



Education Impact & Mitigation Assessment[®]

Hawke Ridge Business Park, Westbury

Clients: Bellway Homes and Hawke Ridge Business Park Limited

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Document Date: 9th June 2026

Document Version: 1-1

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1. Introduction

1.1. Report Purpose & Scope

1.1.1. EHP Consultants has been asked to consider the proposed client development and other relevant developments for their likely impact on education places in the local area.

1.1.2. The purpose of this Assessment is to act as an initial point of reference for future discussions with the relevant local authority to assist in the negotiation of education-specific mitigation pertaining to the proposed development.

1.2. Intended Audience

1.2.1. This Education Impact & Mitigation Assessment is intended for the client team.

1.3. Research Sources

1.3.1. The contents of this Education Impact & Mitigation Assessment are based on publicly available information, including data from central government and any relevant local planning authorities and any relevant local education authorities.

1.4. Research & Analysis

1.4.1. Research for this Education Impact & Mitigation Assessment was carried out in 2026.

1.4.2. Research has been conducted regarding the current position within local schools, current local policy on developer contributions and an analysis of the most up to date forecasts regarding local education provision.

1.4.3. Wiltshire Council ('WC') produces school forecasts when assessing the impacts of residential development on school places.

1.4.4. Other related information for use within this Education Impact & Mitigation Assessment was also requested via the submission of Freedom of Information ('FOI') requests to WC.

1.4.5. Our commentary regarding the relevance of this data and related information is also set out within this Education Impact & Mitigation Assessment.

1.5. Community Infrastructure Levy Regulations

- 1.5.1. The Community Infrastructure Levy ('the levy') Regulations came into force in April 2010. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site-specific impact mitigation requirements without which a development should not be granted planning permission.
- 1.5.2. However, in order to ensure that planning obligations and the levy can operate in a complementary way and the purposes of the two regimes are clarified, the regulations scale back the way planning obligations operate. Limitations are placed on the use of planning obligations in three respects.
- 1.5.3. The first of these, which is the relevant consideration in this matter, is putting the Government's policy tests on the use of planning obligations set out in Circular 5/05 Planning Obligations on a statutory basis for developments that are capable of being charged the levy.
- 1.5.4. The regulations place into law for the first time the Government's policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the levy and provide a stronger basis to dispute planning obligations policies, or practice, that breach these criteria. This seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to use of the levy.
- 1.5.5. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- a) necessary to make the development acceptable in planning terms; and
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 1.5.6. The above tests are set out as statutory tests in [regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework at [paragraph 58](#). These tests apply whether or not there is a levy charging schedule for the area.
- 1.5.7. From 1st September 2019 revised regulations came into force and these, amongst other things, introduced a requirement on CIL charging authorities to produce an annual statement regarding sums received both through CIL and planning obligations.
- 1.5.8. These regulations also removed the limit of pooling no more than 5 planning obligations towards one item of infrastructure, which had been a particular issue with regards to the provision of education infrastructure.

1.6. Department for Education Guidance on Planning Obligations

1.6.1. In April 2019 the Department for Education ('DfE') published a non-statutory guidance document titled "Securing Developer Contributions for Education". This guidance was updated by the DfE in November 2019 and in August 2023.

1.6.2. This DfE document is non-statutory guidance for local authorities regarding seeking planning obligations towards education provision from residential development.

1.6.3. Whilst this DfE document is non-statutory, it is important to consider elements of this guidance as they would carry some weight in a planning context.

1.6.4. The purpose of the DfE guidance is underpinned by four principles, as set out below:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

[Source: DfE Securing Developer Contributions for Education (August 2023), page 5, at Appendix EHP01].

1.6.5. However, it should be noted that nothing within this non-statutory guidance supersedes the tests set out in section 1.5 above.

2. Setting the Context for Local School Place Planning

2.1. Wiltshire Council's Duty to Secure Sufficient School Places

2.1.1. The site lies within the primary and secondary designated catchment areas for schools for which the local education authority is Wiltshire Council ('WC').

2.1.2. The Education Act 1996 (as amended) provides in section 14(1):

*"A local education authority shall secure that sufficient schools for providing –
(a) primary education and (b) secondary education ... are available for their area".*

2.1.3. The Education Act does not state it is the duty of a local education authority to ensure that there are sufficient school places at the catchment area school for all children residing within that particular school's catchment area.

2.1.4. The Education Act simply states that the education authority must provide school education appropriate to the requirements of pupils for its area. In the case of WC that is the area defined as the Wiltshire Council area.

2.1.5. This duty applies in relation to all the children in the local education authority area, whether they have lived there all their lives or have just moved into a new development.

2.1.6. The residential component of the proposed development will include family housing. Family housing often includes school age children who will seek to enrol in local schools. Those schools may or may not be sufficient to accommodate these children without the need for additional capacity to be provided.

2.2. School Organisation

2.2.1. The year of entry into primary schools is known as Year R, when children are typically 5 years of age. The year of entry into secondary schools is known as Year 7, when children are typically 11 years of age, with the exception of studio colleges or university technical colleges whose year of entry is Year 10 when children will be 14 years old.

2.2.2. Education is compulsory for children up until the age of 16, equivalent to Year 11; hence there are 5 year groups at secondary school. The sixth form year groups are known as Years 12 and 13 respectively. Not all secondary schools offer sixth form education.

2.2.3. All schools have a Published Admissions Number ('PAN') which indicates the number of pupils the school can take in each year group. If this number is then multiplied by the number of year groups at the school, this gives an indicative capacity of the numbers that the school can theoretically accept.

2.2.4. School capacity is often measured in terms of forms of entry ('FE'). A single class can typically accommodate up to 30 children. The Number on Roll ('NOR') is the number of children at a school.

2.2.5. Reception is the year of entry to primary school and is often referred to as "Year R". The subsequent year groups are often referred to as "Year 1" to "Year 6" respectively.

2.2.6. As primary schools have 7 year groups, a 2FE primary school would have capacity for 420 children [*calculation*: $30 \times 7 \times 2 = 420$]; with 1FE of primary education provision equating to 210 primary school places.

2.2.7. Similarly, as secondary schools have 5 year groups, a 6FE secondary school would have capacity for 900 pupils aged 11-16 [*calculation*: $30 \times 5 \times 6 = 900$]; with 1FE of secondary education provision equating to 150 secondary school places.

2.3. Walking Distance to School

2.3.1. The DfE states the following regarding the maximum statutory walking distances to school:

Statutory walking distances⁵

9. The statutory **walking** distances are used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory **walking** distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the **parent** is responsible for arranging their child's travel to school. There is no expectation that the child will **walk**. It is for the **parent** to determine what arrangements would be suitable for their child.

10. A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their **home**.

11. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their **home**.

[Source: DfE - Travel to school for children of compulsory school age (May 2026), page 11, at Appendix EHP02].

2.3.2. The DfE also states:

"When a local authority assesses whether the distance between a child's home and their school is further than the statutory walking distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may walk in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school"

[Source: DfE - Travel to school for children of compulsory school age (May 2026), page 11, at Appendix EHP02].

2.3.3. The client has instructed a consultant to conduct a Transport Assessment of the proposed development which includes an assessment of walking routes from the proposed development to local schools.

2.4. Patterns of Pupil Migration

2.4.1. There is likely to be movement of children between respective schools' catchment areas, pseudo-catchment areas (based on furthest distances of places offered), designated areas, or priority areas. This movement of children due to parental preference and other factors is often referred to as "inflow" and "outflow".

2.5. The Role of School Forecasts in School Place Planning

2.5.1. Each Local Education Authority ('LEA') is obliged to provide annual school forecasts to the DfE.

2.5.2. The DfE provides detailed guidance to LEAs to help ensure that school forecasts are as accurate as possible.

2.5.3. The DfE makes the following request with regards to how LEAs treat housing developments within their forecasts:

"Housing developments can have a significant impact on the demand for places in individual planning areas, or across entire local authorities.

The pupil forecasts you submit in SCAP should only include expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts. In most cases, such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast period, we expect that development to be present in the relevant planning authority's latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by reviewing evidence on the site's deliverability and assessing delivery against previous 5 year land supply plans in the relevant planning authority."

[Source: DfE - School Capacity (SCAP) Survey 2025 - Guide for local authorities (May 2025), pages 32 and 33, at Appendix EHP03]

4. The Position at Local Schools

4.1. Local Primary School Locations

4.1.1. The broad locations of the closest local primary schools are indicated below (any blue icons indicate single school locations, any numbered icons indicate multiple schools near the same location and the blue star is an indication of the approximate location of the Site):



Graphic: Primary school locations relative to the Site.

[Source: DfE website]

4.1.2. According to the latest WC School Places Strategy 2023-2027 in the Westbury Primary Planning Area there are 4 urban primary schools and 3 rural primary schools:

Primary	Urban/Rural
Bitham Brook Primary School	Urban
Bratton Primary School	Rural
Chapmanslade CEVA Primary School	Rural
Dilton Marsh C of E Primary School	Rural
Westbury Infants School	Urban
Westbury CE Junior School	Urban
Westbury Leigh CE Primary School	Urban

4.2. Local Primary Schools – Forecast Status of Pupil Places

4.2.1.I obtained the latest available individual primary school forecasts from WC via the submission of an FOI request.

4.2.2.The latest available WC primary school forecasts were created in July 2025 and cover the period until the academic year 2033/34 with the latter years relying on assumed birth rates rather than actual, or known, birth rates.

4.2.3.The latest available WC school data showing the forecast position of pupil places for each of the primary schools in the Westbury Primary Planning Area was due to be as shown in the Table below:

Westbury Primary Planning Area Schools	Current Net Capacity	WC Forecast Children on Roll			WC Forecast Surplus / Deficit Places		
		27/28	30/31	33/34	27/28	30/31	33/34
Bitham Brook Primary School (urban)	420	411	431	435	9	-11	-15
Westbury Infants School (urban)	270	213	232	238	57	38	32
Westbury CE Junior School (urban)	360	276	317	338	84	43	22
Westbury Leigh CE Primary School (urban)	315	222	189	187	93	126	128
Bratton Primary School (rural)	210	140	119	110	70	91	100
Chapmanslade CEVA Primary School (rural)	119	101	92	89	18	27	30
Dilton Marsh C of E Primary School (rural)	210	149	158	153	61	52	57
TOTAL (urban only)	1,365	1,122	1,169	1,198	243	196	167
TOTAL (rural only)	539	390	369	352	149	170	187
TOTAL (all schools)	1,904	1,512	1,538	1,550	392	366	354

Table: Forecast position of pupil places for the Westbury Primary Planning Area Schools for every third academic year between 2027/28 and 2033/34, as provided by WC.

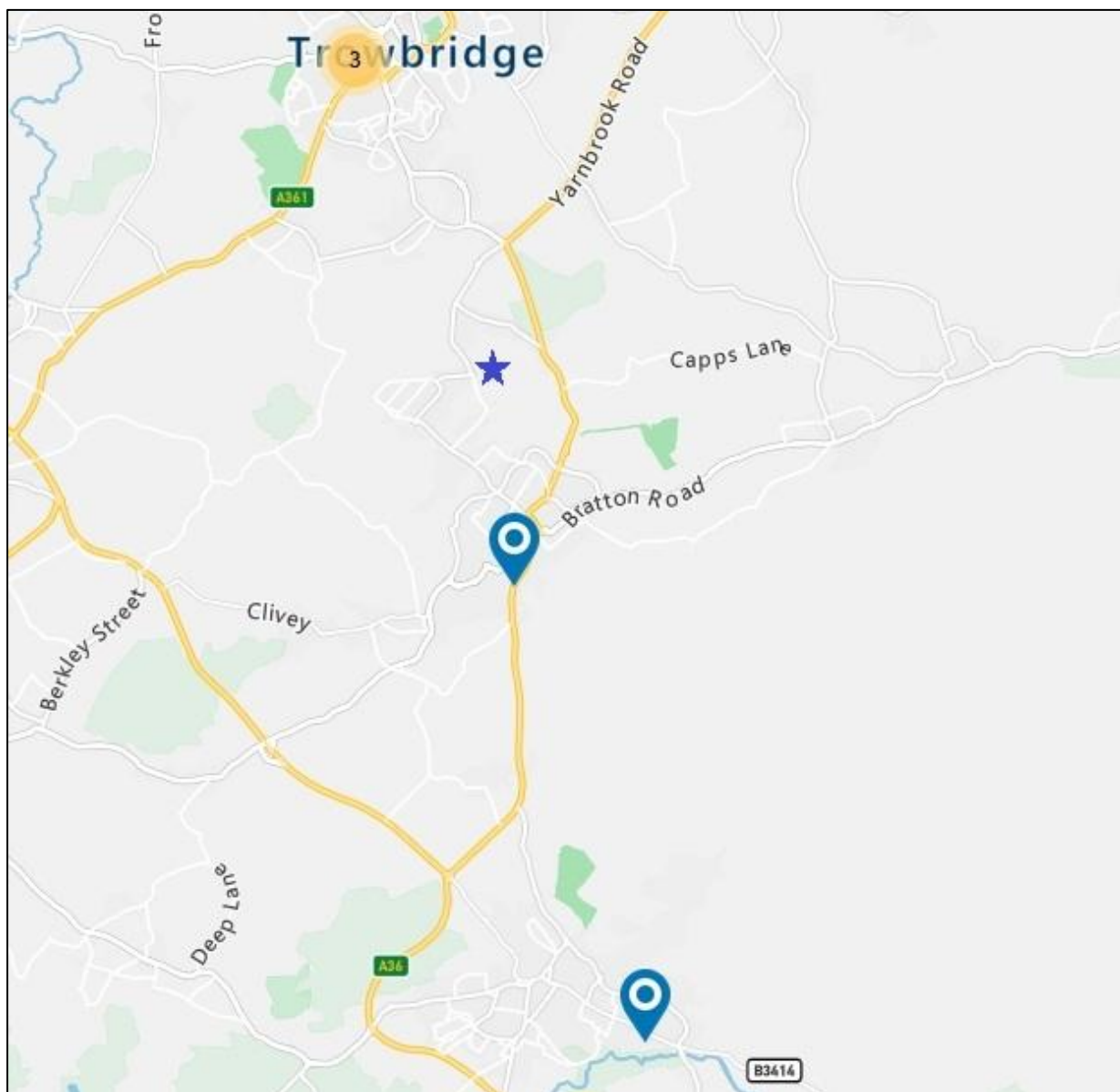
[Source: WC school forecast data at Appendix EHP05]

4.2.4.On the basis of these WC forecasts it is evident that there will be a **very significant number of surplus places** at the 4 urban primary schools in the Westbury Primary Planning Area for the foreseeable future. This surplus was due to reduce from **243** in 2027/28 to **167** by 2033/34.

- 4.2.5. Although this is a reduction in surplus places at the 4 urban primary schools in the Westbury Primary Planning Area over this period, the surplus by the academic year 2033/34 would still be 12.2% [*calculation: 167 / 1,365 = 12.2%*].
- 4.2.6. On the basis of these WC forecasts, it is evident that there will also be a **very significant number of surplus places** at the 3 rural primary schools in the Westbury Primary Planning Area for the foreseeable future. This surplus was due to increase from **149** in 2027/28 to **187** by 2033/34.
- 4.2.7. The surplus at the 3 rural primary schools Westbury Primary Planning Area by the academic year 2033/34 would increase to be 34.7% [*calculation: 187 / 539 = 34.7%*].
- 4.2.8. It is very important to emphasise that the WC primary school forecast data includes the impact of any residential sites which were consented as planning applications when these forecasts were prepared in the summer of 2025.
- 4.2.9. With regard to the 4 urban primary schools in the Westbury Primary Planning Area, I have reviewed the calculations underpinning the WC forecast data and it is evident that the WC forecasts for these 4 urban primary schools include the impacts on primary school places from a total of 371 dwellings between the academic years 2025/26 to 2033/34.
- 4.2.10. With regard to the 3 rural primary schools in the Westbury Primary Planning Area, I have reviewed the calculations underpinning the WC forecast data and it is evident that the WC forecasts for these 3 rural primary schools include the impacts on primary school places from a total of 140 dwellings between the academic years 2025/26 to 2033/34.
- 4.2.11. Further commentary regarding the demand for local primary school places and the wider implications for primary school place planning in the area is also set out later in this Assessment.

4.3. Local Secondary School Locations

4.3.1. The broad locations of the closest local secondary schools are indicated below (any blue icons indicate single school locations, any numbered icons indicate multiple schools near the same location and the blue star is an indication of the approximate location of the Site):



Graphic: Secondary school locations relative to the Site.

[Source: DfE website]

4.4. Local Secondary Schools – Forecast Status of Pupil Places

4.4.1. I obtained the latest available individual secondary school forecasts from WC via the submission of an FOI request.

4.4.2. The latest available WC secondary school forecasts were created in July 2025 and cover the period until the academic year 2035/36.

4.4.3. The latest available WC school data showing the forecast position of pupil places for the only secondary school in the Westbury Secondary Planning Area was due to be as shown in the Table below:

Secondary School (Years 7-11)	Net Capacity (Years 7-11)	WC Forecast Children on Roll			WC Forecast Surplus / Deficit Places		
		27/28	30/31	35/36	27/28	30/31	35/36
Matravers School	1,000	881	878	861	119	122	139

Table: Forecast position of pupil places for the only secondary school in the Westbury Secondary Planning Area for a selection of the academic years from 2027/28 to 2035/36, capacity figure as provided by WC.

[Source: WC school forecast data at Appendix EHP06]

4.4.4. On the basis of these WC forecasts, it is evident that there will be a **very significant number of surplus places** at the only secondary school in the Westbury Primary Planning Area for the foreseeable future. This surplus was due to increase from **119** in 2027/28 to **139** by 2035/36.

4.4.5. Although this is a reduction in surplus places at the only secondary school in the Westbury Primary Planning Area over this period, the surplus by the academic year 2035/36 would still be 13.9% [calculation: $139 / 1,000 = 13.9\%$].

4.4.6. It is very important to emphasise that the WC secondary school forecast data includes the impact of any residential sites which were consented as planning applications when these forecasts were prepared in the summer of 2025.

4.4.7. With regard to the only secondary school in the Westbury Primary Planning Area, I have reviewed the calculations underpinning the WC forecast data and it is evident that the WC forecasts for this school include 113 pupils arising from consented dwellings between the academic years 2025/26 to 2035/36.

4.4.8. Further commentary regarding the demand for local secondary school places and the wider implications for secondary school place planning in the area is also set out later in this Assessment.

