Project:	**Lower Berse Farm, Wrexham**	**Project No:**	**60008**
Title:	**Education Planning Response Comments**	**Document Ref:**	**RUTH-FC-PRO-00-TN-ZM-02**
Originator:	**Kerrie Norman**	**Date:**	**29 February 2024**

1.0 Background

1.1 An Education Infrastructure Assessment was prepared as supporting documentation for a planning application for a residential-led development at Lower Berse Farm in Wrexham. The planning reference is P/2023/0593.

1.2 A response from Wrexham Council Education Officers to the planning application documentation was uploaded to the planning portal on 13 November 2023.

1.3 Prior to the planning application being submitted, detailed comments on elements of the Education Infrastructure Assessment were received from Councillor Phil Wynn (email dated 06 July 2023), who is the elected member for the Brynyffynnon Ward and Lead Member for Education. A detailed response was provided to these comments and no additions or amendments were required to the Education Infrastructure Assessment.

2.0 General Comments on the Education Response

2.1 The uploaded Education response to the planning application at Lower Berse Farm does not contain any detailed comments on the methodology or issues raised in the Education Infrastructure Assessment.

2.2 The response consists of pupil yield calculations and an assessment of capacity at the nearest schools to the development but does not include all schools that are within the statutory travel distances for primary and secondary age pupils.

2.3 No comments are provided on the downward trend for birth rates and school place demand, which is considered inconsistent with the guidance set out in the School Organisation Code.

2.4 The response does not include pupil forecasts for the relevant schools (over a minimum of six years), which are required to ensure that any developer contributions meet the planning tests.

3.0 Primary School Capacity Calculations and Surplus Places

3.1 The Education response to the planning application consists of an Excel spreadsheet with pupil yield calculations consistent with the bedroom mix for the residential elements of the development and a comparison against current capacity.

3.2 A 10% deduction has been made to the capacity of each individual school with a reference that this is "*recommended by the School Organisation Code*". The conclusions drawn by the Authority are that three of the four nearest primary schools and two of the three nearest secondary schools do not have spare capacity when the 10% figure is applied to each school.

3.3 This methodology in calculating spare capacity is not consistent with the guidance in the School Organisation Code, when assessing the need for new provision, and the application of such an approach is likely to be incompatible with the planning tests and result in overprovision.

3.4 Section 1.5 of the School Organisation Code for Wales (Nov 2018) is the only place in where a 10% surplus figure is referred to and it is in the context of reviewing whether ***removal*** of existing places should be considered.

3.5 The same section of the School Organisation Code is clear that: "*It **should not** normally be necessary to provide additional places at schools when there are others of the same type with surplus places within a reasonable distance."*[1]

3.6 Local authorities are advised to aim for a minimum level of surplus of 2.5% and maximum of 5.0% across a whole area (not at school level), as this allows for parental choice and some in-year movement between schools. No individual school would aim for a 10% surplus as this would create significant financial issues in operating buildings and maintaining a staffing structure for a larger school, but without the revenue to support these fixed costs.

3.7 The law of England and Wales defines reasonable walking distance within the relevant statute for children of compulsory school age. This is defined in Section 508A of the Education Act 1996 (as amended) and the Learner Travel (Wales) Measure 2008 (as amended).

3.8 These distances are two miles for primary age children (under 8 years of age) and three miles for secondary age children (and those over 8 years of age). Local authorities are bound to provide free home to school transport if the nearest suitable school (measured from home to the school gate) is beyond these distances.

3.9 The Education Infrastructure Assessment applies the correct statutory home to school travel distances in assessing the capacity of local schools in relation to the development. This is consistent with Section 1.5 of the School Organisation Code, where it refers to "reasonable distance" and with the relevant statutory provisions. Applying this distance correctly to the capacity assessment should result in the

[1] Section 1.5, page 8, School Organisation Code, Welsh Government, Nov 2018

capacities of nine primary schools being considered and not the four in the Education response.

3.10 The statutory definition of distance to school provision underpins the basis for sustainable pupil place planning in any given area. Small schools are inherently more difficult to run financially as school funding is set on a per pupil basis. Developing additional small schools or additional places at existing schools if there is an excessive surplus within the statutory travel distances risks destabilising existing schools and developing unviable provision.

3.11 If the actual capacity of the primary schools within the statutory travel distance were used without the 10% deduction there are approximately 264 surplus primary places at present and reception numbers are dropping at several of these schools.

3.12 The Applicant supports the development of a new primary school on the development site and has reserved a suitable school site, which will enable pupils to travel sustainably to school and create an important piece of social infrastructure. This site will be reserved for ten years from the commencement of the development.

