

Education Infrastructure Plan (revised)

2016-2033

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Section 1: Introduction, strategic and statutory context

1.1 Devon has a total of 364* schools broken down into the following

Provision Type	Nos.
Primary/Nursery	308
Secondary (including 1 University Technical College and 1 Studio School)	39
All through (primary/secondary)	3
Special	10
Short Stay Schools	4
Total	364

* Figures as at summer 2016

A significant proportion of Devon schools are rated Good or Outstanding by OfSTED and educational performance overall remains above national averages.

The schools vary significantly in size, from primary schools with fewer than 20 pupils to one of the largest secondary schools in the country. Schools also vary in governance with at the time of writing, approximately 70% of schools maintained by the Local Authority. However, over the period of the plan, more schools will inevitably move to academy status.

A summary of education provision in Devon can be viewed at:

www.babcock-education.co.uk/ldp/do_download.asp?did=301774

Taken together, the 364 schools in Devon provide education for a total of 97,350 children. In addition there are approximately 3,500 children in nurseries or nursery settings and approximately 4,800 young people in Post-16 education. Of these pupils approximately 3,000 have Statements of Special Educational Needs/Education Health and Care Plan.

Devon County Council supports the principle of local schools for local children for community and environmental reasons. There are good partnerships among many schools who work together in Local Learning Communities. There are a total of 41 federations, totalling 106 schools within a federation, 4 in management partnerships and 81 schools in multi-academy trusts and co-operative trusts.

1.2 This document has been written at a time of significant change in the way public services are funded and delivered and is relevant to the main priorities contained within Better Together: our vision document which presents a set of desired outcomes for Devon and proposes a new partnership with citizens and communities.

See: <https://new.devon.gov.uk/bettertogether/>

Education has been at the forefront of these changes as the national policy continues to move towards a more autonomous and diverse education system rather than the traditional structure of schools under the direct control of the education authority. The Government has reaffirmed its aspiration to encourage all schools to become academies and has made available support to convert schools and grow effective multi-academy trusts.

The Education and Adoption Act 2016 facilitates more schools to become academies and includes a new category of “coasting” school in relation to accountability measures already in place for both primary and secondary schools. The Regional Schools Commissioner, who acts on behalf of the Secretary of State for Education, has responsibility for assessment, intervention and support to those schools as well as performance for all academies.

1.3 The education authority’s role continues to be less ‘hands on’ in schools themselves but with an increased role in being the champion for parents and children. We continue to plan to work in a very different way – working with a diverse range of providers and models of delivery. The future landscape of education provision in Devon is already a ‘mixed economy’ ranging from the traditional community school model to 14-19 bespoke provision including links to employers and apprenticeships, to free schools where groups can put forward an alternative offer for local demand. The drive for choice, diversity and excellence, in particular to provide support for the most vulnerable children, is at the forefront of national policy and a key goal in our new role.

1.4 At a time of immense change, we have taken stock of our key responsibilities and reorganised to ensure we are structured in a way that can continue to deliver with confidence in this new environment.

The first question is what is and what will be the education authority’s role? While it is accepted that this is changing, and is evolving and adapting to meet the needs of a more autonomous education system the core responsibilities will continue to be:

- i. securing sufficient educational provision (including early years and childcare) in our area to meet the needs of our children, parents and communities, retaining responsibility for overall strategic planning and commissioning of school places;
- ii. championing high standards in all schools and improving standards in early years’ settings so all children can go to a good or outstanding school or early years provider
- iii. supporting the most vulnerable children including those in care, at risk of social exclusion and those who have specific educational needs.
- iv. acting as champions for all parents and families

For school provision, we also have a wider responsibility to:

- v. promote sustainable patterns of provision and travel

- vi continue to maintain and improve our schools estates for effective teaching and in relation to the health and safety of the users

We have adopted a flexible approach to delivering our statutory responsibilities and are confident that we can meet the challenges that lie ahead. We will work with new partnerships and governance arrangements to support our communities.

Aims of the Education Infrastructure Plan (EIP)

1.5 The overarching aims of the EIP are to provide:

- parents with an understanding of the range of educational offers available to suit their needs;
- schools with a clear understanding of how decisions are reached about pupil planning, estate maintenance processes (where applicable) and capital investment and where they fit into the decision-making process
- Local Planning Authorities and housing developers with an understanding of their role in supporting the future pattern of education provision best suited to changing demand
- Reconfirmation of Devon’s overall strategic role
- the wider community with an understanding of how education provision will be delivered to support the development of Devon over the next 20 years
- National Government with evidence base that supports future investment in Devon’s schools, in particular to support special needs.

1.6 We will regularly update and publish an investment programme which will set out a vision of education provision up to 2033 and a community by community plan for new education infrastructure. It also includes a countywide assessment of existing and future Special Education provision.

1.7 This EIP needs to be read in conjunction with the education and learning strategy, Championing All Our Children. Together, the two documents set out a comprehensive education strategy for Devon - what happens outside and inside schools.

Meeting our core strategic/legal responsibilities
Local provision for local children
Choice, diversity and excellence for all schools
Strong partnership relationships in approach to services
Champion for all parents & children

Strategic objectives

1.8 While the education landscape is becoming more diverse, the important role schools play in the wider community remains undiminished. Schools are a focal point for communities, especially in rural areas where there is sometimes a lack of community infrastructure. Devon

will continue to be an area of growth and there will be a need to bring forward new school provision to meet demographic change and support the growth aspirations of the local planning authorities. This will bring new providers into the county and provide greater choice for parents.

1.9 This Education Infrastructure Plan sets out how we will work with key partners to shape education provision and how decisions about capital investment will be made more transparent to ensure maximum benefit and value for money.

Strategic context for the plan

The national context

1.10 The changes in the Government's approach to education provision have been driven by a number of reforms and initiatives that have been introduced or enhanced over the past three years.

This process of radical change is ongoing but can be summarised as:

- The White Paper "Educational Excellence Everywhere"
- The Education and Adoption Act 2016, which gives Government, through the Regional School Commissioner, new powers of intervention in all schools;
- The Children's and Families Act 2014, Part 3, Special Educational Needs and Disability Code of Practice and the Local Offer that Local Authorities are required to have available;
- a national revenue funding formula which will see funding increasingly allocated direct to schools;
- a new national curriculum which heralds a significant step increase in the standards schools/pupils are expected to achieve;
- challenging budgets and the need to focus on value for money solutions;
- a demographic upturn in births and shortfall of primary places which is now feeding into the secondary sector;
- a changing role for local authorities moving from a provider to a commissioning and brokerage/champion role;
- an increase in education provision either due to housing growth or more providers entering the market against a reduction in resources to maintain them;
- a national area review of Further Education provision on a local area basis and in relation to the Government's Post 16 Skills Plan

- potential implications of Devolution across the South West region

The intention is that the EIP will form the basis of Devon's local investment plans and aims to be flexible and relevant during a period of constant change.

The local context

1.11 At a national level, schools with 210 pupils or less are considered small. However Devon has 35 very small schools (fewer than 50 pupils) and 221 with a rural school designation serving our extensive rural areas. In these areas, the scale of new housing development will be generally lower than it has been the case in the past due to changes in demographics, agricultural practices in relation to environmental and economic challenges and a high proportion of second homes. The result is that population and pupil numbers in some areas will continue to fall and continues to impact on the viability of some schools.

1.12 In contrast to Devon's rural areas, some settlements are expected to accommodate major growth in the form of urban extensions or new communities. These forms of development are often detached from existing facilities that may have notional capacity to accommodate some additional pupil numbers and these developments therefore require dedicated new local facilities to be provided.

1.13 Patterns of population change will also affect Devon's local communities. In some areas inward migration is a major factor, particularly where new development is planned, while in all areas there are uncertainties about future birth rates. Devon receives approximately 6,000 in year requests for school places, 44% are from outside of the county with a further 20% moving within Devon.

All of these factors, including changes in population age structure and new development rates, are difficult to forecast with any degree of certainty. However, we will respond flexibly to changing patterns of need and ensure that new investment takes place in the most appropriate way and in the most appropriate location.

Devon is one of the most sparsely populated local authorities in England, and currently has a school transport annual expenditure in excess of £23m, which is mainly spent on school buses. Where there is no reasonable alternative available, it is a requirement to provide other transport for those children from remote rural areas to enable children to attend a special school or may require a specialist vehicle and where distances to their nearest provision are often far longer and may well be out of the County; also assistance to some eligible post-16 students.

Statutory context and responsibilities

1.14 The fundamental starting point for the EIP is the need to ensure that we can meet our statutory duties delivered through the early years and education estate. The EIP specifically explains how we will meet our statutory responsibilities in:

- promoting high-quality, accessible early years provision, securing free early education for all three and four year olds of 570 hours increasing to 1140 hours a year for working families from September 2017 and 570 funded hours of education for some 2 year olds as well as sufficient childcare for children aged 0-16.
- ensuring fair access to early years, primary and secondary provision for every child/young person and actively promoting a diverse supply of strong schools
- ensuring there are sufficient children's centre services to meet local need.
- supporting participation in education or training for young people, including securing provision for young people 0 -25 for those with learning difficulties or disabilities.
- As part of the Government's reforms working in partnership with Further Education and Sixth Form Colleges to respond to the needs of Devon's employers and economic priorities.

1.15 This EIP provides a comprehensive approach based on a robust strategy and evidence base which engages key stakeholders in the planning and decision-making process for the capital investment in education infrastructure.

Consultation and engagement - what does this really mean for Devon?

1.16 The changes in national policy and the complex nature of the strategic, local and statutory context highlight a number of key issues for Devon that need to be addressed. In addition, the agreement reached that funding to support Local Learning Communities be deployed to schools to decide how to fund LLCs has caused some disparities as to how we consult with all schools to keep them informed on the many changes taking place in their area. The key issues are:

- the uncertainty of short term pupil trends when set against long term need and varying patterns between urban and rural areas
- new providers entering the education system and the need to manage new relationships to the benefit of all in a more autonomous education system
- challenges of rurality resulting in significant home to school transport costs when set against a reduction in local authority funding.
- potential vulnerability of a number of small rural schools against a backdrop of demographic changes and revisions to school budget funding formula

- maintaining historical strong relationships between schools, clusters of schools and DCC
- significant residential development in the region of 70,000-80,000 homes planned for the period 2016 to 2033 including two new communities
- an increased need for specialist accommodation for children with special educational and complex needs
- the impact on secondary schools as rising numbers of primary school children move through the educational system
- a large dispersed school estate of varying age, size, condition and suitability which needs to be maintained against a backdrop of reduced capital funding and conflicting demands.
- the requirements and challenges of the National Planning Policy Framework in particular delivering sustainability and high quality designs against reduced capital investment and the impact of the introduction of the Community Infrastructure Levy instead of section 106, recognising potential significant changes in these regimes currently being considered by central Government;
- an increased need from 2017 for more places for some 3 and 4 year olds. As employment levels rise so has the need for all year round childcare places.

1.17 To help us frame a response to these issues, and to inform the development of the previous EIP and its content, extensive consultation was undertaken with a range of stakeholders including head teachers and governors, early year’s providers and the voluntary aided sectors. In the revision of this document we have consulted with our stakeholders through the School Organisation, Capital and Admissions Forum (SOCA).

At the very core of this plan is the need for transparency about the priorities and principles on which strategic spending decisions are made. In response to this the EIP specifies guiding principles, endorsed in consultation, that will underpin the planning of the schools’ estate.

1.18 In parallel, there has been engagement with the Department for Education, Regional School Commissioner, Cabinet Office and Education Funding Agency which has enabled us to test the approach detailed later in this document.

Schools – a focal point for communities

Importance of partnership working

Robust strategy and evidence base

Transparency on priorities and how decisions are made

Clear focus on statutory responsibilities

Section 106 and CIL funds will need to deliver the early years and school provision needed to support the aspirations of Local Plans and housing development to 2033

Challenges:

**Significant residential development planned in the urban areas
but some rural depopulation**

The requirement to reduce home to school transport costs

Supporting all our communities through sustainable patterns of provision

**Maintaining a sustainable pattern of provision and being a champion for parents and
children in an increasingly autonomous school system**

Section 2: Principles for providing childcare and education places

Overview and challenges

2.1 As highlighted previously Devon is facing particular changes in its population which makes all aspects of planning extremely challenging. There is significant growth in the existing population and uncertainties about trends in age structure (ageing population and changing birth rates). The county also experiences high levels of migration in and out of the county and within it and population movement between areas. There are areas of significant growth and these are generally located in or close to the major urban areas which are already experiencing high levels of inward demographic migration with knock on implications for planning provision. This contrasts with other areas which have limited growth and low, or even negative, demographic migration.

