Department for Education

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

www.gov.uk/dfe

Our Ref: DfE/Local Plan/Ipswich 2020

2nd March 2020

Dear Sir/Madam,

Re: Ipswich Local Plan Review: Core Strategy and Site Allocations DPDs

Consultation under Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

Submission of the Department for Education

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.

2. A response was made to the Regulation 18 consultation in March 2019 and raised the following points:

   - Support for site allocations at Ipswich Garden Suburb (Policy CS10); Co-op Depot (Policy CP7/allocation IP010a) and Mint Quarter (allocation IP048a). This recommended ensuring that the Regulation 19 consultation included details of phasing, delivery and further site-specific requirements.

   - Proposed site allocation at the Former Co-op Department Store site on Carr Street for a 2FE Primary School to deliver the Central Ipswich Free School.

   - Suggestion of site allocation for D1 use at Woodbridge Road site (allocation IP129) to allow Suffolk County Council to open a SEND school at the site.

3. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these, rather than local education authorities. However, local education authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. We have published guidance on education provision in garden communities and securing developer contributions for education, at https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations, viability and safe and healthy communities.

4. We would like to offer the following comments in response to the above consultation documents (hereafter referred to individually as the CSDPD and SADPP).

Soundness

5. As you will be aware, the primary focus at this stage of the Local Plan's preparation is on the soundness of the plan, with regard to it being positively prepared, justified, effective and consistent with national policy. The following detailed comments set out DfE's view of the plan's soundness in respect of education provision.

6. The CSDPD notes that 7% of the borough is employed in education, and that there is a need to reduce inequality and social exclusion, including children living in poverty. The provision of sufficient and quality education is critical to supporting this.

7. Paragraph 4.33 of the SADPD sets out the context of the increase in primary school aged children and the need to make sufficient provision for this rise over the Plan period. It should be noted that significant housing growth is expected in the town centre (as per CSDPD Policy CS2).

8. CSDPD Policy ISPA2 includes education provision as a strategic infrastructure priority. The Education Provision Policy approach at CSDPD Policy CS15 sets out that new primary school capacity provision will be needed, and that sites to meet this will are allocated.

9. DfE supports the Council's prioritisation of education infrastructure, and the allocation and safeguarding of land for schools as set out in the following policies (in both the CSDPD and SADPD):

    - Ipswich Garden Suburb (Policy CS10) – 1 secondary school and 3 primary schools;
    - Co-op Depot (Policy CP7/allocation IP010a) – school expansion;
    - Mint Quarter (allocation IP048a) – primary school; and
    - BT Depot Woodbridge Road (allocation IP129) – SEND School.

10. As IBC will be aware, DfE is progressing a centrally approved 2 FE Free School (Central Ipswich Free School) to assist in meeting this Primary School need within the Mint Quarter allocation IP048a. A specific site has been identified at Carr Street (former Co-op Department Store site) within this allocation to deliver this. Suffolk County Council ('SCC') as the authority with a statutory duty to provide sufficient school places, have a requirement for the Central Ipswich Free School based on the basic need from the town centre area. It is demonstrated that there is a shortfall of capacity across the two school planning areas (there are extremely limited places available at existing town centre schools), as well as need generated by new housing development in this area identified in the SADPD. Therefore, there is significant demand for this school. Currently, there are increasing pressures with town centre schools being oversubscribed, as well as bulge classes being required and primary school pupils having to travel out of their local area to go to school. The further housing growth identified through the DPDs will exacerbate existing issues and therefore it is critical that the school is able to be delivered.

11. The site is located so as to best meet the needs arising from its catchment – in accordance with Policy DM24 part d. SCC undertook a site search exercise and identified no other suitable, available sites to meet this local need for primary school places.

12. DfE met with IBC in early 2020 to engage in pre-application discussions, regarding more technical and design matters to progress the project. Further detailed work will be undertaken to respond to IBC's comments, and in due course further pre-application work will be undertaken in liaison with IBC in order to move towards submission of a planning application later this year. The school is required as soon as possible in order to meet existing need and to cope with the housing growth likely to be experienced in the town centre.

13. There are some generic requirements in the overall allocation policy IP048 which are considered to cause potential conflict with the delivery of a Primary School expediently at the site. The requirement to develop residential uses at upper floors would not be necessarily wholly deliverable with a Primary School and therefore we would propose that the supporting text to the allocation makes clear that residential accommodation should only be provided where feasible and appropriate. The 'Development Principles' for Mint Quarter in the SADPD sets out that development should *'respect and enhance setting of Listed and historic buildings'*. This is not considered to wholly comply with the NPPF, specifically paragraph 197 which requires an assessment of the asset's significance (with regard to non-designated assets), and a balanced judgement to be made thereafter. Furthermore, NPPF paragraph 184 dictates that assets *'should be conserved in a manner appropriate to their significance'*, which does not necessarily equate to 'enhancement' in every scenario. The terminology 'historic building' is also not robust or consistent with the NPPF. Therefore, we propose that the wording be amended to reflect the requirements in the NPPF, and the distinction between designated and non-designated assets.