5. Education Mitigation

5.1. WC Child Yield Methodology

5.1.1. WC provides the following position with regards to how it assesses child yield from housing developments:

The Council has tracked the actual number of children arriving in Early Years settings and Wiltshire schools from a variety of different sized housing developments over 12 years and recently commissioned an update survey to review the number of children arising from new developments in Wiltshire. From this it has calculated pupil product figures which it uses as the basis for estimating the number of nursery, primary and secondary aged children likely to come from future housing developments. These figures are:

- 0.04 per dwelling for Early Years 0-2 year olds (4 per 100 dwellings)
- 0.09 per dwelling for Early Years 3-4 year olds (9 per 100 dwellings)

- 0.31 per dwelling for Primary aged pupils (31 per 100 dwellings) and
- 0.22 per dwelling for Secondary aged pupils (22 per 100 dwellings).

These “pupil products” apply to all sizes/types of dwelling including affordable housing with the exception of 1 bed properties.

In order to make an assessment of the impact of the new housing upon the existing education infrastructure in the locality, the Council’s officers will first deduct any one bed sized units from the accommodation schedule and then apply a standard discount of 30% to the remaining (if any) affordable housing. This discount reflects evidence that families in affordable housing move within the immediate area and so their children will not need to change schools, and is most pertinent at secondary level where designated areas can be wide ranging.

[Source: WC - Developers Contributions - Education Infrastructure (2017) page 3, at Appendix EHP07]

5.2. WC's Assessment of the Site

5.2.1. WC's only education-related assessment of the Site is within its pre-application consultation response based on a lower figure of up to 250 dwellings [source: Extracts from the WC consultation response for the Site, at Appendix EHP08].

5.2.2. It is important to emphasise that the education-related comments in the pre-application consultation response pre-date the WC forecasts that were published in July 2025 and which form the basis of my analyses set out earlier in this Assessment.

5.2.3. On this basis, in my opinion, WC's education-related assessment of the Site within its pre-application consultation response is now out of date and cannot be relied upon.

5.2.4. Furthermore, on this basis, once a planning application for the Site is submitted it is reasonable to expect that WC will need to update its education-related comments as more recent school data is available.

5.2.5. Moreover, as WC will be due to update the school forecasts in the summer of 2026 WC may choose to update its education-related comments to rely on the forecasts created in the summer of 2026.

5.2.6. The WC education-related assessment of the Site within its pre-application consultation response states *"we do not have any early years, primary or secondary schools within a safe walking route of this development"*; however, no further details were provided specifying which specific routes to local schools were deemed by WC as being unsafe.

5.2.7. On this basis I submitted an FOI request to WC seeking further information regarding the walking routes to local schools which they had assessed. WC responded to my FOI request as follows:

"With regard to unsafe walking routes from the proposed development to local education sites, we would have focused on the issues of using the Hawkeridge Road. The stretch from the roundabout at the entrance to West Wilts Trading estate and the Hawk Ridge Business park to The Ham has no footpath and is a busy road with a blind bend. This would have formed part of any routes to schools in Westbury. The road is similar in nature if travelling north towards North Bradley so the route would be considered unsafe in that direction too."

5.2.8. In my opinion, on the basis of the WC comments above it would appear that the WC education team was either unaware of, or ignored, the fact that the permitted development at Glenmore Farm to the south of the Site (Planning appeal reference 3345598, approved January 2025, at Appendix EHP09) includes a planning obligation to deliver a 3-metre wide active travel route through that development site to link The Ham to the West Wiltshire Trading Estate. This travel route will provide a second connection to the town from the Site. Further information regarding this new route is set out within the client's transport consultants' Transport Assessment.

5.2.9. Having reviewed the calculations which underpin the WC forecasts it is also evident that the WC school forecasts already include the impact on school places arising as a result of the permitted development at Glenmore Farm and therefore the WC education team are clearly aware of it.

5.2.10. An extract from the forecasts for Westbury Infant School and Westbury Church of England Junior School is set out below showing that these forecasts include the impact on school places arising as a result of the permitted development at Glenmore Farm:

Housing included:	No. of houses remaining to be built
Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury	145

[Source: WC school forecast data at Appendix EHP05]

5.2.11. Therefore, it would be wholly inconsistent if WC were to state that the WC education team are still unaware of the permitted development at Glenmore Farm and are still unaware of the new route it will provide.

5.2.12. In my opinion the WC education team will need to update the council's position to reflect that this new route will be created when the permitted development at Glenmore Farm is built.

5.2.13. According to my recent email conversation with the client's transport consultants I understand that the following mitigation will also be provided by the client:

"The development will...introduce more crossing movements at two points that are not adequately served, where we will be putting forward mitigation:

- 1. Crossing movements at the Hawke Ridge Business Park Roundabout are currently served by small refuge islands, which we propose to upgrade. In particular, the crossings between the site and the footway on the western side of the B3097 that will be delivered by the Glenmore Farm scheme, will need improvement, a signal-controlled pedestrian crossing is likely to be proposed south of the existing Hawke Ridge Business Park Roundabout, the form of crossings on the north and east arms are still being considered. We will also put forward a reduction to the existing 50mph speed limit through the roundabout, probably to 40mph, but that is also under consideration.*
- 2. There is currently no crossing point between the proposed Glenmore Farm access onto the Ham and Hawkeridge Road where it runs southeast over the railway line, past Vivash Park to Slag Lane. Surprisingly, the Glenmore Farm scheme does not have any obligation to deliver a crossing connection to that key pedestrian link, so we will put forward a dropped kerb crossing over the B3097 near the access that will be built to serve the Glenmore Farm development."*

5.2.14. In my opinion, as a result of the new route that will be created when the permitted development at Glenmore Farm is built, plus the other mitigation that the client is planning to provide, **there will indeed be safe walking routes from the Site to relevant early years settings, primary and secondary schools.**

5.2.15. My commentary on these matters and my further analysis of the local education position is set out later in this Assessment.

5.3. Assessing the Impacts of Other Local Residential Developments on Education Infrastructure

5.3.1. As set out earlier in this Assessment, the WC school forecasts from July 2025 that I obtained via an FOI request to WC include the impact of any residential sites which were consented as outline or full planning applications. I have therefore reviewed the details of the housing included in these WC school forecasts.

5.3.2. I also submitted an FOI request to WC seeking for the list of residential developments which WC had referred to in its pre-application consultation response when it set out the details of *“additional places required by in area housing already registered/approved but not yet in forecasts”*.

5.3.3. WC has since provided this list of *“housing already registered/approved”* and I have reviewed it. It is evident **that all but one of the developments in the Westbury area referred to by WC have been approved and are now included within the WC school forecasts from July 2025**. The only exception being the site of 85 dwellings at Land South of Clivey, Dilton Marsh which was refused permission in February 2025 [source: WC - FOI response regarding developments referred to in the WC pre-application consultation response, at Appendix EHP10 and Decision Notice regarding Land South of Clivey, Dilton Marsh at Appendix EHP11].

5.3.4. I have also reviewed a document entitled ‘Planning History Search to Inform Education Assessment’ which has been provided by the client’s planning consultants [source: Planning History Search to Inform Education Assessment, at Appendix EHP12].

5.3.5. It is evident that the impacts on school places from **2 of the 3 developments in the Westbury urban area in this document are included within WC school forecasts from July 2025:**

1. Land south of Sandhole Lane, Westbury (65 dwellings) is already included in the WC school forecast for Westbury Leigh Primary School.
2. Land at Glenmore Farm (145 dwellings) is already included in the WC school forecasts for Westbury Infants School and Westbury CE Junior School.

5.3.6. Only one development in the Westbury urban area in this document, Land at Bratton Road, Westbury (43 dwellings), is not yet included in the WC school forecasts. According to the WC child yield methodology set out earlier in this Assessment, **this site would give rise to a maximum of only 13 primary pupils and a maximum of only 9 secondary pupils** [calculation: $43 \times 0.31 = 13.33$ and $43 \times 0.22 = 9.46$]. I refer to this site later in this Assessment.

5.3.7. Therefore, on the basis of the above findings, it is important to emphasise that the majority of the developments included in the above documents were approved as outline or full planning applications before July 2025 and hence their impacts are already included within the latest WC school forecasts.

5.3.8. The objective of reviewing the above documents and the WC FOI response was to help determine whether any potential local education infrastructure constraints are likely to arise in the relevant future as a result of other potential developments which are:

- either live planning applications in the relevant local area which are yet to be determined and hence whose impacts were not included within the WC school forecasts in July 2025, or are
- other sites which may potentially come forward in the future in the relevant local area and hence whose impacts are not included within the WC school forecasts.

5.3.9. In my opinion, no potential local education infrastructure constraints are likely to arise in the relevant future as a result of these other potential developments.

5.3.10. Further commentary regarding the wider implications for school place planning in the area is set out later in this Assessment.

5.4. EHP Commentary & Conclusions on Early Years / Nursery Education Impact & Mitigation

5.4.1. Regarding early years / nursery education the current WC consultation response states as follows:

Education: The obligation is necessary to ensure the proposed development complies with Core Policy 3 of the WCS and supported by the NPPF, and PPG (paragraphs 007 and 008). Failure to provide the contributions would result in insufficient education places in the locality of the development. Without the proposed contribution, the proposed development would have an unacceptable impact on the community and potentially lead to the need for parents to travel further to access these facilities. Early Years There are currently 6 preschools and 1 childminder. However, these are not within a safe walking route from this proposed development. The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision. Current pupil products: 0.04 per dwelling for 0-2 year olds and under (4 per 100 dwellings) and 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings). Current cost multiplier - £17,522 per place. (But please note that this is shortly to be updated for the 2024/2025 financial year and the new figure will apply to S106s signed in that financial year). • Total required as per calculations above = £508,138 towards the development of Early Years provision in this area. • This contribution would be subject to indexation and secured via a Section 106 Agreement, to which the Council's standard terms would apply.

[Source: Extracts from the WC consultation response for the Site, at Appendix EHP08]

5.4.2. As WC did not set out the details of these early years settings I submitted an FOI request to WC seeking for this information. WC responded as follows:

(i) each provider's address	(ii) each provider's early years places capacity	(iii) each provider's current take-up of places (March 2026)
Bebe Tots Limited 7a Trowbridge Road, WESTBURY, Wiltshire, BA13 3AY	91	This data is confidential
The Willows Preschool Church Lane, North Bradley, Trowbridge, Wiltshire, BA14 0TA	32	This data is confidential
Daisy Chain Preschool Methodist Church Hall Station Road, Westbury, Wiltshire, BA13 3JL	24	This data is confidential
YMCA Kingfisher Preschool Bitham Brook School, Arundell Close, Westbury, BA13 3UA	18	This data is confidential
Bright Stars Nursery White Horse Childrens Centre, Eden Vale Road, WESTBURY, Wiltshire, BA13 3NY	72	This data is confidential
Childminder details not able to share due to safeguarding criteria	This data is confidential	This data is confidential

[Source: WC - FOI response regarding early years settings, at Appendix EHP13]

- 5.4.3. Although the pre-application response cites 6 preschools, only 5 preschools are included in the WC FOI response. This suggests that the WC response is incomplete.
- 5.4.4. Notwithstanding the existence of childminders in the Westbury area (whose locations are confidential as childminders are often located at a private address rather than a commercial address), I have reviewed the walking routes from the Site to the 5 preschools listed by WC above.
- 5.4.5. When taking into account the new route that will be created when the permitted development at Glenmore Farm is built, plus the other mitigation that the client is planning to provide, in my opinion there are preschools within safe walking distance of the Site.
- 5.4.6. Furthermore, it is very surprising that WC has stated that the data regarding current take-up of early years places is “*confidential*”. I have requested similar data from other LEAs and they have been willing to provide it.
- 5.4.7. In my opinion, as the burden of proof lies with WC to provide evidence of a need for additional early years places due to a deficit of places, unless WC provides these details of the current take-up of early years places then **the WC request for £508,138 in S106 early contributions from the Site fails to meet the test of such planning obligations being necessary to make the development acceptable in planning terms.**

5.5. EHP Commentary & Conclusions on Primary Education Impact & Mitigation

5.5.1.Regarding primary education, the current WC consultation response states as follows:

PRIMARY ASSESSMENT DETAILS:

Aggregated data for the schools within 2 miles:

- Capacity = 1260 places.
- Oct 24 NOR = 1067 pupils.
- Current peak forecasts/numbers = 1077 pupils.
- Additional places required by in area housing already registered/approved but not yet in forecasts = 162. So, based upon current data, there are only 21 spare places available across the schools.
- primary cost multiplier = £18,758 per place. *(Please note that this figure is due to be reviewed and updated for the 2024/25 financial year shortly, and the latest multiplier will then apply to S106 agreements as per our S106 Methodology. So, any contributions stated below are indicative figures only). The three schools within 2 miles only have 21 places available and there is a shortfall of 49 places. To create these additional places the Council would require $48 \times £18,758 = £900,384$
- However, none of the 3 schools within 2 miles can be further expanded on their current sites.
- As there are also no safe walking routes to these schools, all children moving into the housing would require transport to be provided by the Council.
- The cost of this transport, in perpetuity, would be significant, this is not sustainable. Given this and the inability to expand the local schools, we would submit an objection towards a proposal such as this to create substantial residential development in this location

[Source: Extracts from the WC consultation response for the Site, at Appendix EHP08]

5.5.2.It is important to emphasise that the primary education-related comments in this pre-application consultation response pre-date the WC forecasts that were published in July 2025 and which form the basis of my analyses set out earlier in this Assessment.

5.5.3.It is also important to note that the above details rely upon a figure of 250 dwellings, whereas the client intends to bring forward a planning application for up to 300 dwellings.

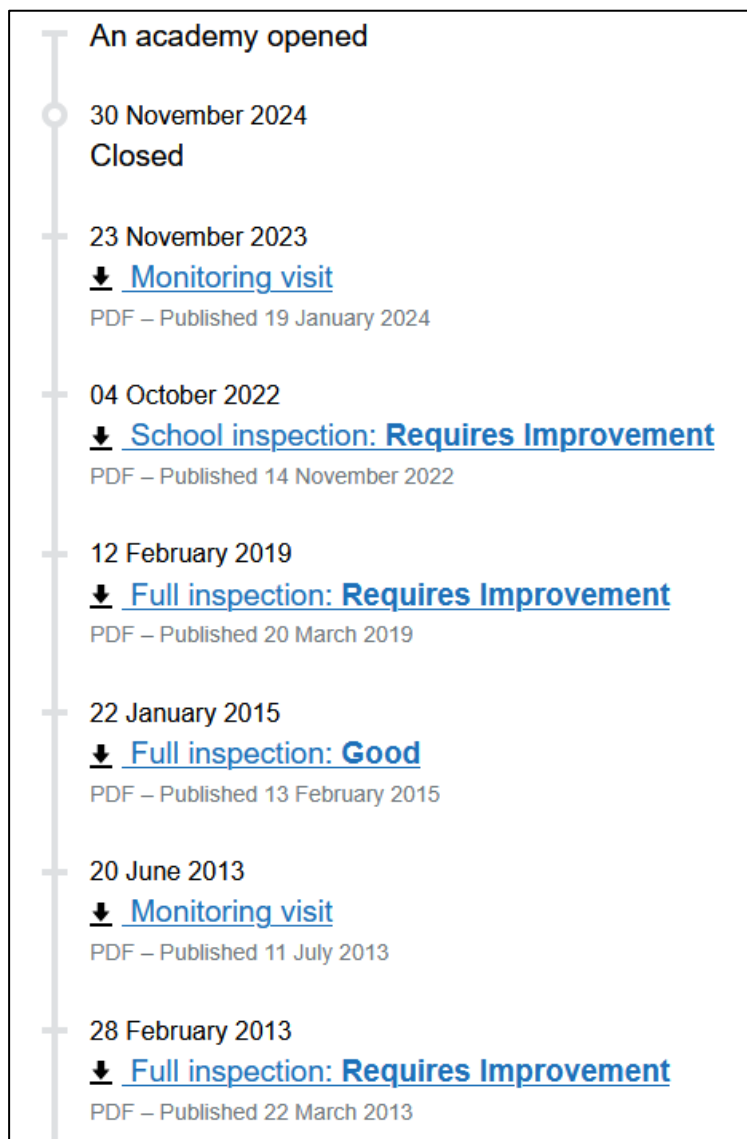
5.5.4.According to the WC child yield methodology set out earlier in this Assessment, notwithstanding a downward adjustment to take into account affordable housing, **the Site of 300 dwellings would give rise to a maximum of 93 primary pupils** [calculation: $300 \times 0.31 = 93$].

5.5.5.When taking into account the new route that will be created when the permitted development at Glenmore Farm is built, plus the other mitigation that the client is planning to provide, in my opinion no home to primary school transport contributions from the Site would be necessary.

5.5.6.Furthermore, on the basis of the WC forecasts from July 2025 set out earlier in this Assessment, it is now evident that there will be a **very significant number of surplus places** at the 4 urban primary schools in the Westbury Primary Planning Area for the foreseeable future. This surplus was due to reduce from **243** in 2027/28 to **167** by 2033/34.

5.5.7. Although this is a reduction in surplus places at the 4 urban primary schools in the Westbury Primary Planning Area over this period, **the surplus by the academic year 2033/34 would still be 12.2%** [calculation: $167 / 1,365 = 12.2\%$].

5.5.8. It is important to note that prior to Westbury Leigh CE Primary School closing in November 2024 and then re-opening as an academy school, the school had received 3 Ofsted ratings of 'requires improvement' over a 9-year period:



[Source: Extracts from [Ofsted ratings for Westbury Leigh CE Primary School between 2013 and 2024](#)]

5.5.9. Although the Ofsted ratings for [Westbury Infant School](#) and for [Westbury Church of England Junior School](#) have also been unfavourable in some years, the ratings have been comparably better than those for Westbury Leigh CE Primary School before it became an academy in 2024.

