23. You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. 'Future-proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion, and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.

24. While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for land owners to secure planning consent

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<sup>11</sup> The development plan is defined in Section 38 of the [Planning and Compulsory Purchase Act 2004](#), and comprises the spatial development strategy, development plan documents and neighbourhood development plans.

for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and prevents such land being usurped by uses with a higher development value. Land equalisation approaches can be used in multi-phase developments to ensure the development 'hosting' a new school (and any additional safeguarded land) is not disadvantaged. Nevertheless, the market price for the land will depend on its permissible uses. Land allocated for educational use in a local plan would usually have limited prospect of achieving planning permission for any other uses. Independent land valuation may be required to establish an acquisition cost. National Planning Practice Guidance provides advice on land valuation for the purposes of viability assessment.

25. Compulsory purchase may have a potential role in supporting the delivery of new education facilities. However, it is a tool of last resort and compulsory purchase orders (CPOs) will only be confirmed (i.e. approved) if there is a compelling case in the public interest. Where an acquiring authority seeks to acquire land for the purposes of providing education facilities, its justification for doing so may be strengthened if the site is allocated for such a use in an up-to-date development plan. Planning policy is also taken into account for the purposes of assessing compensation payable to affected landowners.

26. Where new schools are planned within housing developments, we advise you to consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate specification and pre-application support from the local planning authority. Advice on complying with state aid and public procurement legislation is provided in the Annex.

## **Strategic developments and new settlements**

27. Garden communities are an increasingly popular way of planning for housing growth at the scale required to meet the country's housing needs. The government is supporting a number of garden communities under the Garden Communities Programme. We have published guidance on education provision in garden communities, to assist local planning authorities and Homes England in delivering schools as part of garden communities.<sup>12</sup> We advise you to consider this in conjunction with this guidance on securing developer contributions for education.

28. Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing and draws pupils from existing schools,

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<sup>12</sup> [Education Provision in Garden Communities](#)

threatening their viability and resulting in unsustainable travel-to-school patterns. We advise local authorities with education responsibilities to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference.

29. Schools can be delivered in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required, and transport costs for pupils travelling further than the statutory walking distance.<sup>13</sup> This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, children living in the development will usually have priority for admission to the new school and will take up these school places over time.

30. As far as possible (and often in relation to primary schools only), new settlements and urban extensions should be expected to meet their full education requirement. Where an onsite school is required, it should be large enough to meet the need generated by the development. As a general rule, the capacity of existing primary schools beyond the statutory walking distance does not need to be taken into account when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns for young people.

31. When a permanent new school is proposed to be built early in the development of an urban extension or new settlement, you will naturally consider the effect this might have on parental demand and the viability of existing schools. To minimise detrimental impacts on existing schools while supporting local planning authorities to plan new communities, you should work with school providers and the relevant Regional Schools Commissioner to promote Admission Arrangements and opening strategies that will maintain equilibrium in school populations across your area. This can include phased delivery, with the initial phase future-proofed for future expansion (such as an oversized assembly hall and dining area) and land safeguarded for the school's expansion when need builds up over a long period, though it is important to secure commitment to the delivery of later phases.

32. You should also work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at

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<sup>13</sup> The statutory walking distances are set out in the [Home to School Transport guidance](#)

the appropriate time. If early school delivery is required, the school site must be identified and agreed at an early stage, giving consideration to its accessibility and condition at the point of transfer.

33. If a new school opens in a single phase below its full capacity while it awaits pupils moving to the development, this does not represent an available surplus for other developments assessing their own impact and mitigation, unless the development delivering the new school will not be completed or generate enough pupils to fill the school. Complementary uses that share the school site can be considered for a temporary period while a new school fills. In practice, you may prefer to deliver the school in phases using modular construction methods, linking capacity more closely to emerging need, though the initial phase must still provide a viable sized school.

34. New housing tends to attract more young families than older housing, yielding higher numbers of pupils particularly in the pre-school and primary age groups, though this stabilises over time until the development resembles the mature housing stock.<sup>14</sup> We advise you to respond to initial peaks in demand, such as planning for modular or temporary classrooms, securing a large enough site to meet the maximum need generated by the development. Where new settlements are planned, you may wish to carry out demographic modelling to understand education requirements in more detail, taking account of similar developments and different scenarios such as an accelerated build rate.

35. Where a requirement for both primary and secondary schools has been identified, we recommend you consider if there would be cost efficiency, space saving and educational benefits in providing an all-through school.

36. There may also be sustainability, efficiency and educational benefits in relocating an existing school, for example where a development is large enough to require a new secondary school but it would be too close to an existing secondary school, both of which would be relatively small. Such reorganisation of the school estate, relocating and expanding an existing school on a development site, may be necessary to make the development acceptable in planning terms, if the alternative distribution, size or condition of schools would be unsustainable. Proposed changes are subject to following the relevant process, depending on the category of the school.<sup>15</sup> We advise that you work collaboratively with local planning authorities to ensure your objectives for the school estate are reflected in planning policies and decisions.

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<sup>14</sup> This phenomenon is widely reported in local authority evidence, such as for [Central Bedfordshire](#) and [North Essex Garden Communities](#).

<sup>15</sup> [School organisation guidance and transparency data](#).

37. There is often a degree of uncertainty around the delivery of urban extensions and new settlements, in view of the long timescales involved, multiple developers and changeable market conditions. The build rate of development may be slower than anticipated, while land provided for a school may need to be returned to a developer if it is not used within an agreed period. Therefore, it is important to consider carefully the clauses within planning obligations if they impose any time restriction on the use of transferred education land, and the potential for the overall phasing of developer contributions to cause delays. Where land has to be returned to a developer, this should be on the same terms as it was given; land provided by free transfer should be returned as such.

38. We also advise you to consider any potential uplift in the value of a development following the grant of planning permission and before all housing units are sold or let. It may be possible to secure the full education contribution, where this had previously been reduced on viability grounds, using planning obligation review mechanisms. National Planning Practice Guidance advises further on how viability should be assessed during the lifetime of a project. We recommend that you work with local planning authorities to set out in plans the circumstances where review mechanisms in planning obligations may be appropriate, allowing you to maintain policy compliance on education contributions when circumstances have changed.

39. To support the delivery of strategic development at pace, you may need to forward-fund school provision within an urban extension or new settlement, using basic need funding or local authority borrowing if necessary and recouping these costs later through developer contributions secured by a planning obligation. While we recognise there are some inherent risks to this, our position on the use of basic need funding and other forward-funding options is set out in paragraphs 5-7 above.

# Annex

## Developer delivery of new schools

1. Direct delivery of new schools by housing developers may represent good value for money. This model of delivery should not contravene state aid or public procurement rules. While we advise you to seek your own project-specific legal advice when necessary, this annex sets out the department's view on the legal position at the time of publication. Local authorities should keep abreast of emerging case law that may have a bearing on this advice, and any legislative changes following the UK's exit from the European Union.<sup>16</sup>
2. While the department supports developer delivery of schools in principle, we recognise that local circumstances vary and it will not always be the preferred option. Nevertheless, high quality design and performance for developer-built schools are achievable through the planning and building control process, and compliance with national standards such as the DfE building bulletins, output specification and other design standards and guidance.<sup>17</sup>
3. When developer delivery is proposed, we recommend a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification (see further advice below regarding procurement); such collaboration is good practice and helps to avoid disputes.
4. We recommend that planning obligations or other mechanisms provide detail on how local authorities intend to step in and deliver the school if developer delivery falls through but the school is still required. Longstop clauses should ensure that the land for the school is transferred early enough for the local authority to intervene and provide the school at the right time. In these situations, the planning obligation should also require financial contributions to be made in lieu of the 'in kind' provision of the school by the developer, making use of review mechanisms where necessary to respond to changing circumstances. Even in cases where a planning obligation is silent on this subject, Section 106(6) of The Town and Country Planning Act 1990 provides that the local authority may enter land to carry out works required by a Section 106 agreement where the developer is in default, although where a risk of non-delivery is identified, we

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<sup>16</sup> At the time of publication, current rules are expected to be preserved in domestic law. See [The State Aid \(EU Exit\) Regulations 2019](#) (draft) and [EU Exit guidance on public-sector procurement](#).

<sup>17</sup> [School design and construction guidance](#).

recommend that specific planning obligations are secured to mitigate that risk (for example through performance bonds).

## State Aid

5. In some cases, all relevant parties will support developer delivery of a new school, but the local authority accepts that the developer cannot fully fund the new school and its delivery would need a degree of public subsidy. It is important this this does not constitute unlawful state aid to the developer.<sup>18</sup>

6. The question is whether a contribution by a local authority to the cost of the school (otherwise being funded by the developer under a planning obligation) is a grant of incompatible state aid to that developer. The answer depends on the circumstances that give rise to the local authority's contribution. There are two principal questions. Has the public contribution arisen:

- (a) Because planning law/policy only requires the developer to make a partial contribution; or
- (b) Because the local authority has otherwise volunteered to make this contribution?

### Planning law/policy only requires the developer to make a partial contribution

7. This is unlikely to give rise to incompatible state aid (unlawful). If planning law/policy only requires the developer to make a partial contribution then no incompatible state aid should arise merely because the local authority (or another public sector body) funds the balance of those costs. This is subject to the relevant public sector body satisfying itself (through benchmarking and/or a cost consultant's report) that the developer's costs of building the school are not more than market costs. This would apply even if the initial application of planning policy dictated that the developer makes a full contribution but after applying planning viability principles (taking account of the total infrastructure burden on the development) the developer's contribution was reduced.

8. National Planning Practice Guidance says that for the purpose of plan making, an assumption of 15-20% of gross development value may be considered a suitable return to developers, in order to establish the viability of plan policies. A local authority's contribution to school delivery which supports a higher profit margin for a particular developer may be considered a voluntary contribution (see below) and a selective benefit to one developer, which may amount to unlawful state aid.

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<sup>18</sup> Guidance relating to [state aid](#) and [CIL](#), and [The State Aid \(EU Exit\) Regulations 2019 \(draft\)](#).

9. The rationale for this assessment is that the key state aid test to be applied to the developer is whether it has selectively benefitted from the local authority's contribution. For example, if under planning law/policy it (or any other developer) would have only been required to fund 60% of the school's costs then it has not selectively benefitted as another developer (in identical circumstances) would also only be required to make the same 60% contribution. The extent of the local authority's contribution (if required) will usually be determined through viability assessment.

### **The local authority has otherwise volunteered to make this contribution**

10. A voluntary contribution by the local authority would raise an issue that its funding may grant a selective benefit to the developer and could amount to incompatible state aid (unlawful).

11. The local authority may require a larger school than the development must provide, such as an increase to two forms of entry (2FE) when the development generates a need for a 1.5FE school. This may constitute a voluntary contribution but would not provide a selective benefit to the developer, provided any other developer in identical circumstances would receive the same contribution for additional school places, so in such circumstances the risk that this would amount to incompatible state aid is considered low.

### **Public contracts and OJEU procurement**

12. Under the Public Contracts Regulations 2015 (PCR), a contract for a pecuniary interest may be considered a 'public contract'. If there is consideration being provided by the contracting authority, either directly or indirectly, then the contract will be subject to the PCR.

13. UK Case law makes a distinction between planning obligations and other contracts, recognising that the public body is exercising its planning powers in order to regulate the development of land, rather than procuring an economic benefit.<sup>19</sup> Therefore, where a Section 106 agreement places an obligation on a developer to provide land/or buildings for a new school because this is necessary to make the development acceptable in planning terms (a prerequisite for a planning obligation), that Section 106 agreement does not constitute a public contract.

14. A separate development agreement with a developer may constitute a public contract, specifically a public works contract, which would require the local authority to undertake procurement under the Official Journal of the European Union (OJEU) or the

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<sup>19</sup> *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532* and *Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08)*

equivalent following the UK's exit from the EU. it is important that a number of principles contained in relevant case law<sup>20</sup> are complied with:

- a) there is no positive works obligation on the developer (either immediate or contingent) to build the school in any event (meaning could the public authority force the developer to build the school even if that developer never implemented its planning permission); and/or
- b) The public body has no 'decisive influence' on the design of the school. (The public authority is entitled to contribute to discussions about, be consulted on and set parameters about the building (e.g. compliance with national standards) but not have the ultimate decision about the works specification). Ultimately, it is for the courts (and the European Court of Justice) to rule upon the lawfulness of any public works funding.

15. As set out above, where a Section 106 agreement secures the provision of a school as a planning requirement and no consideration arises, it is not likely to be a public contract so is unaffected by considerations around positive works obligations and decisive influence over design. If a local authority then enters into a separate contract with a developer in addition to the planning obligation, it is important that the developer would not be legally obligated to perform the works and could walk away from them at any time, until the development commenced.

16. The extent to which a contracting authority can become involved in the design of works before it is deemed to be "specifying" such works has been explored in case law and guidance.<sup>21</sup>

17. A contract would only be deemed a public works contract if the contracting authority took measures to define the type of work to be undertaken by the developer partner or at the very least had a "decisive influence" on its design. "Requirements specified by the contracting authority" has been taken to exclude the exercise of a public authority's urban planning powers in examining building plans presented to it, or the decision to apply its planning powers in relation to a particular project.

18. The former Office of Government Commerce (OGC) provided further interpretation of the land exemption. In particular they were of the view that:

- (a) national or local land-use planning policies, requirements or restrictions for a site would not in themselves comprise a requirement specified by the contracting authority;

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<sup>20</sup> The Queen (on the application of Midlands Co-operative Society Limited) and Birmingham City Council [2012] EWHC 620 (admin); Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08); Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532

<sup>21</sup> Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben (C-451/08) and Office of Government Commerce (OGC) Information Note 12/10 (30 June 2010).

- (b) a broad invitation that a site should be developed in accordance with applicable or national local land-use planning policies but with the developer free to put forward its own intentions, proposals and specifications within these parameters is unlikely to trigger a requirement specified by the contracting authority.

19. Although the OGC no longer exists as a distinct government department, their guidance note has been referenced by the domestic Courts and it is still considered useful guidance in the UK. However, reliance on OGC views may need to be reviewed if their position is overruled by the European Courts or the Commission, or by domestic Courts following the UK's exit from the EU.

20. When school construction is complete, an academy trust takes on responsibility for the building and its operation. In terms of procurement law, it is the entrustment by the contracting authority of the obligation to undertake the works that is relevant, not the reasons for doing so, or the beneficiary of the works.<sup>22</sup> The fact that a school is to be transferred to an academy trust post-construction does not affect consideration of whether the procurement amounts to a public works contract.

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<sup>22</sup> Jean Auroux v Roanne (C-220/05).