2.2 Projections of demographic change suggest that in some areas demand for additional places may only be low or only needed for a limited period, so it is important to ensure that investment in provision is planned accordingly and kept under constant review. In other areas it is clear that growth will be strong, sustained and directly related to housing development. There is a need to understand the balance between short term pressure against longer term demographic change when determining the most appropriate response in terms of the scale and nature of new capacity investment.

2.3 At the same time, there is real uncertainty over the level of future capital funding from Government against the statutory responsibility to ensure sufficient pupil places. This expectation needs to be seen against a more autonomous school system and continued pressure on schools to improve standards. The free school programme, in particular direct bids to government, has opened up new opportunities to meet increasing demand alongside direct commissioning of schools places and new schools.

It is important that there is a set of core principles in place that provide a robust basis for place planning and which underpin our decision-making whatever form of statutory, financial or legislative change takes place. Our intention is to ensure that future place planning is an open and transparent process and that investment decisions are directly based on these core principles - established in partnership with others responsible for delivering education in Devon.

Principles

2.4 In seeking to provide the childcare and education places Devon needs there are a number of core principles that we intend to apply as part of our approach. Together these principles

set out a strategic framework for decision-making. They provide a clear framework for our approach, and highlight the challenges to meet our objectives for future pupil place delivery.

The principles are summarised here and the following sections of the EIP explain how we will work with the stakeholders to apply these principles to each aspect of pupil place delivery.

Our principles for providing additional provision are to:

- provide local provision for local children - promoting a pattern of sustainable, high-quality provision which maximises accessibility, meets local needs and recognises the needs generated by planned growth in specific localities and reduces the need for home to school transport;
- Early years and childcare places will be required both locally and close to or on route to parent's places of work;
- provide parents and children with choice, diversity and excellence, expanding popular and successful schools and early years providers where there is demand;
- ensure that there is a flexible framework in place which promotes a mixed market of providers and manages the impact of new providers entering the system

We will do this by:

- maintaining a network of provision in all parts of Devon, with a presumption against closing schools unless necessary for educational reasons;
- working with small schools to explore options to maintain sustainable provision and excellence in particular through strong school to school support/partnership;
- expanding popular and successful schools, in particular where this would secure greater parental preference;
- minimising the reliance on the school transport budget to meet our statutory responsibilities;
- working with clusters of schools and early years providers to identify optimal solutions to capacity issues arising from demographic change in local communities;
- securing provision which supports the most vulnerable children, in particular the need to expand the special school offer.

These principles are interrelated, so our approach needs to bring these together and demonstrate how they will be used to shape pupil place planning.

The overall approach

2.5 Our approach to education provision in Devon needs to plan for the capacity demands arising from local communities, where pressures may result from increasing births, and the needs generated by new developments.

However, we recognise that education provision is not solely about capacity and numbers and has a key role in promoting choice, quality and diversity in the range of education provision available. This is extremely challenging in a rural context where the limited scale of facilities and a potential oversupply of provision both affect the sustainability of schools and limits the range and quality available to all children.

2.6 The national agenda is for popular schools to expand and so drive up quality and standards in the education sector. We will welcome proposals which seek to respond to this agenda. We can, however, only support proposals with capital investment where there is a shortfall in pupil places for that particular area and a statutory need.

When new provision is needed due to a shortfall of places, we will actively encourage popular schools and early years providers to expand where it is physically possible, represents good value for money, and is sensible and deliverable in a timely manner to meet the statutory need.

There is no clear definition of a ‘successful’ school with a number of indicators that could potentially be used. It was broadly agreed that parental preference as demonstrated through the admissions process would be one indicator of both parental preference and success – recognising that other indicators would need to be factored in when planning places including OfSTED judgements. For long term planning, it is assumed that all schools and early years providers have the potential to be both popular and successful with local schools for local children being the overarching principle.

2.7 It is accepted that due to a variety of reasons some schools may not wish to increase their capacity, in particular they may feel it would compromise their educational offer, and we would not wish to impose such governance on any school. However, all schools have to abide by the Admissions Code to enable local children to attend their local school without the need to be transported any distances. Our approach would be to work with schools and clusters of schools to find solutions. If compromise is not achievable we would have to consider our position and seek to secure provision through other providers or through discussions with the Regional Schools Commissioner.

2.8 The majority of Devon children with Special Educational Needs (SEN) access their learning in their local mainstream school. Where this is not possible we aim to provide enhanced provision in a mainstream school or a special school place within a reasonable travelling distance from their home. We will continue to reflect the identified growth in the pupil population needs in our place planning for specialist provision and there will be a need for new provision over the plan period.

Where children with SEN need to access residential provision we will aim in the first instance to work in partnership with social care and health to achieve the correct outcome for the young person. We acknowledge the need for diversity of provision and we aim to provide high-quality accommodation for children who need a residential place.

The role of new providers

2.9 New providers, including parent or community groups or successful existing local schools or other national educational organisations, are and continue to enter the market through a competitive process and in practice this will happen in two ways.

1. Through proposals brought forward by existing providers and/or through the government's Free School programme. The Government has committed to 500 new free schools by 2020 particularly where there is a basic need and additional or high quality school places will be provided. Devon County Council has and will continue to work with the Regional Schools Commissioner and individual sponsors where proposals align directly to our strategic plans and will indicate where provision is likely to affect the sustainability of other local provision.
2. As a result of demographic change or significant housing development, we will identify where new provision is required and advertise the proposals nationally and through the Department for Education, New Schools Network and other interested parties. We will actively engage with school promoters and provide data and advice which provides a strategic context such proposals can be developed within. All providers will be encouraged to discuss their proposals with local schools, parish/town councils and wider communities to establish good partnership arrangements. See Section 4 on the statutory processes involved.

2.10 Where free schools are established to meet basic need we will use the Dedicated Schools Grant (DSG) revenue Growth Fund for these schools. This funding will need to cover start-up costs, including diseconomy of scale costs, funding for which may be needed over a number of years. It is understood that the Department for Education will treat these academies or free schools as recoument academies and the Dedicated Schools Grant will be adjusted accordingly over time to take account of the growth in pupil numbers.

Planning for change

2.11 For pupil place planning, we aim to provide high-quality provision which is within a reasonable travelling distance for a child or young person. In most cases this should enable pupils to walk to school, which supports our other aspirations for sustainable communities and reduce the need to travel by car while promoting healthy lifestyles.

2.12 We recognise the important role schools play in their communities, in particular in rural settings and the impact on the whole community when school provision has been closed due to falling numbers. This impact is recognised by Government (in the requirements of the *Education and Inspections Act 2006*) where, for rural schools, account has to be taken of the effect of school closure on the local community and consideration given to any alternatives to closure which has always formed the strategy Devon has adopted.

As highlighted previously, Devon has a very high proportion of primary schools which are classed as rural schools which is 71% of primary schools in the area.

We reaffirm a presumption against closing schools unless there are clear educational reasons, that their financial position means that standards cannot be maintained or safeguarding requirements cannot be maintained and therefore closure remains the last resort.

Consideration would also need to take into account such issues as:

- failure to recruit a Headteacher/Leadership and be compliant with OfSTED requirements
- the School is judged by Ofsted to be failing
- there are persistent poor standards of achievement
- there are recurring financial concerns
- demographic and contextual issues
- loss of parental confidence
- effectiveness of governance

It should be noted that small rural schools that have converted to academy status will require agreement by national and local government to closure before a decision can be made. . The Government's White Paper has identified the pressures that face small rural schools and we await and welcome the detail of the specific targeted support proposed.

Due to a number of school closures in recent years Devon's Cabinet requested its Scrutiny Committee to undertake a specific piece of work on small schools. The outcome of this work recognises the difficulties that small schools face and reinforces the practices contained within the EIP in supporting the requirement for strong leadership, good educational outcomes and financial sustainability. Devon will continue to celebrate the best practice in small schools and through support from Babcock LDP will strengthen and promote partnership working and ensure that governing bodies are skilled and trained to face the tasks and challenges for the future.

There is a pattern of ongoing pressure in urban areas in contrast with some rural areas seeing a drop-off in pupil numbers; with these two characteristics sometimes occurring in the same locality. Where this is the case, it has been suggested that children could have been transported from schools under pressure to those smaller schools where numbers are low or falling. While this approach would potentially reduce the need for investment in additional capacity, help to maintain some smaller school viability and support this priority, it would significantly increase the cost of home to school transport and conflict with the principle of securing local schools for local pupils to an extent that would be unacceptable to most parents. It would be appropriate to identify opportunities to review catchment areas where this could help to provide a more sustainable pattern of local provision.

2.13 Where a large scale new development is proposed in the form of a major urban extension, such development will often be detached from existing provision. A development (or combination of development) of 1,000 dwellings or more will, in most cases, make it necessary to seek new provision for early years and primary education, even where there may be some capacity in existing schools. Due to the significant investment requirements and size of secondary provision, the level of development required to trigger the need for new provision is significantly higher than for primary, and there is greater flexibility in the distance to nearest provider and financial viability of development. The early identification of new provision in the planning process ensures it can be considered early in the master planning process to support these new or expanded communities. This is very much the starting point for planning education provision and will be subject to ongoing review and consultation.

2.14 In pursuing our objectives we will commit to work in close partnership with schools and other partners. There is a history of strong working relationships with schools and stakeholders, previously through the Area Review process, and subsequent follow-up meetings, supported by providing datasets to inform strategic planning. We believe, and our consultations to date have confirmed, that working with schools at a local level is the best forum for strategically managing pupil places. However, because of their specific needs and characteristics, strategic planning for Devon's special schools has been managed in close partnership with the Special Heads Association Devon (SHAD).

Applying our principles – the future pattern of education provision in Devon

2.15 We will work with key stakeholders to secure:

- a network of inclusive provision for 0-5 year olds to improve outcomes and reduce inequalities;
- sufficient high quality early years provision to support the most vulnerable two year olds;
- Sufficient high quality early years provision that opens all year round for working families with 3 and 4 year olds;
- primary school accommodation within walking distance promoting local schools for local children, community cohesion and minimising the need to use transport to travel to school;
- secondary school accommodation with a wide range and choice of provision for pupils and parents;
- transition and choice for young people from secondary to further education;

- an enhanced range of special needs facilities in each part of the county to reduce travelling and increase accessibility;
- childcare to meet the needs of working parents.

Our commitment to delivering our statutory responsibilities

Championing high standards

Local Schools for local children

Supporting the expansion of successful and popular schools to meet the needs of our communities

Maintaining close links with all our stakeholders and partners

Promoting diversity of choice and support to specific complex needs

Supporting all our young people to achieve the best outcomes through a range of provision

Section 3: Pupil place planning Process

Overview

3.1 Current legislation gives local authorities responsibilities for:

- promoting high standards
- fulfilment of potential
- fair access to education
- securing sufficient school places and increasing opportunities for parental choice.

As more schools convert to academy status the Local Authority's role will focus on its statutory duties and championing parents and children.

3.2 The statutory responsibility to ensure a sufficient supply of pupil places will remain a fundamental responsibility of Local Authorities and requires a strong approach to collecting, assessing and using a range of data to inform a robust approach to future pupil place planning. Local Authorities also have a statutory duty to submit data for the school capacity survey (SCAP) which brings together forecasts, school capacity and investment proposals. This data is used by the Department for Education and Education Funding Agency to identify areas where there may not be enough school places and future basic need funding levels. This return separates out the places required to meet the needs of housing development.

To meet our statutory duty, we not only have to plan for September intake to September intake changes in numbers, but also consider medium and long term needs which have to be addressed having regard to long term demographic changes, and planned new housing development resulting from approved and emerging Local Plans.