- 5.5.10. Moreover, in my opinion, the significant surplus of places at Westbury Leigh CE Primary School may also in part be due to the fact that, as a 1.5FE school with 315 places, some classes at Westbury Leigh CE Primary School will be delivered with mixed year group teaching and some parents prefer their children to be only educated in single year group classes, such as those at the 3 other urban primary schools.
- 5.5.11. This local position at the urban primary schools is particularly relevant given the 3 Ofsted ratings of 'requires improvement' for Westbury Leigh CE Primary School over a 9-year period and the very significant current and forecast surplus of places at Westbury Leigh CE Primary School.
- 5.5.12. When reviewing primary school place planning for the Westbury Primary Planning Area WC will need to consider the capacity at all of these schools, not solely those within a walking distance of the Site, this is due to the likely movement of children between school catchment areas for a variety of reasons, including those cited above.
- 5.5.13. In my opinion, when taking into account the surplus places in the WC school forecasts from July 2025, the potential impact on primary school places from the client Site (93 primary pupil places) and the potential impact on primary school places from the other site at Land at Bratton Road, Westbury (13 primary pupil places), **there will not be a need for WC to add any additional places at any of the Westbury Primary Planning Area schools.**
- 5.5.14. On this basis, in my opinion, **the WC request for £900,384 in S106 primary education contributions from the Site fails to meet the test of such planning obligations being necessary to make the development acceptable in planning terms.**

5.6. EHP Commentary & Conclusions on Secondary Education Impact & Mitigation

5.6.1. Regarding secondary education, the current WC consultation response states as follows:

SECONDARY ASSESSMENT DETAILS:

- Matravers is the sole secondary school designated to serve Westbury and its neighbouring villages.
- PAN capacity Years 7 – 11 = 1090
- Oct 2024 Years 7 -11 number on roll = 819 pupils.
- Current forecasts peak at 856.
- The total of places required by in area housing already registered/approved ahead of this application, but not yet in forecasts = 124.
- So, capacity to accommodate further pupils is available here.

Current secondary cost multiplier = £22,940 per place. *(Please note that this figure is due to be reviewed and updated for the 2024/25 financial year shortly, and the latest multiplier will then apply to S106 agreements as per our S106 Methodology. So, any contributions stated below are indicative figures only).

Current figures indicate that there is sufficient capacity available at Matravers School to accommodate the pupils that this development would generate.

However, there is no safe walking route from the proposed development to the school. All children moving into the housing would require transport to be provided by the Council. The cost of this transport, in perpetuity, would be significant and unsustainable. We would submit an objection towards a proposal such as this to create substantial residential development in this location.

[Source: Extracts from the WC consultation response for the Site, at Appendix EHP08]

5.6.2. It is important to emphasise that the secondary education-related comments in this pre-application consultation response pre-date the WC forecasts that were published in July 2025 and which form the basis of my analyses set out earlier in this Assessment.

5.6.3. It is also important to note that the above details rely upon a figure of 250 dwellings, whereas the client intends to bring forward a planning application for up to 300 dwellings.

5.6.4. According to the WC child yield methodology set out earlier in this Assessment, notwithstanding a downward adjustment to take into account affordable housing, **the Site of 300 dwellings would give rise to a maximum of 66 secondary pupils** [calculation: $300 \times 0.22 = 66$].

5.6.5. When taking into account the new route that will be created when the permitted development at Glenmore Farm is built, plus the other mitigation that the client is planning to provide, in my opinion no home to secondary school transport contributions from the Site would be necessary.

5.6.6. Furthermore, on the basis of the WC forecasts from July 2025 set out earlier in this Assessment, it is evident that there will still be a **very significant number of surplus places** at the only secondary school in the Westbury Secondary Planning Area for the foreseeable future. This surplus was due to increase from **119** in 2027/28 to **139** by 2035/36.

5.6.7. Although this is a reduction in surplus places at the only secondary school in the Westbury Secondary Planning Area over this period, **the surplus by the academic year 2035/36 would still be 13.9%** [calculation: $139 / 1,000 = 13.9\%$].

5.6.8. Moreover, whilst the WC forecasts from July 2025 state that the capacity of Matravers School is currently 1,000 places, **the earlier pre-application consultation response confirms that the earlier stated capacity was in fact 1,090 places**; thereby indicating that WC has recently opted to lower the capacity of the school. In my opinion, these 90 places are likely to have been ‘mothballed’ since 2024 due to an ongoing lack of demand for secondary school places in this area and could be brought back into operational use if necessary.

5.6.9. In my opinion, when taking into account the surplus places in the WC school forecasts from July 2025, the potential impact on secondary school places from the client Site (66 secondary pupil places) and the potential impact on secondary school places from the other site at Land at Bratton Road, Westbury (9 secondary pupil places), **there will still not be a need for WC to add any additional places at Matravers School, the only secondary school in the Westbury Primary Planning Area.**

5.6.10. On this basis, in my opinion, **no S106 secondary education planning obligations will be necessary to make the development acceptable in planning terms.**

6. Appendices

The following appendices accompany this document:

- APPENDIX EHP01 - DfE - Securing Developer Contributions for Education (August 2023)
- APPENDIX EHP02 - DfE - Travel to school for children of compulsory school age (May 2026)
- APPENDIX EHP03 - DfE - School Capacity (SCAP) Survey 2025 - Guide for local authorities (May 2025)
- APPENDIX EHP04 - P25-2563_DE_01G_01 Site Layout
- APPENDIX EHP05 - Wiltshire Council - Primary School Forecasts (Westbury Secondary Planning Area extracts plus North Bradley Primary School)
- APPENDIX EHP06 - Wiltshire Council - Secondary School Forecasts (Westbury Secondary Planning Area extract)
- APPENDIX EHP07 - Wiltshire Council - Developers Contributions - Education Infrastructure (2017)
- APPENDIX EHP08 - Pre-App Response_2512-19 (education-related extracts)
- APPENDIX EHP09 - Appeal Decision 3345598
- APPENDIX EHP10 - Wiltshire Council - FOI response regarding developments referred to in the WC pre-application consultation response (with EHP annotations)
- APPENDIX EHP11 - Land South of Clivey, Dilton Marsh - Decision Notice (refused in Feb 2025)
- APPENDIX EHP12 - 25059 Planning History for Education Analysis.2604-02
- APPENDIX EHP13 - Wiltshire Council - FOI response regarding early years settings referred to in the WC pre-application consultation response

APPENDIX EHP01 - DfE - Securing Developer Contributions for Education (August 2023)



Department
for Education

Securing developer contributions for education

August 2023

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Summary

This publication provides non-statutory guidance from the Department for Education (DfE). Its purpose is to help local authorities secure developer contributions for education infrastructure to mitigate the impact of development. The guidance promotes good practice on evidencing these impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development.

Expiry or review date

This guidance will be reviewed as necessary (for example, in response to changes in legislation or government policy).

Who is this publication for?

This guidance is for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

Introduction

Government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new communities. The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.

DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development. You should consider the recommendations in this guidance alongside National Planning Practice Guidance on the evidence, policies and developer contributions required to support school provision.

This guidance is for local authorities with a responsibility to provide sufficient school places under the Education Act 1996. The guidance does not:

- Advise the construction/development industry on its duties and responsibilities in paying for infrastructure.
- Replace or override any aspects of other DfE publications such as guidance on the School Capacity ([SCAP](#)) survey and the [Admissions Code](#), or policy/guidance produced by other government departments.
- Make recommendations for individual schools or academy trusts on managing their capacity or published admission numbers.
- Propose new DfE policy on setting up new schools, parental preference, or the academy system.

This guidance is not intended to be an authoritative interpretation of the law: only the courts can provide that. You should obtain your own legal advice where necessary.

Purpose

As a local authority with education responsibilities, you already provide evidence of education need and demand for use by planning authorities in plan- and decision-making. This guidance draws on existing good practice and is intended to help you establish a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for education in that area. This guidance is not intended to replace local approaches, which often provide detail on matters including but not limited to:

- Education projects developer contributions may fund.
- The approach to seeking contributions for education from affordable housing.
- Types/sizes of homes that will be excluded from calculations of developer contributions.
- The minimum viable size of new schools.
- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.
- Contributions 'in kind,' including direct delivery of school infrastructure (both land and construction) by a housing developer in lieu of a financial contribution.
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- Standard planning obligation clauses.

As local approaches to securing developer contributions for education are reviewed, they should take account of the latest National Planning Practice Guidance, this guidance, the department's guidance on estimating pupil yield from housing development,¹ and the accompanying Pupil Yield Dashboard, as well as local contextual information such as changes to local planning policy and recent appeal history. This approach will help you inform local planning authorities effectively about the need for developer contributions

¹ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

towards education infrastructure, supporting them in their policy-making and decision-making functions.

Mechanisms for securing developer contributions

1. Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). This system of developer contributions will be reconfigured over time by the introduction of a new Infrastructure Levy, with remaining use of Section 106 agreements for limited purposes and on particular sites. The detail of how the Infrastructure Levy will operate will be set out in regulations which will be consulted on.

2. The Department for Levelling Up, Housing and Communities (DLUHC) intends to introduce the Levy through a “test and learn” process, meaning that the existing system will remain in place in most areas for the foreseeable future, as the new system is rolled out incrementally over several years. That means that CIL and Section 106 will remain the standard means of securing developer contributions for local authorities before the new Infrastructure Levy is fully adopted, and therefore this guidance focuses on the existing system.

3. CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation, or maintenance of a wide range of infrastructure, including education facilities. Alternatively, a Section 106 planning obligation can secure a developer contribution by agreement with the local authority, allowing funding to be ringfenced for education facilities. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests set out in the CIL Regulations². The obligation must be:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

4. An infrastructure project may receive funding from both CIL and Section 106. We advise you to work with local planning authorities in devising their approaches to securing developer contributions, to consider the most appropriate mechanism (Section 106 planning obligations and/or CIL) to secure contributions from developers towards education facilities alongside other infrastructure funding priorities. The most appropriate route for funding education infrastructure may be affected by a local authority’s other infrastructure funding priorities, and we recommend working closely with the local planning authority to agree the best approach.

² Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended): <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

5. When CIL funding is known to be insufficient or will be allocated to other, non-education infrastructure projects, and development will have a direct impact on education provision, we recommend close working with local planning authorities to agree using Section 106 planning obligations to secure the contributions. In two-tier local authority areas, the county council is often a signatory on the Section 106 agreement and the agreed education contributions are paid directly to the county council. This is considered best practice, ensuring efficient transfer of land and/or funding to the relevant local authority.

6. Pro-active engagement with local planning authorities should be undertaken during the preparation stage of CIL charging schedules, including during the mandatory consultation stage, to ensure viability considerations are fully considered when CIL rates are being set. You can also ask a CIL charging authority to review their existing CIL rates in areas where CIL charges are already impacting on viability considerations around the development of new or improved schools. CIL charging authorities can set zero or very low rates of CIL for uses of development (“use” in its wider sense, unconstrained by the Use Classes Order) where viability evidence demonstrates this to be appropriate. This engagement with local planning authorities is essential to ensure that the development of schools, and the significant public investment in community infrastructure that a school already represents, is fully considered during the CIL rate-setting process. This includes the setting of rates for specific types of development, and the setting of catch-all rates such as rates intended to apply to “all other development,” in which it is important that the impacts on school development are fully considered.

7. It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on up-to-date pupil yield factors.
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries.
- Available sources of funding to increase capacity where required.
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.

8. The local authority providing children’s services is not always the charging authority for the purposes of collecting and distributing CIL. Effective on-going communication between teams responsible for planning and education is essential to ensure that education infrastructure needs and costs are factored into decisions about policy requirements and delivery mechanisms. In two-tier areas where education and planning responsibilities are not held within the same local authority, you should discuss with the local planning authority the most effective mechanism for securing developer contributions for education. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty, subject to negotiation between developers and the local authority, over the amount and timing of the funding you need to deliver sufficient school places.

9. Local authorities are expected to use all the funding received by way of planning obligations, as set out in individual agreements, for a period of at least 10 years from the date of last payment, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used and allow for their return after an agreed period if they are not used.

10. Allowing enough time for developer contributions to be used is particularly important for large developments that will include a new school. The timing of school delivery is usually dependent upon the housing build rate and new schools can only open when there are enough pupils to make them viable, or the revenue shortfall will be funded by other sources such as developer contributions until the minimum viable number of pupils has been reached. Also, large developments building out over many years may not generate significant numbers of secondary school pupils until after several years, so any time limits on the use of developer contributions for secondary education should be carefully considered. You should work with the local planning authority to agree appropriate clauses in planning obligations and the timing of transfer and use of any CIL funding.

11. The DfE's Basic Need grant, free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. When the DfE central free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site from the local authority on a peppercorn (zero or nominal rent) basis and make use of developer contributions towards construction. National Planning Practice Guidance explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will be provided.³

12. Basic Need allocations do not factor in the cost of land acquisition, so it is particularly important that any land required within larger development sites for schools is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) from cumulative developments are secured for standalone school sites if you need to purchase them on the open market.

13. While Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. When you have a reasonable expectation of developer funding being

³ Planning practice guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>. Construction costs include ICT and furniture and equipment required for the delivery of the school.

received for school places based on relevant reports and evidence,⁴ you should be in a strong position to secure these places through developer contributions when individual proposals come forward. Basic Need and other DfE capital funding should not be considered available in these circumstances.

14. When education facilities must be provided in advance of developer contributions being received (for instance, due to viability constraints), local authorities can make use of borrowing powers, including borrowing from the UK Infrastructure Bank or the Public Works Loan Board, capital reserves or other local authority funds. We recognise the inherent risks with forward funding, and it is always preferable for developer contributions to be secured upfront wherever possible, though circumstances will vary among local authorities.

15. When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent. Where this model is envisaged, we recommend that you engage with the local planning authority before forward funding occurs to ensure they support this approach. The CIL Regulations prohibit borrowing against future CIL receipts, so this method of forward-funding only applies to planning obligations at present.

16. Local authorities can also bid for funding under government grant programmes as they become available, while developers delivering schools directly as an ‘in kind’ contribution may be eligible for loan funding from Homes England, allowing a new school to be delivered at an earlier stage in the development than would have been possible otherwise.⁵

⁴ For example, you have declared developer contributions in your SCAP return (or plan to do so) or in relevant school place planning strategies, or evidence documents such as Infrastructure Delivery Plans or committee reports.

⁵ <https://www.gov.uk/guidance/levelling-up-home-building-fund-development-finance>

Evidence of pupil yield from housing development

17. Pupil yield factors should be based on up-to-date evidence from previous local housing developments, so you can predict the education needs for each phase and type of education provision arising from new development. To understand how pupil yield builds up in developments over time, you can consider pupil yield from developments completed 10 or more years ago as well as those built more recently. You are under no obligation to review pupil yields continually, but we recommend refreshing your data approximately every five years.

18. Pupil yield factors allow you to estimate the number of early years, school and post-16 places required as a direct result of development, underpinning local plan policies and the contributions agreed in planning obligations. We have published separate research data and guidance on estimating pupil yield, to assist local authorities producing and using pupil yield evidence.⁶

19. When assessing development proposals and their impact on local education provision, you can only justify securing developer contributions for the proportion of pupils that would have no available school place when forecast local school capacity has been taken into account, unless the site is large enough to require a new onsite school, which would normally be expected to meet the full need from the development. We recognise the challenges of forecasting local school capacity when developments may commence long after your usual forecast periods, or build out more slowly than anticipated, while cumulative development in the meantime may take up this forecast capacity. Paragraphs 76-80 provide options for how you can manage this risk.

Pupil yield from affordable housing

20. Affordable housing typically generates more pupils than market housing. In some locations, families occupying affordable housing may be more likely to move house within the same local area and will not necessarily lead to a net increase in the demand for school places in the short-term. However, in areas where local authorities prioritise allocation of homes to families on waiting lists, affordable housing may be more likely to be backfilled by families in need. Both market and affordable housing development increase the population in a pupil planning area⁷ and create permanent demand for school places. Our guidance on estimating pupil yield from housing development provides further advice on developing and using affordable housing pupil yield factors, recognising that additional local analysis may be required to understand differences in

⁶ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

⁷ Pupil planning areas are defined in guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

pupil yield from different types of affordable housing such as shared ownership and affordable rent.⁸

21. When you contribute to local plan preparation and discuss developer contributions with planning colleagues, we recommend that you describe the expected pupil yield from each tenure type to ensure all parties understand the total education need arising from the development. It is particularly important that the pupil yield from affordable housing is included in any developer contributions of land being negotiated, to ensure large enough sites are secured for new schools. While local planning authorities make their own policy decisions about how and when to secure developer contributions towards education, providing evidence of the level of need from both market and affordable housing will assist in the production of the local plan evidence base and the consideration of development impacts on education infrastructure when planning applications are determined. When the proportion of affordable housing to be delivered in a development scheme is unknown, you can apply combined average pupil yield factors or an assumed housing mix instead.

22. Higher pupil yields and therefore higher education costs associated with affordable housing should be recognised as part of the consideration of development viability when you engage with local planning authorities on plan-making and development proposals. Local planning authorities assess development viability and may decide not to fully fund the school places from CIL or pursue Section 106 developer contributions to meet the full education need if this would compromise the delivery of housing or other essential infrastructure. However, robust pupil yield data should help you to demonstrate the level of education need generated by development. The evidence you provide to local planning authorities should enable balanced judgement and a clear understanding of how policy decisions on matters such as affordable housing targets would affect the deliverability of infrastructure that is necessary to mitigate the impact of development.

Pupil yield evidence by education type and phase

23. While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2-year-olds and the 30 hours funded childcare offer for 3-4 year olds. Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery.

⁸ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

Developer contributions have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings.

24. You are also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19, including securing sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.⁹ When assessing post-16 requirements, any pupil yield data you produce in addition to the department's own research should identify the number of learners living in previous local housing developments, aged 16-19 (without an EHC plan) and up to the age of 25 (with an EHC plan).

25. We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development. Expansions to FE colleges are unlikely to be funded through planning obligations, but local planning authorities may allocate CIL for strategic expansion or enhancement of these facilities for a growing regional or sub-regional population.

26. To determine the need for SEN provision, pupil yield data should identify the number of children and young people living in local housing developments who attend special schools, alternative provision including pupil referral units, and SEN units and resourced provision within mainstream schools. It is reasonable to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. The ability of special and alternative provision schools to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special school/SEN places generated by a development, where there is a documented need for additional SEN provision.

27. Pupils attending special schools and alternative provision are typically drawn from a larger area than mainstream schools, and this should not affect your consideration of whether a planning obligation meets the legal tests outlined in paragraph 3. However, if the local authority identifies a shortage of specialist places for children and young people in a local authority area, resulting in a significant number having to travel a long way to access an appropriate placement, local authorities will need to consider creating or expanding specialist provision, either attached to mainstream schools or in special schools.

⁹ <https://www.gov.uk/government/publications/participation-of-young-people-education-employment-and-training>

28. You can seek developer contributions towards the cost of this enhanced local provision, applying the appropriate pupil yield factors to determine the level of need generated by development. You can substantiate your requests for developer contributions by compiling additional evidence of need for specialist provision, including the proportion of the pupil population with EHC plans or receiving SEN support, and the number of specialist places needed compared to those available in state settings within your local authority. If you currently rely heavily on provision outside your area and/or independent provision at a significant distance from pupils' homes, this can indicate a shortfall in specialist provision which will be exacerbated by additional housing development and could be mitigated by developer contributions.