Department  
for Education

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Reference: DfE-00233-2019



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Department  
for Education

# **Home to school travel and transport guidance**

**Statutory guidance for local authorities**

**July 2014**

# Contents

Summary	5
Review date	5
What legislation (including statutory instruments) does this guidance refer to?	5
Who is this guidance for?	5
Main points	6
Local authorities' statutory duties	6
Part 1 - Statutory duties	7
1.1 Sustainable school travel	7
Assessing the travel and transport needs of children and young people	7
Audit of infrastructure to support sustainable school travel	8
Strategy to develop infrastructure to support travel needs of pupils	8
Promoting sustainable travel and transport to and from school	9
Publication of Sustainable Modes of Travel Strategy	9
1.2 Provision of travel arrangements	9
1.3 Provision of travel arrangements: Eligible children	10
Statutory walking distances eligibility	10
Special educational needs, a disability or mobility problems eligibility	10
Unsafe route eligibility	11
Extended rights eligibility	11
Accompaniment	11
Assessing route safety	12
Measurement of routes	12
Timing of assessment of eligibility	12
Qualifying school	13
Travel arrangements made by the local authority or other bodies/persons	13
Suitability of arrangements	14
Part 2 - Discretionary Arrangements	16
Travel arrangements for other children	16
Religion or belief	16
Part 3 - Transport Considerations	18

Safeguarding requirements	18
Training and Equalities	18
Bus safety considerations	18
Poor behaviour on school buses/other modes of transport	19
Partnership	19
Part 4 – Policy Changes	20
Publication of general arrangements and policies	20
Policy Changes	20
Part 5 - Appeals process	21
Further information	22
Post-16 transport	22
Sustainable transport	22
DBS (formerly CRB) employee suitability checks	22
Definitions	24
Key term Glossary	25
Annex 1: Case Studies	26
Sustainable travel	26
Darlington Borough Council case study	26
Impact/benefits	26
Details of the approach	26
How was the change made?	26
Advice for other LAs contemplating such an initiative	27
Stoke-on-Trent case study	28
Impact/benefits	28
Details of the approach	28
How was the change made?	28
Advice for other LAs contemplating such an initiative	28
Home to school travel assistance for pupils with SEN or disabilities	29
Coventry City Council case study	29
Impact/savings achieved	29
Details of the new approach	29

How was the change made?	29
Advice for other LAs implementing the change	29
Capacity building with schools and transport operators	31
Hertfordshire County Council case study	31
Impact/savings achieved	31
Details of the new approach	31
How was the change made?	31
Advice for other LAs implementing the change	31
Demand responsive service in rural areas	33
Staffordshire County Council case study	33
Impacts/Benefits	33
Details of the approach	33
How was the change made?	33
Advice for other LA's implementing the change	33
Annex 2: Recommended Review/Appeals Process	35
Stage one: Review by a senior officer	35
Stage two: Review by an independent appeal panel	36
Home to school travel and transport: flowchart of the review/appeals process	37

## Summary

This is statutory guidance from the Department for Education. This means local authorities are under a duty to have regard to it when carrying out their duties in relation to home to school travel and transport, and sustainable travel.

This guidance is issued under duties placed on the Secretary of State by sections 508A and 508D of the Education Act 1996 (the Act). It deals with sections 508A, 508B, 508C, 509AD, and Schedule 35B of the Act which were inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006).

This guidance replaces Home to School Travel and Transport Guidance Ref: 00373-2007BKT-EN.

## Review date

This guidance will next be reviewed in 2017.

## What legislation (including statutory instruments) does this guidance refer to?

This guidance refers to the following legislation (including statutory instruments):

- Sections 444, 508A, 508B, 508C, 508D, 509AD and Schedule 35B of the Education Act 1996 (the Act), as inserted by [Part 6 of the Education and Inspections Act 2006](#) (the EIA 2006)
- Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, [as amended](#)
- Equality Act 2010
- [School Admissions Code](#)
- European Convention on Human Rights
- The School Travel (Pupils with Dual Registration)(England) Regulations 2007
- Public Service Vehicles (Carrying Capacity) Regulations 1984
- Section 48 of the School Standards and Framework Act 1998

## Who is this guidance for?

This guidance is for:

- Local authorities
- Leaders of maintained schools, academies and free schools
- Parents
- Other interested parties, e.g. Transport Providers

## Main points

- There has been no change to school transport legislation and the associated duties continue to rest with local authorities.
- With the widening of the academies programme, the introduction of the free schools programme, and all schools now having the power to decide their session times, there will be an increasing need for local stakeholders to work together in partnership to agree and deliver transport policies that meet the particular needs of their area<sup>1</sup>.
- The guidance on appeals has changed and is intended to ensure greater consistency in approach and to be clearer and more transparent for both parents and local authorities.
- The policy for post 16 transport is different from that for compulsory school aged children (5-16). The link to the department's guidance on post 16 transport is provided in the '[Further information](#)' section of this guidance.
- Local authorities should review travel policies, arrangements and contracts regularly to ensure best value for money is achieved.

## Local authorities' statutory duties

In order to comply with their home to school transport duties local authorities must:

- Promote the use of sustainable travel and transport (Part 1.1).
- Make transport arrangements for all eligible children (Part 1.2).

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<sup>1</sup> See Hertfordshire County Council's approach to capacity building in the [case study at Annex 1](#).

# Part 1 - Statutory duties

## 1.1 Sustainable school travel

1. Section 508A of the Act places a general duty on local authorities to promote the use of sustainable travel and transport<sup>2</sup>. The duty applies to children and young people of compulsory school age who travel to receive education or training in a local authority's area<sup>3</sup>. The duty relates to journeys to and from institutions where education or training is delivered.

2. There are five main elements to the duty which local authorities must undertake:

- an assessment of the travel and transport needs of children, and young people within the authority's area;
- an audit of the sustainable travel and transport infrastructure within the authority's area that may be used when travelling to and from, or between schools/institutions;
- a strategy to develop the sustainable travel and transport infrastructure within the authority so that the travel and transport needs of children and young people are best catered for;
- the promotion of sustainable travel and transport modes on the journey to, from, and between schools and other institutions; and
- the publication of Sustainable Modes of Travel Strategy.

3. 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.

## Assessing the travel and transport needs of children and young people

4. Local authorities should, in large part, base their assessment of children and young people's travel and transport needs on the data provided by schools or colleges, often contained within school travel plans. Effective school travel plans, updated as necessary, put forward a package of measures to improve safety and reduce car use, backed by a partnership involving the school, education, health and transport officers from the local authority, and the police. These seek to secure benefits for both the school and the children by improving their health through active travel and reducing congestion caused by school runs, which in turn helps improve local air quality. Many travel plans

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<sup>2</sup> See Darlington Borough Council's approach to sustainable travel in the [case study at Annex 1](#).

<sup>3</sup> 'Child', 'compulsory school age' and 'sixth-form age' are defined respectively in sections 579(1), 8 and 509 AC of the Act.

are produced as a result of planning conditions placed on new developments by local authority planning departments. This highlights the need for all relevant departments (e.g. highways departments, planning departments, transport departments, children's services, environment departments, and public health) to be fully engaged when addressing this duty.

## **Audit of infrastructure to support sustainable school travel**

5. Local authorities already collect much of the information required for the audit of the infrastructure supporting sustainable school travel. Local authorities should audit infrastructure in accordance with any relevant guidance and the requirements of any infrastructure implemented. Specific school routes audits are considered good practice. The specifics of the audit and how often it should be reviewed are for a local authority to decide on as appropriate. However, the audit should include a mapping exercise showing how schools are served by:

- bus and other public transport routes (including school transport provided by the local authority);
- footpaths, cycle ways, roads and associated features (including crossing points and patrols, traffic calming measures, speed limits, 20mph zones); and
- any other arrangements made to support sustainable school transport that may be in operation (including the provision of cycle training, road safety training, and independent travel training; the provision of walking promotion and barrier removal schemes, car sharing schemes, park and stride/ride schemes, cycle parking).

6. The audit should also consider data relating to [personal safety and security](#), and other factors that influence travel choices, such as poor behaviour on school buses and/or the incidence of bullying on the journey to school. School travel plans will help local authorities understand any specific local issues, including perceptions of pupils and parents.

7. The arrangements or requirements for children with special education needs (SEN) or disabilities should also be considered and whether, for example, some might benefit from independent travel training which can result in a skill for life<sup>4</sup>.

## **Strategy to develop infrastructure to support travel needs of pupils**

8. Following the assessment of pupil needs, and audit of the sustainable transport infrastructure that supports travel to school, local authorities must establish a strategy for

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<sup>4</sup> See Coventry City Council's approach to independent travel training in the [case study at Annex 1](#).

developing that infrastructure so that it better meets the needs of children and young people in their area. These improvements should address a range of objectives, including environmental improvements, health benefits and enhanced child safety and security. The strategy should be a statement of the authority's overall vision, objectives and work programme for improving accessibility to schools and will be an important source of information to parents on the travel options available to them when expressing their preferences for particular schools in the admissions round.

9. The strategy should be evidence-based, including an assessment of the accessibility needs and problems of the local authority's area. Local authorities must monitor the implementation of their strategy and revise these as they feel necessary.

### **Promoting sustainable travel and transport to and from school**

10. Local walking, cycling, and bus strategies should inform the local authority's duty to promote sustainable school travel. In line with the physical Olympic and Paralympic legacy, as set out in HM Government's document '[Moving More, Living More](#)', promotion of walking and cycling to school can be an effective way to increase physical activity in children.

11. The sustainable school travel duty should have a broad impact, including providing health benefits for children, and their families, through active journeys, such as walking and cycling. It can also bring significant environmental improvements, through reduced levels of congestion and improvements in air quality to which children are particularly vulnerable.

### **Publication of Sustainable Modes of Travel Strategy**

12. The Education (School Information) (England) Regulations 2002, as amended require local authorities to publish their Sustainable Modes of Travel Strategy on their website by 31 August each year<sup>5</sup>.

## **1.2 Provision of travel arrangements**

13. Sections 508B and 508C of the Act make provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school.

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<sup>5</sup> S.I. 2002/2897, amended by [The Education \(School Information\) \(England\) \(Amendment\) Regulations 2007 \(S.I. 2007/1365\)](#).

14. These provisions apply to home<sup>6</sup> to school travel arrangements, and vice versa<sup>7</sup>. They do not relate to travel between educational institutions during the school day<sup>8</sup>.

15. Parents are responsible for ensuring that their children attend school regularly. However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

### 1.3 Provision of travel arrangements: Eligible children

16. Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required local authorities are required to:

#### Statutory walking distances eligibility

- provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school<sup>9</sup> is:
  - beyond 2 miles (if below the age of 8); or
  - beyond 3 miles (if aged between 8 and 16)

#### Special educational needs, a disability or mobility problems eligibility

- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability<sup>10</sup>. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual

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<sup>6</sup> A child's 'home' is the place where he/she is habitually and normally resident.

<sup>7</sup> Including to boarding provision, where applicable.

<sup>8</sup> When a dual placement is outlined on an EHC Plan or statement, a local authority should use its discretion to decide on how best to cater for this child's individual circumstances.

<sup>9</sup> Taken to mean the nearest [qualifying school](#) with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

<sup>10</sup> As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.

transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.

### **Unsafe route eligibility**

- make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.<sup>11</sup>.

### **Extended rights eligibility**

- provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit <sup>12</sup> if:
  - the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
  - the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
  - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

### **Accompaniment**

17. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the local authority will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

18. The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

19. Local authorities should, however, promote and ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying

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<sup>11</sup> Paragraphs 4 and 5 of Schedule 35B.

<sup>12</sup> Paragraphs 9-14 of Schedule 35B.

their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school transport for the child in question.

## Assessing route safety

20. Creating safe walking, cycling and travel routes and encouraging more pupils to walk and cycle to school is one of the best ways to reduce the need for transport and associated costs. In assessing safety, local authorities should consider a range of risks, such as: canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian or motorist. An authority should also consider whether it is reasonable to expect the child's parent to accompany the child along a route which would otherwise be classified as [being unsafe](#).

21. Good practice shows that using local knowledge, coupled with modern IT tools, is essential when assessing existing walking routes and identifying potential new ones. Putting in place suitable new paths, pedestrian crossings and cycle lanes can improve safety, but minimal investment can also reap significant rewards. This might be something as simple as trimming overgrown hedges or preventing illegal parking. Making parents aware of safe walking routes and the time taken to assess them can help alleviate concerns and significantly increase the amount of pupils choosing to walk.

## Measurement of routes

22. The measurement of the statutory walking distances is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, [may walk safely](#). As such, the route measured may include footpaths, bridleways, and other pathways, as well as recognised roads.

23. The 2 mile limit for extended rights should be measured in the same way as the statutory walking distances. However, the 6 mile upper limit to a choice of schools, and the 15 mile upper limit to a school preferred on grounds of religion or belief are not walking routes, and should therefore be measured along routes that are passable using a suitable motorised vehicle. In short, the upper limits should be measured along road routes.

## Timing of assessment of eligibility

24. At the point when transport eligibility is considered, the prospect of being able to secure a place in an alternative (usually nearer) school must be a real one. For most cases this will be during the normal school admissions round when places are allocated. A smaller number of cases will need to be considered during the course of the school year e.g. as a result of families moving to a new area.

25. Where entitlement to extended travel rights has been established the department's opinion is that local authorities should consider the pupil to be eligible for the entirety of

the school year for which the assessment has been made. If a pupil ceases to be eligible any change to provision made by the local authority must be considered in the context of the potential impact on the child. Disruption to a child's education should be avoided.

26. Where a pupil is registered at a school, but is attending a place other than that school as a result of temporary exclusion, [eligibility for home to school travel](#) will apply to the other place for the temporary period.

## Qualifying school

27. The relevant educational establishment in relation to an eligible child will be either a qualifying school or the place, other than a school, where they are receiving education by virtue of arrangements made under section 19(1) of the Act<sup>13</sup>.

28. Regulations<sup>14</sup> clarify the entitlement for eligible children, a small number of whom may be registered at more than one educational establishment, e.g. children of no fixed abode might be registered at more than one school, and other children may be registered at a hospital school and another school, etc.

29. Qualifying schools are:

- community, foundation or voluntary schools;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools; or
- city technology colleges (CTC), city colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC)<sup>15</sup>.

30. For children with SEN, an independent school can also be a qualifying school where this is named on the child's Education, Health and Care Plan (EHC Plan) or statement, or it is the nearest of two or more schools named.

## Travel arrangements made by the local authority or other bodies/persons

31. Examples of other bodies or persons making travel arrangements might include: a parent consenting to use their car in return for a mileage allowance; a school or group of

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<sup>13</sup> Section 508B(10) of the Act.