3.3 The response to these patterns of change involves, as a starting point, an ongoing need to review and revise the capacity of existing schools where there are specific pressures for change. This can involve expanding an existing school's capacity, changes in the age range accommodated or, in extreme circumstances, closing an existing school.

3.4 Elsewhere, pressure on school capacity can result from new development where there is insufficient residual capacity available in local schools. In these cases, we will undertake an assessment of likely pupil numbers generated by each development proposal – within the context of the wider pattern of change envisaged by the local planning framework for the area.

Assessing and responding to immediate local pressures on school capacity

For Early Years provision, Devon assesses need across the County taking into account demographic and planned new development. Where this assessment indicates additional

provision is required, Devon will work with existing/new providers to secure additional provision, wherever possible providing direct provision to mainstream education, located on school sites. All new schools will have early years provision. In order to support childcare places for older children, schools should be able to provide additional provision usually used for example by breakfast and after school clubs.

The Early Years Foundation Stage [EYFS](#) is a mandatory framework (The Early Years Foundation Stage (Learning and Development Requirements) Order 2007) for all early years' providers which sets the standards for learning and care for children from birth to five years. Children in preschools, nurseries and receptions classes must follow this framework

3.5 In respect of primary places, the key objective for short term forecasting is to ensure that there are sufficient primary school reception places available for pupils expected in the following September in each locality. Expected pupil numbers are derived from NHS data analysed at a local level. This provides an annual assessment of births and the locations of all pre-school age children. This data, together with an assessment of pupil migration* has been shown to be a robust indicator of the likely number of children needing a place at each local primary school. A further allowance of between 5% and 10% is made to assess future pupil numbers to recognise the need to provide parental choice.

* Historical data is used to assess numbers of parents choosing the independent sector, moving away from the area or choosing a school outside the local area.

3.6 The local pupil forecasts can be compared to Planned Admission Numbers (PAN) and net capacities of schools in each Local Learning Community and this will identify where there is the potential for a shortfall in places. At this stage we will endeavour to involve local schools in further work necessary to test the assumptions made, agree the numbers that need to be planned for and the most appropriate action to address any capital issues raised.

To respond effectively, we have identified a timetable for a number of key stages in this process.

November	Analysis of revised NHS figures and checks against previous changes in pupil numbers to inform short and medium term priorities/programme.
January and February	First assessment of future year admissions, checks on assumptions leading to a final assessment used to inform the capital investment programme
June	Strategic review of the capital investment programme, and a further review of anticipated admission numbers

September	An analysis of actual admissions round as compared to assessment to inform and improve future planning
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3.7 Where there is a projected need to consider providing additional places, or where there is a shortage of provision in some parts of the LLC, but surpluses elsewhere, we will engage local schools in a conversation to help develop a strategic plan to meet the potential challenges.

The conversation will need to include:

- a local view on the data including its accuracy, resulting in an agreement of the impact on short term planning
- an overview of longer term demographics and potential implications of housing development in the Local Plan – including current applications
- an analysis of previous admissions to reception/secondary
- a review of catchment areas and whether changes can be agreed to mitigate the impact of future numbers and support sustainability across the immediate area
- an assessment of which schools are considered popular and so would be the priority for expansion
- an agreement on which schools would be willing to consider increasing their PANs and capacities, and the potential to use existing capacity
- the potential to require new school provision and discussion about location and timing
- any scope for an incremental approach to development.
- a preference for two form entry schools and consideration of smaller schools where it is not possible to expand schools within the area

Free schools, academies, mainstream and voluntary aided/controlled schools are all state-funded provision and are required to participate in co-ordinated admissions processes in their area. The expectation is that places provided by all these schools will be taken into account when strategically planning school place provision across the county.

3.8 While there is a focus on reception places, the ongoing monitoring of admissions data and conversations with schools will also recognise the increasing pressure that could arise at Key Stage 2. Where the increase in reception numbers is maintained there will necessarily be consequent pressure on places at Key Stage 2.

3.9 At secondary level, the planning of school places needs to recognise the wider geographical area that secondary schools serve, and the greater flexibility they have in accommodating changing numbers. For these schools, assessments of future pupil numbers will be based initially on the historic transfer data from existing feeder primary schools and previous analysis of parental preference. Short term pressures on school capacity are less likely to occur in secondary schools and the main focus for this sector is securing medium and longer term capacity. Conversations will continue with secondary schools to plan for growth anticipated later in the plan period to ensure investment plans provide opportunities to improve the education estate.

Where the assessment of future pupil numbers confirms that a change is needed in the capacity or age range of an existing school we will apply the appropriate statutory school organisation procedure.

Individual school reviews

3.10 Local authorities have a statutory duty to ensure early and targeted intervention and support to maintained schools causing concern. Individual School Reviews are undertaken with schools to investigate and plan a strategic approach and identify risks and issues.

We will ensure that measures are instigated at the earliest stage to improve the performance of maintained schools causing concern. For academies, the role rests with individual schools and the Regional School Commissioner, a process which will be supported by Devon.

The Education and Adoption Act 2016 gave Regional Schools Commissioners new powers of intervention for underperforming/coasting maintained schools and we will work with the RSC to ensure those schools receive the support they need.

Longer Term Planning

3.11 While our current process has proved successful in managing the immediate, short term provision of school places, the planning of pupil places for the medium and longer term needs to recognise the impact of emerging Local Plans and the assessment of longer term changes in population age structure.

3.12 We use a demographic modelling tool which estimates future population change based on fertility, mortality and migration assumptions, using historical data to define these assumptions, integrating official forecasts as appropriate. Population forecasts can be used to derive likely household and housing profiles consistent with the population's age-sex composition. For the purposes of assessing future pupil numbers, the model assumes that the scale and pattern of new housing development will reflect the proposals and policies set out in the relevant adopted Local Plan.

3.13 The outputs from this modelling process are included in the evidence base later in this document and provide a consistent basis for the future strategic planning of education provision and have informed recent responses to Local Plan consultations. The model will also be used as an audit tool to ensure the infrastructure investment needs identified are robust and appropriate and consequently provide a technical basis for the allocation of future Community Infrastructure Levy investment.

3.14 The conclusions reached for medium and longer term education provision will also be used to inform short term planning decision-making. For example in assessing whether to bring in new permanent provision, temporary capacity or to look to use existing provision in response to short term local pressures on school capacity.

3.15 Planning for additional Special Education provision is detailed in the next section.

We will work with early years' providers, governors, schools and partners to support/maintain a sustainable pattern of schools.

We will plan on known and projected data in consultation with our local providers/schools

We will increase choice and diversity by working with new providers, particularly in areas of significant housing growth

Section 4: School organisation statutory procedures

Statutory Processes

4.1 Guidance from the Department for Education has highlighted the need to ensure that additional good quality school places can be provided quickly where they are needed. Local Authorities and Governing Bodies are governed by statutory procedures* and are required to follow the processes in accordance with relevant legislation when making changes to maintained schools, these include:

- Enlargement of premises
- Expansion onto an additional site
- Change to special needs provision
- Change of age range
- Adding or removing a sixth-form
- Closing an additional site
- Transfer to a new site
- Changes of category
- Boarding provision
- Addition of Post-16 provision
- New schools
- Closure of schools

See guidance at: <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

The Strategic Planning School Organisation Team at Devon County Council will be involved in the majority of the above processes as the Local Authority, in the majority of cases, is the decision-maker. However, Governing Bodies are able to carry out certain changes and the School Organisation Team is available to assist with advice and guidance when schools are proposing changes, contact: schoolconsultations-mailbox@devon.gov.uk

*The *Education Act 1996*, the *Schools Standards and Framework Act 1998*, The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013; the *Education and Inspections Act 2006* and the *Education Act 2011*; *The Education and Adoption Act 2016*

New Schools

4.2 The Education Act 2011 changed the arrangements for establishing new schools and introduced Section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a new school is required the Local Authority must seek proposals for an

academy/free school and can also liaise with groups that are considering applying for a free school direct to the Department. It is also possible for the Local Authority to hold a competition in parallel to any application for a central free school. At present the Local Authority may assess all proposals and submit their assessment to the Department for Education, the final decision for which will be made by the Secretary of State (see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501328/Free_school_presumption_guidance_18_february.pdf).

We will work with the Regional Schools Commissioner to ensure that the best provision meets our specific needs. Should there be a need for the Local Authority to commence a process to establish a new maintained school the procedures are as outlined in Appendix II and the Local Authority decides the most suitable proposer.

A proposer may publish a proposal for a new school under Section 11 of the Education and Inspection Act 2006, outside the free school presumption, but a clear demand for places must be demonstrated and a statutory process must be followed. In these cases the Local Authority is the decision-maker.

It is also possible to apply for consent from the Secretary of State to publish proposals to establish a new school under Section 10 of the Education and Inspections Act to replace a community school or for a brand new or replacement foundation or voluntary controlled school and a statutory process is required to be followed. The Local Authority decides the proposals (or Schools Adjudicator if LA involved in the Trust).

For further information see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf

4.3 As highlighted previously, the Free School programme is a separate process which has been introduced by the Government to bring greater local choice. Information and advice is provided through the New Schools Network and the decision on successful proposals is made by the Secretary of State. There are six main categories of free school including mainstream, studio schools, 16-19, special, alternative provision and independent (private) school converters. These schools are funded directly by the Education Funding Agency. Priority is given to proposals from the strongest groups and where new schools are needed the most.

The Department for Education's has reaffirmed its aim to see all schools become academies, as contained within the White Paper 2016 "Education Excellence Everywhere" and proposes measures to support successful rural schools. The presumption against closure has been emphasised with new proposals requiring both national and local government agreement to closing a small rural school that has converted to academy status (see para. 2.12 above on Devon's approach to school closures).

Consultations

4.4 Our approach to consultations about changes in school organisation is to:

- follow a fair and open consultation with all those affected by proposals;
- give an accurate assessment of our position, key messages and gain the views of stakeholders, partners, parents, young people and local community to any organisational changes to schools;
- use the views communicated, together with relevant information, to evaluate effectiveness and inform the local decision-making process;
- ensure feedback and decisions are always communicated to the target audience through our website;
- As changes to legislation occur we will continue to monitor our practices and procedures.

Statutory consultations a requirement

Fair and open consultations

Effective communication

Advice and guidance available

Section 5: Special Education Needs Place Planning

5.1 Whilst the principles highlighted previously hold firm for all schools in particular when planning investment in mainstream schools, there is a significant number of children in Devon whose additional needs cannot currently be wholly met in a mainstream school. These children may have moderate, severe or profound difficulties in one or more areas of hearing, vision, speech and language, physical health, emotional and mental health or behaviour. Currently we have a number of schools and units which support these children and these facilities make provision for 1,300 children of statutory school age out of a total of about 97,000 pupils in maintained schools. Additional places are required and therefore Devon is planning on the basis that 1.5% of the school population will require a specialist place.

National Context

5.2 Special education is the education, training and other support provided to students with special educational needs and disabilities.

It is provided to young people with a wide range of needs, including learning difficulties like autism or dyslexia, sensory and physical disabilities such as visual impairment or mobility problems, and other profound and/or multiple needs. It covers a variety of assistance from, for example, additional classroom support to full-time packages of education and specialist therapy.

5.3 The Children's Act 2014 and subsequent guidance regarding Special Educational needs and Disability Code of Practice: 0 to 25 years clearly sets out the vision that children with special educational needs and disabilities is the same as for all children and young people, which is that they achieve well in their early years, at school and in college, prepares them for a move into employment, and lead happy and fulfilled lives.

Key aspects of the Act and Guidance highlight the following key principles:

- the participation of children, their parents and young people in decision- making;
- the early identification of children and young people's needs and early intervention to support them;
- greater choice and control for young people and parents over support;
- collaboration between education, health and social care services to provide support;

- high quality provision to meet the needs of children and young people with SEN.

The last principle is the most relevant to the planning of special school provision as not only does specific school and education provision need to be made available, it needs to be attractive to parents and students and be of a high quality.

Local Context/Challenges

5.4 Devon has total of 10 special schools and, at the time of drafting, 16 specialist resource bases linked and located to mainstream schools across the County and one secure unit.

The ten special schools currently have capacity to support 947 children with SEND (Special Education needs and Disabilities) and on average Devon commissions a further 284 places from the Independent Sector.

Three schools are currently able to offer 38 week residential provision.