29. We advise you to identify a range of specialist SEN or other non-mainstream projects and ensure that planning obligations allow you the flexibility to direct funds within an appropriate period. Non-mainstream provision does not conform to standard class sizes, these being determined according to need. While you can pool contributions towards a new classroom in a special school or SEN unit at a mainstream school, it is equally valid to seek contributions for school building alterations that increase a school's capacity to cater for children with SEN, such as additional space for sensory rooms, facilities to teach independent living skills or practical teaching space.

30. It is not necessary to disaggregate the SEN pupil yield factor according to different complex needs. All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is occupied. Site-specific factors will always need to be considered, but a robust local authority-wide pupil yield factor based on evidence from local housing developments will often be sufficient to demonstrate that this need is reasonably related in scale and kind to the development.

Costs of provision

31. You are not expected to produce site-specific feasibility studies or cost plans for school build/expansion projects when planning applications for housing development are under consideration, as this is extremely resource-intensive, and it is unknown if development proposals will be permitted or what circumstances will have changed by the time permissions are implemented. The amount of money that you seek to secure through developer contributions for education infrastructure should reflect the typical cost of providing school places in your region, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.

32. We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school places scorecard.¹⁰ This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the regional average to account for inflation since the latest scorecard base date.¹¹

33. In addition, consider uplifting rates to reflect the costs associated with achieving the sort of sustainability and design standards set out in the department's updated School Output Specification 2021¹² (or a future update which is relevant to the timing of a project). The department has uplifted Basic Need grant funding by around 10% to support local authorities meet the costs associated with achieving these sorts of standards. This percentage may be a useful basis for an uplift to developer contributions, though current local planning context such as additional climate change, environmental or design policy requirements may justify an alternative uplift.

34. We recognise that scorecard costs are based on historic projects that may have been built to former standards.¹³ This uplift approach should help deliver school capital projects to higher sustainability standards, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. We recommend the use of index linking, such as the BCIS All-In Tender Price Index (TPI), when developer contributions are discussed at planning application stage and in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

¹⁰ <https://www.gov.uk/government/collections/school-places-scorecards>

¹¹ Further guidance on doing this is available with the school place scorecards (see the [technical notes](#)).

¹² <https://www.gov.uk/government/publications/employers-requirements-part-a-general-conditions>

¹³ Basic need allocations 2025-26: Explanatory note on methodology, <https://www.gov.uk/government/publications/basic-need-allocations>

35. Where you have a reasonable expectation of higher costs based on local planning policy requirements, known site abnormalities or recent trends of higher delivery costs for projects in your area, these can be used in preference to the regional average in the school places scorecard.

36. Developer contributions for early years provision will often be used to fund places at existing or new school sites, incorporated within primary schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school, unless you have alternative local/regional cost data for new or expanded standalone settings (either maintained or PVI sector) that more accurately reflect the type of new early years provision required in your area. Similarly, sixth form places provided within secondary schools will cost broadly the same as a secondary school place. The technical notes accompanying the school places scorecard include advice on how to apply costs per place when the local schools operate a three-tier system of education.

37. Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. Many local authorities set the costs of special or alternative provision school places at four times the cost of mainstream places, consistent with the additional space requirements in Building Bulletin 104.¹⁴ You can also refer to the National School Delivery Cost Benchmarking report¹⁵ and published free schools cost data¹⁶ for the costs of delivering special school places. Use local or regional evidence where appropriate to demonstrate higher costs of specialist provision compared to mainstream.

38. Developer contributions that mitigate the impact of development on education provision should be recognised as necessary in principle. As set out in paragraph 13, while DfE capital funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. This ensures the most responsible and efficient use of limited public funds.

39. Planning Practice Guidance sets out the government's expectations regarding developer contributions and viability assessment with regard to education provision.¹⁷ Using evidence of need and cost as advised in this guidance, viability assessments can identify a Section 106 cost for education per dwelling that development can fund

¹⁴ <https://www.gov.uk/government/publications/primary-and-secondary-school-design/primary-and-secondary-school-design>

¹⁵ <https://ebdog.org.uk/article/cost-of-school-buildings-national-benchmarking-study-2021-22-now-available-and-2022-23-submissions-now-requested/>

¹⁶ <https://www.gov.uk/government/publications/capital-funding-for-open-free-schools>

¹⁷ Planning Practice Guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>

alongside other infrastructure and affordable housing (testing the effect of different affordable housing policies), to ensure that any proposed CIL rate represents the realistic headroom that is available after site-specific impacts of development have been addressed.

40. Even if viability assessment determines that development in the area cannot fully fund the cost of education infrastructure, accurate evidence of need and cost allows all parties to plan effectively and reduces the risk of renegotiation/reduction of developer contributions in future. You should assist local planning authorities in setting out education requirements clearly in local plans and evidence base documents, such as Infrastructure Delivery Plans and Infrastructure Funding Statements.

Identifying education projects

41. Local plans and other planning policy documents should set out the expectations for contributions from development towards infrastructure, including education of all phases (age 0-19) and special educational needs.¹⁸ We advise local authorities with education responsibilities to work jointly with local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school expansion and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision should be required.

42. Depending on local admission arrangements and patterns of parental preference, children living in a development might reasonably attend any school within the pupil planning area (or even an adjoining one in some cases), and you should not assume that they will all attend a particular school unless there are no likely alternatives. The best option may be to expand another school to free up capacity in the nearest school, as this reclaimed capacity would meet the need from the development (in compliance with the Section 106 tests) while balancing out admissions across the planning area and reducing school trips by car (see paragraphs 85-92).

43. In accordance with national planning policy and guidance, we anticipate that housing development which gives rise to additional pupils will only be planned in locations that are, or will be made, environmentally sustainable. Using connectivity metrics that indicate public transport accessibility or active travel provision can help identify what transport measures could be required to mitigate impacts and promote sustainable travel.

44. You should advise local planning authorities of the consequences of allocating/permitting developments that have no school within safe walking distance and will require permanent public investment in home-to-school transport or generate significant additional trips, for pupils to access their nearest available schools. As well as the cost burden this imposes on the local authority, there may be lasting harm to the environment and public health through increased carbon emissions and detrimental impacts on air quality, which the local planning authority will weigh against any perceived benefits. Consider recommending refusal of planning applications when no suitable

¹⁸ Planning practice guidance on planning obligations, paragraph 008:
<https://www.gov.uk/guidance/planning-obligations>

solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments.

45. When there is no suitable solution for sustainable access to school but a local planning authority (or Planning Inspector) is still minded to approve a development, you can seek developer contributions towards the cost of home-to-school transport for an agreed period, such as three years following the occupation of dwellings to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. The department does not fund most home-to-school transport directly; the majority comes under the local government settlement administered by the Department for Levelling Up, Housing and Communities. Home-to-school transport receives no ringfenced funding of its own, and there are many competing demands on funding from the local government settlement.

46. When housing development will create a permanent need for home-to-school transport, including transport to special schools and alternative provision, work with local planning authorities to ensure that developer contributions are identified as an expected source of funding in pre-application correspondence, Infrastructure Funding Statements, Infrastructure Delivery Plans, and any other relevant parts of the local plan evidence base. It remains our preference for new school places arising from housing development to be created only in sustainable locations, accessible either via a safe active travel route or by public transport.

47. We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, or list all schools in the pupil planning area, if any of the identified options would address the needs from development and comply with the Section 106 tests. This will help you respond to changing circumstances and new information, such as detailed feasibility work leading you to abandon a preferred expansion project.

48. In locations where emerging or adopted local plans propose housing growth, we advise you to carry out a high level assessment of whether schools in the area can expand or increase capacity through other alterations, in discussion with schools and academy trusts, and including an assessment of whether significant changes to the schools' physical capacity would accord with the department's statutory guidance at that time.¹⁹ Also identify site options for any new schools (within proposed housing developments or on standalone sites) that are likely to be required over the plan period. Including suitable projects in Infrastructure Funding Statements will ensure that developer contributions are clearly identified as the funding source where new schools,

¹⁹ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

expansions or alterations are required. This background work will also minimise the risk of a specified school project in a planning obligation proving undeliverable. Planned expansions to academies may require an agreement between the local authority and academy trust to ensure that school places provided by developer contributions are commissioned/delivered appropriately.

49. You can seek developer contributions towards the cost of offsite works that are required to deliver a new school or school expansion associated with housing development, such as traffic management measures, school streets, better streets for cycling, walking and people, to promote active travel.²⁰ Alternatively, these works can be secured as highways obligations under a Section 278 agreement. Consult local highways teams on the extent and cost of offsite works, which should be carried out ahead of new school provision becoming available.

50. Housing developments may also provide an opportunity for Biodiversity Net Gain (BNG) to be delivered on the sites of existing or new schools.²¹ While this is not a requirement from a school place planning perspective, housing developers that are required to provide BNG either within a large mixed use site containing a new school, or offsite when all onsite options have been exhausted, may be interested in using education land for this purpose. We recommend working with local planning authorities, schools, and environmental services to identify opportunities for housing developers to use education land to provide offsite habitats associated with the BNG requirement of development, in addition to any contributions towards the creation of new school places that are required due to housing development.

51. It is important that BNG provision is not seen as an alternative to the creation of additional school places that are necessary to make a development acceptable in planning terms. Your priority will be the sufficiency of school places, while the developer's obligation to provide BNG will exist regardless of whether education land is used. Any proposal for BNG on education land will require careful consideration of how its provision can be integrated alongside existing school uses and how the maintenance of BNG provision will be undertaken. Provision of any BNG areas on school land will need to be secured for 30 years. Development on any BNG areas in future will require additional improvements, posing an additional site constraint. Any use of school land to satisfy BNG requirements of housing developments should not restrict future school expansions, use of school land (current and future) to enable delivery of the curriculum, or result in a shortfall of minimum BB103/104 areas.²² Any BNG provision on school land that is

²⁰ <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

²¹ The Environment Act 2021 requires a minimum of 10% Biodiversity Net Gain from development. The Planning Advisory Service provides more information about these requirements: <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

²² <https://www.gov.uk/government/publications/area-guidelines-and-net-capacity>

compatible with the site should maximise use of the school itself in terms of climate resilience and education. Development of educational facilities will also be required to meet BNG requirements under the Environment Act and local plan policies.

Safeguarding land for schools

52. National Planning Practice Guidance advises on how local planning authorities should prepare plans and take account of education requirements.²³ We advise you to work with local planning authorities and developers to ensure your long-term pupil place planning objectives are reflected in the development plan and supplementary planning documents.²⁴ Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase. To embed sustainable travel patterns at these sites, you can use connectivity metrics that highlight the accessibility of public transport and active travel, to inform your engagement with planning colleagues formulating local plan policies.

53. When development proposals come forward on non-allocated sites that are large enough to justify a new school, it is equally important that sufficient suitable land is safeguarded for education, and you should advise local planning authorities of the education requirement as early in the planning process as possible, ensuring that education land required to serve the development is provided (freehold) at the appropriate time and at no cost to the local authority.

54. You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. 'Future-proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.

55. While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for landowners to secure planning consent for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and

²³ Planning practice guidance on healthy and safe communities, paragraphs 007 and 008: <https://www.gov.uk/guidance/health-and-wellbeing>

²⁴ The development plan is defined in Section 38 of the Planning and Compulsory Purchase Act 2004, and comprises the spatial development strategy, development plan documents and neighbourhood development plans. <https://www.legislation.gov.uk/ukpga/2004/5/contents>

prevents such land being usurped by uses with a higher development value. Land equalisation approaches can be used in multi-phase developments to ensure the development ‘hosting’ a new school (and any additional safeguarded land) is not disadvantaged.

56. The market price for the land will depend on its permissible uses. Land allocated for educational use in a local plan would usually have limited prospect of achieving planning permission for any other uses. As a general principle, the value of education land should be considered substantially lower than that of residential land. The process and basis of valuation should be set out in the Section 106 agreement, and valuations should be conducted by an appropriately qualified valuer. National Planning Practice Guidance provides advice on land valuation for the purposes of viability assessment.²⁵

57. The use of compulsory purchase powers may have a potential role in supporting the delivery of new education facilities.²⁶ However, it is a tool of last resort and compulsory purchase orders (CPOs) may only be confirmed (approved) where an acquiring authority has made efforts to acquire the land by agreement and it can demonstrate a compelling case in the public interest exists for the use of compulsory purchase powers. Where an acquiring authority seeks to acquire land for the purposes of providing education facilities via a CPO, its justification for doing so may be strengthened if the site is allocated for such a use in an up-to-date development plan.

58. Where new schools are planned within housing developments, consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate specification and pre-application support from the local planning authority. This removes the risk for local authorities of an affordability gap between Section 106 agreed contributions and the actual cost of delivery several years later, even once adjustments for inflation have been applied. However, this approach is not without procurement challenge risk, and you may wish to take specific legal advice when developer delivery is the preferred option. General advice on complying with subsidy control and public procurement legislation is provided in the Annex.

²⁵ Planning practice guidance on viability, paragraph 013: <https://www.gov.uk/guidance/viability>

²⁶ Section 8 of CPO guidance on enabling powers for educational purposes: <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>

Strategic developments and new settlements

59. New communities are one way of planning for housing growth at the scale required to meet the country's housing needs. In recent years, the government has supported a number of garden communities and other strategic developments under the Garden Communities Programme, Housing Infrastructure Fund, Levelling Up Fund, and other programmes/initiatives.

60. Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing, risking unacceptably low pupil numbers or drawing pupils from existing schools, threatening their viability and resulting in unsustainable travel patterns. We advise local authorities with education responsibilities to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference. Many local authorities find the best approach is to open a school at the stage in the development where there is expected to be a viable number of pupils to admit into Reception (which varies but can be around 20 pupils), adding one new year group each academic year until all seven year groups are in place.

61. Regardless of the opening strategy (filling from the bottom up or opening all year groups simultaneously), schools can be constructed in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required, and transport costs for pupils travelling further than the statutory walking distance.²⁷ This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, if the admission arrangements for the school offer a high priority for admission for children living in the development area, subsequent pupils will usually take up these new school places over time.

62. As far as possible (and often in relation to primary schools only), new settlements and urban extensions large enough to require a new school should be expected to meet their full education requirement. Where an onsite school is required, it should be large

²⁷ The statutory walking distances are set out in Section 444(5) of the Education Act 1996 and the Home to School Transport guidance: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

enough to meet the need generated by the development, based on standard class sizes and forms of entry. For example, a development that generates 400 primary school places would require a standard two forms of entry (2FE) school.

63. The capacity of existing primary schools beyond reasonable and safe walking distance does not need to be considered when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns for young people, while helping housing developments mitigate their impact on the environment by reducing the need for pupils to travel by private car or school transport. We recognise that secondary school planning areas are larger and there may be no realistic option for walking or cycling to school, but this is mitigated by local planning policies that direct most development towards locations with access to public transport. We advise you to engage in both local development plan and local transport plan-making processes to help ensure that new education infrastructure is in as sustainable a transport location as possible.

64. When a new onsite school is proposed to be built early in the development of an urban extension or new settlement, you will naturally consider the effect this might have on parental demand and the viability of existing schools. To minimise detrimental impacts on existing schools while supporting local planning authorities to plan new communities, you should work with school providers and the relevant Regional Director to promote opening strategies that will maintain equilibrium in school populations across your area. This can include phased delivery, with the initial phase future-proofed for future expansion (such as an oversized assembly hall and dining area) and land safeguarded for the school's expansion when need builds up over a lengthy period, though it is important to secure commitment to the delivery of later phases. Any subsequent conversion of non-teaching space into teaching space capacity would be subject to the 'significant change' process, if the works create space for more than 30 pupils.²⁸

65. You should also work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at the appropriate time. If early school delivery is required, the school site must be identified and agreed at an early stage, giving consideration to its accessibility and condition at the point of transfer.

66. If a new school opens in a single phase below its full capacity while it awaits pupils moving to the development, this does not represent an available surplus for other developments assessing their own impact and mitigation unless circumstances have changed for the original development, such as a redesign of later phases which will give rise to fewer pupils than previously planned. Complementary uses that share the school

²⁸ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

site can be considered for a temporary period while a new school fills. In practice, you may prefer to deliver the school in phases using modular construction methods, linking capacity more closely to emerging need, though the initial phase must still provide a viable sized school.

67. New housing tends to attract more young families than older housing, yielding higher numbers of pupils particularly in the pre-school and primary age groups, though this can stabilise over time until the development resembles the mature housing stock. We advise you to respond to forecast peaks in demand, such as planning for modular or temporary classrooms where appropriate, working with schools to consider admitting above the Published Admission Number (PAN) for a limited period, and securing a large enough site to meet the maximum need generated by the development. Our guidance on estimating pupil yield from housing development provides further advice on planning for peaks in pupil numbers.²⁹ Where new settlements are planned, we recommend that demographic modelling is conducted to understand education requirements in more detail, taking account of similar developments and different scenarios such as an accelerated build rate.

68. Also consider if there are sustainability, efficiency, and educational benefits in relocating an existing school, for example where a development is large enough to require a new secondary school, but it would be too close to an existing secondary school, both of which would be relatively small. Such reorganisation of the school estate, relocating and expanding an existing school on a development site, may be necessary to make the development acceptable in planning terms, if the alternative distribution, size, or condition of schools would be unsustainable. In some cases, multiple developments are creating this need for a new/relocated school, and you should work with local planning authorities and developers to identify the most suitable site (provided at no cost) and equitable contributions from the other development sites towards the cost of construction. Proposed changes to an existing school are subject to following the relevant process, depending on the category of the school.³⁰ We advise that you work collaboratively with local planning authorities to ensure your objectives for the school estate are reflected in planning policies and decisions.

69. There is often a degree of uncertainty around the delivery of urban extensions and new settlements, in view of the long timescales involved, multiple developers and changeable market conditions. The build rate of development may be slower than anticipated, while land provided for a school may need to be returned to a developer if it is not used within an agreed period. Therefore, consider the clauses within planning obligations if they impose any time restriction on the use of transferred education land,

²⁹ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

³⁰ <https://www.gov.uk/government/collections/school-organisation>

and the potential for the overall phasing of developer contributions to cause delays. Where land must be returned to a developer, this should be on the same terms as it was given; land provided by free transfer should be returned as such.

70. We recommend that you work with local planning authorities to agree Section 106 templates recognising The National Design Guide³¹ and associated National Model Design Code to achieve well-designed places, and the department's Design Standards,³² to develop standard education clauses, schedules and annexes regarding site specifications and any other relevant matters, to form the basis for early negotiations with developers and other interested parties.

