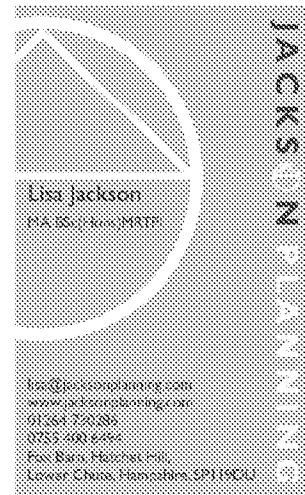


Submitted by email only

Copy Andrew Tice, Landlink Estates Ltd, Tracey Dunn WSCC

April 7, 2022

Simon Davis
Principal Planning Officer
Arun District Council
Civic Centre,
Maltravers Rd,
Littlehampton



Dear Simon,

Y/3/22/OUT Hybrid Application comprising of: Full application for Phase I for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved) and

I write in response to the email of 31 March 2022 from Tracey Dunn who maintains the objection from WSCC Education on the basis of secondary school planning places for the above application. The email appears not to have considered the content of my letter of 30 March in detail and has not addressed the key points.

The alleged lack of capacity in secondary education set out in the 2019 ADC/WSCC paper at paragraph 3a.2 is not supported by evidence in relation to the relevant catchment area. The data from the 2020/21 Planning School Places document does not support the contention that the 4FE capacity is no longer available. I say this because it is clear that the headroom at Ormiston Academy is significant. The published data from February 2021¹ confirms that the Ormiston Academy has a net capacity of 816 places with 542 children as the number on roll leaving a **capacity of 274 places**, so it is only operating at **66% capacity**. Even though St Phillip Howard Catholic High School has exceeded net capacity, the average capacity set out in the WSCC document confirms that appropriate Planning Area is **at 87% capacity for secondary education**. This means there is no shortfall in secondary places for the child yield of 25.2 from the development. There is currently headroom within the appropriate secondary schools.

The reason for this is that parental choice influences take-up of places and Ofsted ratings have a significant bearing on take up. The last Ofsted rating for the Ormiston Academy in 2017 was "good". St Philip Howard has retained its outstanding rating in 2021 so will naturally have a higher take up than Ormiston. This means parents choose to send their children elsewhere and in addition will also choose leave the state system and enter private education.

There is also an incorrect assumption in the 2019 ADC/WSCC joint paper. At 3a.4 the County Council have assumed that the number on roll in the current reception year will reach secondary education in 2023/24 therefore, filling capacity of all the existing secondary schools. This is completely wrong, there is a significant drop off from Year R to Year 7 in the state education system. The well-known phrase "State till 8" demonstrates, this

¹ West Sussex County Council, February 2021, Planning School Places 2021

is when parental choice seeks to remove pupils from the state system after Key Stage 1 (aged 8) and place them in private preparatory schools.

The very multipliers that the County Council use to calculate for both primary (25 per 100 dwellings) and secondary school (18 per 100 dwellings) pupil product demonstrate that there is not a linear relationship between year R and year seven. There is a significant drop off in secondary education by the state, as parents choose private schools for Key Stage 2 and more significantly for Key Stages 3 and 4 (Year 7- 11). This accounts in part for the different multiplier.

The figure at 3a.4 given by WSCC of 8,111 Year R pupils who will enter Year 7 in 2023/4 across the whole of Arun District cannot be correct. The combined Published Admission Number (PAN) in Sept 2020 of all Arun Primary Schools is 1966. The PAN for all secondary schools in Arun is 1530. I believe the figure at 3a.4 is the total number of pupils in primary education in Arun District at 2019 when the paper was written. or perhaps the total number of Year R pupils for the whole of West Sussex? I have assumed the former, and this is less than the current net capacity of secondary places at 8,892 which is being increased by a number of live projects. So it would appear (if my assumptions are correct) that if you assume a straight line trajectory there will be enough spaces for secondary school places at 2023/4 as capacity would be at 91%, but if more realistically you assume a loss in demand for state secondary places as pupils switch to private schools the capacity is closer to 65%. This allows for additional demand for the non-strategic sites for example the application scheme.