In addition to specific provision in Devon, additional provision is commissioned with neighbouring local authorities, principally Plymouth and Torbay, and from the Independent Sector.

5.5 Appendix IV details the current provision across Devon. Devon has seen a significant increase in need for Special Education provision in recent years due to a number of factors including demographic change, migration into the County and increasing more complex needs.

Challenges

5.6 There are a number of challenges to delivering appropriate provision, including

- Funding remaining limited during a long period of austerity;
- Devon's special schools are currently at/nearing capacity with limited options to expand on existing sites, many are land locked and would require significant investment;
- Devon's existing special schools are not geographically well placed with a relative lack of provision in some areas of the County with potentially high transport time and cost;
- Devon's population continues to grow as does the prevalence of children requiring additional support. There is high inward migration into Devon and significant house building proposed.

- Location and the cost of transport limit the level of choice students and parents have in terms of school provision
- Children's needs are becoming more complex and therefore the development of a flexible/local offer needs to meet the varying needs, see <https://new.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/about-the-devon-local-offer>
- Mainstream schools having to balance the needs of individual children against the requirement to consistently improve standards and attainment.
- There have been instances of failure in the Independent Sector creating additional pressure on finite resources

5.7 Despite these challenges, Devon is committed to ensuring that each child will attend a setting that meets their education and social needs, preferably within access/reach of their local school and community.

The majority of children with special or additional education needs should and will attend their local mainstream school and schools have the resources, financial and expertise to ensure children achieve to the very best of their ability.

However, for a small number of children, (approximately 1.5% of the school population) a specialist place will be required either through:

- Specialist Provision at a mainstream school in a resource base;
- Special School placement as close to the students home as practically possible;
- An independent school placement if the education and complex needs of the child cannot be met from provision identified above.

Residential provision should only be commissioned where there is a holistic and multi-agency approach around the children's and parents wider needs.

Principles

5.8 The priority of the County Council is to find the right placement for children, young people and adults who have special education needs.

- Children will be able to access high quality education provision within reach of their own community;

- Children will attend a strong and welcoming local school that positively works to secure the best possible educational outcomes for them as individuals;
- Schools will have the financial and physical resources to support children and young people in their school;

5.9 In order to deliver these principles, there will need to be a twin approach that increases capacity through improving practice and resources in schools to support their local children as well as secure additional places to support demographic and housing growth. We will therefore –

- Expand and improve personalised packages to support individual children helping those students to remain in a mainstream school;
- Continually review existing provision to ensure it meets pupil needs and expand resource bases to provide a greater emphasis on outreach and supporting pupils with specific needs in their schools;
- Reprioritising investment in provision to support wider offer in Devon’s schools
- Make reasonable adjustments in Devon’s schools to meet specific needs and review expansion potential of all special schools;
- provide suitable and safe placements near to home for those in Devon's care to meet the County Council's aspiration to support and protect vulnerable people where financially viable;
- Seek to provide additional capacity in those parts of Devon where there is an existing or future deficiency of accommodation, in particular to mitigate the cumulative impact of housing development;
- Provide provision recognising both absolute numbers and the nature of provision required – ensuring an improved level of accessibility for those needing to use each form of specialist provision. In identifying where investment should be prioritised, we will seek to work closely with existing special schools.
- Explore with our neighbouring Local Authorities opportunities to secure efficiencies for new provision/commissioning.

5.10 The majority of post-16 SEN (Special Education Needs) provision is undertaken in Devon’s local Further Education (FE) colleges. To promote the diversity of choice and respond to specific complex needs, we will continue to work with our maintained special

schools and independent providers, who are able to deliver post-16 education. We will provide high-quality cost effective provision secured across the county and our neighbouring authorities. We are moving rapidly towards accountable, effective provision that will ensure learners with learning difficulties or disabilities (LLDD) have the best possible opportunities for progression in learning and employment. We will support free schools wishing to establish a special school to meet specific needs. However, due to funding restrictions, it will not be possible to commit to a guaranteed number of places per year.

Access Strategy (Physical Environment)

5.11 In line with Schedule 10 of the Equality Act 2010 the Local Authority continues to hold a limited budget for minor improvements to school buildings for children with physical access needs. The funding is allocated based on Occupational Therapist reports specifically tailored to the individual child's access needs. The funding is limited to Local Authority maintained schools only, Academy and Free schools are required to undertake such improvements from their existing budgets.

Majority of children with special or additional needs able to attend their local mainstream school

Schools supported to ensure children with special or additional needs able to achieve to the best of their ability

Special school placements within reasonable distance to students home

Residential provision with holistic and multi-agency approach

Diversity and choice for post-16 SEN provision

Section 6: Funding

Overview

6.1 We currently receive an element of funding direct from central government, but there is considerable uncertainty about the future scale and nature of such funding. Below sets out the current position on funding based on actual announcements.

6.2 The current pattern of government grant funding consists of:

Basic Need – a formula grant allocation to the local authority to help to ensure there are sufficient pupil places in all schools for the next year. The current allocation for the period 2016-19 is £40m of which £28m has yet to be formally allocated. These funds will be used directly to secure the additional capacity to support additional provision for early years, primary, secondary and special school provision.

Capital Maintenance – a second formula grant to the local authority for all maintained community, voluntary controlled, trust and foundation schools; the 2016/17 allocation is £6.72m, future allocations are unknown but are estimated to reduce as more schools convert to academy and centrally delivered Priority Schools Building Programme projects open.

Local Co-ordinated Voluntary Aided Programme – a formula grant is available from the Department for Education to the voluntary aided sector to be targeted at condition and suitability issues, the allocation for 16/17 is £1m and again will reduce as schools convert to academy. These resources are managed in partnership with Devon County Council but are managed and delivered by the Diocesan Board of Education, Exeter.

Academies Capital Maintenance Fund – a central Government capital grant fund available to academies and targeted at condition, suitability and expanding successful academies (not basic need). Academy schools can bid directly to government to secure money from this fund on an annual basis. Larger Multi Academy Trusts will receive a formulaic capital maintenance allocation and not be required to bid.

Devolved Formula Capital – a relatively limited capital allocation of £1.6m in 2016/17 which is formula driven and allocated made directly to state funded schools to support small scale refurbishment and ICT development.

6.3 In addition, there are currently two other main funding streams from central government:

Free schools – a capital fund has been identified to support the provision of new free schools and could be extended to University Training Colleges (UTCs) and Studio Schools

Priority Schools Building Programme – a programme to address the maintenance issues of the worst condition schools.

These projects are centrally procured and led by the Education Funding Agency. Ten schools in Devon have been selected in the first round for replacement.

Chagford C of E Primary School
Haytor View Community Primary School, Newton Abbot **Delivered**
Ilfracombe Arts College
Ladysmith Junior School, Exeter
Newton Poppleford Primary School
Newton St Cyres Primary School
South Molton Community College
South Molton United C of E Junior School
The Castle Primary School, Tiverton
The Grove Primary School, Totnes **Delivered**

The following phase 2 projects have also been identified in Devon:

Exeter Road Primary School – Block 1
Sidmouth College – Block 1
Wilmington Barton Junior – Block 1
Exmouth Community College (Academy)

6.4 While the central government funding for education infrastructure allocated to Devon County Council is not ring-fenced, we have **planned to** commit all of the funding secured to direct investment in education facilities. Even so, this level of investment is insufficient to address all the identified maintenance needs of the school estate, and will not directly secure the additional capacity necessary to meet the needs of new housing development proposals.

Funding additional capacity

6.5 In the context of our overarching statutory duty to provide sufficient places for all pupils in Devon, the current funding from central Government (the Basic Need funding stream) does secure additional capacity in areas under specific, localised pressure from rising pupil numbers. While the additional places that can be funded in this way do add to the overall capacity, this is insufficient to meet the growth in numbers arising from new residential development. Critically, such funding does not provide for the increase in provision needed to mitigate the impact of new development in areas of significant growth; the responsibility for that mitigation currently falls on the development industry through the Community Infrastructure Levy or section 106 aspect of the planning process. Our education infrastructure approach to section 106 is at **Appendix III**

6.6 Where new development generates a need for additional pupil places which cannot be met from residual capacity in existing schools we, as the statutory local authority for education, are able to request contributions from residential housing development to mitigate the impact of additional homes - known as section 106 payments. Residual capacity is measured by assessing the current level of spare capacity and the extent to which that

capacity is already required as mitigation for committed development approved elsewhere. In future, the use of section 106 agreements is expected to be significantly reduced (unless any infrastructure is directly required as a result of development) in most areas as it is replaced by the new mechanism of the Community Infrastructure Levy (CIL).

The introduction of CIL effectively moves away from agreements on individual development proposals to a general levy charged on each unit of development. CIL revenues can then be used to fund investment in the infrastructure, including education, required to meet each area's needs in phase with new development. A number of Local Planning Authorities are proposing to introduce a comprehensive CIL regime and we will work closely with each authority to identify future education capacity requirements and the scale and timing of investment required to secure its delivery.

The future of central government funding is uncertain, and the governance structures which will need to be in place for managing and allocating CIL funding will need to be sufficiently flexible to respond to changes in government funding streams.

Special Educational Needs capital funding

6.7 As well as a reduction in the total capital investment in schools, there has also been a reduction in funding streams which have previously supported major capital investment in special needs schools. In the past decade, significant investment in special schools has been secured through bids to central Government, principally through the Targeted Capital Fund which is no longer available.

6.8 Looking to the future, Devon is planning for population growth and a consequent increased need for special needs provision. This will result in an increased need for infrastructure and investment in mainstream and special school settings in the absence of a specific central Government funding mechanism to support this investment. Central Government does not currently collate information on proposed need and there is an expectation that local authorities will have to respond to this need in the context of their overall capital funding resource. Recent correspondence with the Department suggests that additional funding is allocated in Capital Maintenance to reflect the needs of the special estate and additional places should be funded from Basic Need/Free School programme.

6.9 The expansion of capacity in Devon's special school facilities requires a much greater scale of investment per pupil place than for mainstream education, due to its specialist nature. Set against this, such investment can lead to a significant reduction in revenue expenditure - by reducing the requirement to fund high-cost placements in the independent school sector. Reducing these revenue costs and ensuring value for money remains a focus and priority. This EIP has been developed in the context of an area-wide review of special needs infrastructure, and an assessment of future need patterns to ensure the most effective use of resources and pattern of service delivery.

Early year/Children Centres

6.10 There is currently no dedicated capital funding stream to support new provision or the strategic maintenance of existing early years buildings. Local authorities have been invited to bid for a national capital pot of £40m where there is a need for more places for working parents of 3 and 4 year olds in September 2017. This is a one-off application process with no guarantee of success and needs to be able to provide matched funding. The DfE recognise that there are unlikely to be sufficient funds for more than 100-200 projects. Funded provision for some two year olds and the expansion of provision to 1140 hours a year for many 3 and 4 year olds will require additional investment in buildings. It is estimated that 63% of 3 and 4 year olds will be entitled to the extended offer.

6.11 In previous years children's centres have been developed using central government capital funding. This has included new provision that was principally targeted at areas of high deprivation. It is unlikely there will be a requirement for further new provision, the exception to this is where there is major housing development that should be funded through section 106 or CIL. In future years there will be a requirement to strategically maintain the estate and ensure there is sufficient provision.

6.12 While there are currently no ongoing capital funding streams confirmed from central government, we will need to ensure that we can meet our statutory responsibilities for provision for two, three and four years olds and it will be important to identify an element of capital funding which may need to be allocated from within existing budgets, principally basic need funding.

Funding for the maintenance of existing infrastructure

6.13 Devon receives a level of capital maintenance funding from central government as detailed above. This is the only source of direct funding available for the strategic maintenance of existing school buildings. The scale of funding allocated from central government is not related directly to the scale of investment needed to address all the maintenance needs of Devon schools. Based on surveys of actual school conditions in Devon, the level of funding currently available is only sufficient to address the most urgent or highest priority maintenance needs.

6.14 Over recent years the main focus of maintenance investment has had to be on the highest priority condition items, principally and keeping buildings wind and water tight. The limited availability of funding highlights the importance of having a transparent and evidenced-based approach to identifying priorities for investment over the next few years. This is described in detail in **Section 7**.