71. To support the delivery of strategic development at pace, you may decide to forward-fund school provision within an urban extension or new settlement, using Basic Need funding or local authority borrowing if necessary and recouping these costs later through developer contributions secured by a planning obligation. While we recognise there are some inherent risks to this, our position on the use of Basic Need funding and other forward-funding options is set out in paragraphs 13-16. There should be an audit trail to demonstrate that developer contributions were planned as the funding source from the outset, such as references in Infrastructure Delivery Plans or other evidence documents, and pre-application correspondence. The fact that a local authority has delivered a school in advance of receiving agreed developer contributions is not a justification for renegotiating a Section 106 agreement or withholding CIL.

³¹ <https://www.gov.uk/government/publications/national-design-guide>

³² <https://www.gov.uk/government/collections/school-design-and-construction>

Assessing capacity in existing mainstream schools

72. Children moving into non-strategic/cumulative developments will usually attend existing schools rather than new provision if those schools have sufficient capacity or can be expanded. When it is not feasible for local schools to accommodate pupils from new housing development either through surplus places or expansion, developer contributions may be required towards a new school, including site acquisition where necessary.³³

73. The department publishes the recorded built capacity (the number of pupils the school can accommodate) for all schools in England.³⁴ In practice, the number of places available in a school is determined by the PAN for that academic year, based on standard class sizes and multiplied across all year groups. For instance, a primary school might admit 60 Reception pupils per year (two classes of 30 pupils), aggregated to 420 pupils across all seven year groups. When there is strong local demand for places, schools may increase their PAN or admit pupils above PAN if they have the space to do so, subject to the procedures set out in the Admissions Code.³⁵ When considering capacity for the purposes of securing developer contributions, we recommend you use aggregated PAN as the capacity figure unless built capacity is far in excess of PAN, as this capacity should be utilised before developer contributions are required for new school places. We recognise that the admission authority for an academy is the academy trust and you do not control their PAN, but you should seek to negotiate and agree changes with academy trusts where appropriate as part of your coordination of admissions across your area.

74. When predicting the impact of a proposed development on education provision, local authorities assess whether there will be enough capacity in existing schools to accommodate the number of pupils anticipated at the time the development is expected to be built. These assessments take account of birth rates, existing children in education, predicted population change and established patterns of pupil movement and parental preference. Available capacity now does not necessarily mean there will be capacity when the development is building out and being occupied, if children already living in the area are forecast to need the school places or other developments have already been approved but not yet implemented and will make use of that spare capacity. Existing temporary school capacity should not be included unless there is a funded plan to make it permanent.

³³ Factors affecting the feasibility of school expansion include (but are not limited to) academy willingness to expand, school performance issues, highways/offsite issues, physical limitations of a site/building, heritage, and environmental constraints (e.g., listed buildings and flood plains), and the viability of expansion compared to a new school.

³⁴ <https://explore-education-statistics.service.gov.uk/find-statistics/school-capacity>

³⁵ <https://www.gov.uk/government/publications/school-admissions-code--2>

75. It is important that both academy trusts and maintained schools collaborate with local authorities to enable school expansions where and when they are needed, taking into account unused capacity. When a school is unable/unwilling to expand or there is a risk that an agreement to do so will be withdrawn, alternative options for meeting the need from a development should be considered, including requiring delivery of a new free school when justified by the level of housing growth.³⁶ Developer contributions from multiple developments may be pooled for this purpose. Planning obligations can include flexible options for meeting education needs, provided they would be directly related to the development, necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development.³⁷

Deferring school capacity assessments

76. Forecasting schools' capacity to accommodate children from housing development is sometimes complicated by the fact that a development will not start generating pupils for many years. Due to this inherent uncertainty in predicting future school capacity at planning application stage, you may wish to adopt policies in local pupil place planning strategies and education contribution methodologies that allow for the final assessment of available school capacity to be conducted once development has been commenced or an appropriate number of properties occupied. Where local planning authorities are supportive of this approach, Section 106 agreements can make provision for a maximum developer contribution based on no local school capacity being available. The agreement can require that the local authority reviews this when the development commences, adjusting the contribution according to current school capacity and up-to-date forecasts at that time.

77. The Section 106 agreement can ensure that any education contributions that are not required will be redistributed to other identified infrastructure projects if contributions to these projects had previously been reduced on viability grounds. This allows greater certainty that the level of contribution is commensurate with the impact of the relevant development when it comes forward and can also take account of actual housing types and sizes relative to pupil yield and capacity. This prevents a developer contribution from being underestimated, while ensuring that the contribution payable fairly reflects the need for mitigation when the development is built.

³⁶ This includes providing underwriting to support the school as it grows. Free schools delivered through the central free schools programme receive pre and post opening revenue funding from DfE.
<https://www.gov.uk/government/publications/mainstream-free-school-revenue-funding>

³⁷ These are the legal tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

78. Using this approach, the maximum developer contribution for education infrastructure cannot be increased, other than through index-linking for inflation; it can only remain the same or be reduced, depending on the latest evidence of a development's impact on local education infrastructure. However, deferring final assessments of education infrastructure needs may have resource implications, as well as needing the support of planning colleagues, so the use of this approach will depend on local circumstances. Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the precise terms of it, taking into account wider issues such as viability and the CIL Regulation 122 tests in each case.³⁸

79. The same principle can be applied to securing funding from CIL reserves, with the maximum cost of additional school provision factored into evidence documents such as Infrastructure Delivery Plans and reduced where possible at the point funding is sought from a CIL collecting authority.

80. This approach to deferring assessment of school capacity will require the support of local planning authorities, so you should engage positively with them when drafting new policies and standard review clauses for Section 106 agreements, ensuring that these form part of the local plan's evidence base and can influence plan preparation and decision-making. We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation. However, if you start with the maximum mitigation that could be required and commit to review this later, an insufficient total amount secured by the local planning authority may stretch further if local schools have some capacity when the development commences. This might allow the developer contribution to fund all or most of the capital cost of providing the new school places where previously that had not been considered possible. Again, it remains a matter for the LPA and developer to agree terms of the Section 106 agreement taking into account wider issues such as viability and other infrastructure needs, and the CIL regulation 122 tests in each case.

Protected surplus

81. Local authorities are expected to retain a margin of unfilled places to be able to operate their admissions systems effectively. For example, to offer places to children whose families move mid-year and to provide for parental choice. Local authorities should balance this against the need to manage the local school estate efficiently and reducing or re-purposing high levels of spare capacity, in order to avoid undermining the

³⁸ The Community Infrastructure Levy Regulations 2010 (as amended):
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

educational offer or financial viability of schools in their area. The precise amount of surplus capacity that is appropriate will vary around the country depending on local patterns of net migration and churn in the pupil population.

82. The department's Basic Need funding calculation includes a 2% operating margin at planning area level to help support parental choice, churn in the pupil population, and the general manageability of the system. Local authorities may apply different operating margins at different levels, such as planning area or local authority level, to reflect their local circumstances. Such an operating margin is there to provide the kind of operational flexibility described above, rather than meet the need for additional school places arising from proposed developments. It is important that the evidence and reasoning behind capacity assessments and protected surpluses are properly explained to planning colleagues if they are to have confidence in education funding requests and be prepared to defend these at appeal if necessary.

Cross-border capacity assessment

83. Occasionally pupil planning areas draw pupils from more than one local authority, so the schools most likely to receive pupils as a result of a development may be in a different local authority area from the one determining the planning application. When this happens, close collaboration will be required between the relevant local authorities and developer to determine what developer contributions (if any) are appropriate.

84. The local authority determining the planning application can secure developer contributions towards education provision for children living in its area, and this funding can be used to commission the provision of new school places in the adjoining local authority area. Local authorities are free to invest in the provision of places lying outside the local authority's boundaries, if they believe that the capital investment will improve the quality and range of provision available to the children for whom it is responsible. Otherwise, an alternative school that is within the planning area and also within the same local authority as the development might be expanded, reducing cross-border migration. The most suitable solution will depend on local circumstances, and, in areas where pupils travel regularly across local authority borders, we encourage you to work with neighbouring authorities to consider solutions that may benefit pupils on both sides of the border.

Schools to include in capacity assessments

85. In many cases, assessment of mainstream school capacity available to a proposed development can be conducted at pupil planning area level,³⁹ taking into account the forecast capacity at all schools the pupils living in the development might reasonably attend, and the options for school expansion. This provides a clear functional and geographical link between the need generated by the development and the additional school capacity being created.

86. The amount of capacity in existing schools that should be considered ‘available’ can be contentious if there is a trend of out-of-catchment admissions at the schools nearest to the proposed development. A catchment area is distinct from a pupil planning area, typically only containing a single school for that education phase (primary or secondary), though not all admissions authorities operate catchment areas at all. Assessing capacity across the entire pupil planning area may help to recognise and respond to these pupil migration patterns, so if necessary you can expand another school in the planning area rather than the school nearest to the development.

87. Sometimes the most suitable school to expand will be a school that typically admits pupils from a wider area, such as a faith, selective, or single-sex school, even though not all families moving into the development may be prioritised for admission. Increasing capacity at a popular school of this type can free up capacity at other schools within the planning area, which will then be available to pupils from the development, although we recommend this is assessed case-by-case and such a school only expands when sufficient admissions currently come from within the pupil planning area to make that trade-off a reality.

88. When children living in a proposed development might reasonably attend schools in more than one planning area, it may be appropriate to consider the proportion of pupils who are likely to attend schools in each planning area, based on an analysis of current pupil migration. When pupil planning areas are of a size or configuration that prevents their schools from being reasonable alternatives for residents of a development to access, you can consider capacity only within the development’s school catchment area or an alternative area, such as a locally appropriate radius of the development. We recognise that some schools and settlements will be too distant from each other to represent reasonable alternatives for home-to-school travel.

89. The guiding principle is that the assessment of local school capacity includes all schools that residents of the development might reasonably attend, based on known patterns of pupil migration in that area. This may be the whole planning area or a smaller

³⁹ Pupil planning areas are defined in school capacity guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

area, depending on local characteristics. Paragraphs 43-46 provide advice on assessing the impact of development proposals when the schools that will serve the development are beyond reasonable safe walking distance.

90. Whatever geographies for capacity assessment are suited to your area, developer contributions remain necessary as mitigation for expected impact on local education provision. Accounting for patterns of pupil migration in your capacity assessment should help you demonstrate that developer contributions towards any school expansion within that area would meet the legal tests for Section 106 planning obligations⁴⁰ or that funding from CIL is justified. Over time, admissions should balance out across the planning area, minimising unsustainable travel patterns while enabling children living in the housing development a sufficient choice of school places, as advised by the National Planning Policy Framework.⁴¹

91. While allowing freedom of parental preference is essential, you may also consider the health and environmental sustainability benefits of encouraging preference for schools within walking distance of development, working with academy trusts and other partners to develop local marketing strategies, improved active travel routes and other incentives to choose the nearest school. Engage with local planning authorities on policy requirements for travel plans that encourage sustainable modes of transport, including developer contributions towards their implementation where appropriate (also see paragraph 49 on offsite works).

92. When large-scale housing development or other demographic factors are changing the local pupil planning landscape, you may wish to review the planning area structure to ensure they are still in line with the guidance for SCAP.⁴²

⁴⁰ These are the legal tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), set out in paragraph 3 of this guidance.

⁴¹ National Planning Policy Framework, paragraph 95:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴² Further guidance on reviewing planning areas: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

Annex

Developer delivery of new schools

1. Direct delivery of new schools by housing developers may represent good value for money if it is possible to meet all legal requirements and it is not the local authority's prime motivation to avoid application of the Public Contracts Regulations 2015 (PCR). Sometimes the developer may be best placed to deliver the school and the department supports developer delivery of schools *in principle*. This model of delivery should not contravene subsidy control or public procurement rules. While we advise you to seek your own project-specific legal advice, when necessary, this annex sets out the department's view on the legal position at the time of publication. Local authorities should keep abreast of emerging case law that may have a bearing on this advice, and any legislative changes following the UK's exit from the European Union.⁴³
2. High quality design and performance for developer-built schools are achievable through the planning and building control process, and compliance with national standards such as the DfE building bulletins, output specification and other design standards and guidance.⁴⁴
3. When developer delivery is proposed and is considered lawful, we recommend a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification may help to avoid disputes, although partnership working should be carefully considered in light of the advice below regarding compliance with procurement law.
4. We recommend that planning obligations or other mechanisms provide detail on how local authorities intend to step in and deliver the school if developer delivery falls through but the school is still required. Longstop clauses should ensure that the land for the school is transferred early enough for the local authority to intervene and provide the school at the right time. In these situations, the planning obligation should also require financial contributions to be made in lieu of the 'in kind' provision of the school by the developer, making use of review mechanisms where necessary to respond to changing circumstances. Even in cases where a planning obligation is silent on this subject, Section 106(6) of The Town and Country Planning Act 1990 provides that the local authority may enter land to carry out works required by a Section 106 agreement where

⁴³ At the time of publication, current rules are expected to be preserved in domestic law. See [The State Aid \(EU Exit\) Regulations 2019](#) (draft) and [EU Exit guidance on public-sector procurement](#).

⁴⁴ [School design and construction guidance](#).

the developer is in default. However, where a risk of non-delivery is identified, we recommend that specific planning obligations are secured to mitigate that risk (for example through performance bonds).

Subsidy Control

5. If a local authority decides that it will have to make a financial contribution to a developer to support the delivery of a new school, the local authority must first conduct an analysis of the financial contribution to ensure compliance with the subsidy control regime. The guidance below sets out the key components of the subsidy control regime. However, we strongly recommend that local authorities seek their own independent legal advice on a case-by-case basis when considering making any financial contribution to a developer, or indeed any third party.

6. The first stage in assessing compliance with the subsidy control regime is considering whether the assistance actually constitutes a subsidy. To be considered a subsidy, financial assistance must meet each of the following criteria:

- a financial contribution – this is defined broadly to include any kind of support or market transaction that is considered to have a financial value for the recipient, which includes, although is not limited to, grants, tax exemptions, and relaxed planning consents.
- provided by a public authority (including within its scope any entity that exercises functions of a public nature).
- which confers an economic advantage that would not be available on commercial terms.
- which is specific either to a particular enterprise or enterprises in a particular sector.
- has a harmful or distortive effect on trade within the UK or internationally.

7. In some cases, analysis of the assistance will show that the assistance does not meet all the criteria for a subsidy, and therefore no further steps are required to demonstrate compliance with the subsidy control regime. It is important, however, that local authorities keep a record of their decision making in relation to assessing the contribution in line with the subsidy control criteria, including any independent legal advice they have received.

8. Where it has been determined that the financial assistance meets all the criteria to constitute a subsidy, further assessment is required to ensure that the subsidy aligns with each of the subsidy control principles:

- Subsidies should pursue a specific policy objective to remedy an identified market failure or address an equity rationale.

- The subsidy must be proportionate to the policy objective and limited to what is necessary.
- Subsidies should be designed to bring about a change of economic behaviour of the beneficiary which should be conducive to achieving the specified policy objective and would not happen in the absence of the subsidy.
- Subsidies should not normally compensate for costs the beneficiary would have funded in the absence of any subsidy.
- Subsidies should be an appropriate policy instrument for achieving their specific policy objective and the objective must not be capable of being achieved through other, less distortive, means.
- Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition and investment within the United Kingdom.
- The beneficial effects of the subsidy should outweigh any negative effects, including in particular negative effects on competition and investment within the United Kingdom, and international trade and investment.

9. Once compliance with the subsidy control principles has been determined, the subsidy must be registered on the subsidy database. The subsidy database provides an element of transparency to the subsidy control regime, providing a platform upon which subsidies can be displayed and therefore notified to the public. The public authority granting the subsidy has a statutory duty to upload details of the subsidy on the database. Every subsidy, save those which benefit from an exemption under Part 3 of the Subsidy Control Act 2022 must be registered on the database. The subsidy must be registered within three months of the public authority's confirmation of its decision to make the scheme. This information is then maintained on the subsidy database for a period of 6 years, or for the duration of the subsidy, whichever is longest, and must be maintained by the public authority throughout this period.

10. A failure to meet any of the subsidy control principles could result in a tribunal finding that the subsidy is unlawful. It is entirely at the discretion of the Competition Appeal Tribunal (CAT) whether a remedy is ordered where the tribunal concludes that a subsidy is not compliant with the subsidy control rules. Where the tribunal chooses to order a remedy, it may choose to order any of the following:

- **Mandatory Order:** An order to require the relevant public authority to perform its legal duties.
- **Prohibiting Order:** An order prohibiting a public authority from carrying out an unlawful act, including prohibiting a public authority from giving a subsidy.
- **Quashing Order:** An order setting aside an unlawful decision, including those decisions made by a public authority in relation to granting a subsidy.
- **Declaration:** the CAT may make a declaration to clarify a point of law.
- **Injunction:** an order requiring the public authority to either do or not do something, which can be used on an interim basis whilst investigations are underway.

- Recovery: An order requiring the public authority to take the subsidy back from the beneficiary.

11. The subsidy control regime is a complicated and developing area, hence why it is so important that local authorities seek their own independent legal advice before granting financial assistance.⁴⁵

Public contracts and FTS procurement

12. Under the Public Contracts Regulations 2015 (PCR), a ‘public contract’ means “contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services”⁴⁶.

13. To be considered a public contract, there must be ‘pecuniary interest’ in the contract. The concept of pecuniary interest has been found to be wider than the concept of ‘consideration’ in the law of England and Wales for the purposes of determining whether a contract amounts to a public contract⁴⁷. For example, situations where a local authority is funding the building of a school through a loan, where a local authority is making very minor contributions to the development of the school or even where there is no financial contribution at all from the local authority but the opportunity to carry out the development has the effect of waiving a prior debt for the developer⁴⁸, are likely to be considered to amount to pecuniary interest.

14. ‘Public works contracts’ means “public contracts which have as their object any of the following:

- (a) the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2.
- (b) the execution, or both the design and execution, of a work.
- (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work.”⁴⁹

⁴⁵ For further information please refer to: www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance

⁴⁶ Regulation 2(1) PCR 2015

⁴⁷ *R(Chandler) v SoS Children, Schools and Families* [2009] EWCA Civ 1011; *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala).

