

**Our Ref: DfE/South Kesteven Draft Local Plan/February 2024**

**24/04/2024**

Dear Sir/Madam,

**Re: South Kesteven Local Plan Regulation 18 - Draft Local Plan 2021-2041**

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

**Submission of the Department for Education**

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. Under the provisions of the Education Act 2011 and the Academies Act 2010, new state schools are now academies/free schools and DfE is the delivery body for some of these, rather than local authorities. Local authorities have a statutory responsibility to ensure sufficient education provision and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education departments and planning authorities to meet the demand for new education infrastructure. We have published guidance on securing developer contributions for education, and estimating pupil yield from housing development, at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>. You will also be aware of the corresponding Planning Practice Guidance on planning obligations, viability and safe and healthy communities.<sup>1</sup>
3. We would like to offer the following comments in response to the above consultation document.

**General Comments**

4. The department notes that some growth in housing stock is expected in the district; the Draft Local Plan anticipates an annual housing requirement of 14,020 homes to the end of the plan period in 2041. This will place additional pressure on social infrastructure such as education facilities. The Local Plan will need to be 'positively prepared' to meet the objectively assessed development needs and infrastructure requirements.
5. The National Planning Policy Framework (NPPF) advises that local planning authorities (LPAs) should take a proactive, positive and collaborative approach to

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<sup>1</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

ensuring that a sufficient choice of school places is available to meet the needs of communities and that LPAs should give great weight to the need to create, expand or alter schools to widen choice in education (para 99).

6. The department supports the principle of South Kesteven District safeguarding land for the provision of new schools to meet government planning policy objectives as set out in paragraph 99 of the NPPF. When new schools are developed, local authorities should also seek to safeguard land for any future expansion of new schools where demand indicates this might be necessary, in accordance with Planning Practice Guidance and DfE guidance on securing developer contributions for education.<sup>2</sup>
7. South Kesteven District should also have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on Planning for Schools Development<sup>3</sup> (2011) which sets out the government's commitment to support the development of state-funded schools and their delivery through the planning system.

### Site Allocations

8. The next version of the Local Plan should seek to identify specific sites which can deliver the early years, school and post-16 places needed to support growth, based on the latest evidence of identified need and demand in the Infrastructure Delivery Plan (2018).
9. The site allocations **Spitalgate Heath (SKPR -278 (G3-H1)), Prince William of Gloucester Barracks (SKPR -65 (GR3 -H1)), Stamford North (SKPR-281 (STM1-H1))** and/or associated safeguarding policies should also seek to clarify requirements for the delivery of new education infrastructure, including when it should be delivered to support housing growth, the minimum site area required, any preferred site characteristics, and any requirements for safeguarding additional land for future expansion where need and demand indicates this might be necessary. Establishing these requirements within the plan is particularly important for securing sites at an appropriate value when additional land or standalone sites for schools need to be purchased, as DfE 'Basic Need' funding allocations do not factor in the costs of site acquisition.
10. Viability assessment should inform options analysis and site selection, with site typologies reflecting the type and size of developments that are envisaged in the district. This enables an informed judgement about which developments would be able to deliver the range of infrastructure required, including schools and early years facilities, leading to policy requirements that are fair, realistic and evidence-based. In accordance with Planning Practice Guidance, there should be an initial assumption that applicable developments will provide both land and funding for the construction of new schools. The total cumulative cost of complying with all relevant policies should not undermine deliverability of the plan, so it is important that anticipated education needs and costs of provision are incorporated at the outset, to inform local decisions about site selection and infrastructure priorities.<sup>4</sup>
11. While it is important to provide this clarity and certainty to developers and the communities affected by development, retaining a degree of flexibility about site

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

<sup>3</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>4</sup> PPG on viability and planning obligations: <https://www.gov.uk/government/collections/planning-practice-guidance>

specific requirements for schools is also necessary given that the need for school places can vary over time due to the many variables affecting it. The department therefore recommends the Council consider highlighting in the next version of the Local Plan that:

- specific requirements for developer contributions to increase the capacity of education infrastructure through expansion or new facilities will be confirmed at application stage to ensure the latest data on identified need informs delivery; and that

- requirements to deliver schools or nurseries on some sites could change in future if it were demonstrated and agreed that the site had become surplus to requirements, and is therefore no longer required for educational use.

### **Developer Contributions**

12. One of the tests of soundness is that a Local Plan is 'effective', meaning the plan should be deliverable over its period. In this context, there is a need to ensure that financial and land contributions made by developers are sufficient to deliver the education infrastructure required to meet the increase in demand generated by new developments. The department notes that South Kesteven's requirements for S106 obligations are set out in the adopted Local Plan and Planning Obligations SPD (2012) and that these will be updated to reflect Local Plan review priorities, and that the Council will ensure appropriate rates are levied and the right infrastructure is secured across the district.
13. The department supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations. The advantage of using Section 106 relative to CIL for funding education infrastructure is that funding is ringfenced for this purpose, providing more certainty that developer contributions will be used to fund the new school, early years or sixth form places that are needed. This is particularly important in two-tier local authority areas, and where strategic site allocations are planned.
14. We also request a reference within the Local Plan's policies or supporting text to explain that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward, when phased developer contributions had been agreed to maintain development viability. This helps to demonstrate that the plan is positively prepared and deliverable over its period.

### **Conclusion**

15. Finally, I hope the above comments are helpful in shaping South Kesteven's Local Plan, with specific regard to the provision of land, developer contributions and supportive planning policies for education infrastructure. Please advise the department of any proposed changes to policies, supporting text, site allocations or evidence base arising from these comments.
16. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with South Kesteven district to aid in the preparation of a sound Local Plan.

Yours faithfully,

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