6.15 When completed the Priority Schools Building Programme (PSBP) round 1 will fund the replacement of a limited number of schools where the scale of the maintenance need was such that the government concluded that rebuilding would be the most cost effective way of addressing their needs. The PSBP round 2 has developed to include the replacement of blocks within schools rather than whole school replacements. It is unclear if the EFA will run further rounds of PSBP. We will continue to press for the government to make additional money available that could be used for essential strategic capital maintenance investment.

6.16 In the context of the most recent government changes to the pattern of education provision, it is anticipated that in the future an increasing proportion of Devon's schools will be academies, and at present the maintenance of these premises is funded directly from central government resources. In addition, external early years providers operating from standalone buildings on schools sites will/should have full a repairing lease agreement with responsibility for repairs, insurance and maintenance of the property.

Prioritising investment

6.17 Against a background of budget reductions and uncertainty about central government support, it will be increasingly important for us to work with key stakeholders to identify our key priorities for future investment.

Set against our principles, the two primary drivers underpinning investment prioritisation will continue to be:

- the need for us to meet our statutory obligations in terms of pupil place provision

- the need to address Serious Health and Safety building related defects-ensure a safe and healthy environment for pupils in terms of maintenance investment.

**Need for a robust and transparent methodology for allocating capital resources
for maximum impact during a period of significant financial constraint
Need to focus on key areas and maintain the existing assets**

**Section 106 and CIL funds will need to deliver the early years and school provision
needed to support the aspirations of Local Plans and housing development to 2033**

Section 7: Investing in the education estate

Overview

7.1 In general, all schools remain responsible for the day to day management and maintenance of their premises (revenue/recurrent maintenance). For more substantive investment (strategic maintenance), responsibility either rests with the local authority - in terms of its capital funding allocation and delivery programme - or with self-governing schools through their bids against specific pots of nationally held funding.

This means that our primary responsibility relates to strategic maintenance in maintained schools. In addressing this we are committed to investing in the existing school estate in order to ensure buildings are safe and fit for purpose to deliver good outcomes for children and young people.

The effective maintenance of existing buildings and facilities will also make the best possible use of existing capacity and help to minimise the need for new provision. Maintaining the quality and function of existing schools and facilities is a key part of our overall approach to ensuring that there are sufficient places available to meet need.

7.2 While the funding and delivery of maintenance currently varies depending on the type of investment required (capital or revenue) and the governance arrangements of the particular school, we consider that the fundamental approach to capital investment in schools buildings should be broadly consistent – reflecting a common set of shared priorities for the learning environment in Devon.

7.3 The previous consultation carried out for this EIP has engaged with a wide range of schools and stakeholders so that the plan is appropriate to all Devon schools, not just those that are currently maintained. This has facilitated a broad discussion and ensured that the EIP will remain relevant when there are changes in the mix of school provision in the county. Devon's approach is consistent with national government.

Challenges

7.4 Despite previous significant investment within Devon's education estate this has only been sufficient to address the most urgent and/or critical maintenance schemes identified from buildings survey assessments. As a result, it has not been possible to deal with all of the deficiencies identified and a significant number of schools have had to continue to operate with unresolved maintenance issues.

7.5 The current ongoing reduction in maintenance capital funding from central government will make it even more important to target funding on the areas of highest need, and ensure this funding is allocated towards addressing the highest need. If funding continues to become more restricted, resources will inevitably need to be focused more rigorously on maintaining the basic safety and soundness of existing buildings rather than investing to improve the operational or educational functionality of schools.

7.6 In order to maintain transparency the formula for allocating maintenance funds and proposed prioritisation of schemes will regularly be presented to the School Organisation, Capital and Admissions Forum (SOCA) . As and when appropriate SOCA may also be engaged to establish a task and finish group to agree the criteria for allocation of capital maintenance and other associated central government buildings related grants. The current criteria for maintained schools including VC/Foundation schools, (excluding VA schools and academies) are as follows all categories being considered on an equal basis (not ranked):

- Based on Asset Management Condition data:
 - Commit to addressing all D1* items as the first priority, and;
 - Commit to addressing D2* items

* see 7.10 below

Both prioritised using pupil numbers as a percentage of capacity as far as the allocated funding will:

- Allow for a reserve fund to allocate towards MUMIS (Major Unforeseen Maintenance Indemnity Scheme);
- Allow for contributions towards Education Funding Agency Priority Schools Building Programme schemes in maintained schools only;
- Allow for contributions towards maintained schools Basic Need schemes (based on first bullet point criteria above) where Basic Need projects will address maintenance D1 or D2 items;
- Allow a proportionate contribution towards maintained schools DDA(Disability Discrimination Act) projects , based on Occupational Therapy reports specific to an individual's needs;
- Allow for a reserve fund to contribute towards Energy Cost reduction measures associated with school capital building projects;
- Complex projects may require phasing over two financial years. Consideration may also be given to reducing the scope of large projects down into smaller elements which can then be delivered within a given financial year.

7.7 With regard to contributions to projects for Basic Need, existing D1 or D2 commitments would define any contribution where new Basic Need infrastructure is funded, in place of funding maintenance in existing buildings. Funding will be based on pupil numbers as a percentage of capacity rather than cost per m², with provision to review.

In cases where projects meet the above criteria and have been approved as part of an existing Local Authority capital programme, Devon will continue to honour the commitment towards the project should the school subsequently convert to academy status.

Principles

7.8 The principles which will underpin our investment strategy are:

- the health and safety of children, staff and other school users will be the highest priority for capital investment ensuring schools stay open and are fit for purpose by prioritising maintenance to minimise the risk of possible closure
- investment decisions will be evidence-based and clearly communicated to all stakeholders. This may be subject to opportunities to support wider strategic projects which will be taken (with maintenance allocations being based on the agreed criteria)
- where there is clear evidence the investment should be prioritised we will work with SOCA for maintained schools to develop a cost effective maintenance strategy across the county.

Our approach

7.9 The approach to funding infrastructure will be based on an objective assessment against consistently applied criteria. A key part of the assessment process will be the condition of facilities as identified in the Asset Management Planning Condition Database (AMPCD), and this will be the key determinant for capital funding. This data is either held by Devon County for maintained schools or by self-governing establishments.

7.10 While the government commissioned the Schools National Survey and has undertaken a review of school buildings across the country to inform future funding decisions, the Education Funding Agency has confirmed that local surveys should continue to be carried out. For maintained schools it is proposed that there will be an ongoing regime of five yearly condition assessments, and it is advised that academies continue to keep accurate condition data as it will continue to be a key driver for future capital investment.

While the AMPCD data will be the key driver for prioritising and allocating capital maintenance funding, decision-making needs to be supported by direct engagement with individual schools and head teachers to identify where there are specific concerns about condition and building related health and safety issues - especially for those schools whose data is some years out of date. A contingency fund will continue to ensure that urgent but unforeseen items can be addressed should the need arise.

We will:

- Commit to address all AMP Condition priorities that are identified as ‘urgent work that needs to be undertaken within one year (referred to as D1 items) that if left unaddressed could result in a school closure’

- Consider as many high priority D2 items ‘that if left unaddressed for two year will either become D1 items or could result in a school closure’ for inclusion within the programme subject to remaining funding being available.
- Publish on a rolling two year programme, a prioritised list of projects which meet the criteria identified above to provide schools with some certainty of investment priorities

7.11 While at any point in time the rolling two year programme will include more schemes than can be immediately financed, inclusion on the list will establish which schemes will be brought forward if and when any additional funding becomes available. This broad approach has been endorsed by School Organisation, Capital and Admissions Group (SOCA) and through the consultation on this EIP.

We will continue to invest in the education estate, using the most current data available to inform our funding decisions

We will provide a forward plan of investment schemes based on clear criteria, and update this plan annually

We will continue to survey maintained schools to ensure access to accurate information and data

We will maintain a contingency maintenance fund to be able to respond effectively to unforeseen events

We will maintain our commitment to energy efficiency measures and renewable energy solutions

Section 8: Key infrastructure requirements to support Devon's growth to 2033

It is anticipated there will be approximately 70–80,000 new homes built in Devon over the next 15–20 years. Due to the magnitude and concentration of development, we have identified the new infrastructure forecast needed to meet demands. The requirements will be constantly reviewed and will inevitably change based on different circumstances as the Local Plans evolve.

We use a demographic modelling tool which can be used to derive likely household and housing profiles consistent with the population's age-sex composition. Based on this model, the following forecasts have been established across the county and these are then broken down into district council area with associated infrastructure needs. The overall forecast for Devon predicts an increasing need for primary provision until at least 2021 and secondary until 2026 but there will continue to be a need for additional capacity in local communities or main areas of growth.

Details of recent expenditure and shorter term proposals, including school expansions are included in Appendix [V](#)

Devon

Population actuals, estimates and forecasts

Persons	2013	2018	2023	2028	2033
0-2	22,990	24,300	24,510	24,440	24,470
3-4	15,530	15,680	17,110	17,120	17,030
5-11	53,310	59,880	62,080	64,240	64,180
12-16	40,900	39,910	45,440	47,090	48,970
17-19	27,110	25,750	26,480	29,660	30,370
Total	159,830	163,515	175,630	182,540	185,020

The sections below break these figures into district area and indicate what the key new infrastructure requirements are but do not include details of expansions to existing provision. Full details of the education infrastructure requirements resulting from Local Plan proposals

are included in Infrastructure Delivery Plans submitted as a part of the Local plan process and are available on individual district council websites.

The requests are subject to change and will be reviewed regularly.

East Devon

The adopted East Devon District Council Local Plan goes up to 2031 and includes a housing requirement of 17,500. The development strategy focuses housing development in the West End, particularly Cranbrook, Blackhorse and Pinhoe, with smaller allocations at Axminster, Exmouth and the other market towns.

The District Council is working on a new joint Strategic Plan with Exeter, Mid Devon and Teignbridge although this is at an early stage of its development and infrastructure requirements in this document are based on the adopted Local Plan.

Based on the current proposals in the Local Plan, the populations are as follows

Age	2013	2018	2023	2028	2033
0-2	3610	3,860	3,880	3,840	3,860
3-4	2,500	2,710	2,830	2,819	2,800
5-11	8,950	10,510	10,940	11,140	11,090
12-16	7,260	7,090	8,220	8,530	8,760
17-19	4,290	4,450	4,610	5,210	5,370
Total	26,660	28,630	30,470	31,520	31,870

There are specific areas in East Devon where there is currently significant pressure on primary numbers, in particular in Exmouth, Ottery St. Mary, development in East Devon's West End and Axminster.

Area	Infrastructure	Potential timescales
Cranbrook	1,000 place secondary school (11-16 years)	Part Delivered
Cranbrook	420 primary provision plus nursery (2-11 years)	2021-2026
Cranbrook	630 (or 210 & 420) primary provision plus nursery (2-11 years)	2026-2031
Cranbrook	Children's centre provision	2015-2021
Cranbrook	Special School Provision	2019-2031
Black Horse	420 primary provision plus nursery (2-11 years)	2018-2031
West Clyst*	210 primary provision plus nursery (2-11)	2016-2020
Axminster	210 primary provision plus nursery (2-11)	2016-2026
Exmouth	210 primary provision plus nursery (2-11)	2016-2026

*To be delivered through Free School Programme

Exeter

The adopted Exeter Core Strategy covers the period up to 2026 and includes a housing requirement of 12,000 homes. The majority of these are focused in urban extensions at Newcourt, Monkerton and Alphington.

The City Council is working on a new joint Strategic Plan with East Devon, Mid Devon and Teignbridge although this is at an early stage of its development and infrastructure requirements in this document are based on the adopted Core Strategy.

Based on the current proposals in the Local Plan, the populations are as follows

Age	2013	2018	2023	2028	2033
0-2	4,240	4,730	4,680	4,630	4,620
3-4	2,720	2,600	3,030	3,010	2,980
5-11	8,070	9,120	9,620	10,200	10,130
12-16	5,390	5,470	6,430	6,620	7,150
17-19	6,230	6,190	6,440	7,090	7,170
Total	26,650	28,110	30,200	31,540	32,060

There has been a significant increase in births and migration into the city over recent years requiring additional provision at primary level. This may impact at secondary level later in the plan period. There is particular pressure west of the Exe and to the east of the city, where schools are on restricted sites and large housing developments are proposed.