⁴⁸ See *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala)

⁴⁹ Regulation 2(1) PCR 2015

15. A public works contract must therefore, as well as being a public contract, also have the following characteristics:

(a) It must have as its main object, the execution of or design and execution of either:

- i. construction activities as defined in Schedule 2 to the PCR; or
- ii. a “work” as defined in Regulation 2 of the PCR, such as the outcome of a building or civil engineering works taken as a whole;

whether or not the works or work is ‘for’ the contracting authority⁵⁰; and/or

(b) the contracting authority must specify the design of the relevant works; and

(c) it must include either direct obligations upon the other party to deliver the works, or an indirect obligation to deliver – i.e., to ‘procure’ the works.⁵¹

16. Although some UK case law has made a distinction between planning obligations and other contracts, recognising that the public body is motivated to exercise its planning powers in order to regulate the development of land, rather than procuring an economic benefit,⁵² it is still possible for a Section 106 agreement to be considered to be a public works contract and fall within the scope of application of the PCR.

17. Where a Section 106 agreement places an obligation on a developer to provide a financial contribution or land/buildings for a new school because this is necessary to make the development acceptable in planning terms (a prerequisite for a planning obligation), that Section 106 agreement may not constitute a public contract. However, this is not a ‘hard and fast’ rule. The main object and motivation of the local planning authority must be to ensure that planning policies are enacted; even after the *Helmut Muller* case it was clear there could be circumstances under which a Section 106 agreement could be found to be a public works contract if the circumstances and facts indicated to the Court that it was being used to avoid a tender process.

18. In this scenario, a Court would look to see whether in fact the characteristics of a public works contract exist. For example, the Court would consider the extent to which the local authority had specified the design of the school, whether there was some form of consideration/pecuniary interest to the developer (see above), whether the developer was insisting on undertaking the works, or whether there was any other justification under

⁵⁰ *Gestion Hotelera Internacional SA v Comunidad Automa di Canarias* [1994] ECR I – 1329; *Commission v Italy* (2008) Case C-412/04

⁵¹ *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08); *Jean Auroux v Roanne* (Case C-220/05)

⁵² *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd.* [2018] EWCA Civ 2532 and *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08)

Regulation 32. The Court would require the disclosure of emails, minutes, and other evidence to understand whether the Section 106 agreement was deliberately being used to avoid the need for a PCR tender process.

19. There is limited guidance from case law regarding the extent to which a contracting authority can become involved in the design of works before it is deemed to be ‘specifying’ such works.⁵³ A contract would be likely to be deemed a public works contract if the contracting authority took measures to define the type of work to be undertaken by the developer or at the very least had a ‘decisive influence’ on its design. ‘Requirements specified by the contracting authority’ has been taken to exclude the exercise of a public authority's urban planning powers in examining building plans presented to it, or the decision to apply its planning powers in relation to a particular project.

20. Further, for the purposes of procurement law, it is the entrustment by the contracting authority of the obligation to undertake the works that is relevant, not the reasons for doing so, or the beneficiary of the works. Where works are carried out corresponding to specific requirements, there could be a public works contract whether or not the ultimate beneficiary of all or part of the works is the local authority itself.⁵⁴ This means that if a school site is to be transferred to school site trustees or leased to an academy trust post-construction, this does not affect consideration of whether a public works contract exists.

21. Where a local authority does need to specify the design of the works to meet its own statutory obligations regarding the provision of education facilities to a certain specification, it may not be able to use a Section 106 agreement to commission the works in compliance with the PCR, for the reasons set out above, if there is any form of pecuniary interest whatsoever. However, it may be possible for the local authority to rely instead on the provisions of PCR Regulation 32 to justify its decision to commission a certain developer with pre-existing rights over the land, to carry out the works. Regulation 32(2) provides that a public contract may be awarded without prior publication in certain prescribed circumstances, including (relevant to this Annex):

“(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: —

...

(ii) competition is absent for technical reasons,

⁵³ *Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben* (C-451/08)

⁵⁴ *Jean Auroux v Roanne* (C-220/05).

(iii) the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.”

22. A local authority’s justification for not advertising a development opportunity which would otherwise be required to be advertised under the PCR, could (depending on the facts) be based on the argument that only a certain developer can build as a result of their exclusive rights over the land (Regulation 32(2)(b)(iii)), or as a result of the absence of competition because the development must be able to fit in with the broader development scheme of that developer already in place on that land (Regulation 32(2)(b)(ii)).

23. However, local authorities should be aware that any attempts to deliberately design a procurement to avoid the application of the PCR, risks a breach of PCR Regulation 18 which is also reflected in the last condition of Regulation 32(2)(b) set out above. For Regulation 32(2)(b) to apply, the absence of competition must not be “the result of an artificial narrowing down of the parameters of the procurement”; similarly, the design of *any* procurement must not be “made with the intention of excluding it from the scope of [the PCR]” (Regulation 18(2) PCR). As noted above, if a legal challenge were brought against a local authority for failing to advertise under the PCR, disclosure of emails, meeting minutes and other evidence would be used by the Court to determine whether as a matter of fact, it was the local authority’s intent in entering into the development agreement, to avoid the application of the PCR altogether.

24. The practical application of the above guidance for local authorities, is summarised as follows: a Section 106 agreement is less likely to be considered to be a ‘public works contract’ where:

- (a) It does not contain any direct obligations on another party to deliver works – for example, it only seeks a financial contribution from a developer rather than requiring them to actually carry out the works; **or**
- (b) There is genuinely no pecuniary interest in the arrangement whatsoever and the developer will take full cost and risk for the build of the school without loan or contribution, no matter how small; **or**
- (c) It can be shown that:

- i. the essential object⁵⁵ of the Section 106 agreement is to ensure, through the grant of planning permission, that the local authority meets its statutory obligations as to the provision of education facilities (rather than the execution of the works to build the school); **and**
 - ii. The Section 106 agreement contains a generic design brief applicable to all schools that is unlikely to be considered to be a 'decisive influence' on the design of the works; however, specifying the more detailed DfE Output Specification is certainly likely to be considered a 'decisive influence'; **or**
- (d) The Section 106 agreement contains an option for the developer to choose to carry out the works or pay a contribution if it can demonstrate that it has exclusive rights over the site in question and/or any other technical reasons why no other contractor would be appropriate pursuant to Regulation 32.

⁵⁵ *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532* at paragraph 53



Department
for Education

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**APPENDIX EHP02 - DfE - Travel to school for children of compulsory school age
(May 2026)**



Department
for Education

Travel to school for children of compulsory school age

Statutory guidance for local authorities

May 2026

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Summary

About this guidance

This is statutory guidance from the Department for Education. It is issued under the duties placed on the Secretary of State by sections 508A (7) and 508D (1) of the Education Act 1996. It updates the *Travel to school for children of compulsory school age guidance* issued in January 2024.

Local authorities are under a duty to have regard to this guidance when:

- carrying out their duties in relation to arrangements for travel to school for eligible children of **compulsory school age**;
- exercising their discretionary power to arrange travel for other children;
- carrying out their duties in relation to the promotion of sustainable travel to school (this duty applies in relation to young people of sixth form age as well as children of **compulsory school age**).

There is [separate guidance on travel to post-16 education and training](#).

Review date

This guidance will be kept under review and updated when necessary.

What legislation does this guidance refer to?

This guidance refers to the legislation governing travel to school for children of **compulsory school age**, in particular:

- section 508A of the Education Act 1996: sustainable travel to school;
- section 508B of and Schedule 35B to the Education Act 1996: travel arrangements for eligible children;
- section 508C of the Education Act 1996: travel arrangements for other children;
- the School Information (England) Regulations 2008: publication of information about travel arrangements.

Links to some of the legislation that relates to travel to school can be found in annex 3: additional resources.

Who is this guidance for?

This guidance is for local authorities, in particular their school travel teams and **special educational needs** casework teams.

It may also be of interest to schools, academy trusts, **parents**, organisations that advise **parents** and transport operators. Parts of it are likely to be of particular relevance to schools that choose to arrange home-to-school travel for their pupils.

Main points

- **Parents** are responsible for ensuring their child attends school. This means they must take all the action necessary to enable their child to attend school.
- For most **parents**, this includes making arrangements for their child to travel to and from school. Local authorities must make arrangements, free-of-charge, for eligible children to travel to school (see part 1 of this guidance).
- Local authority school travel and **special educational needs** teams should work together to ensure travel arrangements are considered when deciding what school to name in a child's **Education, Health and Care plan** (part 1).
- Local authorities have a discretionary power to arrange travel to school for other children (part 2).
- Local authorities are responsible for deciding what travel arrangements to make, provided they are suitable for the needs of the children for which they are made (part 3).
- Schools should support local authorities to deliver their home-to-school travel functions, for example, by promoting good behaviour on transport, sharing information to ensure children's needs are met, and taking travel arrangements into account when making changes to their **school day**.
- Local authorities' school travel policies should be easy for **parents** to find and understand (part 4).
- Local authorities should have a fair and transparent process so that **parents** can appeal a decision about travel to school for their child (part 5).
- Local authorities have a duty to promote sustainable and active travel to school (part 6).

Changes to this guidance

Extended rights

Paragraphs 33 to 38 set out the circumstances in which a child is eligible for extended rights to school travel. We have amended these paragraphs to explain that:

- There is no substantive change to eligibility for extended rights to school travel, which continues to support children from low-income households.
- From the 2026/27 **academic year**, free school meals will comprise of two categories: ‘targeted FSM’ (for households claiming Universal Credit with annual earnings of £7,400 or less) and ‘expanded FSM’ (for all households receiving Universal Credit).
- Extended rights to school travel continue to be based on eligibility for ‘targeted FSM’, and the guidance has been updated to reflect this new terminology.
- Working Tax Credit has been phased out and claimants have been transferred to Universal Credit, so references to Working Tax Credit have been removed.

Other changes

We have also:

- Added additional clarification about the School Travel (Pupils with Dual Registration) (England) Regulations 2007 (see page 53).
- Added information about a new requirement in the Bus Services Act 2025 for bus and coach operators to carry out an enhanced criminal records check for drivers of all closed-door school services (see page 56).
- Provided some additional information to help local authorities to decide whether to conduct a second Disclosure and Barring Service (DBS) check for drivers of taxis and public hire vehicles who have already been the subject to a check as part of the licensing process (see paragraph 102 and pages 54 to 55).
- Included information about School Streets and the Department for Transport’s Connectivity Tool in Annex 3: additional resources (see page 60).

Words used in this guidance

Where the words ‘**must**’ and ‘**must not**’ are used, they represent a statutory requirement. Where the word ‘**should**’ is used, it represents something authorities ought to do or something that is considered good practice but is not a mandatory requirement.

The word ‘**reasonable**’ is used throughout this guidance. Local authorities are expected to act reasonably in the performance of their functions. Whether an action is reasonable may vary according to the circumstances in which it is being considered and local authorities will need to use their judgement. In general, they should seek to act in a way that is fair and rational and takes into account relevant factors.

An explanation of words in ***bold italics*** can be found in annex 1: explanation of terms used in this guidance.

Fairness and getting things right

Free travel to school is a valuable service for many families, but budget pressures mean local authorities often have to make difficult decisions about how to make best use of the limited resources available to them. They must comply with their duty to arrange free travel for eligible children but have some discretion in how they do this. This means they need to make a range of decisions, many of which can be challenging. For example, they need to decide what travel arrangements to make for eligible children, whether a child with ***special educational needs*** can reasonably be expected to ***walk*** to school, and whether to exercise their discretion to provide travel for children that are not eligible.

School travel can sometimes become the subject of disputes between ***parents*** and their local authority and of complaints to the Local Government and Social Care Ombudsman (LGSCO). It is not always possible to make a decision that ***parents*** are happy with, but it is important they are treated fairly and understand how the decision has been reached.

It is important to have policies to guide decision making but genuine consideration should be given to each case, rather than rigidly adhering to a policy, particularly when considering whether to exercise discretion.

Annex 4 sets out some questions that local authorities may find helpful when reviewing their policies and procedures. LGSCO has published [guidance on good administrative practice and the effective handling of complaints](#).

The public sector equality duty

The Equality Act 2010 requires local authorities to comply with the public sector equality duty. This means they must consider how their decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;
- promote equality of opportunity between people who have a protected characteristic and those who do not; and
- foster good relations between people who have a protected characteristic and those who do not.

The public sector equality duty is likely to be particularly relevant when local authorities are revising their school travel policies (see part 4), deciding whether to exercise their discretionary power (see part 2) and deciding whether it would be reasonable to expect a

parent to accompany their child on their journey to and from school (see paragraphs 50 to 55).

Duty to have regard to religion or belief

Section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties. This does not mean local authorities must arrange travel to a school with a **designated religious character** for a child whose **parents** have chosen it on the grounds of their **religion** or **belief** (unless the child would be eligible for free travel to that school), but they should not have a blanket policy that they never provide travel assistance to schools with a **designated religious character** and may need to make decisions on a case-by-case basis if asked to exercise their discretionary power in relation to such a school.

Part 1: local authorities' statutory duty in relation to eligible children

1. Subject to paragraph 67 below, local authorities must make free-of-charge travel arrangements to facilitate the attendance at school of eligible children resident in their area¹.
2. A child is eligible² if they are of **compulsory school age**, attend their nearest suitable school and:
 - live more than the statutory **walking** distance from that school (see paragraphs 9 to 12), or
 - could not reasonably be expected to **walk** to that school because of their **special educational needs**, **disability** or **mobility problem**, even if they were accompanied by their **parent** (see paragraphs 13 to 28), or
 - would not be able to **walk** to that school in reasonable safety, even if they were accompanied by their **parent** (see paragraphs 29 to 32).
3. There are 'extended rights' to free travel to school for children from low-income households (see paragraphs 33 to 38).

Suitable school

4. A suitable school for school travel purposes is a qualifying school (see paragraphs 7 to 8 for the definition of a qualifying school) that is suitable for the child's age, ability, aptitude and any **special educational needs** they may have³. It should also be suitable for the child's sex, for example a girls' school could not be considered the nearest suitable school for a boy.
5. 'Suitable school' does not mean the most suitable school for a child. Schools are able to meet a wide range of needs. The nearest secondary school to the **home** of a child of secondary school age, for example, will almost always be their nearest suitable school (provided it would be able to admit them).
6. Where a child has an **EHC plan**, the school named in the plan will normally be considered to be their nearest suitable school. (See paragraphs 20 to 28 for more

¹ [Section 508B of the Education Act 1996](#)

² The categories of eligible children are set out in [schedule 35B of the Education Act 1996](#)

³ [Section 7 of the Education Act 1996](#) (Duty of parents to secure education of children of compulsory school age) defines suitable education.

information about children with **EHC plans** and paragraphs 39 to 49 for more information about suitable schools and qualifying schools.)

Child A is thirteen years old. Their nearest school is a co-educational secondary school that is 3.4 miles from their **home**. Their **parents** choose to send them to a single sex secondary school that is 5.3 miles from their **home**. Child A is not eligible for free travel to the single sex school because the co-educational secondary school is their nearest suitable school.

Child B is twelve years old. They attend School 1, a secondary school 3 miles from their **home**. Their **parents** chose this school because it offers a choice of several modern foreign languages at GSCE. School 2 is 1 mile from Child B's **home** and would have been able to admit them, but it only offers one modern foreign language. Child B is not attending their nearest suitable school because School 2 would have been able to provide them with an education that was suitable for their age, ability and aptitude.

Qualifying schools

7. Qualifying schools⁴ are:

- community schools, foundation schools, voluntary aided and voluntary controlled schools;
- academies (including those which are free schools, university technical colleges, studio schools and special schools);
- alternative provision academies;
- community or foundation special schools;
- non-maintained special schools;
- pupil referral units;
- maintained nursery schools (where attended by a child of **compulsory school age**); and
- city technology colleges and city colleges for the technology of the arts.

8. For children with **special educational needs**, an independent school is a qualifying school if it is the only school named in their **EHC plan**, or the nearest of two or more schools named in the **EHC plan**. (See paragraph 20 to 28 for more information about children with **EHC plans** and paragraphs 39 to 49 for more information about suitable schools and qualifying schools.)

⁴ Qualifying schools are defined by paragraph 15 of [schedule 35B to the Education Act 1996](#).

Statutory walking distances⁵

9. The statutory **walking** distances are used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory **walking** distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the **parent** is responsible for arranging their child's travel to school. There is no expectation that the child will **walk**. It is for the **parent** to determine what arrangements would be suitable for their child.

10. A child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their **home**.

11. A child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their **home**.

12. When a local authority assesses whether the distance between a child's **home** and their school is further than the statutory **walking** distance, the route they measure must be the shortest route along which a child, accompanied as necessary, may **walk** in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school (see paragraphs 50 to 55 for guidance about accompaniment).

Child C is six years old and attends their nearest suitable school. It is 2.3 miles from their **home**. Child C is eligible for free travel to school.

Child D is seven years old and attends a primary school that is 2.6 miles from their **home**. There is another suitable primary school 1.2 miles from their **home** which has places available. Child D is not eligible for free travel to school, as they are not attending their nearest suitable school.

Child E is eleven years old and attends their nearest suitable school. It is 2.6 miles from their **home**. Child E is not eligible for free travel to school.

Special educational needs, disability or mobility problems

13. A child is eligible for free travel to school if:

- they attend their nearest suitable school, and
- it is within the statutory **walking** distance of their **home**, and

⁵ The statutory walking distances are prescribed by [section 444\(5\) of the Education Act 1996](#).

- they could not reasonably be expected to **walk** there because of their **special educational needs, disability or mobility problem**, even if they were accompanied by their **parent** (see paragraphs 50 to 55 for guidance about accompaniment).

14. To be eligible on these grounds, a child does not need to:

- have an **Education Health and Care plan (EHC plan)**; or
- have travel to school specified in their **EHC plan** if they have one; or
- attend a special school; or
- live beyond the statutory **walking** distance.

15. Not every child with an **EHC plan** or who attends a special school will be eligible for free travel to school.

16. Local authorities will need to assess eligibility on the grounds of **special educational needs, disability or mobility problems** on a case-by-case basis. The assessment should take account of the child's physical ability to **walk** to school and any health and safety issues related to their **special educational needs, disability or mobility problems**. It may take account of whether they would be able to **walk** to school if they were accompanied (see paragraphs 50 to 55 for guidance about accompaniment).

17. Information that local authorities may take into account when assessing a child's eligibility may include (but need not be restricted to) the following, where it illustrates why the child may not be able to **walk** to school:

- information provided by the **parent**;
- information provided by any professionals involved in the child's care, for example, an educational psychologist or hospital consultant;
- information provided by the child's school;
- any relevant information in the child's **EHC plan** if they have one;
- any relevant information in their **individual healthcare plan** if they have one.

18. It is likely local authorities will need to ask **parents** to provide some or all the information they will need to make their decision. Wherever possible, they should avoid asking **parents** for any information which is not already in their (the **parents'**) possession or is not easy for them to obtain.