There is a further issue with the 2019 ADC/WSCC paper on which WSCC rely. The paper was intended as a stop-gap only until CIL was introduced. This is explained at the footnote at paragraph 2.5. Arun District introduced CIL on 1st April 2020 and therefore the paper is now out of date as all non-strategic site education mitigation is collected and delivered by CIL. This approach is confirmed at paragraph 9.3 of the 2019 paper.

Issues not addressed by WSCC in the email of 31 March

A number of pertinent issues raised in my letter of 22 March have not been addressed in the response by WSCC:

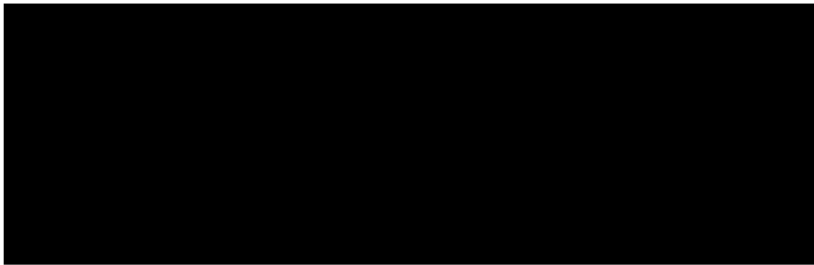
1. The County Council do not comment on the point that why an impasse on the new secondary school is a barrier to otherwise acceptable development? I reiterate it was not a barrier to the land south of Barnham Station development being granted consent. No good reason has been given why this impasse justifies stopping development, and especially when there is current capacity as set out above.
2. The County Council have also not commented upon my query over double counting? Given that strategic sites are not CIL rated and non-strategic sites are CIL rated there must be a clear distinction about how contributions are made and how developments mitigate their impact, otherwise this generates 'double dipping'. WSCC accept that CIL provides education mitigation as a general point, so why not here?
3. I also note there has been no comment that given the speed of the development expected under the interim policy (within 2 years of permission) it seems highly unlikely that the new secondary school can provide any school places in a timely manner. How can WSCC justify an objection to sustainable development when the stalled secondary school could not provide mitigation in time to serve the development anyway, even if the project was unlocked immediately.
4. The County Council have not commented regarding consistency of decision making. The application at Land South of Barnham Station, Barnham, West Sussex. Ref BN/142/20/OUT, dated 20 November 2020, was refused by notice dated 23 February 2021 for 200 dwellings. There was no reason for refusal to the above application based on educational impacts for this development, which has now been approved at appeal. The WSCC Education response did not seek contributions for school infrastructure. Indeed, the response from WSCC recognised that the strategic development was providing the education infrastructure. In determining the appeal, the Inspector considered education infrastructure and concluded: *"the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education"*.

As you know it is important that the Council makes consistent planning decisions. This has been established by caselaw². Can the County explain why this application should be considered in a different way, and why the Inspector at the Barnham Station appeal was able to support the application with mitigation for education paid by CIL?

The objection by the County Council is simply not credible and cannot be sustained and could not be defended at appeal. The County Council cannot hold development hostage due to a local disagreement about secondary education, the position of the Education Authority is untenable.

If it would help, can I suggest we arrange a virtual meeting, so the Education authority can answer my points in detail and explain why they are ignoring the clear policy position in the Arun Local Plan that only requires mitigation for the new secondary school from the strategic sites in that adopted plan? They need to explain the policy basis for their continued objection, and why the approach to this application varies from the other recent applications.

Yours sincerely



Lisa Jackson MA BSc MRTPI

² R (Matthew Davison) v Elmbridge BC [2019] EWHC 1409 (Admin) and (R(Lumba) v Secretary of State for the Home Department [2012] 1 AC 245 (at [26] & [34])).