Area	Infrastructure	Potential timescales
Monkerton	Up to 630 primary provision plus nursery (2-11 years)	2016-2026
Newcourt	420 primary provision plus nursery (2-11 years)	2016-2020
Newcourt	Up to 420 primary provision plus nursery (2-11 years)	2021-2026
Water Lane	210 Primary plus nursery (2-11 years)	2021-2026
SW Exeter	New Secondary Provision*	2019-2033

* To support development in Teignbridge as well as Exeter and on Exeter's Borders (e.g. east Devon)

Mid Devon

Based on the current proposals in the Local Plan, the populations are as follows

Age	2013	2018	2023	2028	2033
0-2	2,650	2,800	2,850	2,880	2,740
3-4	1,810	1,790	1,990	2,010	1,930
5-11	6,320	6,930	7,100	7,450	7,300
12-16	4,760	4,710	5,260	5,410	5,550
17-19	2,830	2,570	2,630	2,930	2,920
Total	18,380	18,810	19,830	20,680	20,450

The Mid Devon Local Plan review covers the period to 2031. It includes a housing requirement of 7,200 homes, with the main allocations focused at Cullompton and Tiverton, and to a lesser extent, Crediton.

The District Council is working on a new joint Strategic Plan with Exeter, East Devon and Teignbridge although this is at an early stage of its development and infrastructure requirements in this document are based on the emerging Local Plan.

Area	Infrastructure	Potential timescales
Tiverton	420 primary provision plus nursery (2-11 years)	2016-2026
Cullompton	420 primary provision plus nursery (2-11 years)	2016–2020
Cullompton	420 primary provision plus nursery (2-11 years)	2021-2033
Crediton	210 primary provision plus nursery (2-11 years)	2021- 2033
Cullompton/Tiverton	Special School provision	2018- 2033

North Devon

Based on the proposals in the emerging local plan, the population forecasts are as follows

Age	2013	2018	2023	2028	2033
0-2	3,100	3,100	3,160	3,160	3,180
3-4	1,990	2,000	2,180	2,190	2,190
5-11	6,930	7,580	7,860	8,130	8,180
12-16	5,290	5,080	5,660	5,900	6,130
17-19	3,160	2,840	2,960	3,270	3,360
Total	20,470	20,600	21,820	22,650	23,040

North Devon and Torridge are jointly preparing a new Local Plan covering the period to 2031. The North Devon element of plan sets out a housing requirement of approximately 8,500 with the focus of development on Barnstaple, Ilfracombe and South Molton. There is already pressure on primary places in these three areas and therefore the final response will indicate a need for new provision, specifically.

Area	Infrastructure	Potential timescales
Barnstaple West	420 primary provision plus nursery (2-11 years)	2017-2021
Barnstaple West*	210 primary provision plus nursery (2-11 years)	2021- 2033
Barnstaple East	210 primary provision plus nursery (2-11 years)	2018-2031
Ilfracombe	420 primary provision plus nursery (2-11 years)	2018-2031

* Subject to review of non-allocated site approvals

South Hams

South Hams has an adopted Core Strategy to cover the period up to 2016. The Core Strategy includes a housing requirement of 6,000 which includes the majority of the 5,500 dwelling Sherford New Community, the largest single allocation in the District.

The District Council is working on a new joint Local Plan with West Devon and Plymouth although this is at an early stage of its development and infrastructure requirements in this document are based on the Core Strategy.

Based on the proposals in the Local Plan, the population forecasts are as follows:

Age	2013	2018	2023	2028	2033
0-2	2,240	2,340	2,450	2,500	2,580
3-4	1,590	1,630	1,780	1,820	1,860
5-11	5,860	6,580	6,900	7,220	7,380
12-16	4,690	4,560	5,290	5,520	5,800
17-19	2,700	2,630	2,660	3,120	3,250
Total	17,070	17,730	19,070	20,180	20,860

The bulk of the proposed development and therefore need is focused around the new town proposal in Sherford and timescales will depend on the progress of that development.

Devon's educational requirements are:

Area	Infrastructure	Potential timescales
Sherford	420 primary provision plus early years (2 – 11))	2017–2020
Sherford	420 primary provision plus early years (2 – 11)	2021–2026
Sherford	Up to 420 primary provision plus early years (2 – 11)	2026–2033
Sherford	735 secondary provision (11 – 16)	2019–2026
Sherford	Children's centre provision	2018–2020

Teignbridge

Teignbridge has an adopted Local Plan covering the period up to 2033. The Local Plan includes a housing requirement of approximately 12,500 homes, with large allocations at South West Exeter and 'the Heart of Teignbridge' (particularly Newton Abbot and Kingsteignton) and to a lesser extent Dawlish.

The District Council is working on a new joint Strategic Plan with East Devon, Exeter and Mid Devon although this is at an early stage of its development and infrastructure requirements in this document are based on the adopted Local Plan.

Based on the proposals in the adopted local plan, the population forecasts are as follows:

Age	2013	2018	2023	2028	2033
0-2	3,680	3,920	3,920	3,870	3,880
3-4	2,480	2,600	2,770	2,750	2,740
5-11	8,810	9,910	10,330	10,510	10,470
12-16	6,980	6,730	7,510	7,940	8,140
17-19	4,070	3,720	3,820	4,210	4,400
Total	26,020	26,880	28,360	29,290	29,620

The Teignbridge Local Plan is focusing on major housing development in Newton Abbot and south west of Exeter although existing unimplemented approvals require additional education provision in the medium term. It is forecast the new secondary provision in the South West Exeter proposals will support increased need for places from Exeter's Local Plan. We have indicated the following key infrastructure will be required.

Area	Infrastructure	Potential timescales
Newton Abbot	Additional secondary provision (11-16 years)	2016–2031
Newton Abbot South	210 primary provision plus nursery (2-11 years)	2018–2033
Newton Abbot West	210 primary provision plus nursery (2-11 years)	2018–2033
Kingsteignton*	210 primary provision plus nursery (2-11 years)	2016–2020
SW Exeter	Up to 630 primary provision plus nursery (2-11 years)	2016–2026
SW Exeter	Secondary provision (11-16 years) **	2018–2026

* Being delivered through Free School Programme

** To support development in Teignbridge as well as Exeter and on Exeter's Borders (eg east Devon)

Torrige

Based on the proposals in the emerging local plan, the population forecasts are as follows:

Age	2013	2018	2023	2028	2033
0-2	2,000	2,060	2,090	2,090	2,130
3-4	1,360	1,320	1,460	1,470	1,480
5-11	4,550	5,170	5,300	5,500	5,550
12-16	3,520	3,440	3,950	4,070	4,270
17-19	2,170	1,920	1,930	2,260	2,300
Total	13,590	13,920	14,730	15,390	15,730

North Devon and Torrige are jointly preparing a new Local Plan covering the period to 2031. The Torrige element of the Local Plan sets out a housing requirement of approximately 7500, focusing significant levels of housing development in Bideford, Northam and to a lesser extent, Great Torrington. These areas will be the focus for additional education infrastructure over the planning period.

Area	Infrastructure	Potential timescales
Bideford Northam	420 primary provision plus nursery (2-11 years)	2018–2033
Bideford West	420 primary provision plus nursery (2-11 years)	2016–2020
Bideford East	210 primary provision plus nursery (2-11 years)	2024-2033
Great Torrington	210 primary provision plus nursery (2-11 years)	2024-2033
Bideford	Special Education Needs Provision	2018-2033

West Devon

The adopted West Devon Core Strategy covers the period up to 2026 and includes a housing requirement of approximately 4,000 dwellings. The largest allocations are in Okehampton and Tavistock.

The Borough Council is working on a new joint Local Plan with South Hams and Plymouth although this is at an early stage of its development and infrastructure requirements in this document are based on the Core Strategy.

Based on the proposals in the Local Plan, the population forecasts are as follows

Age	2013	2018	2023	2028	2033
0-2	1,470	1,500	1,490	1,470	1,470
3-4	1,030	1,030	1,060	1,060	1,050
5-11	3,820	4,070	4,030	4,100	4,090
12-16	3,010	2,830	3,120	3,100	3,180
17-19	1,640	1,430	1,440	1,560	1,610
Total	10,970	10,860	11,140	11,280	11,390

While there is a projected decline in numbers, Tavistock and Okehampton are experiencing demographic and housing growth.

Area	Infrastructure	Potential timescales
Okehampton East	Up to 420 primary provision plus nursery (2-11 years)	2018–2026
Tavistock	210 primary provision plus nursery (2-11 years)	2020–2026

This information takes into account the two National Parks, and the development proposals for these have been factored into the overall demographic figures.

Appendix I Glossary

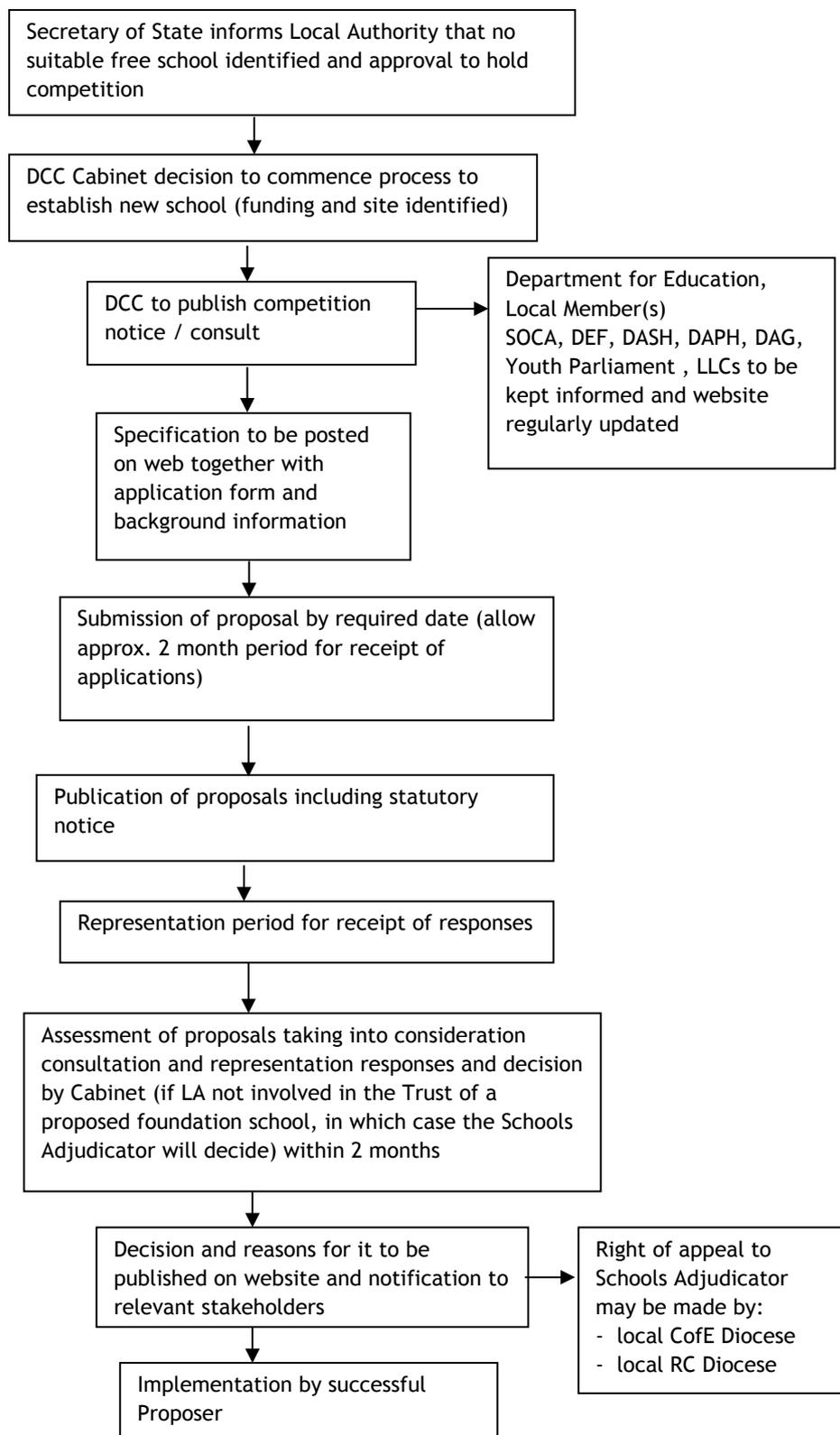
Academies	Publicly funded schools, independent of the local authority
All-through school	All age schools, usually from ages 3-16 or 3-19
AMPCD	Asset Management Planning Condition Database
ASD	Autism Spectrum Disorder
Basic Need	Excess of forecast demand for pupil places over the existing schools capacity to provide them
BESD	Behavioural, Emotional and Social Difficulties
Cabinet	Responsible for making day to day decisions for Devon County Council
Catchment or Designated Area	Geographical boundary for a school and used for admission purposes
CIL	Community Infrastructure Levy which allows local planning authorities to raise funds from developers for new building
Co-operative Trust	Schools which embed co-operative values and principles
D1	Risk deemed as maintenance condition could result in school closure within 1 year
D2	Risk deemed as if maintenance condition unaddressed could result in school closure within 2 years
DAG	Devon Association of Governors
DAPH	Devon Association of Primary Headteachers
DASH	Devon Association of Secondary Headteachers
DEF	Devon Education Forum – an independent Committee which makes representations to the County Council
DSG	Dedicated Schools Grant
EYFS	Early Years Foundation Stage - the phase in education and care from 0-5 years, until a child moves into Year One at school. The Statutory Framework for the Early Years Foundation Stage sets the standards for the learning, development and care children must receive. Early years settings are inspected by Ofsted against this framework.
Feeder school	Primary school linked to a secondary school
Free schools	Department for Education’s policy term for a new provision academy
Federation	A family of schools set up by formal agreement sharing a single governing body

