EDUCATION ISSUES PAPER
BETWEEN THE APPLICANTS AND WREXHAM COUNTY BOROUGH COUNCIL

Application Reference: P/2023/0593

Prepared on behalf of Redrow Homes Ltd

CONTEXT

1.1 An outline planning application has been submitted for the erection of 1,520 dwellings, land for a primary school and a wastewater treatment plan. The site is referred to as Land at Lower Berse Farm and is accessed from Ruthin Road in Wrexham.

1.2 The site is referred to as Key Strategic Site 1 in the adopted Local Development Plan. Consultee responses have been received and reviewed by the Applicant and their advisory team.

1.3 An Education Infrastructure Assessment was prepared and submitted with the outline planning application. This assessed the capacities of all schools within statutory walking distances of the development site, the pupil yield expected from the full development and the implications in terms of the need for new school places.

1.4 A response to the planning application has been received from Education Officers at Wrexham County Borough Council.

1.5 The Applicant is committed to collaborative working to ensure that agreement is reached on the drafting of a Section 106 Agreement that captures the education infrastructure needs of the development and is fully compliant with the relevant planning tests for contributions.

2.0 MATTERS OF AGREEMENT ON EDUCATION

The parties, including the Applicant and Wrexham County Borough Council, agree that there is a need for new primary school places which accounts for the needs of this development.

Primary Education

2.1 The parties agree that a new primary school is required to be delivered within the Proposed Development to provide school places for children predicted to live within the development.

2.2 It is agreed that a two form entry (2FE) new primary school is required to be constructed on a reserved school site within the development. This will accommodate all of the predicted pupils generated by the new development.

2.3 It is agreed that a serviced primary school site of 1.6 hectares will be provided, which meets the site area requirements for a 2FE primary school. The primary school site is regular in shape and will be provided with services and highway access to the site boundary. The primary school site will allow for the new school to be constructed in a single phase or in multiple phases.

2.4 It is agreed that the development may generate up to 406 primary pupils over a phased period of up to ten years from the commencement of the development. Pupils are likely to attend a range of primary schools including community schools, local primaries with a religious designation and Welsh Medium schools.

2.5 It is agreed that a Primary Education Contribution is required for the provision of new school places as a direct result of this development.

Secondary Education

2.6 It is agreed that the development may generate up to 382 additional secondary age pupils over a long-term period.

2.7 It is agreed that the three nearest secondary schools are Ysgol Clwedog, St Joseph's Catholic and Anglican High School and Ysgol Morgan Llwyd. The published capacities of these schools and the current numbers on roll are aligned in the Education Infrastructure Assessment and the response from Education Officers.

3.0 MATTERS OF DISGREEMENT ON EDUCATION

3.1 At the time of drafting this paper, there are matters on education that are not agreed. These relate to the calculation of available capacity at existing schools and the consequent level of contribution towards new school places.

3.2 The Applicant contends that the assessment of capacity should include all schools within the statutory walking distances of the development site, which is two miles for primary pupils (aged under 8 years old) and three miles for secondary pupils. This would be in line with section 1.5 of the School Organisation Code and relevant appeal decisions.

3.3 Wrexham County Borough Council has applied a 10% deduction to the capacity of each school on the basis that this is "recommended surplus" according to the School Organisation Code.

3.4 The Applicant contends that the Council applying this 10% deduction in capacity directly conflicts with the requirements of the School Organisation Code and is not in line with the relevant planning tests for contributions.

3.5 Section 1.5 of the School Organisation Code states "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] The reference to reasonable distance means all schools within the statutory travel distances should be included in the capacity assessment.

3.6 Section 1.5 of the School Organisation Code only refers to a 10% surplus figure in advising local authorities to consider *removal* of existing places if surplus reaches these levels. The guidance only recommends that some spare places are retained to allow for fluctuations in numbers of pupils. The Applicant contends that this

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

level is 2.5% to 5% across a whole pupil planning area, in line with national best practice.

3.7 Capacity assessments should consider the projected pupil numbers at the time that the need for places is likely to occur and this should be at least six to eight years from now. This is essential to ensure robust pupil place planning, to identify whether any increase in capacity should be temporary or permanent and to ensure that developer contributions comply with the planning tests.

3.8 Providing accurate pupil forecasts is particularly important when there are large rises or falls in birth rates. At present birth rates are at historic lows with the Total Fertility rate (TFR) having decreased to 1.49 children per woman in 2022, which is progressively down from a high point of 1.94 in 2010[2].

3.9 The Office of National Statistics predicts that the Total Fertility Rate will stay at historic lows of approximately 1.45 until at least 2045. This will have major effects for pupil place planning and for pupil yields from new developments.

3.10 The Department for Education in England published updated non-statutory guidance for local authorities called Securing Developer Contributions for Education in August 2023. Equivalent guidance has not been published in Wales. This guidance acknowledges that contributions should be based on forecasted demand at the time the yield from the development will be realised.

3.11 The guidance recommends that Section 106 Agreements include a re-assessment clause that reviews capacity and demand once the development is underway. This may reduce contributions from a maximum figure. Such an approach would assist in ensuring that contributions remain compliant with the planning tests and that

[2] Office of National Statistics, Births in England and Wales 2022, https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytablesenglandandwales/2022refreshedpopulations, accessed 27/02/2024

there is no overprovision of places. Overprovision is a significant risk at a time of sustained record low birth rates.

3.12 The Applicant supports the inclusion of a re-assessment clause for both primary and secondary school contributions based on updated pupil forecasts that align with the likely yield trajectory for the development.