<sup>14</sup> [The School Travel \(Pupils with Dual Registration\)\(England\) Regulations 2007](#) (S.I.2007/1367).

<sup>15</sup> Paragraph 15 of Schedule 35B.

schools reaching an agreement with a local authority to provide transport in minibuses owned by the school; or a transport authority providing free passes for all children on public transport. For example, in London, Transport for London provides free bus passes for all children under the age of 16. In many circumstances, London Boroughs may therefore not need to make any additional travel arrangements for children living in their area, particularly when eligibility would be through statutory walking distances or extended rights.

32. Subsection (4) of 508B and 508C of the Act list some of the travel and transport arrangements that may be made. These might include: provision of a seat on a bus or minibus provided by the local authority; provision of a seat in a taxi where more individualised arrangements are necessary; and provision of a pass for a public service bus, or other means of public transport.

33. On condition that the relevant parental consent has been obtained (annually or, if a child moves school, at that point too) by the local authority, a number of alternative arrangements might be considered to meet the local authority duty relating to travel arrangements. Examples include:

- a mileage allowance paid to a parent driving their eligible child to school in lieu of the local authority making arrangements for a taxi to transport the child;
- a cycling allowance paid by the local authority where the parent agreed for their child to cycle to and from school instead of catching a bus for, say a three mile journey; and
- local authority provision of a suitable escort to enable an eligible child with a disability to walk a short distance to school in safety, instead of making arrangements for a taxi to take them to and from school.

## **Suitability of arrangements**

34. As a general guide, transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time. Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes, but these should be regarded as the maximum. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

35. Consideration should also be given to the walking distance required in order to access public transport. The maximum distances will depend on a range of circumstances, including the age of the child, their individual needs and the nature of the routes they are expected to walk to the pick up or set down points and should try to be combined with the transport time when considering the overall duration of a journey. With regards to pick up points, local authorities may at their discretion use appropriate pick up points when making travel arrangements. For arrangements to be suitable, they must

also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study.

## Part 2 - Discretionary Arrangements

### Travel arrangements for other children

36. Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. Charges can be made, or, as stated in Subsection (5) of 508C local authorities may also pay all or part of the reasonable travel expenses of children who have not had travel arrangements made either under the statutory duty placed on local authorities, or under their discretionary powers to make travel arrangements. Where charges are imposed, good practice suggests that children from low income groups (those not eligible for extended rights, either due to being just outside financial eligibility or live outside of the distance criteria and therefore not in receipt of free travel) should be exempt.

37. It is very much for the individual local authority to decide whether and how to apply this discretion as they are best placed to determine local needs and circumstances. It is recognised that local authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities. While the department offers guidance, the final decision on any discretionary travel arrangements must rest with the individual local authority who should engage with parents and clearly communicate what support they can expect from the local authority.

### Religion or belief

38. Many parents will choose to send their children to a school as near as possible to their home. However, some parents choose to send their children to a school with a particular ethos because they adhere to a particular faith, or belief. Local authorities need to respect parents' religious and philosophical convictions as to the education to be provided for their children<sup>16</sup>, give careful consideration to discrimination issues and seek legal opinion if they are unsure about the effect of their policies, before publishing them each year.

39. Under the European Convention on Human Rights (ECHR), parents do not enjoy a specific right to have their children educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school and the Equality Act 2010 (which places a duty on local authorities

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<sup>16</sup> Article 2 of the First Protocol.

not to discriminate against a person on the grounds of their religion or belief), does not apply to the exercise of an authority's functions in relation to transport<sup>17</sup>.

40. However, the Secretary of State continues to attach importance to the opportunity that many parents have to choose a school or college in accordance with their religious or philosophical beliefs, and believes that wherever possible, local authorities should ensure that transport arrangements support the religious or philosophical preference parents express. In many cases these schools may be more distant and therefore the provision of transport and/or training, and the avoidance of unreasonable expenditure on travel are encouraged. However, the department appreciates that this may be incompatible, for example, on grounds of excessive journey length, or where the journey may have a detrimental impact on the child's education.

41. The Act places a duty on local authorities to make arrangements for secondary pupils from [low income](#) backgrounds to attend the nearest school preferred on grounds of "religion or belief", where that school is between 2 and 15 miles from their home. Local authorities may wish to use their discretionary powers to extend transport arrangements beyond the extended rights duty and facilitate attendance at such schools. The Secretary of State expects local authorities to consider all possible options before they disturb well established arrangements, some of which have been associated with local agreements or understandings about the siting of such schools. Local authorities should pay particularly careful attention to the potential impact of any changes on low income families (those not eligible under extended rights) whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school because of their religious or philosophical beliefs.

42. Local authorities will need to be aware of their obligation not to discriminate under article 14 of ECHR. For example, where local authorities use their discretionary powers to make travel arrangements for children on the basis of their parents' religious beliefs to schools designated with a religious character, the equalities implications should be considered, to facilitate parents' who wish their children to be educated in accordance with their philosophical convictions.

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<sup>17</sup> s31 of, and paragraph 11 of Schedule 3 to, the Equality Act 2010.

## Part 3 - Transport Considerations

### Safeguarding requirements

43. It is the responsibility of the individual local authority to ensure the suitability of its employees and any contractors or their employees by undertaking the required safeguarding checks on those whose work or other involvement will bring them into contact with children, or more widely, vulnerable adults. This should include bus drivers, taxi drivers and escorts, as necessary. The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the [Disclosure and Barring Service](#) (DBS). CRB checks are now called DBS checks. Please see [Further information](#).

### Training and Equalities

44. All local authorities should ensure that all drivers and escorts taking pupils to and from school and related services have undertaken appropriate training, and that this is kept up to date. It is also considered good practice for those responsible for planning and managing school transport to have undertaken appropriate equality training. This training could consist of (but is not restricted to):

- an awareness of different types of disability including hidden disabilities;
- an awareness of what constitutes discrimination;
- training in the necessary skills to recognise, support and manage pupils with different types of disabilities, including hidden disabilities and certain behaviour that may be associated with such disabilities;
- training in the skills necessary to communicate appropriately with pupils with all types of different disabilities, including the hidden disabilities; and
- training in the implementation of health care protocols to cover emergency procedures.

### Bus safety considerations

45. Buses and coaches used to take pupils to and from school are public service vehicles and, as such, are subject to specific legislation on safety standards. All coaches and minibuses carrying groups of children of 3 to 15 years of age on organised trips are required to be equipped with seat belts. The legal requirement to fit seat belts does not apply to other types of bus, including those on public service. These tend to travel relatively slowly, over short distances, with frequent stops. Schools or local authorities making arrangements for home to school transport are free to specify within their contracts that they will only accept vehicles fitted with seatbelts.

46. The [Public Service Vehicles \(Carrying Capacity\) Regulations 1984](#) allow the option of three children under the age of 14 to occupy a bench seat designed for two adults on a

service bus. Modern bus designs and seat belt requirements are reducing the circumstances in which this practice can be adopted and in the opinion of the Secretary of State, local authorities making arrangements for home to school travel should only make use of this concession on an exceptional basis.

## Poor behaviour on school buses/other modes of transport

47. The department expects each school to promote appropriate standards of behaviour by pupils on their journey to and from school through rewarding positive behaviour and using sanctions to address poor behaviour. The EIA 2006 empowers headteachers to take action to address unacceptable behaviour even when this takes place outside the school premises and when pupils are not under the legal control of the school, but when it is reasonable to do so. In the department's view, this would include behaviour on school buses, or otherwise on the route to and from school, whether or not the pupils are in school uniform.

48. A number of local authorities have adopted a policy of withdrawing transport, either for a temporary period, or permanently for more serious or repeated cases of misbehaviour. Equally, the behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the Headteacher<sup>18</sup>. Local authorities might also consider that escorts are necessary to ensure safety of pupils on buses and can stipulate the provision of suitable escorts in their tender documents.

## Partnership

49. The department strongly supports local authorities in developing cross-cutting approaches to home to school travel and transport. Relevant considerations would include sustainability, delivering value money and finding school and parent friendly solutions. This could be through strong partnerships between local authorities and academies, the use of Department for Transport policies and practices, such as Local Transport Plans and Local Sustainable Transport fund (see [Further information](#)) and partnership with parents, for example to allow them to top up transport costs through the payment of fees in order to maintain the provision.

50. Partnerships are strongly encouraged, particularly in rural areas, where the generally more limited transport services could disadvantage children<sup>19</sup>.

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<sup>18</sup> <https://www.gov.uk/government/publications/school-exclusion>

<sup>19</sup> See Staffordshire County Council's approach to rural travel provision in [case study at Annex 1](#).

## **Part 4 – Policy Changes**

### **Publication of general arrangements and policies**

51. Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes. Local authorities should ideally integrate their Sustainable Modes of School Travel strategies into these policy statements, and publish them together.

### **Policy Changes**

52. Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.

53. Good practice suggests that the introduction of any such changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. Parents make school choices based on, amongst other things, the home to school transport arrangements for a particular school, and any changes might impact adversely on individual family budgets.

## Part 5 - Appeals process

54. Local authorities should have in place both complaints and appeals procedures for parents to follow should they have cause for complaint about the service, or wish to appeal about the eligibility of their child for travel support. The procedure should be published alongside the local authority travel policy statement. If an appellant considers that there has been a failure to comply with the procedural rules or if there are any other irregularities in the way an appeal was handled they may have a right to refer the matter to the Local Government Ombudsman. If an appellant considers the decision of the independent appeals panel to be flawed on public law grounds, they may apply for a judicial review.

55. In the past we have left it to local authorities to determine how their appeals procedures should operate in practice. However, in the interests of consistency and to be both clearer and more transparent, for both parents and local authorities, we have now set out a recommended review/appeals process in [Annex 2](#).

## Further information

### Post-16 transport

Guidance relating to post-16 transport is available on the [department's website](#)

### Sustainable transport

British Cycling is the national governing body for cycling and can provide advice on cycling to school and cycle training. More information is available at [www.britishcycling.org.uk](http://www.britishcycling.org.uk)

Department for Transport funding is available to Local Highway Authorities and Schools Games Organiser Host Schools for the provision of Bikeability cycle training for school children in England. This will teach children to cycle safely, confidently and competently on the roads. More information is available here: [www.dft.gov.uk/bikeability/schools](http://www.dft.gov.uk/bikeability/schools)

The Department for Transport Local Sustainable Transport Fund was established to support authorities in delivering local economic growth whilst cutting carbon emissions from transport. Further information can be found at:

<https://www.gov.uk/government/collections/local-sustainable-transport-fund>

Living Streets runs the national Walk to School campaign which reaches over 13 million people. The campaign successfully encourages and supports parents/carers and children to make walking to school part of their daily routine. More information is available on their website [www.livingstreets.org.uk](http://www.livingstreets.org.uk)

Modeshift is the national sustainable travel organisation. Modeshift supports local authorities, schools, business and communities to increase levels of sustainable travel. More information is available on their website [www.modeshift.org.uk](http://www.modeshift.org.uk)

Moving More, Living More is a document produced by the Department of Health which builds on the work already under way to help realise the aim of having a more physically active nation as part of the legacy from the London 2012 Olympic and Paralympic Games:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/279657/moving\\_living\\_more\\_inspired\\_2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279657/moving_living_more_inspired_2012.pdf)

Sustrans is the leading sustainable transport charity that provides practical advice that can be passed onto parents to increase confidence in walking and cycling. More information is available on their website: [www.sustrans.org.uk](http://www.sustrans.org.uk)

### DBS (formerly CRB) employee suitability checks

Further information about DBS checks (and who requires them or is eligible, for example bus drivers for designated home to school transport are eligible, whereas those driving

public services are not) can be obtained from: <https://www.gov.uk/disclosure-barring-service-check>

## Definitions

- Section 444(5) of the Act defines the statutory walking distances.
- Schedule 35B of the Act defines:
  - ‘eligible children’ (paragraphs 2-7 and 9-13);
  - ‘qualifying school’ (paragraph 15);
  - ‘disabled child’ (paragraph 15(4));
  - ‘religion and belief’ (paragraph 15(6)) and 509AD of the Act;
  - ‘low income family’ (paragraphs 9-14).
- Section 579 of the Act defines ‘child’.
- Section 509AC of the Act defines ‘compulsory school age’.
- The Equality Act 2010 defines ‘religion or belief’ for the purposes of this Act.
- The Children’s and Families Act section 10 defines ‘SEN’

## Key term Glossary

- Home: A child's 'home' is the place where he/she is habitually and normally resident.
- Nearest suitable school: Taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.
- Parent: Reference to parent in this document should be equated to mean parent/carer/legal guardian.
- Philosophical Belief: For a philosophical "belief" to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child. Examples of beliefs are humanism and atheism.
- Road routes: Reference to road route should be taken to mean a route passable by a motor vehicle, and could include distance covered on additional transport, e.g. via ferry.

# Annex 1: Case Studies

## Sustainable travel

Effective sustainable travel plans have wider benefits for a local area than simply improving access to schools and education. Evidence shows that school travel plans can have benefits ranging from increased road safety, to healthier, more alert and engaged pupils, to increasing independent travel and associated life skills for pupils with SEN. Enabling the increased use of sustainable modes of travel such as walking, cycling and the use of public transport has environmental benefits in reducing levels of noise, congestion and poor air quality - the latter of which children are particularly at risk to.

## Darlington Borough Council case study

### Impact/benefits

The data from 2011-12 indicates that on average, 7% of secondary school pupils are choosing to cycle to school. Before the Local Motion initiative began, this figure stood at just 1%.

### Details of the approach

Darlington Borough Council has encouraged a modal shift away from the car to more sustainable modes under the brand 'Local Motion'. The Local Sustainable Transport Fund has provided funding for the continuation of this project since 2011. It ensures that schools, young people and their families receive relevant information, to enable them to choose sustainable travel options to get to and from school.

### How was the change made?

The whole schools package is underpinned by the Modeshift STARS online accreditation scheme which recognises and rewards each school's commitment to promoting sustainable travel. All Darlington schools must engage with Modeshift STARS in order to access other support and resources from the Local Motion project.

A new Year 6 Transition Programme has been introduced to help pupils and their parents make informed choices about sustainable travel options to the secondary school they will be attending.

All Darlington secondary schools have converted to academy status, but have continued to engage with the Local Motion programme and continue to support sustainable travel.

## **Advice for other LAs contemplating such an initiative**

The Local Motion Transition encourages families to start thinking about how they are going to travel to secondary school long before they start at the school, to avoid relying on private cars.