Foundation Stage Unit	An FSU is formed when nursery classes and reception classes in infant and primary schools integrate to provide high-quality provision across the whole foundation stage, which meets the needs and interests of all children.
Independent school	A school funded privately and not dependent on national or local government for financing
LLC	Local Learning Community a collaboration of education providers in a geographical area, including primary secondary, special schools
LLDD	Learners with learning difficulties or disabilities
Maintained schools	Funded by central government through the local authority, including community, community special, foundation (including trust) foundation special, voluntary aided and voluntary controlled
Management Partnership	Schools working as separate institutions but sharing one head. A formal joint governors committee must set up, oversee and manage partnership
MUMIS	Major Unforeseen Maintenance Indemnity Scheme
Net capacity	The number of pupil places available at a school
PAN	Planned Admission Number: maximum number of pupils a school intends to admit in the first year of school
Partnership Foundation Unit	Created when a school and a preschool provider work together to ensure continuous, integrated and effective early years' provision for children in the foundation stage.
PMLD	Profound and Multiple Learning Difficulties
Recoupment Academy	Where an academy has a maintained predecessor, the local authority's allocation of Dedicated Schools Grant (DSG) will be adjusted to transfer funds from the DSG to the academy's budget
RSC	Regional Schools Commissioner
Section 106	Planning obligation on developers to provide contributions, either in cash or kind, to offset negative effects caused by construction and development
SEND	Special Education Needs and Disabilities
SHAD	Special Heads Association Devon
SLD	Severe Learning Difficulties
SOCA	School Organisation, Capital and Admissions Group
Special school	School catering solely for pupils with Special Educational Needs

Sponsored academy	Publicly funded school, independent of the local authority, with a proven sponsor
Studio school	Offering academic and vocational qualifications for 14-19 year olds in a practical and project-based way, combined with work placements with local and national employers
Trust school	A maintained school supported by a charitable foundation
University Technical College	Technical academies sponsored by a local university for 14-19 year olds with emphasis on providing technical education
Voluntary aided school	VA schools are maintained schools with a foundation established by the church
Voluntary controlled school	VC schools are maintained school that retain minority foundation representation on their governing body and also retain strong links with the church in their community

Appendix II New school procedures

(competitive process under Section 7 of the Education and Inspections Act 2006)



Appendix III Section 106 Methodology

Devon County Council - Education Infrastructure Section 106 Approach

Introduction

Within the Town and Country Act 1990, Section 106 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. Local Authority requests for Section 106 contributions towards infrastructure must satisfy the tests as previously set out in Circular 05/05 and CIL regulations 2010 and now restated in the National Planning Policy Framework, specifically that requests are:

- Necessary to make the development acceptable;
- Directly related to the development; and
- Fair and reasonably related in scale and kind of development.

District Councils determine planning applications for housing, and conforming to the tests above, decide what requirements are included in Section 106 agreements. With statutory responsibility for the provision of education infrastructure, this document summarises the approach adopted by Devon County Council to identify and calculate funding required from developers for education facilities for areas receiving new development¹. Education requirements relevant to planning applications are relayed to district councils for inclusion in a Section 106 agreement, if the application is granted.

The approach for calculating Section 106 requirements detailed in this paper relates to pupil places for school children aged 4 to 16, as well as other statutory provision including Special Education Needs (0 – 25), post 16 education facilities, youth services, early years/childcare provision and wider children's services provision (where justified in terms of the National Planning Policy Framework criteria outlined above). These are calculated and requested on a case by case basis taking into account a number of factors as detailed in this document

This approach for calculating education Section 106 seeks to:

- Make development acceptable in terms of education – by ensuring that the need for additional pupil places generated by new development is mitigated
- Ensure education and childcare requirements are justified and directly related to development proposed
- Take account of committed and planned development
- Recognise available capacity in existing provision
- Avoid unacceptable travel distances to provision

For further information on early years and childcare place planning visit – <https://new.devon.gov.uk/eys/for-providers/childcare-sufficiency/childcare-sufficiency-assessment>

¹ Appendix A contains details of the service provision standards adopted by Devon County Council for education provision. In addition, the implication of national changes to the education system and pupil place planning are explained.

Calculating education Section 106 requirements

Establishing Pupil numbers arising from new development

To establish the impact of existing and new development proposals on education facilities it is necessary to identify the likely number of pupils that will be generated. On the basis of empirical research, Devon County Council have established that, on average, each family dwelling (i.e. dwellings with 2 bedrooms or more) generates approximately 0.07 0 to 1 year olds, 0.11 2 to 4 year olds, 0.25 primary aged pupils (ages 5 to 11), 0.15 secondary aged pupils (ages 12 to 16)² and 0.06 post 16 (ages 17 to 18). In total, approximately 1.5% of the school population require specific Special Education provision, in the main delivered through a local Special School.

Affordable Housing is included in education capacity and contribution calculations, as it generates a need for additional education facilities within a specific locality. In addition, the empirical evidence on which future requirements are based, takes account of education requirements associated with affordable housing. Student accommodation, holiday homes and housing designated for older people will be excluded, assuming a condition to restrict occupation is attached to any planning permission.

Establishing baseline school capacity

When assessing the contribution appropriate from each planning application or development proposal, the County Council will factor in any current spare capacity in existing education and early years provision within the locality. When calculating the existing spare school places two key factors will be incorporated:

1. The number of existing spare school places there are within the locality, adjusted with an assessment of the likely places that are expected to be taken up by children in future years based on the number of known 0 – 5 year olds (who are in many instances already attending early years providers) for primary and known primary numbers for secondary.
2. The number of school places taken up by existing but yet to be implemented planning permissions (factoring in capacity provided by Section 106 contributions).

When calculating the existing spare early years places, the capacity within schools, childminders, day nurseries and preschools will be considered and adjusted with an assessment of the likely places that are expected to be taken up in future years based on projections using data on live births secured from the NHS.

If insufficient capacity is identified in this process, then it is assumed that need will be met at the next nearest appropriate provision to the development site which does have uncommitted capacity.

Allowing for Existing Capacity and Identifying Mitigation Needed

In assessing the contributions appropriate from new development proposals, spare capacity is shared proportionately between all development sites allocated in the adopted Local Plans or

² See Appendix B for more detail on assumption

Local Development Framework. Capacity is identified where places are available within 1.5 miles for primary school pupils and 2.25 miles for secondary school pupils². For special provision, a wider area is considered because of the varying provision associated with this need. Where no schools are within these distances of the development, the nearest school may be considered and funding will be required to cover transport costs.

When assessing early years places the capacity available within existing providers in reasonable distance of the application are considered in line with the approach to primary school pupils.

When assessing safe walking distances to local schools, Devon County Council adheres to the guidelines outlined in the national policy document 'Assessment of Walked Routes to School'.

The apportionment of capacity to development sites reflects the number of anticipated applicable additional dwellings, with two or more bedrooms.

The County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity and/or where development places an additional burden on home to school transport. Additional facilities will either be provided through the expansion of an existing provision or through the development of a new provision– this will be determined by the circumstances of the nearest provision and the scale of the development on a case by case basis, taking account of wider development allocations.

Contributions will be sought where development generates an additional need for home to school transport. In the main, this will be triggered by development that is located in areas where schools are outside of the statutory walking distances and/or do not have a safe walking route. No transport is provided for children before they start at school.

In respect of Special School places, it is recognised that it is possible provision will not necessarily be within close proximity.

Cost of Additional School Facilities, Funding and Home to School Transport

Devon County Council requires developers to contribute towards education infrastructure to mitigate the direct impacts of new development. Capital allocations, received from central government, are only provided to meet statutory responsibilities in respect to additional pupil places arising from increased birth rates. There is no direct funding stream to support statutory home to school transport costs. Section 106 and Community Infrastructure Levy funding is critical to ensure that development impact can be appropriately mitigated.

Any capital allocations are factored into capacity calculations.

The level of contribution required from developers will be based on the Department for Children, Schools and Families (DCSF) Cash Multiplier (2009-10 Rates). The new build or school expansion rate per pupil will be applied to each pupil for whom new capacity will need to be secured.

Where it is necessary to build a new school or early years provision in order to provide places, a proportional contribution, directly related to the scale of development, will be required towards the cost of land acquisition. Where negotiations with developers have

secured additional land instead of, or in addition to, financial resources, the freehold will pass to the Authority. The process for assessing land/financial contributions towards land is identified in Appendix C.

DCSF Cash Multiplier Rates*

Extension -

Primary Education

New Build - £16,019 per pupil

Extension - £13,652 per pupil

Secondary Education

New Build - £24,261 per pupil

Extension - £21,921 per pupil

Post 16 provision

Extension – £21,921 per pupil

*The rates were published in 2009-10 and have been uplifted based on BCIS All-in TPI from 1QTR 2009 to March 2015. Devon County Council will use the BCIS All in Tender price index to calculate uplift for inflation to the point that the S106 payment is made, the base date being March 2015.

Contributions towards Early Years provision will be sought at a rate of £250 per dwelling based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve.

Contributions towards Special Education Provision will be charged on larger developments or developments that form larger allocations and will be based on secondary new build rate. Due to the relatively low numbers, developer contributions towards Special Education provision will only be sought on developments/allocations of 250 dwellings or above. Where an application less than 250 forms part of an allocation of 250 dwellings or more, a request may still be made. It should also be noted that due to the specialist nature of provision, it is likely that section 106 contributions may be used cross District Council boundaries.

The cost of home to school transport, where applicable, will be based on actual costs on a development by development basis, in the main these costs will be based on existing routes already serving the area however more rural development may require a bespoke transport calculation.

Section 106 requests for capital infrastructure will not be sought on applications of less than 4 dwelling although contributions towards home to school transport may be requested for all dwellings.

Community Infrastructure Levy (CIL)

Increasingly, Local Planning Authorities are adopting a Community Infrastructure Levy which may include Education Infrastructure on the Regulation 123 list. Devon County Council will continue to respond to applications using the methodology as described above which will be used to support bids for funding within Local Planning Authorities CIL governance arrangements.