14. SADPD Policy SP2 sets out the requirements for site allocations. Allocation IP048a includes the Primary School. DfE has concerns that the allocation wording is too restrictive and could potentially frustrate and delay the delivery of the school, which would have significant consequences for the sufficiency of school places. The specification of the retention of the locally listed façade is too specific for a site allocation policy, as it is not clear on what evidence this is based (i.e. following a full assessment of the asset's significance and setting).

15. The requirement for a development brief for the proposed primary school site is also considered to be unnecessary, the need for which is not sufficiently evidenced, given that pre-application discussions are underway on the Primary School site, DfE is committed to bringing the site forward and there is an urgent need for the school places. The requirement for a development brief could seek to delay this and hinder the delivery.

16. Therefore, we propose that the school component of allocation IP048a be stripped out from the policy and included as a separate allocation within this wider area, for a Primary School only, noting that development management policies will guide the preparation of a planning application covering detailed matters. This will ensure that there is a positive planning policy framework for the planning application to come forward in the short term to ensure the much-needed school places are able to be delivered without delay. Any undue burdens to the delivery of the school would not represent a positively prepared policy approach and could therefore be considered unsound.

Forward Funding

17. DfE loans to forward fund schools as part of large residential developments may be of interest, for example if viability becomes an issue. Please see the Developer Loans for Schools prospectus for more information.[1] Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.

Developer Contributions and Community Infrastructure Levy (CIL)

18. One of the tests of soundness is that a Local Plan is 'effective', meaning the plan should be deliverable over its period. In this context and with specific regard to planning for schools, there is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments.

19. Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.

20. While DfE supports Policy CS17: Delivering Infrastructure, we request a minor amendment either to the policy or its supporting text, to clarify that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward. This minor amendment would help to demonstrate that the plan is positively prepared and deliverable over its period.

21. DfE would be particularly interested in responding to any update to the Infrastructure Delivery Plan/Infrastructure Funding Statement, viability assessment or other evidence relevant to education which may be used to inform revisions to local planning policies or the CIL charging schedule. As such, please continue to engage with DfE and consult us on any relevant future consultations.

Conclusion

22. Finally, I hope the above comments are helpful in finalising IBC's Local Plan, with specific regard to the provision of land and developer contributions for new schools.

[1] Please see DLS prospectus here: https://www.gov.uk/government/publications/developer-loans-for-schools-apply-for-a-loan

23. Please notify DfE when the Local Plan is submitted for examination, the Inspector's report is published and the Local Plan is adopted.

24. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to continuing to work with IBC to develop a sound Local Plan which will aid in the delivery of new schools.

Yours faithfully,

Phoebe Juggins MRTPI
Forward Planning Manager – South East

Web: www.gov.uk/dfe

Public Consultation for the Ipswich Local Plan Review Final Draft

15th January 2020 –2nd March 2020

Planning and Compulsory Purchase Act 2004

Town & Country Planning (Local Planning) (England) Regulations 2012 (Regulations 19)

Consultation Comments Form

IPSWICH
BOROUGH COUNCIL

e-mail:
planningpolicy@ipswich.gov.uk

Planning Policy Team
Planning and Development
Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich
IP1 2DE.

website:
www.ipswich.gov.uk

Consultation document(s) to which this comments form relates:	**Core Strategy and Policies Development Plan Document (DPD) Review Final Draft;** **Site Allocations and Policies (incorporating IP-One Area action Plan) DPD Review Final Draft**
Please return this comments form to:	planningpolicy@ipswich.gov.uk or Planning Policy Team Planning and Development Ipswich Borough Council Grafton House 15-17 Russell Road Ipswich IP1 2DE
Return by:	**11.45pm Monday 2nd March 2020**
This form has two parts:	Part A – Personal details
	Part B – Your comment(s).

PART A PERSONAL DETAILS		
	1. Personal details	2. Agent's details (if applicable)
Title	Miss	
First name	Phoebe	
Last name	Juggins	
Job title *(where relevant)*	Forward Planning Manager	
Organisation *(where relevant)*	Department for Education	
Address *(Please include post code)*	Sanctuary Buildings Great Smith Street London SW1P 3BT	
E-mail	[redacted]	
Telephone No.		

PART B Comment(s) about the Ipswich Local Plan Final Draft Consultation

Your name or organisation *(and client if you are an agent)*:	Department for Education

Please specify which document(s) and document part you are commenting upon.

Representations at this stage should only be made in relation to the legal compliance and the soundness of the Ipswich Local Plan Review Final Draft.