For further information please email Louise Neale: [louise.neale@darlington.gov.uk](mailto:louise.neale@darlington.gov.uk)

## Stoke-on-Trent case study

### Impact/benefits

After just one year of Sustrans' engagement (2013/14) regular cycling amongst pupils (once or twice a week or more) increased from 8.5% to 12.7% and those regularly being driven (once or twice a week or more) decreased from 49.9% to 45.3%. This is helping to reduce the impact of congestion from education travel which is estimated to cost £2.6m per year.

### Details of the approach

Stoke is one of eight partner local authorities in the Access to Education (A2E) programme, led by Devon County Council and coordinated by Sustrans. It is funded by the Local Sustainable Transport Fund.

Using locally-tailored packages Sustrans provide a real alternative to the car for trips to schools, colleges and universities, reducing congestion, improving journey reliability and boosting local economies.

### How was the change made?

- Intensive engagement from two Sustrans officers working with 21 primary and seven secondary schools
- Provision of 'Access to Bikes School Hubs' – shipping containers that contain 15 bikes, helmets, hi-viz jackets, pumps, locks, lights and maintenance tools placed in nine schools
- Installation of cycle parking and scooter pods at schools
- A programme of highway safety improvements, including new crossings and off-road cycle access links from residential areas to schools

### Advice for other LAs contemplating such an initiative

Schools need to have intensive support over an extended period of time which would include building the skills, knowledge and confidence of 'champions' to deliver the ongoing work. The Sustrans School Mark, an accreditation scheme which recognises and supports schools' excellence in active and sustainable travel, provides a framework to drive this forward.

For further information please email Allan Williams: [allan.williams@sustrans.org.uk](mailto:allan.williams@sustrans.org.uk)

## **Home to school travel assistance for pupils with SEN or disabilities**

Research indicates that there can be significant short and long term benefits in the application of independent travel training for pupils with special educational needs or disabilities. The training given can result in savings to transport budgets in the short term, but can also provide longer term benefits to the individual in terms of a skill for life that might lead to greater social inclusion and employment prospects.

### **Coventry City Council case study**

#### **Impact/savings achieved**

As a result of this initiative and tighter control and work to secure efficiencies in the operation of the home to school travel assistance programme the Council made £326k savings in 2011/12. The savings made in 2012/13 equated to £374k which includes the reductions in expenditure on home to school escorts. The total reduction over the 2 years is a 19% fall in expenditure.

#### **Details of the new approach**

Successful work has been undertaken to provide independent travel training for secondary aged pupils and the provision of personal transport budgets to the parents of pupils in special schools. This has enabled young people to become more independent and given them valuable skills for life, as well as securing a reduction in spending for the Council.

#### **How was the change made?**

Impower Consultancy was commissioned to identify potential efficiencies. Focus groups of parents of pupils with SEN or disabilities were formed to seek views and identify new ways of working. Two key work streams were then established to take forward the provision of Independent Travel Training and Personal Transport Budgets (PTBs).

Two travel trainers now focus their work on school aged pupils, to help them improve their independence skills. This also reduces the number of adults needing training in subsequent years.

The Council also developed a scheme to offer PTBs to parents. The funding was high enough to incentivise parents, while being low enough to deliver savings for the Council. This was piloted in one school initially and then rolled out across all the special schools.

#### **Advice for other LAs implementing the change**

Special school headteachers are fully involved in this initiative and they help identify suitable young people to undertake training.

Contacting parents by telephone was resource intensive, but very positive in terms of fully explaining the benefits and options. PTBs are voluntary, tailored and non-prescriptive. The attendance and punctuality of pupils with a PTB is monitored. Beyond this there is no prescription and parents are not asked to account for expenditure.

For further information please email Marian Simpson: [marian.simpson@coventry.gov.uk](mailto:marian.simpson@coventry.gov.uk)

## **Capacity building with schools and transport operators**

In a financial climate where spending is reduced and costs are increasing local authorities may well find that they have less funding available to support discretionary transport provision, but there may be alternative solutions.

Many academies, with support from their local communities, are taking full advantage of their academy freedoms and are collaborating with other stakeholders and providers to offer discretionary transport to their schools. Local authorities can greatly assist with these initiatives by sharing their experience, expertise and influence in the procurement of transport.

## **Hertfordshire County Council case study**

### **Impact/savings achieved**

£5-6 million will be saved each year as a result of schools and commercial operators providing discretionary travel on routes previously funded and delivered by the Council.

### **Details of the new approach**

From September 2012 Hertfordshire County Council introduced a statutory only home-school transport policy. The Council was keen to attract third party providers to arrange transport on routes which it had previously organised and subsidised and that catered mainly for children without a statutory entitlement to home to school transport.

The Council has worked to build capacity locally to encourage and enable schools, community groups and commercial operators to provide school transport. From September 2013 a total of 130 routes to schools of preference operate without a financial subsidy from the Council. Thirty of these routes have been operating since April 2012.

### **How was the change made?**

The Council supported schools and parents to help develop transport plans. The Council also secured the involvement of the commercial sector and promoted awareness of business opportunities to it.

### **Advice for other LAs implementing the change**

Commercial operators require routes to be financially secure, and therefore are only likely to consider taking on routes where there is a predicted, fare paying commitment from parents. School transport only accounts for 192 days a year.

Local authorities should act as facilitators with the commercial sector, to help schools with contracts and to ensure competition law is followed. Models should rely on parents being able to fund their family's school transport, without any subsidy from the LA. In the

current financial climate, there has been more opportunity for commercial coach companies to participate in this market, rather than commercial bus companies.

For further information please email Sarah Vize: [sarah.vize@hertfordshire.gov.uk](mailto:sarah.vize@hertfordshire.gov.uk)

## **Demand responsive service in rural areas**

Counties with a large number of small rural communities face the challenge of ensuring that children in these communities are transported to their local schools whilst also providing a cost efficient transport network to the wider community to avoid rural isolation. Rural transport is essential in sustaining local rural communities and connecting people with essential services.

## **Staffordshire County Council case study**

### **Impacts/Benefits**

As a result of replacing infrequent existing local service buses and incorporating home to school transport on to a demand responsive service, a sustainable service has been developed which transports children to school and enables the rural population to be connected with essential services and the wider community. Children that have been transported to school frequently go on to use the service when they move up to middle or high school, increasing their independence despite their rural location.

### **Details of the approach**

Moorlands Connect, a Demand Responsive Service was launched in 2010. The service incorporates the home to school transport to two village schools within the operating area which covers approximately 125 square miles. Outside school transport times the vehicles can be booked as a door to door service to transport people to work, appointments or other essential journeys. Using smaller vehicles and a demand responsive approach that is not tied to a scheduled route has meant that remote areas now have access to a service.

### **How was the change made?**

A rural transport review was commissioned in 2008 and recommended the implementation of a demand responsive service. Residents in the area were consulted and current services, including home to school transport, were reviewed to establish which services could be incorporated on to a new service to increase its sustainability. Funding was sourced from various external agencies for the purchase of two fully accessible vehicles that carry bicycles and the service was launched in September 2010. It continues to be well used by the local communities and also by visitors to the area who can get out and about in the Peak District using the service.

### **Advice for other LA's implementing the change**

The process in setting up the service should include service demand evaluation, assessment of service options, the associated costs and, importantly, comprehensive consultation. Such service complements existing local bus services and provides

alternative choice for passengers. The latter ensures new and continuing public and political support for the scheme. Ticketing options need to be considered, including onward ticketing and potential integration with the local bus service(s). All funding options should be explored at a local and national level; this connect service received initial funding from Districts, Staffordshire Police and Fire services. Once the service is operational there is the need to monitor and evolve the service to meet ongoing needs and changing travel patterns.

For further information please email: [kathryn.grattage@staffordshire.gov.uk](mailto:kathryn.grattage@staffordshire.gov.uk)

## Annex 2: Recommended Review/Appeals Process

Previous guidance made clear that local authorities should have in place and publish their appeals procedures, but left it to the individual authority to determine how this should operate in practice. We are now recommending that local authorities adopt the appeals process set out below, appreciating that specifics, such as the identification of an appeal compared to a complaint, will need to be decided by local authorities. The intention is to ensure a consistent approach across all local authorities, and to provide a completely impartial second stage, for those cases that are not resolved at the first stage.

Local authorities should publish annually their appeals process on their website. This should set out a clear and transparent two stage process (with paper copies available on request) for parents who wish to challenge a decision about:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

### Stage one: Review by a senior officer

- A parent has 20 working days<sup>20</sup> from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- Within 20 working days of receipt of the parent's written request a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:
  - the nature of the decision reached;
  - how the review was conducted (including the standard followed e.g. Road Safety GB<sup>21</sup>);
  - information about other departments and/or agencies that were consulted as part of the process;
  - what factors were considered;
    - the rationale for the decision reached; and

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<sup>20</sup> As with the whole appeals process the timings are recommended and not compulsory. We envisage many appeals will be dealt with much sooner than these timings, particularly those which have a time pressure, whilst complex cases may take longer.

<sup>21</sup> Road Safety GB is the sole published standards known to the department, hence referenced.

- information about how the parent can escalate their case to stage two (if appropriate).

## **Stage two: Review by an independent appeal panel**

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

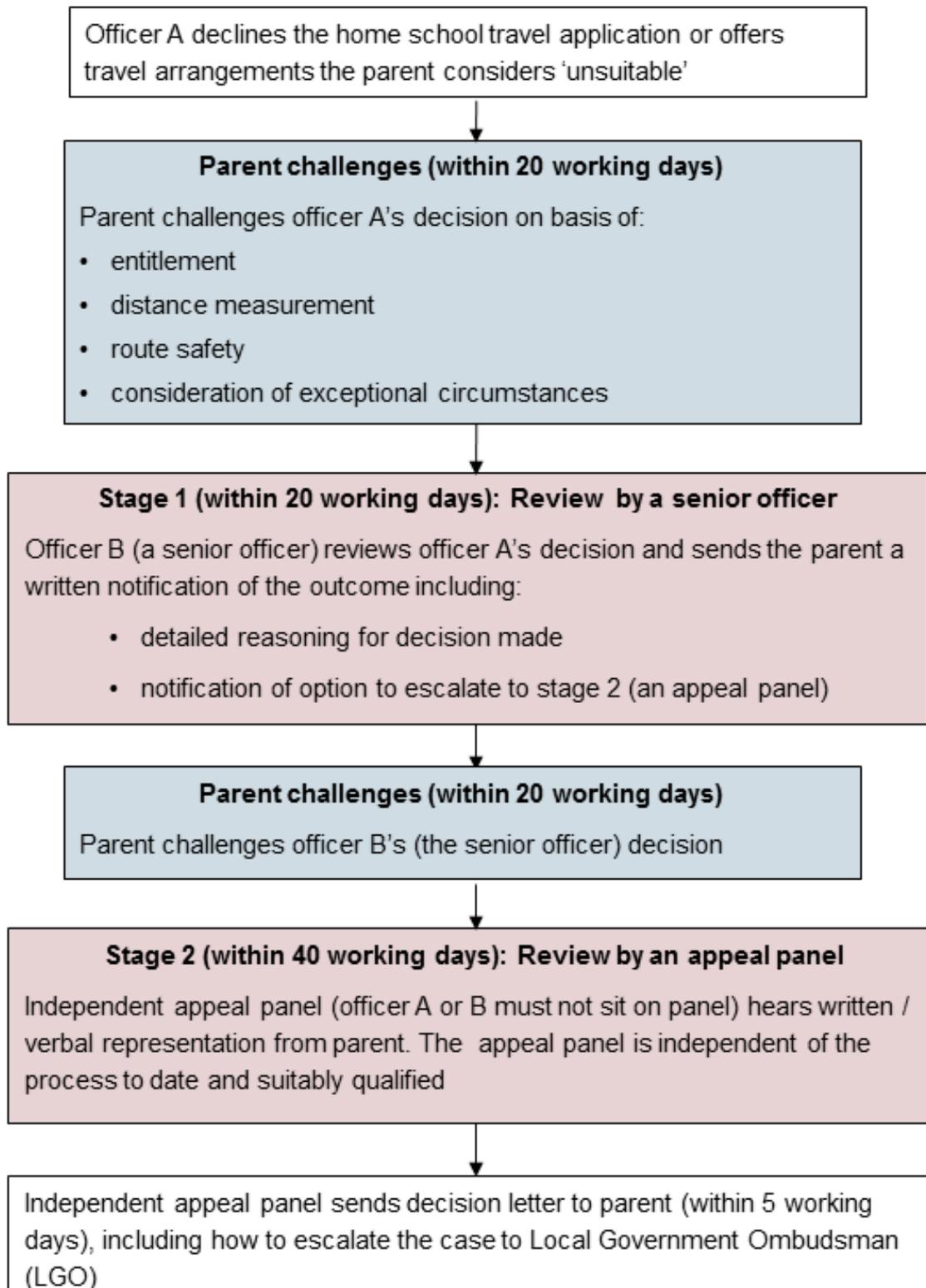
Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman (see below).

The independent appeal panel members should be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

Local Government Ombudsman – it is recommended that as part of this process, local authorities make it clear that there is a right of complaint to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

## Home to school travel and transport: flowchart of the review/appeals process





Department  
for Education

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Reference: DFE-00501-2014



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Department  
for Education

# **School Capacity (SCAP) Survey 2022**

**Guide for local authorities**

**May 2022**

# Contents

Summary	4
Changes from the previous school capacity survey	5
Which schools to include	6
How to determine net capacity	7
Capacity for local authority maintained schools	7
Capacity for academy schools	7
Capacity for sixth forms	11
The capacity data required and how to add the data to COLLECT	14
Recording updates to school list in COLLECT	14
Split site schools	15
Recording net capacity	15
Recording separate primary and secondary capacity	17
Recording sixth form capacity	17
Recording Capacity by year group	17
Recording Pupil Numbers On Roll	18
Recording Net capacity method	18
Using the Excel templates to upload data	19
Common queries	19
Forecasting methodology	21
Assessing the accuracy of previous forecasts	21
Forecasting year group pupil numbers	22
Other factors	23
Office for National Statistics core projections model	25
Validation	26
Example of forecasting reception pupil numbers	26
Example of forecasting non-intake pupil numbers	29
The forecast data required and how to add the data to COLLECT	32
What you have to include	32
Future school changes	33
Split site schools	33
Housing developments	33

Pupil forecasts from housing developer contributions (HDC) and Housing Infrastructure Fund (HIF)	34
Example of how to forecast pupils attending housing developer funded places	35
Forecast methodology statement	35
Using the Excel templates to upload data	36
Common queries	36
The planned places data required and how to add the data to COLLECT	38
What you have to include	38
Recording Added Places	39
Recording Removed Places	40
Recording Bulge Class Places	40
Using the Excel templates to upload data	40
Examples	40
Common queries	42
Commentary	43
Accessing, submitting and checking a return	44
Accessing the data collection systems	44
Checking your data	44
Submitting your return	44
Director of Children's Services (DCS) sign-off	45

## Summary

*How local authorities should collect and submit data for the annual school capacity survey (SCAP).*

The annual school capacity survey (SCAP) collects information on:

- School capacity: primary and secondary school capacity for the current academic year
- Pupil number forecasts:
  - for primary, pupil number forecasts for the next 5 academic years; and
  - for secondary, pupil number forecasts for the next 7 academic years
- Planned places: plans for changes to the number of primary and secondary places for the next 3 academic years

SCAP is a statutory collection.