It is likely that requests for school transport will still be managed through the Section 106 process as this need is unlikely to be included on LPA CIL123 lists

APPENDIX A – DCC Approach to Education Provision

The approach to Children’s Services policy is based upon the statutory responsibilities of Devon County Council (DCC) in respect of Children and Young People, these are specifically:

- DCC has a statutory duty to ensure sufficient school places are available for every child to be able to access a school place between the ages of 4-16 years. In addition under Section 15ZA and 18A of the Education Act 1996, (as inserted by the ASCL Act 2009), the Local Authority has a duty to secure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area.
- The Childcare Act 2006 places a statutory responsibility on the Local Authority to ensure sufficient Early Years and Childcare places for children between the ages of birth to 18 years. In respect of Early Years, DCC needs to ensure that disadvantaged 2 years olds and all 3 & 4 year old children have access to 570 hours a year of funded education as well as additional childcare provision that parents need to enable them to work or train. Childcare for school aged children is generally made in school buildings before and after the school day and during the school holidays. In addition, DCC must make sufficient provision of Children Centres to meet the local needs of parents, prospective parents, carers and young children.
- The Children & Families Act 2014 and subsequent guidance re Special Educational needs and Disability Code of Practice: 0 to 25 years clearly sets out the requirements for children with special educational needs and disabilities and responsibilities in respect of education for 0 25 year olds.
- Section 507B of the Education Act 1996 (published March 2008), sets out the responsibilities of the Local Authority to provide youth work in three areas: positive activities, decision making by young people and 14-19 learning.

The Raising of the Participation Age (RPA) sets an expectation that all young people will be expected to participate in education, employment or training. At the time of writing, (early 2016), it is not considered there will be a need to consider additional infrastructure except where there are major expansions to existing towns or new communities.

Devon County Council’s overall principles in respect of pupil places are:

- To ensure there are sufficient early years, childcare and pupil places for every child in Devon;
- That where possible, pupils should be able to attend and have a reasonable chance of gaining admission to their local school or early years provider;
- To promote a sustainable pattern of schools and early years provision and local schools and early years providers for local children;
- To support parental preference and expand successful and popular schools and early years providers;
- To promote diversity and choice and support our most vulnerable learners.

DCC funds a range of different providers in the private, voluntary and independent sectors to provide education for 2, 3 and 4 year olds. These are all listed on the Directory of Providers.

Implications of Changes to the Education System

The recent central government school reform agenda has expanded the school academy programme and introduced the concept of Free Schools. The implications of these reforms on pupil place planning are summarised below and in more detail in Devon County Council's Education Infrastructure Plan:

Academies

An academy in the education system in England is a school that is directly funded by central government (the Department for Education) and is independent of local government control. Although the government is promoting schools to adopt academy status, Devon County Council retains the statutory responsibility to ensure sufficient school places are available to meet local needs even when development affects an academy. To ensure development is appropriately mitigated, Devon County Council will work with academies in pupil place planning. Early Years places for 2, 3 and 4 year olds in academies are funded by DCC. Some academies have age ranges that start from 2 or 3 and others operate early years pre-schools as an extended service.

Free Schools

In the main, most new schools will be free schools which are non-profit making, independent, state-funded schools. These schools will be delivered either through a competition process currently run by the Education Authority or through direct bids to Central Government. Their capacity has been factored into overall school capacity calculations used to inform requests for developer contributions. Any additional Free School provision will similarly be taken into account in assessing available school and early years capacity once fully established. It should be noted that the Department for Education is requesting details of Section 106/CIL obligations to inform bids to establish new Free Schools and are requesting that these funds are released where the new school will mitigate the impact of development. As such, developer contributions will continue to be critical in funding new education provision to mitigate development impact, irrespective of potential Free School facilities.

APPENDIX B – Background to Methodology Assumptions

In assessing contributions necessary to mitigate the direct impacts of development sites the County Council has working assumptions that underpin the methodology applied.

Distance to Schools

Statutory walking distances have been used as the basis for identifying which schools pupils might attend from proposed development. Devon County Council uses statutory walking distances defined as 2 miles from home to school for children of primary school age and 3 miles from home to school for children of secondary school age³. As the distances between proposed developments and schools were measured ‘as the crow flies’, a 25% reduction to these distances was applied to incorporate a margin associated with actual walking distances, and in recognition of the fact that major barriers to movement such as the river crossings, were not taken into account at this stage. The distances used in calculations were therefore:

- 1.5 miles from home to school for children of primary school age
- 2.25 miles from home to school for children of secondary school age

In assessing spare capacity, only those schools deemed to be in safe walking distance of the development will be considered. This does not apply to early years places as there are no statutory published guidelines.

Pupil Generation

The pupil yields used to identify the number of pupils generated by each development are based on empirical research by Devon County Council; based upon a door to door survey of new housing completed and occupied in all District Council areas in 1999. This survey included both market and affordable housing. This identified an occupancy level 0.072 0-1 year olds, 0.108 2,3 and 4, 0.25 primary age children and 0.18 secondary age children, which has led to Devon County Council using the same indices for early years and primary and, 0.15 at secondary level and therefore 0.06 at post 16. Approximately 1.5% of children will require a specialist place.

An analysis in 2009 of the completed housing in the Kings / Clyst Heath area in Exeter, and the number of pupils known to be living there, has confirmed that the above indices are appropriate for applying to new housing developments. In 2015, a further analysis at Cranbrook suggested these indices are prudent. Devon County Council will keep the rates under review as nationally, other Local Authorities have however reported higher indices.

³ <https://new.devon.gov.uk/educationandfamilies/school-information/school-and-college-transport>

Appendix C - Securing School Sites

In areas where there is a significant amount of development and individual schools cannot be expanded on their existing sites and/or are not well located to support development (i.e. not within safe statutory walking distances), there will be a need for development to provide land (or contributions towards land) to ensure that the appropriate education provision can be provided.

For strategic development proposals submitted in a single planning application, the approach is relatively straight forward whereby the section 106 request will include the appropriate area of suitable, serviced land to be provided, freehold, at an agreed trigger date. Where a Local Planning Authority has implemented a CIL, the treatment of land will be dependent on their approach.

Where strategic development proposals are submitted in a number of planning applications which, when considered together, require a new primary, secondary or special school site, the following approach will be used. This will also be applicable for securing additional land to support school expansions.

In assessing how much each development should contribute towards a new site or expansion of an existing site, the level of contribution will be based on published area guidelines as per the Building Bulletin 103⁴ against the numbers of pupils that can be accommodated on the site and the impact of the individual development.

<https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

A 210 primary requires 1.1ha of land which equates to 53m² per pupil and therefore 13m² per family dwelling (based on each family dwelling generating 0.25 pupils).

For a 420 place school, the equivalent calculation is 1.8ha of land, 43m² per pupil and 11m² per family dwelling.

In addition, land for nursery provision is calculated at 7.5m per pupil and 1.4m per dwelling.

In respect of secondary, the same methodology is used with a 600 place school requiring 4.9ha of land which equates to 81m² per pupil and 12m² per family dwelling (based on 0.15 pupil yield).

Actual land requirements will be calculated on a proposal by proposal basis as will land for Special Education Provision.

Equalising Land Contributions

There will be occasions where an individual development is requested to provide a site larger than necessary to mitigate its impact. This will occur primarily where there are a number of developments proposed in proximity to one another and a new school is required to mitigate the cumulative impacts of the wider development.

In this case, the developer providing the site will have the value of the additional land provision over and above that directly related to the development in question taken into account, potentially deducted from their section 106 contributions towards build costs. This approach will ensure that overall the developer providing the site will only be required to make contributions (land and financial) proportional to their development. In this scenario, other development will be required to make contributions to both land and buildings to compensate for the offsetting of capital funds. Again this will be proportional to the size and impact of development using the calculations highlighted in this document.

In terms of valuation, any site requested to mitigate the impact of an individual application will be provided, freehold, at no cost to the Local Authority. Any land over and above what is required to mitigate a development will need to be purchased at an agreed value which will be used to inform requests to other development benefitting from securing of a larger school site. This valuation will need to reflect the extent to which site provision is necessary to make the proposed scale of subsequent residential development acceptable in planning terms.

For example, in an area where 1,600 homes are allocated, Devon County Council would require a serviced 1.8ha site. Should an application for 800 homes be submitted, the County Council would look to secure a 1.8ha site from that development of which 0.9 ha would be required to be provided by the applicant at no cost. The remainder would need to be secured at a value to be agreed.

In some cases, Devon County Council may purchase a school site in advance of development coming forward. This however will be on the basis that all future development makes a contribution to reimburse the Education Authority proportional to the size of development and the cost of land.

Appendix IV Special School Current Provision

School	Provision	Day/ Residential	Boys/ Girls	Age range	Places available
Barley Lane Exeter	BESD	Day	Boys and Girls	7-16	72
Bidwell Brook Dartington	SLD & Profound & multiple learning difficulties	Day	Boys and Girls	3-19	95
Ellen Tinkham Exeter	SLD/PMLD/Complex Needs	Day	Boys and Girls	3-19	155
The Lampard Community School Barnstaple	Complex needs and ASD	Day	Boys and Girls	5-16	120
Marland Torrington	BESD	Res	Boys only	10-16	40
Marland (Spring Field Court) Roundswell Industrial Estate	BESD	Day	Boys and girls	8-16	36
Mill Water Bicton, Nr. Exmouth	Moderate and Severe Learning Difficulties.	Day	Boys and Girls	3-19	100
Oaklands Park Dawlish	SLD Complex Communication and Interaction Difficulties and Autistic Spectrum (ASC)	17 residential 7 termly and 10 weekly	Boys and Girls	3-19	60
Ratcliffe Dawlish	Communication and Interaction Difficulties (ASC) and Social Development Needs	96 places (40 residential)	Boys and Girls	5-16	96
Southbrook Exeter	MLD/Complex Needs and ASC	Day	Boys and Girls	6-16	110
Pathfield Barnstaple	SLD	Day	Boys and Girls	3-19	137

Appendix V: Short/Medium Term Investment

New Schools	
Barnstaple Primary School (2017-26)	Northam Primary School (2017-2024)
Bideford Primary School (2017-20)	Okehampton Primary School (2017-26)
East-The-Water Primary (2017-31)	Sherford Primary School (2017-20)
Cranbrook Primary Schools (2021-26)	Sherford Secondary School (2017-26)
Crediton Primary School (2017-26)	SW Exeter Primary (2017-26)
Cullompton Primary School (2017-20)	SW Exeter Secondary (2018-26)
Ilfracombe Primary School (2017-26)	Tiverton Primary School (2017-26)
Monkerton Primary School (2017-26)	Trinity Primary School, Exeter (2017-20)
Newton Abbot Primary (2017-26)	Digital Academy (Free School)(2017-20)
Newton Abbot Secondary (2017-31)	Kingsteignton (Free School) (2017-20)
Potential Expansions	
Bolham Primary School	Payhembury Primary School
Chudleigh Primary School	South Molton Infants School
Fremington Primary School	St. John's Primary School
Gatehouse Primary School, Dawlish	Tipton St. John Primary School
Loddiswell Replacement Primary	Tiverton High School
Expansions On Site / Funded	
Bassetts Farm Primary, Exmouth	Okehampton College
Bishopsteignton Primary School	Pathfield Special School
Exmouth Community College	St. Andrews Primary, Cullompton
Hayward's Primary School, Crediton	Sticklepath Primary School
Highweek Primary, Newton Abbot	Teignmouth Primary School
Honiton Primary School	Westcliff Primary School, Dawlish
Landscape Primary School, Crediton	Willowbank Primary, Cullompton
Marland School, Torrington	Withycombe Raleigh Primary School
Okehampton Primary School	
Recent Schools/Expansions	
Bradley Barton Primary, Newton Abbot	Route 39 School
Cranbrook Education Campus	Sidmouth Primary School
East-The-Water Primary School	South Devon UTC, Newton Abbot
Kingskerswell Primary School	St. Leonards CofE Primary, Exeter
Marldon Primary School	St Peter's Primary, Budleigh Salterton
Millwater School Relocation	Willowbrook Primary School, Exeter
Priority Schools Building Projects (PSBP) Round 1	
The Castle Primary School, Tiverton	Ladysmith Junior School, Exeter
Chagford Primary School	Newton Poppleford Primary School
The Grove Primary School, Totnes	Newton St. Cyres Primary School
Haytor View Primary School	South Molton Junior School
Ilfracombe Media Arts College	South Molton Community College
Priority Schools Building Projects (PSBP) Round 2	
Exeter Road Primary School, Exmouth	Sidmouth College
Exmouth Community College	Whipton Barton Junior School