Document(s) and document part.	Comment(s) (expand the boxes if necessary and please ensure your name is included on any additional sheets.)
Site Allocations DPD Policy IP048	1. As IBC will be aware, DfE is progressing a centrally approved 2 FE Free School (Central Ipswich Free School) to assist in meeting this Primary School need within the Mint Quarter allocation IP048a. A specific site has been identified at Carr Street (former Co-op Department Store site) within this allocation to deliver this. Suffolk County Council ('SCC') as the authority with a statutory duty to provide sufficient school places, have a requirement for the Central Ipswich Free School based on the basic need from the town centre area. It is demonstrated that there is a shortfall of capacity across the two school planning areas (there are extremely limited places available at existing town centre schools), as well as need generated by new housing development in this area identified in the SADPD. Therefore, there is significant demand for this school. Currently, there are increasing pressures with town centre schools being oversubscribed, as well as bulge classes being required and primary school pupils having to travel out of their local area to go to school. The further housing growth identified through the DPDs will exacerbate existing issues and therefore it is critical that the school is able to be delivered. 2. The site is located so as to best meet the needs arising from its catchment – in accordance with Policy DM24 part d. SCC undertook a site search exercise and identified no other suitable, available sites to meet this local need for primary school places. 3. DfE met with IBC in early 2020 to engage in pre-application discussions, regarding more technical and design matters to progress the project. Further detailed work will be undertaken to respond to IBC's comments, and in due course further pre-application work will be undertaken in liaison with IBC in order to move towards submission of a planning application later this year. The school is required as soon as possible in order to meet existing need and to cope with the housing growth likely to be experienced in the town centre. 4. There are some generic requirements in the overall allocation policy IP048 which are considered to cause potential conflict with the delivery of a Primary School expediently at the site. The requirement to develop residential uses at upper floors would not be necessarily wholly deliverable with a Primary School and therefore we would propose that the supporting text to the allocation makes clear that residential accommodation should only be provided where feasible and appropriate. The 'Development Principles' for Mint Quarter in the SADPD sets out that development should *'respect and enhance*

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	setting of Listed and historic buildings'. This is not considered to wholly comply with the NPPF, specifically paragraph 197 which requires an assessment of the asset's significance (with regard to non-designated assets), and a balanced judgement to be made thereafter. Furthermore, NPPF paragraph 184 dictates that assets *'should be conserved in a manner appropriate to their significance'*, which does not necessarily equate to 'enhancement' in every scenario. The terminology 'historic building' is also not robust or consistent with the NPPF. Therefore, we propose that the wording be amended to reflect the requirements in the NPPF, and the distinction between designated and non-designated assets.
Site Allocations DPD Policy SP2, allocation IP048a	5. SADPD Policy SP2 sets out the requirements for site allocations. Allocation IP048a includes the Primary School. DfE has concerns that the allocation wording is too restrictive and could potentially frustrate and delay the delivery of the school, which would have significant consequences for the sufficiency of school places. The specification of the retention of the locally listed façade is too specific for a site allocation policy, as it is not clear on what evidence this is based (i.e. following a full assessment of the asset's significance and setting). 6. The requirement for a development brief for the proposed primary school site is also considered to be unnecessary, the need for which is not sufficiently evidenced, given that pre-application discussions are underway on the Primary School site, DfE is committed to bringing the site forward and there is an urgent need for the school places. The requirement for a development brief could seek to delay this and hinder the delivery. 7. Therefore, we propose that the school component of allocation IP048a be stripped out from the policy and included as a separate allocation within this wider area, for a Primary School only, noting that development management policies will guide the preparation of a planning application covering detailed matters. This will ensure that there is a positive planning policy framework for the planning application to come forward in the short term to ensure the much-needed school places are able to be delivered without delay. Any undue burdens to the delivery of the school would not represent a positively prepared policy approach and could therefore be considered unsound.
Core Strategy DPD Policy CS17	8. While DfE supports Policy CS17: Delivering Infrastructure, we request a minor amendment either to the policy or its supporting text, to clarify that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward. This minor amendment would help to demonstrate that the plan is positively prepared and deliverable over its period.

Document(s) and document part.	**Comment(s)** (expand the boxes if necessary and please ensure your name is included on any additional sheets.)

PART B CONTINUED – Comments about the Ipswich Local Plan Review Final Draft

Document(s) and document part	**Comment(s)** (expand the boxes if necessary and please ensure your name is included on any additional sheets.)

Please ensure that Part B of your form is attached to Part A and return both parts to the Council's Planning Policy Team by 11.45pm on Monday 2nd March 2020.

RECEIVING NOTIFICATION OF THE PROGRESS OF THE LOCAL PLAN

Would you like to be notified of the progress of the Ipswich Borough Council Local Plan Review at any of the following stages? Tick to confirm.

The submission of the Publication Draft Ipswich Local Plan Review to the Secretary of State for Communities and Local Government for independent examination. /☐

Publication of the Planning Inspector's Report on the Ipswich Local Plan Review. /☐

Adoption of the Ipswich Local Plan Review. /☐

PRIVACY NOTICE

Ipswich Borough Council is the data controller for the purposes of the Data Protection Act 2018 and other regulations including the General Data Protection Regulation (Regulation (EU) 2016/679).

As part of our public task, we will process your comment, and store your information securely. Your comment and name will be made public as it will form part of the evidence base used to inform the creation of planning policy documents, but we will not publish your email address, contact address or telephone number.

Please note that we are required to provide your full details to the Planning Inspector and Programme Officer for the purposes of producing the development plan in accordance with the statutory regulations on plan making.

The above purposes may require disclosure of any data received in accordance with the Freedom of information Act 2000. We will use this information to assist in plan making and to contact you regarding the planning consultation process.