Child F is fourteen years old and has a **disability** that requires them to use crutches to walk. They need to take their time to ensure they are balanced. They attend their nearest suitable school. It is 1 mile from their **home**. The local authority decides that they could not reasonably be expected to **walk** to school. Child F is eligible for free travel to school.

Child G is eleven years old and has been diagnosed with a long-term medical condition which causes them to take a long time to recover after strenuous physical activity. They attend their nearest suitable school which is a short **walk** from their **home**. The **parent** applies for free travel to school on the basis that the child needs to recover for a long time after any strenuous activity. Based on the information available to them, the local authority decides that Child G would not need to recover for a long time after the short **walk** to their school. Child G is not eligible for free travel to school.

19. A child may be eligible because of temporary **mobility problems** but, due to the short-term nature of some **mobility problems**, it may not always be practicable for the local authority to make travel arrangements before the child has recovered.

Children with EHC plans

Key points

- Subject to the exception set out in paragraphs 23 to 28 below, the school named in a child's **EHC plan** will be their nearest suitable school for school travel purposes.
- Local authorities should take the cost of travel into account when deciding whether it would be incompatible with the efficient use of resources to name the **parent's** preferred school in the **EHC plan**.
- It is important for local authority school travel and **special educational needs** teams to work closely together and to engage with one another early in the process for drawing up an initial **EHC plan** and when changing the school named in an existing plan following review.

20. The naming of a school in a child's **EHC plan** is governed by section 39 of the Children and Families Act 2014. **Parents** have the right to ask for a particular school to be named in their child's **EHC plan** (when the plan is first drawn up and when the local authority amends the existing plan). The local authority must name that school in the plan unless it would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient

use of resources⁶. Where the child will be eligible for free travel, they should take the cost of travel into account as part of this decision. Travel arrangements may also be relevant to the decision about the school that should be named in the plan in other ways, for example, the effect the journey may have on the child and their ability to learn when they arrive at school.

21. Where naming the **parent's** preferred school would be unsuitable for the child's age, ability, aptitude or **special educational needs**, or incompatible with the efficient education of others or the efficient use of resources, the local authority must name a different school that they think would be appropriate for the child.

22. This means that, where a **parent** would prefer their child to attend a school that is further away from their **home** than the nearest school that would be able to meet their needs, the local authority should consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.

23. The local authority should determine the cost of providing the child with free travel to each of the two schools. If travel to the preferred school would cost more than travel to the nearer school, they should decide whether the additional cost of providing travel to the **parent's** preferred school is incompatible with the efficient use of resources. This will include deciding whether the educational benefits and other advantages the school will provide for the child outweigh the additional cost.

24. If the local authority determines that providing travel to the **parent's** preferred school would be incompatible with the efficient use of resources, the local authority may:

- name a different school that would be appropriate for the child's needs (this may be the nearer school), or
- name the **parent's** preferred school on the condition that the **parent** arranges the travel or provides some or all of the cost of the travel, or
- name the **parent's** preferred school on the condition that they arrange the travel (or provide some or all of the cost) and name a different school that would be appropriate for the child's needs and to which the authority would provide transport.

25. When deciding whether to name the **parent's** preferred school conditionally (alone or in addition to another school), the local authority may take account of the risk of the **parent** later becoming unable to arrange or pay for the travel and the local

⁶ See paragraphs 9.78 and 9.79 of the [Special educational needs and disability code of practice: 0 to 25 Years](#)

authority then becoming responsible for transport costs. The level of risk will vary depending on the circumstances of each case.

26. Although transport should not normally be recorded in a child's EHC plan⁷, when the local authority names the **parent's** preferred school on the condition that the **parent** arranges or pays for the travel, they may set out this condition in Section I of the plan.

27. Where the **parent's** circumstances subsequently change and they are no longer able to arrange or pay for the transport, the authority may conduct a review of the **EHC plan** to reconsider whether naming the parent's preferred school is incompatible with the efficient use of resources. If they determine that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, they may amend the plan to name a different school that would be appropriate for the child's needs.

28. The local authority should make clear to the **parent** that they may review the school named in the **EHC plan** if the **parent** becomes unable or unwilling to arrange or pay for the travel. We recommend that the local authority records this information in a formal letter to the **parent**.

Unsafe walking route

29. A child is eligible for free travel to school if:

- They attend their nearest suitable school, and
- it is within the statutory **walking** distance of their **home**, and
- the nature of the route means they could not be expected to **walk** there in reasonable safety even if accompanied by their **parent**, and
- there is no alternative route within the statutory **walking** distance that they would be able to **walk** in reasonable safety, even if accompanied by their **parent**.

30. When assessing whether a route can be **walked** in reasonable safety, local authorities should consider the whole of the route. This will include, for example, any sections that use footpaths or bridleways, as well as sections that use roads. They should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

31. Some local authorities use the '*Assessment of Walked Routes to Schools Guidelines*', published by Road Safety GB⁸, which provide advice to local authorities on

⁷ The Special Educational Needs and Disability Code of Practice: 0-25 Years says that transport should be recorded in the EHC plan only in exceptional cases where the child has particular transport needs.

⁸ [Road Safety GB](#) is a national road safety organisation made up of representatives from groups across the UK, including local authority road safety teams.

assessing the risk posed to pedestrians by traffic. These guidelines can form the basis from which to develop a route safety assessment but are not a complete assessment and should be used in conjunction with local context and knowledge.

32. Modern technology is valuable in identifying, measuring and assessing routes but it may sometimes be appropriate for a route to be assessed by **walking** it at the times of day and on the days of the week that the child would travel, particularly if the safety of a route is challenged.

Child H is twelve years old. They attend their nearest suitable school. It is 2 miles from their **home**. The only **walking** route to this school is along a busy road with no footpaths or stepping off points. The local authority carries out an assessment of the route and decides it would not be possible for a child to **walk** it in reasonable safety, even if they were accompanied by their **parent**. Child H is eligible for free travel to school.

Extended rights

33. Extended rights are designed to support low-income families to exercise school choice. A child is eligible for free travel to school if they meet one of the criteria at paragraph 35 below and are from a qualifying low-income household. Low-income is defined by reference to eligibility for benefits-based free school meals (FSM). From the beginning of the 2026/27 **academic year**, there will be two categories of benefits-based free school meals:

- Targeted FSM – for pupils who are in households in receipt of Universal Credit with annual household earnings of no more than £7,400.
- Expanded FSM – for pupils who do not qualify for Targeted FSM, but who are in households receiving Universal Credit⁹.

34. Extended rights to free travel continue to apply to children eligible for Targeted FSM. This reflects existing policy, with updated terminology. Local authorities will be able to use the Department for Education's eligibility checking service to determine whether a child meets the criteria for Targeted FSM and so is eligible for extended rights travel.

35. The criteria a child must meet are:

- aged 8 or over but under 11, attend their nearest suitable school and it is more than 2 miles from their **home**; or

⁹ More information about eligibility for free school meals is available in [Free School Meals: guidance for local authorities, maintained schools, academies and free schools](#).

- aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 6 miles from their **home**; or
- aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their **home** that their **parents** have chosen on the grounds of their **religion** or **belief** if, having regard to that **religion** or **belief**, there is no suitable school nearer to their **home**.

36. Where a child qualified for, and was receiving, extended rights travel on 31 March 2025 and continues to meet the eligibility criteria in paragraph 35, the Department for Education expects local authorities to continue providing free travel until the end of their current phase of education or until they leave their current school, whichever is sooner¹⁰. This is because those children would have continued to be eligible until this point under transitional protection arrangements that applied prior to the expansion of free school meals and parents may have based their choice of school on this. As with other aspects of home to school transport, local authorities retain discretion to provide continued support to additional pupils where they judge this to be appropriate, taking account of local circumstances.

37. Where a child ceases to be eligible during the course of an **academic year**, the local authority should continue to provide free travel to school for the remainder of that **academic year**.

38. When a local authority assesses, for the purposes of extended rights, whether a child lives more than 2 miles from a school, the route should be measured in the way described in paragraph 12. When assessing whether a child lives within the 6- or 15-mile upper limits, the local authority should measure **road routes** only. There is no expectation that a child would **walk** these distances and so **walking** routes should not be used for assessing eligibility.

¹⁰ Children attending middle schools should continue to receive free travel to school until they leave that school.

Child I is eleven years old and eligible for Targeted FSM. Their nearest suitable school is 2.5 miles from their **home**. Their second nearest suitable school is 3 miles away. Their third nearest is 5 miles away. Child I would be eligible for free travel to any of these schools.

Child J is eleven years old and eligible for Targeted FSM. Their three nearest schools are School X, School Y and School Z. School X is 1.5 miles from their **home**, School Y is 2.2 miles from their home, and School Z is 5.5 miles from their **home**. Child J would be eligible for free travel to School Y or School Z, but not to School X.

Child K is thirteen years old and is eligible for Targeted FSM. Their **parents** are Sikh and wish them to be educated in a school with a **religious character**. They attend a **designated** Sikh school that is 8 miles from their **home**. There are other schools which are nearer to their **home**, but none of these is a Sikh school. Child K is eligible for free travel to the Sikh school.

More information about suitable schools and qualifying schools

39. Children may sometimes live a very similar distance from more than one school. Where the schools are within the statutory **walking** distance, local authorities should determine which is the nearest by measuring the shortest **walking** route. (It is not necessary to determine whether they would be able to walk that route in reasonable safety for the purposes of determining which is their nearest school, but the local authority may need to determine that separately for the purposes of assessing their eligibility for free travel).

40. Where the schools are beyond **walking** distance, local authorities may consider it more appropriate to measure the shortest **road route** or the straight-line distance. It should be made clear in the local authority's school travel policy how the route will be measured.

41. Where a child's nearest school is oversubscribed and unable to offer them a place, the nearest school with places available is their nearest suitable school for school travel purposes. A child's nearest school may be in a neighbouring local authority area.

42. In most cases, a child's eligibility for free school travel will be assessed following the **normal school admissions round** once **parents** have been offered a place for their child to begin primary school or transfer to secondary school. In some cases, eligibility will need to be assessed at other times, for example due to a family moving into the area in-year.

43. When an application for travel is considered following the **normal admissions round**, it can be difficult for a local authority to know whether a child could have been admitted to their nearest school if their **parent** did not list that school as a preference when they applied for a school place. It is, therefore, reasonable for a local authority to expect **parents** to list their nearest school on their application form if they intend to apply for free travel to school. Some local authorities have alternative ways of determining whether a child's nearest school could have offered them a place.

44. Where a local authority expects **parents** who intend to apply for free travel to list their nearest school on their application form, this information should be clearly available to all **parents** at the time they are deciding which schools to apply for. It should also be clear to parents how they can find out which is their nearest school for admissions purposes and whether this is also their nearest school for school travel purposes. Some authorities have a postcode checker on their website that parents can use for this purpose.

45. Local authorities may expect **parents** to list their nearest school as their first preference. However, in the Department's view, this should not normally be necessary. School admission authorities must provide ranked lists of all applicants to the local authority. If a parent lists their nearest school as their second or lower preference, it should be possible for the local authority to tell whether their child could have been offered a place at that school. This can be done by comparing the child in question with the last child to be offered a place at the school and determining which of them would have higher priority. This will often be a straightforward matter of determining which child lives closest to the school.

46. Local authorities may find it helpful to have a set date that they use for the purposes of determining whether a child could have been offered a place at their nearest school, for example, would they have been offered a place on National Offer Day¹¹.

47. Where a child has begun attending a school that is not their nearest because their nearest school was unable to offer them a place, a place may subsequently become available at the nearer school. In these circumstances, some **parents** may choose to move their child to the nearer school. Where they do not, local authorities should not withdraw the child's home-to-school travel, because moving to the nearer school would be likely to cause significant disruption to their education.

¹¹ National Offer Day is the day each year on which local authorities send an offer of a school place to parents in their area. Secondary National Offer Day is 1 March. Primary National Offer Day is 16 April. Where 1 March or 16 April falls on a day that is not a working day, National Offer Day is the next working day.

Child L is eleven years old and attends School 1 which is 4.2 miles away from their **home**. Their **parents** applied for this school as their first preference. The nearest secondary school is School 2 which is 3.7 miles from their **home**. They chose not to apply for this school, despite information on the eligibility for free travel to school being readily available at the time they submitted their preferences. School 2 is undersubscribed, and Child L would have been offered a place there had their **parents** applied. Child L is not eligible for free travel to School 1 because School 2 is their nearest suitable school and has available places.

Child M is eleven years old and attends the second nearest secondary school to their **home**. It is 4.2 miles away. Their nearest secondary school is 3.7 miles from their **home**. Their **parents** applied for this school, but it was oversubscribed and they were not offered a place. Child M is eligible for free travel to school as they are attending their nearest suitable school with available places.

48. A child may be eligible for free travel to a place that isn't a qualifying school:

- where they receive education at a place other than a school by virtue of arrangements made under section 19 (1) of the Education Act 1996 (which requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion)¹²
- where they are suspended (temporarily excluded) from a school (but remain a registered pupil of that school) and attend an educational establishment that is not a qualifying school and is not within the statutory **walking** distance of their **home**, then that educational establishment must be treated as if it were a qualifying school for the purposes of eligibility for free travel¹³

49. We expect schools to collaborate with the local authority when arranging educational provision for a child during a suspension where the pupil might be eligible for free travel to the place where they will be receiving education. More information about suspensions is available in the [School suspensions and permanent exclusions](#) guidance.

¹² This is set out in paragraphs 3, 5, 7 and 10 of [schedule 35B of the Education Act 1996](#).

¹³ This is set out in paragraph 8 of schedule [35B of the Education Act 1996](#).

Accompaniment

50. A child will not normally be eligible for free travel to school on the grounds of their **special educational needs, disability** or **mobility problem**, or on the grounds that the route is unsafe, if they would be able to **walk** to school if they were accompanied.

Where the local authority determines that a child would be able to walk if they were accompanied, the general expectation is that the **parent** will accompany them or make other suitable arrangements for their journey to and from school. A child will not normally be eligible solely because their **parent's** work commitments or caring responsibilities mean they are unable to accompany their child themselves, but local authorities must act reasonably in the performance of their functions.

51. In most cases, local authorities will not need to consider whether a **parent** would be able to accompany their child, but they should not have a blanket policy that they will never arrange free travel for a child who would be able to walk to school if accompanied. They must consider cases where the **parent** says there are good reasons why they are unable to accompany their child, or make other suitable arrangements for their journey, and make a decision on the basis of the circumstances of each case.

52. The circumstances that a local authority should take into account may include, but are not limited to, whether the **parent** has a **disability** or **mobility problem** that would make it difficult for them to accompany their child, and the **parent's** reasons for not being able to accompany their child or make other suitable arrangements.

53. Reasons such as the **parent's** working pattern or the fact they have children attending more than one school, on their own, will not normally be considered good reasons for a parent being unable to accompany their child. These apply to many **parents** and, in most circumstances, it is reasonable to expect the **parent** to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a **parent**).

54. Where a local authority determines that a child could not reasonably be expected to walk even if they were accompanied, they are eligible for free home-to-school travel regardless of whether their **parent** would be able to accompany them or make other arrangements for their journey.

55. We know it can be difficult for local authorities to make decisions in relation to children of secondary school age whose **special educational needs, disability** or **mobility problem** mean they could not reasonably be expected to **walk** to school unaccompanied. Other children of this age may normally be expected to **walk** to school unaccompanied which might, for example, enable **parents** to increase their working hours. When deciding whether it is reasonable to expect the **parent** of a child with **special educational needs, disability** or **mobility problem** to accompany their child to

school, local authorities should be sensitive to the particular challenges **parents** of such children may face.

Child N is nine years old and has autism. They attend their nearest suitable school which is 2.5 miles from their **home**. They are unaware of danger and need to be accompanied even on very short journeys. They also become distressed and can act unpredictably in noisy environments. Their **walk** to school would be along busy roads. The local authority determines that the **parent** would not be able to keep them safe on this journey. Child N is eligible for free travel to school.

Child O is seven years old and attends their nearest suitable school which is 1.5 miles from their **home**. They do not have **special educational needs**, a **disability** or **mobility problem**. The local authority determines that they would be able to **walk** to school in reasonable safety if they were accompanied. There is no good reason why the **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child O is not eligible for free travel to school.

Child P is fifteen years old and is blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. Child P's **parent** is a single **parent** with a **disability** which means they would not be able to accompany Child P to school. The local authority considers the individual circumstances of Child P and decides it would not be reasonable to expect their **parent** to make arrangements for their journey to and from school. It decides to arrange free travel to school for Child P.

Child Q is fourteen years old and is also blind. They attend their nearest suitable school which is a short **walk** from their **home**. The local authority determines that they could reasonably be expected to **walk** to school if accompanied. There is no good reason why Child Q's **parent** could not reasonably be expected to accompany them or make other arrangements for their journey to and from school. Child Q is not eligible for free travel to school.

Promoting independence for eligible children with special educational needs and disabilities

56. The *Special educational needs and disability code of practice: 0 to 25*¹⁴ sets the expectation that professionals working with children with **special educational needs** or **disabilities** will support them to prepare for adult life and help them to achieve the best

¹⁴ Further information on the local authority role in supporting children and young people to prepare for adulthood is available in the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

outcomes in employment, independent living, health and community participation. Planning should start early. Where a child has an **EHC plan**, local authorities must ensure that the annual review of the **EHC plan** from at least year 9 onwards includes a focus on preparing for adulthood, including independent living.

57. For many children, learning to travel independently is an important part of preparing for adulthood and will help them lead fulfilling adult lives. When making travel arrangements for eligible children with **special educational needs** or **disabilities**, local authorities should consider how best to support them to develop independence. For example, they might consider whether a child who would otherwise travel in a taxi, might be able to travel on a public service bus if provided with support to do so, or whether a child who uses a wheelchair might be able to **wheel** to school rather than travel in a minibus, if provided with support to do so.

58. **Parents** may be anxious about their child's ability to travel independently. The child may also be worried about this. It will be important to work sensitively with them to help them understand the benefits of independent travel and to build their confidence.

59. Wherever possible, local authorities should offer independent travel training to children with **special educational needs** or **disabilities** who are eligible for free travel to school and who they think will be able to complete the programme.

60. Independent travel training is a tailored programme to help children with **special educational needs** or **disabilities** travel independently, for example by public transport or **walking**. Some children may need to participate in travel training again if their circumstances change, for example if they move school.

61. Once an eligible child can travel independently, their travel arrangements may need to be reviewed. For example, they may now be able to **walk** or catch a bus to school rather than travel in a taxi. Local authorities must not withdraw free home-to-school travel from an eligible child who does not successfully complete the travel training programme.