We publish the data you provide in the [school capacity statistical releases](#).

The collection opens on **Monday 6 June 2022**.

You must submit your SCAP return by **Friday 29 July 2022**.

You are advised to start loading your data no later than Friday 15 July 2022.

For questions about this guidance or any issues you are unable to resolve email the Pupil Place Planning Data Team at [SCAP.PPP@education.gov.uk](mailto:SCAP.PPP@education.gov.uk) for advice.

## Changes from the previous school capacity survey

*Details of what's changed since the last survey:*

- Where a school is split between different planning areas because it operates from different sites, each site should now be reported separately in the appropriate planning area.
- The method used to calculate net capacity can now be reported, as can the date on which the net capacity assessment was carried out (if appropriate). The reporting of these is voluntary. The completion of these data will improve our understanding of the application of the net capacity assessment and funding agreement data currently held, reducing communication required during data cleaning and informing future collection requirements
- The term “additional places” has been replaced with “planned places”. This name change is to better reflect the data being collected.

## Which schools to include

*Explains which schools are in scope for the school capacity survey*

Survey returns must include mainstream schools with capacity in any of the year groups from reception to year 11 on 1 May 2022. This includes:

- local authority maintained schools
- academies, including:
  - free schools
  - city technology colleges
  - university technical colleges
  - studio schools

Survey returns must exclude:

- special schools
- nursery schools and nursery units within schools
- pupil referral units and alternative provision settings
- dedicated SEN units within schools (further information on specially resourced facilities is included in the guidance Assessing the Net Capacity of Schools)
- independent schools
- 16-19 establishments

## How to determine net capacity

*Explains how to calculate the net capacity for reporting to the school capacity survey.*

The methodology used to calculate net capacity reported to the school capacity survey depends on whether the school is a local authority maintained school or an academy.

The net capacity of a school will not necessarily equal exactly the sum of the capacity by year groups, for a variety of reasons.

### Capacity for local authority maintained schools

The net capacity of a maintained school is calculated using a net capacity assessment which is based on the net area of all buildings that are available to that school. It should also include:

- all extra places that have been added to the school (even though they may not yet be in use);
- any classrooms that have been mothballed; and
- and non-teaching space that has been re-designated as a classroom.

Further guidance on calculating the net capacity of schools is [available](#).

### Capacity for academy schools

We would usually expect the capacity of an academy reported in the school capacity survey to be based on the capacity recorded in the school's funding agreement, which in turn should have been based on the most recent net capacity assessment before the school converted.

After any changes have been made to the physical capacity of academies, the [guidance](#) for making significant changes to physical capacity or published admission numbers (PAN) should be followed and action taken to amend the capacity figure in their funding agreements where appropriate.

Where changes to an academy funding agreement have not yet been made following a capacity change, you may find the following examples helpful in completing the capacity return.

#### Example 1

An academy has reduced its PAN below that stated in the funding agreement, but no buildings have been removed or re-purposed

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
750	120	600	598	750

The reduction or limiting of PAN should have been carried out in accordance with the admissions code but does not require a deed of variation to the funding agreement nor a change to the capacity reported in SCAP.

The physical space continues to be available should it be required in future and the funding agreement capacity should therefore, in general, continue to be recorded as the capacity in your return.

The capacity by year group reported should reflect the lower PAN of 120, a total of 600.

## Example 2

An academy has its PAN set above that indicated by the funding agreement, but no buildings have been added. The number on roll continues to be lower than the funding agreement.

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
750	180	900	654	750

An increased or high PAN can be used to facilitate an overall increase in pupil numbers where these are low.

If the numbers on roll continue to be lower than the capacity in the funding agreement there could be uncertainty about whether the physical space could accommodate the total number indicated by the PAN multiplied by the number of year groups.

The funding agreement capacity should, in general, continue to be recorded as the capacity in your return and the capacity by year group should reflect the higher PAN of 180.

However, if the academy is confident that higher numbers could be accommodated, it may be useful to have a discussion with the trust to see if a net capacity assessment

could usefully establish the position, and if then a deed of variation taken forward to amend the capacity figure in the funding agreement.

### Example 3

An academy has its PAN set above that indicated by the funding agreement, but no buildings have been added. The number on roll reflects higher admission numbers.

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
750	180	900	897	900

Where the number on roll consistently reflects uptake of the higher PAN, there is a high degree of certainty that the physical space can accommodate the total number indicated by the PAN multiplied by the number of year groups.

The PAN x number of year groups should, in general, be recorded as the capacity in your return in these instances and the capacity by year group should reflect the higher PAN.

### Example 4

An academy's admissions are higher than the funding agreement and PAN.

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
750	180	900	1025	900

As in example 3, there is a high degree of certainty that the physical space can accommodate the total number indicated by the PAN multiplied by the number of year groups.

The PAN x number of year groups should, in general, be recorded as the capacity in your return and the capacity by year group should reflect the higher PAN.

As the academy is under no obligation to admit above PAN or funding agreement, the higher admission numbers reflected in number on roll are uncertain and are not used to determine capacity.

You should record notes to explain the capacity since, particularly for academies in areas of pressure, we may undertake further investigation of the recorded capacity with the academy trust and the local authority.

### Example 5

An academy with 6th form has its PAN set above that indicated by the funding agreement but no buildings have been added. The numbers on roll continue to be lower than the funding agreement.

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
900 including 100 6th form	170	950	891 (including 51 6th form)	900

If the numbers on roll continue to be lower than the total capacity in the funding agreement there is uncertainty on whether the physical space could accommodate the total number indicated by the PAN multiplied by the number of year groups plus 6th form.

The increased pre-16 PAN may only be accommodated by temporary use of 6th form capacity.

The funding agreement capacity should, in general, continue to be recorded as the capacity in your return and the capacity by year group for pre-16 should reflect the higher PAN of 170.

Where the 6th form still operates, you should report a 6th form capacity using the guidance on calculating sixth form capacity.

## Example 6

An academy no longer admits to the 6th form but the funding agreement still contains a 6th form capacity.

Funding agreement capacity	Published Admission Number (PAN)	PAN x number of year groups	Number on roll	Reported SCAP capacity
750 including 150 6th form	135	675	682 (0 in 6th form)	750 0 6 <sup>th</sup> form

Removal of the 6th form provision should have been carried out in accordance with the admissions code and significant change process.

Where the 6th form is no longer operating, the 6th form capacity may be reduced to 0.

The full funding agreement capacity should, in general, continue to be recorded as the capacity in your return and the capacity by year group for pre-16 should reflect the current PAN.

## Capacity for sixth forms

The school capacity survey includes a field for sixth form capacity, with an associated field describing the basis on which this figure has been calculated.

The existing field that provides the whole school net capacity should include the sixth form capacity. The sixth form capacity field should reflect the number of places out of the overall net capacity that are related to the sixth form.

Where sixth form capacity and calculation method has been completed, we do not expect these to change each year, unless there is a good reason (e.g. as a result of an updated NCA or an NCA has been carried out for the first time).

### Option 1: Based on Net Capacity Assessment (Preferred method)

Use the data within the net capacity assessment to calculate the sixth form capacity. The data required are:

- net capacity reported in box y
- number of age groups in box n
- average sixth form stay on rate in box k
- year 12 admission, if applicable, in box h

A sixth form capacity can be calculated using the following calculation:

(net capacity divided by number of age groups) multiplied by (average sixth form stay on rate plus year 12 admission)

### **Option 2: Based on Funding agreement (for academies)**

Use the post-16 pupil capacity reported in the academies funding agreement.

Funding agreements can be found under the workforce and finance section of the [school performance service](#).

### **Other options for calculating capacity**

If options 1 and 2 are not suitable, you can use one of the following methodologies. If you use one of these methodologies, we may ask for information about why options 1 and 2 are not suitable.

Only use these options if it will result in a significantly different but more accurate sixth form capacity measurement than using options 1 or 2. If the sixth form capacity determined by any of the following options are similar to that under options 1 or 2, then please report the sixth form capacity using options 1 or 2.

### **Option 3: PAN or capacity by year group-based measure**

Subtract the total capacity by year groups for years 7 to 11 from the overall school capacity to leave a nominal sixth form capacity.

This method is not acceptable where you know that the school is operating at a substantially lower PAN than the capacity in the NCA or funding agreement indicates.

### **Option 4: typical operating style**

Use knowledge of your schools' typical operating style. For example, if you have had a conversation with the school and they have stated their sixth form capacity, which may differ from other methods but suits their operating style.

Only use the typical operating style if it better reflects 6th form capacity that is significantly different to options 1, 2 or 3.

### **Option 5: Other options for calculating sixth form capacity**

If you use a method not listed and it results in the same figure that would have been reached via options 1 to 4, then report that method rather than 'other'.

If you chose this option, add a note to COLLECT to inform us how you calculated the capacity.

We would not expect you to use this option if you have used any of the above in previous SCAP returns.

# The capacity data required and how to add the data to COLLECT

*Information on adding your school capacity data.*

The school capacity data is submitted using the COLLECT system which can be accessed using DfE Sign In. Guides for local authorities submitting data using COLLECT are available.

The school level data within the school capacity return should reflect the position as at 1 May 2022.

The list of schools and associated capacity data are prepopulated based on the lists confirmed with you in Spring 2022 and the capacity figures you provided in SCAP 2021. Any updates will be from information updated on the Get Information About Schools system.

## Recording updates to school list in COLLECT

If you have updates to the list of schools, you will need to make them in the COLLECT system.

To select a school in order to view the data and update the record click on the school name. This will highlight the selected school in blue. Then click the 'Edit' button.

### **Schools converted to academy status**

For any listed schools that have since converted to academy status, mark the existing school on the list as closed. Then set the value of the 'close existing school and preserve data to create a new school (overnight)' field to 'true'.

After the overnight update, the school will appear in the new school section. You can then change the governance and any of the other school details which need to be updated.

### **Schools that have merged**

For any schools which have merged, you should mark one of the existing schools as closed. For the other school mark as closed and set the 'close existing school and preserve data to create a new school (overnight)' field to 'true'.

After the overnight update, you will need to update the new school section to reflect the school details and combined capacity. This includes updating the:

- school name
- establishment number

- governance code
- net capacity
- capacity by year group

## **New schools**

For any completely new schools (not including those created by academy conversion or amalgamation), add these in the ‘new schools’ section.

You must complete all other data fields for the school, including the number on roll as at May 2022.

## **Closed schools**

For any completely closed schools, mark them as closed.

## **Split site schools**

Where a school is split between different planning areas because it operates from different sites, each site should be reported separately in the appropriate planning area. The capacity data reported should relate to each separate site.

Report the main site using the school’s establishment number and report any ancillary sites using an artificial establishment number beginning with 99. This will raise a query within COLLECT. In response to the query, state the real establishment number of the school.

A new field on COLLECT will allow you to indicate that a school is split between different planning areas. This indicator should be reported against each site of a school, not only the main or ancillary sites.

You must complete all data fields for any ancillary sites in the “new schools” section, including the number on roll as at May 2022. The capacity details of the main site in the “existing schools” section should also be edited to be specific to the main site.

## **Recording net capacity**

All schools must have a value in the net capacity field. We would not expect a significant number of schools to lose capacity each year. If a school has significantly reduced capacity since the previous collection, you must add a note in COLLECT to explain why.

You should not record capacity figures that are lower than indicated by a Net Capacity Assessment or the funding agreement. Such capacity figures will only be accepted in exceptional circumstances and where the reduction in capacity is likely to be long-term, for example, where a school operates below capacity for a period as part of a strategy to improve school performance. In such circumstances we would expect this to have been

discussed between the relevant RSC, local authority, academy trust and DfE Pupil Place Planning team as appropriate. You should record notes detailing such cases, as we may query the capacity of such schools.

### **Maintained schools**

For local authority maintained schools, report the capacity as at 1 May 2022.

This should be based on an up-to-date net capacity assessment for each school, and not on how many children the school admits or the sum of deemed capacity by year group.

If you are aware of an upcoming change to a school's capacity, you should still record the capacity as at 1 May 2022.

### **Academies**

For an academy, we would usually expect the capacity to be based on the capacity recorded in the school's funding agreement (this is usually based on the last net capacity assessment prior to conversion).

Funding agreements can be found in the workforce and finance section of the [school performance tables](#) or the academy website. You must confirm capacity details with your academies to check they are up to date.

Where an academy has repeatedly operated an admission number higher than the capacity figure in the funding agreement, and you expect it will continue to do so, report the academy's capacity as the 2021 to 2022 published admission number (PAN) multiplied by the number of year groups.

Any decrease in admissions not involving a physical change to the building should be carried out in accordance with the Admissions Code, and you should continue to report the capacity based on the funding agreement.

Where physical alterations are made to buildings which will reduce net capacity, a deed of variation (DoV) should be completed by the academy/trust to amend the capacity figure in their funding agreements. Until the funding agreement has been amended, you should continue to report capacity based on the existing funding agreement.

Further examples on academy capacity are available in the "How to determine net capacity" section of this guidance.

### **Free schools**

For free schools, you should report the final intended capacity of the school as per the funding agreement, even if it is still filling up or based on a temporary site with limited capacity.

For free schools that opened in September 2021, capacity information has been prepopulated for you based on the funding agreement.

We will only expect you to make changes to this information if you think this is incorrect or if there has been a change to the final intended capacity of the school.

## **Recording separate primary and secondary capacity**

Where the school is a middle or all-through school, you must also complete both the primary and secondary capacity fields to show how the capacity is split between the 2 phases.

The combined figures must equal the net capacity of the school.

Do not complete these fields for only primary and only secondary schools.

## **Recording sixth form capacity**

Make sure you include sixth form capacity in the total capacity figure for any school with post-16 provision. Where sixth form capacity is provided, we may use this data to consider the impact of under-populated sixth forms.

Where a figure for sixth form capacity is entered, select from the drop-down list the method used to calculate the capacity. Unless inappropriate for a given school, report the sixth form capacity based on funding agreement or net capacity assessment. If you choose to use another method, we may query your reason for not using one of these 2 methods. Further guidance on sixth form capacity is available in the “How to determine net capacity” section of this guidance.