3.13 This principle of a maximum of ten years for sites to be safeguarded has been upheld at numerous planning appeals. To exceed this limit would expose the Developer to the risk of an undeveloped and unmaintained area of land over which they have no control or mechanism for it to be returned. This would not meet the S106 tests for planning obligations.

3.14 The size of the new school provision and maximum contribution levels should be kept under review with appropriate review clauses in a Section 106 Agreement, as recommended in the newest guidance to local authorities in England[2]. This recognises the rapidly changing demand for new school places and the need for solutions to be more flexible in the legal agreements that underpin new residential-led developments. The trigger points for the review should be agreed during negotiations on the Section 106 provisions.

3.15 Section 106 Agreements should name a project or contain alternative projects, so it is clear that the education contributions are being used to directly mitigate the effects of the development. This is reinforced by Planning Law and the findings of numerous Planning Appeals.

4.0 **Impact from Other Developments**

4.1 Policy H1 of the adopted Local Development Plan includes a number of named sites to deliver the identified housing requirement over the plan period. These sites are arranged into two Key Strategic Sites and eighteen Non-Strategic Housing Sites across four tiers.

4.2 Some of these identified sites have pending applications or planning consent in place. Other sites have no pending applications and delivery is uncertain.

[2] Para 76, page 29, Securing Developer Contributions for Education, Department for Education, Aug 2023

4.3 Table 1 below includes details of any of the housing sites with planning consent or with applications pending, which are within the statutory travel distances of schools that will also serve the Lower Berse Farm site.

Site	Ref	Dwelling Nos	Secondary Pupil Yield
KSS1 – Lower Berse Farm	P/2023/0593	1,520	382
1 – Land adjoining Mold Rd	P/2019/0923	455	96
18 – Land at Llay New Rd	P/2021/1057	92	19
	Sub-Total	2,067	497

Table 1: Potential Secondary Pupil Yield from Consented Developments within Three Miles

4.4 It should be noted that Key Strategic Site 2, Land East of Cefn Road, is more than three miles from the Lower Berse Farm site and will have no impact on the primary schools that have been included in the Education Infrastructure Assessment for Lower Berse Farm. Key Strategic Site 2 is geographically close to Rhosnesni High School and Ysgol Morgan Llwyd and there will be some overlap in demand at these two schools, but not with Ysgol Clywedog, Ysgol Y Grango or Ysgol Bryn Alyn.

5.0 Secondary School Capacity Calculations and Surplus Places

5.1 The Education response assesses capacity for three secondary schools, but this excludes Rhosnesni High School, Ysgol Y Grango and Ysgol Bryn Alyn, which are also within the statutory travel distance for secondary age pupils.

5.2 As set out above, the deduction of 10% from the capacity of each individual school is not set out in the School Admission Code as a basis to be used when assessing new provision. It is only a figure to be used when considering the **removal** of places. All schools within reasonable travel distance should be considered in capacity assessments.

5.3 When assessing the actual capacities, there are currently 540 surplus places across the six secondary schools within the three-mile statutory travel distance. This is over 10% and beyond the trigger for when local authorities should consider whether places should be removed.

5.4 It is also relevant that the Year 7 intake at the nearest school, Ysgol Clywedog, is dropping with only 152 pupils admitted in September 2023, against a PAN of 178. If this trend continues, the overall numbers at the school will drop further and could create financial issues for the school.

5.5 To comply with the planning tests and ensure robust pupil place planning, the local authority should set out their current pupil forecasts for primary and secondary schools in their planning response. This has been done previously (see education response to the Brymbo Steelworks site – planning reference P/2020/0649) but has not been provided for this scheme. These forecasts should include the effects of the sustained historic low birth rates and realistic forecasts of yield from consented (or

pending) residential schemes that are within the statutory travel distances of the applicable schools.

5.6 The addition of more places at this Ysgol Clyywedog, or any of the nearby secondary schools, could not be justified based on current evidence and risks destabilising existing provision at Ysgol Clywedog, Ysgol Morgan Llwyd and Ysgol Bryn Alyn, all of which have significant numbers of surplus places. Current surplus places at Ysgol Bryn Alyn are over 24% and rising.

5.7 The current surplus at these three schools is 408 places, which is more than the predicted maximum secondary yield of 382 pupils from the Lower Berse Farm development.

5.8 Housebuilding will assist in offsetting the reduction in demand for secondary school places, but the data is clear that numbers are already falling in lower year groups at the secondary phase in some schools near to the development site. All demand is likely to be able to be accommodated in the existing mix of schools.

5.9 Even with a proportion of pupils from other strategic sites taking up places over the next twenty years (this is how long it would take for peak secondary yield to be realised in a site of this size), there are still likely to be spare places.