## **Recording Capacity by year group**

Capacity by year group should relate to the number of places available in each year group as at 1 May 2022. Usually, this will be the published admission number (PAN) for that year’s cohort but may vary if accommodation was added later. Include any bulge classes (whether they were added at the point of entry or later) in this figure. If a small number of additional pupils were admitted over PAN through appeals, you do not need to add this to the capacity by year group.

Capacity by year group will be prepopulated using the information provided in the previous school capacity survey, rolled forward by 1 year (for example, the previous year 7 capacity will now be in year 8). You will only need to enter capacity by year group for the missing year(s) of entry to the school, unless any changes have been made to capacity in other year groups. You must ensure capacity is recorded for each year group from reception to year 11 that has pupils on roll.

The sum of capacity by year group (year groups reception to 11 plus 6th form capacity) will not necessarily equal exactly the total capacity, for a variety of reasons. For example:

- An academy PAN reduction is unlikely to reduce the capacity in the funding agreement but will be reflected in the capacity by year group(s) total.
- A bulge class accommodated in space not intended for long-term teaching, such as a library, would be reflected in the capacity by year group total but may not increase net capacity.

### **New or expanded local authority maintained schools or academies filling up**

For new or expanded local authority maintained schools or academies filling up the built capacity year-on-year, base capacity by year group on the final intended capacity for each year group. We will query capacity by year group which appears to show year on year growth of capacity in use rather than final intended capacity by year group. For presumption schools that opened in September 2021, capacity by year group information has been pre-populated for you from departmental data. Where school capacity is reducing, record the final intended capacity for each year group.

### **Free schools**

For free schools, you should report the final intended capacity by year group of the school as per the funding agreement, even if it is still filling up or based on a temporary site with limited capacity. For free schools that opened in September 2021, capacity by year group information has been pre-populated for you from their funding agreement. We would only expect you to make changes to this information if there has been a change to the final intended capacity by year group of the school.

## **Recording Pupil Numbers On Roll**

The numbers on roll information for each school will be prepopulated for all existing schools from the number of registered pupils on the most recent spring school census. All full-time and part-time pupils in designated nursery classes are excluded from the prepopulated number on roll.

The final school capacity survey dataset (and our published tables) will use the more up to date data from the summer school census.

If you are entering details in the 'new schools' section, you will need to provide the numbers on roll for each year group for that school. This should include any year 14 pupils, as recorded on the 2022 summer school census.

## **Recording Net capacity method**

The method used to calculate net capacity can be reported. Where a net capacity assessment has been used to calculate net capacity, the date on which the net capacity

assessment was completed can also be reported. The reporting of these data is voluntary. The completion of these data will improve our understanding of the application of the net capacity assessment and funding agreement data currently held, reducing communication required during data cleaning and informing future collection requirements

## Using the Excel templates to upload data

Your capacity data can be uploaded to COLLECT using the Excel XML template we provide. The Excel template cannot be used to submit your data via email.

The data collection service desk will send out the templates in late May 2022 to the nominated contact for your local authority. The templates will be sent via the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the service request form.

## Common queries

### **Query: Unexpected school establishment number**

You must give details in the notes for any schools which are not present in the Get Information About Schools system. This will be required for the ancillary sites of any split site schools.

### **Query: The total of the capacity by year group fields does not match total capacity**

We would expect the total capacity to be roughly equal to the sum of the capacity of each year group.

Check you have correctly reflected any expansions or contractions to the size of the school. For example, if you have added a 1FE expansion to a primary school, raising the total capacity by 210 places, the capacity of each year group should have increased by roughly 30.

If the same query was raised on the school in SCAP21, the note will be prepopulated for you. If your situation has changed, update the note.

### **Query: The number of pupils is in excess of capacity**

We would expect it to be difficult to fit many pupils into the school above its capacity. Check if you have forgotten to record an increase to the capacity of the school.

It may be that the school does manage to accommodate extra children, for example by:

- using non-teaching spaces as classrooms;
- classrooms being able to fit a few extra children into each class than whole school

capacity would suggest.

SEN pupils should not be recorded on roll in schools where the SEN unit is excluded from the net capacity.

You will need to explain the reason for the number of pupils being in excess of capacity in the note you attach to the query. If the same query was raised on the school in SCAP21, the note will be prepopulated for you. If your situation has changed, update the note.

**Query: Capacity of the school has substantially decreased.**

We would usually expect, particularly in areas in which there is pressure on places, that capacity would remain static or increase year on year and that places would not be removed.

If you have decreased capacity at some schools, give details in your notes.

## Forecasting methodology

You are responsible for providing forecasts of mainstream pupil numbers to the DfE as part of the School Capacity survey. This provides local authorities and the Department for Education (DfE) with key information for capital programmes, as well as providing the DfE with information to support basic need capital allocations and for its Pupil Place Planning (PPP) Advisers to fulfil their role in supporting local authorities to fulfil their duty to secure sufficient school places.

Before producing a new set of forecasts, local authorities should assess the accuracy of previous forecasts at planning area level. This can be done by comparing previous forecasts to actual pupil numbers.

For forecasting pupils in the Reception year group, population-based data from the Office for National Statistics' Live Birth Data, GP registration data or Early Years census data can be used.

To calculate pupil numbers for year groups which are not an intake year of the school, a cohort progression technique can be used.

## Assessing the accuracy of previous forecasts

Before producing a new set of forecasts, you should assess the accuracy of your previous forecasts to identify and correct any issues. You can do this by comparing your previous forecasts to actual pupil numbers.

The accuracy of historic forecasts can be measured as:

(Forecast pupil number minus actual pupil number) divided by Actual pupil number multiplied by 100

This will give you a figure for the percentage over forecast or under forecast. For example, if the calculation yields a figure of 3, this means there was a 3% over forecast. Similarly, a figure of -2 means a 2% under forecast.

This value will enable you to test whether inaccuracies exist. You can then investigate your forecasting methodologies in further detail to find the possible source of the inaccuracy. You should consider the accuracy of your forecasts at overall local authority level, as well as at planning area and year group levels. The latter may help you to identify any specific areas or year groups where your forecasts are less accurate, to target particular areas for improvement.

You should consider how accuracy changes the further ahead you project. For example, you could consider how accurate your forecasts historically have been for five years ahead.

You should also consider changes in forecast accuracy over time as well as just looking at your last set of forecasts. This will enable you to check whether any changes you have made are making your forecasts more or less accurate so you can adjust your assumptions appropriately.

## **Forecasting year group pupil numbers**

### **Reception**

There are many methods that can be used to forecast reception pupil numbers, however we suggest that you use population-based data for the number of children who live in your local authority as well as other local authorities that may contribute pupils to your reception cohort (due to students travelling into your LA to attend school).

Potential sources of population data include:

- Office for National Statistics - Live Birth Data
- GP registration data
- Early Years census data

For the final year of reception forecasts required, you will need to produce a population estimate or use an external source of population or birth forecasts, as some of these children will not yet be born when you produce your forecasts.

### **Non-intake year groups**

A suggested method for calculating forecast pupil numbers for year groups which are not the intake year of the school is to use a cohort progression technique.

This is based on the premise that most children in a given year group at a school will progress into the next year group in the next academic year.

Note: Numbers on roll for the 2021/22 academic year may be lower than they otherwise would have been had it not been for the coronavirus (COVID-19) pandemic, for various reasons. If you believe the uptake factor for September 2021 is not reflective of the trend and does not signify a long-term change in trend, then you may want to adjust your calculations.

### **Year 7 or other “intake year” pupil numbers**

For other intake years, the method described for reception pupils or the method described for non-intake year groups can be used.

## Other factors

The process described above is intended to give a basis for forecasts and is based largely on historical trends continuing. It may be that in your local authority, you need to make some manual adjustments to account for particular situations.

### Migration

Changes to historic migration patterns as a result of foreseeable events should also be considered. Only include factors that have a degree of certainty and/or that indicate a long-term shift in trends, to avoid introducing volatility. Example factors to take account of could be:

- an expected increase in inward/outward migration to/from a local area;
- a change in general migration patterns; or
- a known influx of arrivals.

Be mindful that in some cases for some factors children will already be in school and included in the numbers on roll data. We encourage LAs to provide accurate projections of population growth based on trends, evidence and projected future growth, even if this is short- or medium-term (rather than longer term). LAs should take care not to over-project the impact of migration, and, as per the usual quality assurance process, we will challenge forecasts if we feel there is evidence of over-estimated pupil numbers.

We are aware that some factors will be 'known unknowns', for example the numbers of overseas children from Ukraine, Afghanistan, Hong Kong, and asylum seekers. There will be different things to consider with each route, in addition to the actual number of children expected, for example: the rate of arrivals, the timeframe they are anticipated to arrive in, and how long children are expected to remain in the country/area. We expect forecasts to include these children only where there is some certainty around these things, and where numbers can sensibly be interpreted at an LA and planning area level. We do not expect to see forecasts changing on the basis of speculation.

Where a significant influx of arrivals are included under the conditions above but are expected to leave again within the forecast period, we would expect to see any step change or peak in your figures to revert back to near normal levels within the forecast period.

### Housing

One situation where you may wish to manually adjust your forecasts is to account for inflow of pupils due to new housing being built. Housing developments can have a big impact on the demand for places in individual planning areas, or across entire local authorities.

The pupil forecasts you submit in SCAP should only include expected pupil yields from housing developments that have a high probability of being delivered within the

timeframe of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast's timeframe, we expect that development to be present in the relevant planning authority's latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by reviewing evidence on the site's deliverability and assessing delivery against previous 5-year land supply plans in the relevant planning authority.

The data you collect on housing developments is likely to come from many different sources. It should be as detailed as possible, enabling you to identify:

- Number of units
- Housing size and mix
- Location
- Completion timescale

In forecasting for housing developments, you should consider patterns of movement to these developments. You should consider if new developments are likely to be populated by families moving in from outside your local authority. If so, it is important to ensure that these pupils are only counted once and are not added both as part of your "housing yield" calculation and as inward migrants, where these are counted separately.

If new developments are more likely to be populated by local families moving a short distance, consider who will fill the houses they move out of. If there is a lot of local movement, consider that some of the pupils who move into the new developments might remain in their existing school places. This could mean the effect of the new development on school place need is spread over a wider area.

One thing to consider is the rate at which houses are built in the area. If this is fairly steady over time (i.e. housing stock increases by x% each year) then it is likely that the pupil yield will already be captured in a migration factor or cohort progression rate. It is only if the speed of house building changes (up or down) that you may need to adjust your forecasts to take account of this. Consider the following examples:

1. A planning area has a large new housing development, which has planning permission but has not yet started. It is on the edge of the town and the planning area has not recently experienced significant levels of housing being built. It would be reasonable in this scenario to include all the forecast yield in future forecasts (assuming of course that the local authority's yield calculation already has a factor for local children taking up residence in the housing development)
2. A planning area has planned housing developments of around 800 units per year. This is following a period of similar levels of housing over the last five years. This means that many of the 'number on roll' figures used in the baseline forecasting already include cohort growth from housing. If the local authority was to include all pupil yield from each of the 800 units in future years, they may well be double counting, as the basic method is already accounting for this growth.

Where there is a demonstrable increase in the rate at which new housing is being delivered, an appropriate additional yield figure above that which is included in the forecasting models should be determined.

## **Office for National Statistics core projections model**

As part of a wider review of the school capacity collection, the department commissioned the Office for National Statistics (ONS) to develop a model to project local authority and planning area pupil numbers. The model is based upon nationally available data such as births and school census returns. It therefore provides a 'core' projection that does not include local factors such as changes to housing yield, or planned school changes, that may influence local authorities' forecasts.

The methodology used in the model is described in the core forecasting tool itself.

The model will be available at the beginning of June.

### **Core Forecasting Tool**

The core forecast is provided for use in an Excel based forecasting tool. The tool uses the same Excel XML template local authorities currently complete for the school capacity forecast blade.

Local authorities can use the tool in two ways,

1. Comparing to local authority forecasts and identifying factors which may contribute to forecast differences.
2. Modifying the core forecast to account for local factors.

### **Use of the forecast model**

The model was tested by running forecasts from a historic base year (2015/16) using only the data that would have been available at the time, allowing the accuracy of the model to be assessed and compared with forecasts from the SCAP return. In many cases, the SCAP forecast was more accurate than the core forecast, suggesting that local factors had been applied and had improved the forecast. Equally there were many cases where the core forecast was more accurate than the SCAP forecast, possibly due to methodology problems such as including extra factors that are already accounted for within the cohort progression ratios.

It is intended that the core model will help within the forecasting process in the following ways:

- Providing a baseline figure to local authorities for comparative purposes
- Aid common understanding of the factors that influence the forecast for a particular planning area
- Potentially highlight where it may be possible to improve the methodology used for

- certain planning areas
- Help identify where forecasts may need to be reviewed

Some of these benefits may be realised over time, as data is built up for the core forecasting model over several years.

## Validation

You should monitor your forecasting process rigorously to ensure it is fit for purpose and produces results that are accurate and based on sound evidence.

It is essential that forecasts are completed as you intended. Make sure that appropriate formulas are used, and that the correct data are referenced. You may wish to focus on one or two examples and work all the way through your forecast model to ensure that you can see that each step is working in the way intended and that the outcome is logical.

You should perform quality assurance checks on the input data you use for your forecasts to ensure it appears to be fit for purpose. The underlying assumptions you use in your forecasts should be realistic and evidence-based.

It is important to compare current forecasts to those of previous years to identify significant changes and ensure they make sense. For example, is an overall increase in pupil numbers the result of an increase in a particular year group, or planning area, and does this match your expectations?

You should also compare your forecasts to other data sources, for example data on admission applications for the upcoming September.

You should work closely with neighbouring local authorities, particularly where there are significant cross border flows. For example, your projections may need to consider planned changes to school organisation in neighbouring authorities. You should check that your understanding of cross border flows matches that of your neighbours. For example, if you are forecasting significant inward migration from a neighbouring local authority, is this also reflected in their forecasts, or are pupils being counted twice?

If you are outsourcing your forecasting, you should still carefully sense check the outputs and review the reason behind any changes to previous forecasts.

## Example of forecasting reception pupil numbers

The following describes a suggested method for forecasting pupils in the reception year group.

### Population data

Suppose you receive the following data for registrations at GP surgeries.

<b>Academic Year</b>	<b>Age group</b>	<b>GP registrations</b>
<b>2018 to 2019</b>	Aged 4 as at 31 <sup>st</sup> August 2018 (birth in 2013 to 2014 academic year)	514
<b>2019 to 2020</b>	Aged 4 as at 31 <sup>st</sup> August 2019 (birth in 2014 to 2015 academic year)	516
<b>2020 to 2021</b>	Aged 4 as at 31 <sup>st</sup> August 2020 (birth in 2015 to 2016 academic year)	520
<b>2021 to 2022</b>	Aged 4 as at 31 <sup>st</sup> August 2021 (birth in 2016 to 2017 academic year)	536
<b>2022 to 2023</b>	Aged 4 as at 31 <sup>st</sup> August 2022 (birth in 2017 to 2018 academic year)	540
<b>2023 to 2024</b>	Aged 4 as at 31 <sup>st</sup> August 2023 (birth in 2018 to 2019 academic year)	556
<b>2024 to 2025</b>	Aged 4 as at 31 <sup>st</sup> August 2024 (birth in 2019 to 2020 academic year)	590
<b>2025 to 2026</b>	Aged 4 as at 31 <sup>st</sup> August 2025 (birth in 2020 to 2021 academic year)	612
<b>2026 to 2027</b>	Aged 4 as at 31 <sup>st</sup> August 2026 (birth in 2021 to 2022 academic year)	To be estimated

You will need to estimate an underlying population figure for those aged 4 at 31st August 2026, as some of these children will not yet be born.

You can do this by using historic information about changes in population and assume trends will continue. You should use historic data which you think will best reflect the trends carrying forward.

Calculate the difference in population size between each year, as shown below.

Academic Year	GP registrations	Increase in population size of
2022 to 2023	540	
2023 to 2024	556	16
2024 to 2025	590	24
2025 to 2026	612	22

Next, take a weighted average of the increases as follows:

$$((22 \times 3) + (24 \times 2) + (16 \times 1)) / 6 = 130 / 6 = 21.67$$

We may therefore assume that the population for 2025 to 2026 will be 22 higher than the previous year, so 634.

### Calculate uptake factor

The next step is to calculate an uptake factor to determine what proportion of the children in your underlying population will require a mainstream, state-funded school place.

You may wish to base this on historical uptake. To determine the uptake factor for each year, calculate the actual number of pupils in the year group as a proportion of the total number of children of the appropriate age in your population data. For example, if there were 200 4-year-old children in the population and 164 children in your reception cohort, the uptake factor would be 82%.

Consider whether applying the historic uptake factor is accurate. You may wish to consider whether over the past few years the historic uptake factor has been stable, volatile, or shown a trend, and whether that trend is likely to continue.

The uptake factor is calculated as the actual number of pupils in the year group divided by the underlying population of the relevant age in the relevant year. The table below demonstrates an example of how to do this.

Academic Year	GP registrations	Actual pupil numbers	Uptake factor
2018 to 2019	514	430	83.7%
2019 to 2020	516	443	85.9%

<b>2020 to 2021</b>	520	448	86.2%
<b>2021 to 2022</b>	536	455	84.9%

### Apply your chosen uptake factor

For each year of your forecast, multiply the number of children of the appropriate age from your population data by the uptake factor you chose in the previous step.

In this example, we can see that the uptake factor is relatively stable over time, at about 85%. We can therefore apply last year's uptake factor of 84.9% to the future data, as shown below, to give final forecast figures for the reception year group.

<b>Academic Year</b>	<b>GP registrations</b>	<b>Forecast pupils</b>
<b>2022 to 2025</b>	540	458
<b>2023 to 2026</b>	556	472
<b>2024 to 2027</b>	590	501
<b>2025 to 2028</b>	612	520
<b>2026 to 2029</b>	634	538

### Example of forecasting non-intake pupil numbers

To forecast using a cohort progression technique, you will need data on the current pupil numbers in each school or planning area.

It may be more robust to base pupil number forecasts on cohort progression over a number of years. In the example below, the past four years of pupil number data for a planning area is used to calculate cohort progression ratios for each year group in each year.

The table below gives data for pupil numbers in the current academic year and each of the last three years.

Year Group	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022
R	430	443	448	455
1	432	440	456	460
2	435	437	443	458
3	480	486	492	509
4	478	485	495	510
5	470	472	485	495
6	469	471	471	488

In order to calculate cohort progression ratios, divide each pupil number by the number of pupils who were in that “cohort” the year before. So, for example, divide the number of pupils in Year 1 in 2019 to 2020 (440) by the number of pupils in Reception in 2018 to 2019 (430), to get the ratio 1.023.

The table below shows these ratios for each year group and each year.

	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022	AVERAGE	WEIGHTED AVERAGE	TREND
R							
Year R to 1		1.023	1.029	1.027	1.026	1.027	1.029
Year 1 to 2		1.012	1.007	1.004	1.008	1.006	1.000
Year 2 to 3		1.117	1.126	1.149	1.131	1.136	1.165
Year 3 to 4		1.010	1.019	1.037	1.022	1.026	1.050
Year 4 to 5		0.987	1.000	1.000	0.996	0.998	1.007
Year 5 to 6		1.002	0.998	1.006	1.002	1.003	1.008

You should consider whether using the most recent ratio, an average, a weighted average or a trended figure is the most appropriate.

In this example, progression from Year 2 to Year 3 and from Year 3 to Year 4 shows a clear trend (cohort progression ratios are steadily becoming higher, indicating that more

children are joining this planning area at those year groups). You should consider what might be behind this where you see this is the case. For example, this might be the result of there being a poorly performing junior school in an adjacent planning area and resulting pupil movement away from that school into this area. You should consider before applying the trended figure whether you believe this pattern is likely to continue.

The next step is to apply the calculated cohort progression rates to your current pupil numbers. Multiply the rate you chose for Year R to Year 1 progression by the current number of pupils in Year R to get a figure for the number of Year 1 pupils expected next year. You can then apply the Year 1 to Year 2 rate to this figure to get a figure for Year 2 pupils the year after, and so on.

In the table below, the results of applying the weighted average cohort progression to most year groups, with the trended cohort progression applied to Year 3 and Year 4. The grey cells show the results of the reception forecast calculated earlier.

	<b>2018 to 2019</b>	<b>2019 to 2020</b>	<b>2020 to 2021</b>	<b>2021 to 2022</b>	<b>2022 to 2023</b>	<b>2023 to 2024</b>	<b>2024 to 2025</b>	<b>2025 to 2026</b>	<b>2026 to 2027</b>
<b>R</b>	430	443	448	455	458	472	501	520	538
<b>1</b>	432	440	456	460	467	470	485	515	534
<b>2</b>	435	437	443	458	463	470	473	488	518
<b>3</b>	480	486	492	509	534	539	548	551	568
<b>4</b>	478	485	495	510	534	560	566	575	579
<b>5</b>	470	472	485	495	509	533	559	565	574
<b>6</b>	469	471	471	488	496	510	535	560	566

# The forecast data required and how to add the data to COLLECT

## *Information on adding your pupil forecast data*

The pupil forecast data is submitted using the COLLECT system which can be accessed using DfE Sign In. Guides for local authorities submitting data using COLLECT are available.

You must provide forecasts of pupil numbers broken down by year group for each planning area in your local authority.

Primary forecasts must extend 5 years ahead and cover reception to year 6.

Secondary forecasts must extend 7 years ahead and cover years 7 to 11. It must also include years 12 to 13 where schools in the planning area have sixth forms.

## What you have to include

Your forecasts must reflect the actual number of pupils that you expect to have to provide a mainstream place for, in each academic year in each planning area. This should be based on the total number of pupils you expect will attend the schools in that planning area, rather than where pupils are residents. We will query any forecast methodology which appears to be based on residency.

Where you have sixth form provision in secondary schools you will need to ensure that you have entered forecast data for years 12 and 13. If you expect any year 14 pupils, these should be included in your year 13 forecasts.

Do not include pupils attending nursery or special schools or pupils attending nursery or SEN units attached to mainstream schools.

Do not include a margin in your forecasts to reflect spare places that you need to manage in-year admissions, mobility, or parental choice. You can include in your forecast number your expectations about pupils arriving during the year. Most authorities do this based on their experience of in-year arrivals.

You should not project pupil numbers higher than the capacity of school places in a planning area when you fully expect excess pupil numbers to be redistributed to neighbouring planning areas with available places. If this planning area is on a local authority border, you will need to check with the neighbouring authority to ensure that they have sufficient capacity to accommodate all the projected pupils who will need to be redistributed. This is to ensure the pupil redistribution will not create a shortfall.

You should only 'redistribute' pupils based on knowledge of established patterns of pupil attendance where these are expected to continue. This should not reflect any temporary

redistribution of pupils which you do not expect to continue because of, for example, excessive home to school distances, transport issues or pending projects to add places in the preferred planning area.

## **Future school changes**

Where you are restructuring your school landscape (for example, from 3 to 2 tier education systems) you should record your forecasts based on the structure that will be in place in each of the forecast years. You should then record a note in COLLECT to notify us that a restructure is taking place.

If you are expecting to introduce a new planning area or hoping to change your planning area structure in the future, you should record the pupil forecasts in the most appropriate planning area that currently exists. Forecasts of pupil numbers for existing schools must be recorded in the planning area in which they currently sit.

You should forecast for new free school provision where you are confident that the project will go ahead and that it will affect the school landscape in your authority. Include a note to explain this.

## **Split site schools**

Where a school is split between different planning areas because it operates from different sites, please include the forecasts for each site in the most appropriate planning area.

## **Housing developments**

Your pupil forecasts should only include expected pupil yields from housing developments that have a high probability of being delivered within the timeframe of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast's timeframe, we expect that development to be present in the relevant planning authority's latest five-year land supply. You should explain the inclusion of such housing developments, as we may review the evidence on the site's deliverability to test the suitability of the development in your forecasts.

New housing developments may generate additional pupil forecasts, but you should be careful to avoid double-counting pupil yields which are already factored into your forecasts by default through cohort progression or migration.

You should continue to use the existing parameters for new housing in your forecasting models, unless there is a demonstrable increase in the rate at which new housing is being delivered. In this case, an appropriate additional yield figure should be determined.

## Pupil forecasts from housing developer contributions (HDC) and Housing Infrastructure Fund (HIF)

Housing developer contributions include new school places secured from developers through Section 106 agreements and the Community Infrastructure Levy. A small number of local authorities have also received or expect to receive funding from the Housing Infrastructure Fund for the provision of new or extended schools. [Further information on the Housing Infrastructure Fund is available.](#)

Forecasts of places to be funded through these should reflect the number of school places that will be created using this funding, or by developers in lieu of funding, from 2022 to 2023 onwards. [Further guidance on securing developer contributions is available.](#)

These funded places should be included in your main forecasts but also reported separately in the relevant sections of the forecast template and on COLLECT. This will enable these places to be split from the main forecasts for funding purposes.

Places provided by any projects that will use, or are expected to use, either of these funds must be included.

Where housing developer contributions funds have been received but not assigned to a project you should estimate the date of delivery and quantity of places to be delivered, and report these in the return.

Where you expect these funds to fund places within the forecasting timeframe, but have not yet received the funds, the places the funding will supply should also be estimated and included in your return.

Where this funding supplements an existing project, the number of pupils in these funded places should relate only to the proportion of places generated through housing developer contributions and the Housing Infrastructure Funding. There are many ways you can do this. For example, you may calculate the number of housing developer contributions places based on the amount the developer advised they would fund per place. You could also look at the project as a whole and calculate the proportion of places attributed to housing developer contributions or Housing Infrastructure Funding and the number of places this created.

If you have contributed housing developer contributions funding to a centrally-funded free school you should not include these places as part of your housing developer contributions forecast.

Where these funded places have been included in one forecast year, they should appear in future forecast years, along with any extra places added in those future years.

You should split housing developer contributions or Housing Infrastructure Fund forecasts across year groups unless you are certain they apply to only one year group.

The forecast of these funded places are not expected to follow the pupils through the school system as you are forecasting the number of pupils attending housing developer contributions funded places and the places do not move.

Any housing developer contributions or Housing Infrastructure Fund funded places in the first three years of your forecast return are expected to be present in your planned places return.

## Example of how to forecast pupils attending housing developer funded places

In 2022/23, 35 developer funded places are being created in a primary school. The places have then been apportioned across all year groups, which equates to 5 places per year group. Once the housing developer contributions places are added it is expected the places will be attended by pupils in all subsequent forecast years.

In 2024/25, a 15 place per year group expansion has been funded from housing developer contributions, creating 105 places in total. The places are again apportioned across all year groups creating 15 places per year. These places are in addition to the 5 places per year group to be created in 2022/23, resulting in 20 places being reported in each year group in 2024/25 and each academic year after.

Year	YrR	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Total
2021/22	0	0	0	0	0	0	0	0
2022/23	5	5	5	5	5	5	5	35
2023/24	5	5	5	5	5	5	5	35
2024/25	20	20	20	20	20	20	20	140
2025/26	20	20	20	20	20	20	20	140

## Forecast methodology statement

The methodology statement is intended to set the figures in context. This is important since projection methodology varies from one local authority to another.

You must provide comprehensive information including how your forecasts have been checked and quality assured. We may ask for further detail, including requesting a copy of your forecasting model. If you include rates (for example, cohort survival rates,

progression rates or pupil yield rates) that you apply to existing cohorts or housing data, explain how these rates have been calculated.

Before we will accept your data, we must be satisfied with the robustness of your forecasts.

Your forecast methodology should include information on cross-border flows, with confirmation that import, or export assumptions have been checked with neighbouring local authorities.

The forecast methodology can be returned via COLLECT or as a Word document using the template, we provide to [SCAP.PPP@education.gov.uk](mailto:SCAP.PPP@education.gov.uk).

## Using the Excel templates to upload data

Your forecast data can be uploaded to COLLECT using the Excel XML template we provide. The Excel template cannot be used to submit your data via email.

The data collection service desk will send out the templates in late May 2022 to the nominated contact for your local authority. The templates will be sent via the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the service request form.

## Common queries

### Query: Cohorts not progressing as expected

For example, comparison of Year 3 forecast in 2021 to 2022 to Year 4 forecast in 2022 to 2023

We would normally expect most pupils in Year X in one year to progress on to Year X+1 in the same planning area the next academic year.

Check the forecast you have submitted is a true reflection of how pupils progress through the school years in that planning area. It may be that you do expect large fluctuations in cohorts, for example if:

- large housing developments are planned in the planning area and you expect a large increase in children joining schools above the standard entry year;
- there is a drop or increase every year at a specific cohort due to schools with unusual age ranges.

You will need to explain this in the note you attach to the query.

### Query: Fluctuations in pupil numbers year on year

For example, comparison of Year 7 forecast in 2021 to 2022 to Year 7 forecast in 2022 to 2023

We would not normally expect large fluctuations in pupil numbers year on year, as we would expect schools to take a relatively stable number of pupils each year.

Check the forecast you have submitted does not contain any mistakes.

It may be that the planning area does experience large fluctuations, for example, because it is rural and birth rates are highly variable.

You will need to explain this in the note you attach to the query.

**Query: Forecasts vastly different to current number on roll**

You will also need to provide an explanation where there is a large difference between the pupil forecast in the final forecast year and the current number on roll.

# The planned places data required and how to add the data to COLLECT

## *Information on adding your planned places data*

The planned places data is submitted using the COLLECT system which can be accessed using DfE Sign In. Guides for local authorities submitting data using COLLECT are available.

You must provide details of local plans to add to or remove places from net capacity, broken down by year group for each planning area, for the next 3 academic years:

- 2022 to 2023
- 2023 to 2024
- 2024 to 2025

The planned places data are prepopulated based on the planned places data you provided in the previous school capacity survey. You will need to update the planned places data if projects have changed or you have new projects to include.

Any recorded planned changes to net capacity should be carried out in accordance with the guidance for [LA maintained schools](#) and [academy trusts](#).

## What you have to include

You should include places related to any project undertaken by the school, local authority or MAT where the following 3 criteria all apply.

1. Mainstream school net capacity being added or removed

You should include all places:

- from locally funded projects that are being added or removed from net capacity, irrespective of how much they cost (including zero cost projects)
- added from presumption free schools which are expected to open in the next 3 years

You should not include:

- changes to admission numbers unless these will also result in a change in capacity in the net capacity assessment or academy funding agreement
  - SEN or nursery places, even if they use basic need funding
  -
2. The addition or removal of places is not centrally funded

You should not include changes in places resulting from projects that are funded by:

- the Priority School Building Programme

- a centrally delivered free school programme (includes free schools, UTCs and studio schools)
- the Condition Improvement Fund
- the Selective Schools Expansion Fund
- the capital scheme for voluntary-aided schools
- the school rebuilding programme

If you are providing supplementary funding or places to any of these centrally funded programmes, then you should record the number of places that relate to that supplementary funding only. If you record the total, we will ask you to correct the data.

If you are awaiting a decision on whether a new free school will be opened in your authority and have had to plan a contingency in case the free school does not open, only include this if you plan to bring in the contingency regardless of the outcome of the free school decision.

### 3. You have a high degree of certainty that the project will go ahead

We would normally expect this to be where funding has been committed, for example where the local decision-maker has signed off the capital plans or where contracts have been let.

For presumption free schools, we would also normally expect the provisional opening date of the school to have been set.

If you are adding places and removing places within the same planning area, you should report both separately rather than simply reporting the net added or removed places.

Report places under the first full academic year that the places will be available in time for. This should be based on when places are built in time for, rather than when they are due to fill up with pupils.

If the places will not be available in September, record the project under the following academic year. For example, if the places will be built by November 2022 or February 2023, record this in the academic year 2023 to 2024.

## Recording Added Places

This should be used to report any increase in the net capacity where the additional places will remain in the year group reported, rather than moving through with a specific large cohort. For example, a project to increase the size of reception to year 2 accommodation in a primary school.

Added places should be reported cumulatively. For example, if 15 places are added in years 7 to 11 in 2022 to 2023, and a further 15 places in 2023 to 2024, then a total of 30 places should be reported in years 7 to 11 in 2023 to 2024 and 2024 to 2025.

We would not expect PAN increases to be included unless the change increases net capacity or exceeds the funding agreement capacity.

## Recording Removed Places

This should be used to report any works which remove physical capacity from the school, for example, the demolition of a block or removal of temporary classrooms.

Places should be reported as negative figures.

## Recording Bulge Class Places

This should be used to report any additional capacity providing places for a cohort that will move through the school. For example, a project to accommodate a one-off additional form of entry.

We would expect to see this move through the school in your data. For example, if there are 30 places in year 7 in 2022 to 2023, we would then expect to see those places in year 8 in 2023 to 2024.

Do not add existing bulges that are already included in the capacity return.

## Using the Excel templates to upload data

Your planned places data can be uploaded to COLLECT using the Excel XML template we provide. The Excel template cannot be used to submit your data via email.

The data collection service desk will send out the templates in late May 2022 to the nominated contact for your local authority. The templates will be sent via the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the service request form.

## Examples

### Example 1:

Within a planning area, one school is planning a 1 FE expansion which will be ready to start filling up from September 2022, while another school will remove 5 places per year group due to internal reconfiguration from 2022/23.

Added Places:

Year	YrR	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6
------	-----	-----	-----	-----	-----	-----	-----

2021/22	0	0	0	0	0	0	0
2022/23	30	30	30	30	30	30	30
2023/24	30	30	30	30	30	30	30

Removed Places:

Year	YrR	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6
2021/22	0	0	0	0	0	0	0
2022/23	-5	-5	-5	-5	-5	-5	-5
2023/24	-5	-5	-5	-5	-5	-5	-5

Added and removed places should be recorded in the first year they are built or removed in time for. Added and removed places should be permanent so the places shown in 2022/23 should also be shown in 2023/24.

### Example 2:

Within a planning area, one secondary school took a bulge class of 30 in Year 7 in September 2020, the bulge will be in Year 8 in 2021/22. Another secondary school will accommodate a Year 7 bulge class of 30 from September 2022.

Year	Yr7	Yr8	Yr9	Yr10	Yr11	Yr12	Yr13
2021/22	0	0	0	0	0	0	0
2022/23	30	0	0	0	0	0	0
2023/24	0	30	0	0	0	0	0

The bulge class which entered the school in September 2020 should not be included in the Planned places return. It should be reflected in the capacity by year group data in the capacity return as the bulge would be in the school as at 1 May 2021. Bulges should move with the cohort of pupils so the bulge in Year 7 in 2022/23 will move to Year 8 in 2023/23 and so on.

### Example 3:

Within a planning area, a 15 places per year group expansion at a secondary school will be ready to start filling up from September 2021. Another secondary school will complete a 1FE expansion in November 2022.

Year	Yr7	Yr8	Yr9	Yr10	Yr11	Yr12	Yr13
2021/22	15	15	15	15	15	0	0
2022/23	15	15	15	15	15	0	0
2023/24	45	45	45	45	45	0	0

Added places should be reported under the first full academic year that they will be available in time for, which is 2021/22 for the project completing in September 2021 and 2023/24 for the project completing in November 2022.

## Common queries

### **Query: The number of places added or removed are only for a single year group**

We would normally expect non-bulge projects to add or remove net capacity to affect multiple year groups in a school

Check that you have recorded future places as built rather than when they are due to fill up with pupils.

You will need to explain this in the note you attach to the query.

## Commentary

### *Information on completing your commentary template*

Email your completed commentary templates to [SCAP.PPP@education.gov.uk](mailto:SCAP.PPP@education.gov.uk).

As part of the school capacity survey, you must complete a place planning commentary template. It provides information to help the analysis of areas with pupil place planning pressures and areas with spare places.

The commentary must link to each of your planning areas, identifying any local pockets where school capacity is an issue.

Use the commentary to explain:

- where there is planned action to secure additional capacity or remove capacity, indicating if it is temporary or permanent and in new schools or expansions;
- any other significant changes to capacity, when they would be implemented and how this would affect the places available;
- any plans that would significantly impact available capacity.

Make sure any references to specific schools include their 4-digit establishment number so that we can match up the information easily.

We will compare the commentary for each planning area against the data you have provided in capacity, forecast and planned places. If the commentary does not appear to match what your data shows, we may ask for further clarification to check your data is accurate.

Examples might be where:

- you have said an area has high growth or housing developments, but your forecasts do not appear to show this increase
- your data indicates a future pressure in a planning area but the commentary does not mention this
- you have said a school will provide temporary accommodation for a bulge class from September 2022 but there are no places recorded

## Accessing, submitting and checking a return

*How to access the COLLECT data collection system, send us your school capacity survey data, check your data and resolve any errors*

### Accessing the data collection systems

You should use the COLLECT data collection system to submit data on:

- Capacity
- Forecast
- Planned places

Access COLLECT via DfE Sign In.

For issues accessing COLLECT or technical problems while using COLLECT, contact the data collection service desk using the service request form.

### Checking your data

We will email your nominated contact a QA checklist. This list provides a guide on checking your data before submission.

As well as using this list you should check the data as it is entered. Accurate data entry and completion of this list will reduce the number of questions that we may need to ask you.

COLLECT includes a reports feature which allows you to view and download output reports containing your data. The COLLECT system refreshes overnight, so any data that you input will not show on the output reports until the following day.

Use these output reports alongside the QA checklist to help you address any issues with your data before you submit it.

### Submitting your return

You will need to arrange for your own internal review of your data before submitting it to us. You will be unable to submit your returns if you have not addressed all error messages. When addressing an error message, make sure the note is against the error or query itself.

If you are unable to resolve any errors, email [SCAP.PPP@education.gov.uk](mailto:SCAP.PPP@education.gov.uk) for advice. Make sure you give details of the error and which school or planning area it relates to.

All data must be submitted using the online systems. Email copies of the downloaded spreadsheets or output reports will not be accepted.

Email accompanying information to SCAP.PPP@education.gov.uk. It should include:

- the commentary
- the forecast methodology using the latest template (if not submitted via the COLLECT system).

You should submit your data by **Friday 29 July 2022**.

Your return will only be considered complete when you have provided all elements.

## **Director of Children's Services (DCS) sign-off**

After submission, we will quality assure your data. When this process is complete, we will provide you with a template for DCS sign off.

We expect DCS sign off to happen around December 2022, once the checks on all local authorities have been completed.



Department  
for Education

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Via email  
Case officer  
Norwich City Council

Please ask for: Naomi Chamberlain  
Date: 23 May 2022

My Ref: P.DEV.1.04.118  
Tel No: 01603 638422  
Email: [planobs@norfolk.gov.uk](mailto:planobs@norfolk.gov.uk)

Dear Case officer

## **Infrastructure Requirements: Anglia Square, Norwich Application No. 22/00434/F**

Thank you for consulting the County Council on the potential infrastructure, service and amenity requirements arising from the above proposal as they relate to matters covered in the County Council's agreed Planning Obligations Standards. It is assumed that you have consulted the County Council separately as Highway Authority and as Lead Local Flood Authority.

These comments are made "without prejudice" and are an officer-level response to your consultation. The requirements are based on 1,100 dwellings and 8,000sqm of flexible retail, commercial and other non-residential floorspace.

It should be noted that these comments are only valid for six months from the letter date and therefore the County Council would expect to be re-consulted if the application is not determined in this period.

While the County Council acknowledges that most infrastructure requirements would need to be funded through the Community Infrastructure Levy (CIL), some might still need to be funded either through a separate legal agreement (e.g., S106 agreement) and/or planning condition.

The County Council would have serious concerns if funding for the list of infrastructure requirements mitigating the impact of this development, could not adequately be addressed/delivered through CIL; and in the case of fire hydrants through planning condition and / or S106.

Please could you inform the planning obligations team when the application has a resolution to approve, either by committee or through delegated officer powers.

Please could you keep me informed of any obligations and/or conditions sought from the applicant; and forward the infrastructure requirements to your CIL distribution team.

Should you have any queries with the above comments please call me on (01603) 638422 or Stephen Faulkner (Principal Planner) on (01603) 222752.

Yours sincerely

Naomi Chamberlain  
Senior Planner

Address: Anglia Square, Norwich (1,100 dwellings)

Application No. 22/00434/F

Date: 23 May 2022

**The following infrastructure will need to be funded through CIL**

**Education: Mitigation required at Infant and Junior School Sectors for 236 places.**

**Library Provision: Improvements to existing library facilities.**

**Education:**

**Education response based on**

1,100 dwellings, mix as follows:

165 x 1 bed flats

189 x multi-bed flats/maisonettes

733 x mix unknown + 13 multi-bed houses

Table 1 Children generated from this development

Early Education age: 82	High School age: 122
Infant School age: 108	Sixth Form age: 13
Junior School age: 128	

Table 2 Cost per Place

<b>Sector</b>	<b>Basic Need Multiplier Cost Per Place 2019 (£)</b>
Early Education (2 - 4)	14,022
Infant Sector (4 - 7)	14,022
Junior Sector (7-11)	14,022
High School Sector (11-16)	15,664
Sixth Form (16-18)	15,664

Table 3 Current situation at the local schools

<b>School</b>	<b>Capacity</b>	<b>Numbers on Roll (Jan 2022)</b>	<b>Spare capacity No. of places</b>
Early Education (2-4)	454	281	<b>+173</b>
Magdalen Gates Primary (4 -11)	210	202	<b>+8</b>
Mousehold Infant & Nursery Academy (3-7)	239 (excluding mobiles)	201	<b>+38</b>

George White Junior Academy (7-11)	324	311	<b>+13</b>
Lionwood Infant & Nursery Academy (3-7)	265	175	<b>+90</b>
Lionwood Junior Academy (7-11)	360	274	<b>+86</b>
Angel Road Infant & Nursery Academy (3-7)	210 (excluding mobiles)	163	<b>+47</b>
Angel Road Junior Academy (7-11)	454	277	<b>+177</b>
St. Clements Hill Primary Academy (4 -11)	420	137	<b>+283</b>
Sewell Park Academy (11-16)	1250	651	<b>+599</b>
Open Academy (11-18)	950 (750 11-16 + 200 6th Form)	588 (493 11-16 + 95 6th Form)	<b>+362</b>

**Education Claim:** Considering the other development in this area of Norwich, a total of 1,318 dwellings (including the Anglia Square site) would generate an additional 97 Early Education 2-4 age children, an additional 278 primary 5-11 age children, an additional 144 11-16 age children and an additional 15 16-18 age children. Although there is spare capacity at high school level and within the Early Education sector there is insufficient capacity at the Infant and Junior phase of schooling servicing this development to accommodate the children generated by these developments. St Clements Hill Primary Academy is located 1 mile from the development, opened in September 2018 and will grow to become a 420 place primary school. We will therefore monitor pupil numbers and if further expansion is required will put in a claim for funding for additional places if necessary through CIL as this is covered on the District Council's Regulation 123 list.

**Fire:** Fire hydrants are to be provided to meet the specifications detailed in Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access) and with flow rates in accordance with Appendix 5 of the National Guidance Document on the provision of water for firefighting.

Prior to the first occupation of the buildings a scheme should be submitted to and agreed by the Council in consultation with Norfolk Fire Service, and no dwelling shall be occupied until the hydrant serving the group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire Service.

Please note that the onus will be on the developer to install the hydrants, during construction, to the satisfaction of Norfolk Fire and Rescue Service at the developer's cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

**Library:** New development will have an impact on the library service and mitigation will be required to develop the service, so it can accommodate the residents from new development and adapt to user's needs.

1,100 No. of houses x £75 per dwelling = £82,500