Parental consent and independent travel

62. Section 508B (4) (b) of the Education Act 1996 requires local authorities to obtain parental consent in order to meet their school travel duty in respect of an eligible child by:

- providing someone to escort the child, or
- paying their travelling expenses.

63. This means, for example, that the **parent's** consent is required for a local authority to meet their school travel duty by providing independent travel training, or providing someone to accompany a child so they can **wheel** to school in their

wheelchair. Where the **parent** does not provide consent, the local authority must make alternative arrangements for the child's travel to school.

Child R has **special educational needs**. They live in a village 4 miles from their nearest suitable secondary school and are eligible for free travel to school. Other children living in the village attend the school. The local authority meets its school travel duty in respect of these children by providing them with a pass for free travel on the public service bus. When Child R joined the school in Year 7, the local authority determined their **special educational needs** meant they would not be able to travel on the bus with their peers. The local authority arranged a taxi to take Child R to school.

When Child R moved to Year 9, the local authority reassessed their needs. They determined Child R was ready for independent travel training. Child R's **parent** was hesitant at first, but the local authority explained the benefits and the **parent** agreed, knowing Child R would need the skill in adulthood.

The travel trainer helps Child R with understanding things such as where to wait for the bus, which bus to get on and what to do if they miss the bus or it is late. Once Child R has completed the travel training programme, the local authority reassesses their needs and determines they are now able to travel independently on the bus. They withdraw the taxi and provide Child R with a bus pass.

More information about travel to school for eligible children

64. Local authorities must make arrangements to enable a child to travel to school for the beginning of the **school day**, and to return **home** at the end of the **school day**. They are not required to make arrangements:

- for children to travel between institutions during the **school day**;
- to enable children to attend extra-curricular activities and other commitments outside school hours; or
- to enable children to get to and from before and after school childcare, whether formal (for example, a childminder) or informal (for example, a grandparent)¹⁵.

65. Where particular classes, year groups or pupils have a start or finish time that is different from most pupils at the school, it will not normally be possible for the local authority to make separate travel arrangements. Schools may need to make

¹⁵ To note, a local authority may have a separate duty under [section 2 of the Chronically Sick and Disabled Person's Act 1970](#) to provide transport enable a child in need to access any services provided for them by the authority in accordance with [section 17 of the Children Act 1989](#). This guidance does not seek to provide advice on that duty.

arrangements to accommodate these pupils. There may be a small number of circumstances in which local authorities consider it appropriate to arrange transport at an alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day.

66. Where a local authority names a residential school in the **EHC plan** of an eligible child, the local authority must provide reasonable free travel to enable the child to attend that school, for example, on a Monday and Friday for children who are weekly boarders, or before and after school holidays for children who board full-time.

67. A local authority is not required to arrange travel for an eligible child where:

- suitable free travel is provided by someone else, for example, their school or the local transport authority (for example, Transport for London); or
- a **parent** chooses to make their own arrangements for the child's travel to and from school (this does not prevent the **parent** from later requesting free travel to school).

Ways in which free travel may be provided

68. It is for local authorities to decide how they will arrange free travel for an eligible child. For example, they might provide a pass for travel on a service bus or arrange a **dedicated** school bus or a taxi. The arrangements must be free of charge to the **parent**.

69. The legislation¹⁶ permits local authorities to meet their duty in respect of an eligible child in a range of alternative ways, provided they have the consent of the **parent**. For example, with the agreement of a **parent**, the local authority might:

- provide expenses¹⁷ to enable the **parent** to make their own travel arrangements for their child;
- pay a cycling allowance to enable a child to cycle to school;
- provide independent travel training to a child where it is appropriate to do so (see paragraphs 56 to 61 for more information about independent travel training);
- provide someone to escort the child, for example when they are **walking** or **wheeling** to and from school.

¹⁶ This is set out in section [508B \(4\)\(b\) of the Education Act 1996](#).

¹⁷ Some local authorities call this a personal travel budget or a mileage allowance.

70. Where a **parent** has agreed to receive travelling expenses, it is for the local authority to determine how to administer this. They may require **parents** to provide copies of receipts and other supporting documentation.

71. To ensure the arrangements are free of charge to the **parent** of an eligible child, the travelling expenses may need to be sufficient to cover the **parent's** journey **home** having taken their child to school in the morning, and their journey back to school to collect their child in the afternoon (in other words, all four legs of their journey to school and back). There will be exceptions to this, for example if a **parent** works close to their child's school and does not travel **home** after taking their child to school. (See paragraphs 73 to 75 below for information about the interaction between the payment of travelling expenses and other benefits and allowances.)

72. The examples below provide further suggestions of alternative ways in which local authorities might meet the duty if they have parental consent.

Local authority 1 has introduced a scheme it believes will promote consistency and routine for children at a local special school. Rather than contracting a travel operator, they have leased a minibus. The local authority funds the special school for the cost of a driver and fuel. The school can use the minibus during the **school day** provided they also use it to provide travel to and from school. The school knows the children well and is better able to make travel arrangements that meet their needs.

Local authority 2 has received an application for free travel to school for a child with **special educational needs**. The child is an eligible child. The **parent** would prefer to take the child to school themselves, because they get distressed when travelling with anyone else, but are unable to do so because they need to take their other child to school. The other child is not an eligible child. Local authority 2 suggests to the **parent** that the authority should make travel arrangements for the non-eligible child, enabling the **parent** to take the eligible child to school. The **parent** is happy with this arrangement, and it does not cost them any more to take the eligible child to school than it would to take their other child.

Interaction with other benefits and allowances

73. A child's eligibility is not affected by any further benefits or allowances they or their **parents** may receive. Disability Living Allowance (DLA) for children is a contribution towards the extra cost associated with being disabled. It has two components – a care component payable at three rates, and a mobility component payable at two rates. **Parents** who receive the higher rate mobility component for their child may choose to use it to lease a Motability vehicle, but there is no requirement for them to do so. Being eligible for DLA or having access to a Motability vehicle is not

relevant to a disabled child's eligibility for free travel to school (except as evidence of their **disability**).

74. Foster carers receive an allowance to cover the cost of caring for a child. Being in receipt of foster care allowance does not affect a child's eligibility for free travel to school, but a local authority may meet their duty in respect of an eligible child by including additional funding in the foster care allowance, provided this is agreed with the foster carer.

75. Regular payments made by the local authority to reimburse the cost incurred by a **parent** in providing a child's travel to school:

- will not be taken into account in a Universal Credit assessment. (Should a local authority need to pay a **parent** any additional amounts, for example to cover unexpected expenses relating to a child's travel to school, these would be treated as capital in the Universal Credit assessment and the **parent** would need to declare them)¹⁸
- should not give rise to income tax liability, but individuals should satisfy themselves that they meet HMRC's requirements¹⁹.

¹⁸ When a person's Universal Credit is calculated, any capital they have is taken into account. Capital includes savings, investments and property (other than the home they live in). Claimants should declare any lump sum payment that would form part of their capital. Regular payments from the local authority which the claimant then spends on their child's travel will, therefore, not be taken into account. However, local authorities should be aware that, if they need to pay a parent any additional amounts and if, for example, they chose to pay 12-months' worth of additional amounts in one lump sum, this may be taken account in the Universal Credit assessment. This is because it would be considered to form part of their capital until such point as they need to spend it. More information is available about [Universal Credit](#).

¹⁹ Further information is available about [income tax](#).

Part 2: local authorities' discretionary power

76. Local authorities have a discretionary power to provide travel to school for children resident in their area who are not eligible children²⁰, referred to in this part as 'discretionary travel'.

77. Discretionary travel may be provided in either direction between the child's **home** and their school, or both. It may be provided free, or a charge may be made. Any charges should be reasonable. Local authorities may wish to consider waiving or reducing charges for children from low-income families but are not required to do so.

78. With **parents'** consent, local authorities may pay all or part of a child's reasonable travel expenses, provide them with a travel allowance, or arrange for them to be accompanied by a passenger assistant. Discretionary travel need not be limited to children of **compulsory school age**.

79. It is for each local authority to decide whether and how to exercise their discretionary power. Most use it to provide free travel to school for 4-year-olds attending reception classes if they will be eligible for free travel when they reach **compulsory school age**. Some use it to enable children who are not eligible for free travel to take spare seats on vehicles providing free travel for eligible children. Local authorities will usually charge for this service.

80. They may also offer discretionary travel to support school choice, for example, by having a policy of providing travel to enable children to attend a school with a **designated religious character** or a **selective school**. The Department for Education supports this wherever it is possible but acknowledges that budget pressures often mean authorities have to make difficult decisions to balance the benefits of discretionary travel with their other priorities. Where local authorities routinely offer discretionary travel in this way, they should make this clear in their home-to-school travel policy. Part 4 provides guidance on local school travel policies.

81. There is an expectation that local authorities will act reasonably in the performance of their functions. They should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the **parent** says there are reasons why their child needs free travel to school and make decisions on a case-by-case basis. The Department acknowledges that local authorities will not usually be able to consider matters such as the **parent's** working pattern, the cost to the **parent** of public transport, or the fact the **parent** has children attending more than one school, on their own, to be exceptional circumstances in which they will arrange travel on a discretionary basis.

²⁰ This is set out in [section 508C of the Education Act 1996](#).

Part 3: suitability of travel arrangements

Taking account of children's needs

82. Local authorities must ensure that the travel arrangements they make take account of the needs of the child concerned. For example, it would not be appropriate to provide a pass for free travel on a service bus to a child whose **special educational needs** meant they would be unable to travel on a service bus.

83. The arrangements should enable the child to travel in reasonable safety and comfort, and without undue stress, strain or difficulty, so that wherever possible they arrive at school ready to learn.

84. It may not always be necessary to provide children with 'door to door' transport in order to meet their needs. Many will be able to **walk** to a suitable pick-up point to be collected, provided they would be able to do so in reasonable safety, accompanied by their **parent** if necessary. Some children's needs will mean they need to be collected from their **home**. Local authorities should not have a policy that they never provide door to door transport and should make decisions on a case-by-case basis.

85. Some children may need particular arrangements to be made to meet their needs. For example, some children might require the support of a passenger assistant on their journey, or a child may use a wheelchair or walking frame that needs to travel with them.

86. A child's needs may need to be reassessed from time to time, for example if their level of need changes or if they move to a new school. Some children with **special educational needs** can find change distressing. Local authorities should provide **parents** with as much notice as possible of any changes to a child's travel arrangements.

Risk assessment

87. Health and safety law requires local authorities to put in place reasonably practicable control measures to protect their employees and others (including the children for whom they arrange travel) from harm. Under the Management of Health and Safety at Work Regulations 1999, they must:

- identify hazards – things that could cause injury or illness;
- assess the risk – how likely it is that someone could be harmed and how seriously;
- put in place proportionate measures to eliminate the hazard or control the risk;
- record their findings; and
- regularly review and update their risk assessments.

88. The Health and Safety Executive provides advice on managing risk, including a template and example risk assessments. Further information is available in [Managing risks and risk assessment at work](#).

89. It is for local authorities to decide what is reasonably practicable in each circumstance. They may consider that an individual risk assessment is required for some children, for example those with complex **medical needs**, but it is unlikely that all children will require an individual risk assessment.

90. Matters local authorities may need to consider could include, but are not limited to:

- the **medical needs** of the children and the likelihood of them requiring emergency medical assistance while travelling to and from school;
- their behaviour – including where this is related to their **special educational needs or disability** – and the likelihood of this causing harm to them or others while travelling;
- the safety of children while travelling on the vehicle and while boarding and alighting;
- the safe loading and tethering of wheelchairs.

Children with medical needs

91. When a local authority makes travel arrangements for a child with **medical needs**, they should consider whether and how those needs might affect the child during their journey to and from school and, where necessary, put in place proportionate arrangements to manage those needs.

92. Not every child with the same condition will need the same arrangements, so assessments should be undertaken on a case-by-case basis. The matters that should be considered are likely to include:

- the medical condition, its triggers and symptoms;
- the likelihood and consequences of the condition affecting the child on the journey to and from school; and
- the action that may need to be taken to manage the condition, for example whether the child may require medication and, if so, what dose is required, how it should be administered, and by whom.

93. Local education, health and social care services should work together to ensure children get the right support. Local authority school travel teams may need to work with local partners to make suitable travel arrangements for children with **medical needs**.

They should be able to expect the support of their local authority's **special educational needs** team, local health partners, and the schools to which they arrange travel.

94. In the first instance, local authorities should consult **parents** about their child's **medical needs**. It is likely that the child's school will have arrangements in place to manage their **medical needs** during the day. They may be able to help the local authority identify whether those needs will affect them on the journey to and from school and decide what arrangements to put in place.

95. If the child has an **EHC plan** or **individual healthcare plan**, these may contain information that is relevant to the local authority's assessment. The school should share information from the **individual healthcare plan** with the local authority where it is relevant to the journey to and from school.

96. Local authorities may sometimes need to seek specialist advice about a child and their condition. A range of different health professionals may be involved in a child's care, for example a community nurse, specialist nurse or doctor. The **parent** should be able to help the local authority identify the appropriate health professional in relation to their child. The child's school and the local authority's **special educational needs** team may also be able to help with this.

97. The local authority should ensure the driver of a vehicle providing **dedicated** school transport, and any passenger assistant involved in providing the child's travel, are aware of their needs and how to respond to them and have received any training necessary to enable them to do so. See also paragraphs 103 to 108 on training.

Administering medication and performing medical procedures

98. There is no expectation that a child's routine medication will be administered on the journey to and from school, or that routine medical procedures will be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication should be administered in accordance with instructions from a health care professional. The driver or passenger assistant responsible for administering the medication should receive training from a health care professional.

Journey times

99. As a general guide, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age, including any time taken to **walk** to a pick-up point, but there will be circumstances in which this is not possible, for example in rural areas where children live in remote locations, where a child needs to travel a long way to the school named in their **EHC plan**, or when journey times are extended by traffic delays. Wherever possible, a child should not be expected to make several changes on public transport.

100. Travel arrangements for children with ***special educational needs, disability or mobility problems*** can be particularly complex to make. Shorter journeys may be particularly desirable, perhaps because a child's ***special educational needs or disability*** mean they become distressed while travelling, but a child may need to travel a long way to the school that is able to meet their needs and one vehicle may need to collect several children. Travel arrangements may be relevant to the decision about the school that should be named in the plan.

101. Where long journeys are unavoidable, local authorities should consider whether there are measures they can take to minimise negative impacts for the child, for example if the child becomes distressed on long journeys the ***parent*** or school may be able to offer advice on effective ways of keeping them calm.

Child S is seven years old and has an ***EHC plan*** which names their nearest suitable school. This school is 20 miles from their ***home***. The route is often very busy meaning the journey from Child S's home typically takes 45 minutes. The taxi collects one other child on the way, which adds 10 minutes to Child S's journey, meaning a total journey time of 55 minutes. Given the additional expense that would be involved in providing Child S and the other child with separate vehicles, the local authority decides it is reasonable to exceed the recommended journey time in Child S's case.

Child T is fourteen years old and has an ***EHC plan*** which names a school that is 10 miles from their ***home***. Previously they travelled in a taxi with one other child and the journey took 30 minutes. The local authority then combined several routes into one. Child T now travels in a minibus with 11 other children. Due to the extra stops, the journey time is now 90 minutes. Child's T's school makes the local authority aware that, due to their ***special educational needs***, they often become very distressed at being in the minibus for that length of time. On arrival at school, it takes them a long time to calm down. As a result, they miss some of the activities other children participate in. The local authority decides it is not reasonable to exceed the recommended journey time in Child T's case and reinstates their original travel arrangements.

Safeguarding

102. The ***safeguarding*** of children is of paramount importance. Local authorities should ensure that:

- an enhanced Disclosure and Barring Service (DBS) check, with a check of the children's barred list, has been carried out for drivers and passenger assistants involved in providing **dedicated** school transport²¹;
- drivers and passenger assistants have received any training they need to perform their role in relation to **safeguarding**;
- drivers and passenger assistants know how to report any concerns they have about the children in their care;
- they share any concerns they have about the driver of a **taxi** or **private hire vehicle** with the authority that licenses them²² – the Local Government Association and Institute of Licensing have produced a [short guidance note](#) to assist with this;
- they consider whether concerns they have about a driver should be referred to the DBS – further information is available at [Making barring referrals to the DBS](#).

Training

103. Local authorities should ensure that drivers and passenger assistants working on **dedicated** school transport have undertaken appropriate training and that this is kept up to date. It is for the local authority to decide what training is required, how it will be delivered and how often it should be refreshed. These decisions should be informed by their risk assessments. The training that a driver or passenger assistant requires may be dependent on the needs of the children who are travelling. Not all drivers and passenger assistants will need the same training.

104. It is for the local authority to decide how training should be delivered, for example by the local authority, the travel operator, or an external provider. It need not always be delivered through a formal course, for example the **parents** of a child with **special**

²¹ As set out in annex 2, [statutory guidance](#) from the Department for Transport recommends that licensing authorities carry out an enhanced DBS check with a check of the children's and adults' barred lists for individuals applying for or renewing a taxi or private hire vehicle driver licence. It is for local authorities to decide whether to carry out their own check, or to rely on any check conducted by the licensing authority. There is additional information about DBS checks in annex 2 to help them make this decision. In some cases, the local authority arranging travel to school is also the licensing authority. In these cases, an additional check should not be necessary. All licensed drivers should also be required to evidence continuous registration with the DBS Update Service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the Update Service should still be subject to a check every 6 months.

²² Local authorities will also need to consider their duties under the [Data Protection Act 2018](#) and the [General Data Protection Regulations](#). In doing so, they may find the advice on page 21 of [Working Together to Safeguard Children](#) helpful.

educational needs may be experts in strategies to calm the child when they become distressed while travelling.

105. School staff will receive training to enable them to manage a child's **medical needs** in school. Arrangements for delivering this training are made locally. Wherever possible, we would expect the transport staff that will be working with the child to be able to participate in this training.

106. As a minimum, training should include:

- **safeguarding;**
- the handling of emergency situations, for example what to do in a medical emergency or if there is a road accident;
- equality, for example recognising, supporting and communicating with children with disabilities;
- any training required to meet the specific needs of the children travelling – for example, administering their emergency medication or managing their behaviour.

107. It is recommended that training in the handling of emergency situations includes training in basic life support skills. Some bus and coach drivers may have undertaken such training as part of the ongoing training they are required to do to retain their [Driver Certificate of Professional Competence](#).

108. Local authorities should also consider the training that their officers responsible for making travel arrangements need in order to do their job effectively. It is recommended that this includes equality training.

Behaviour on school travel

109. Local authorities should collaborate with schools to promote good behaviour on school travel. Schools have the power to sanction pupils for misbehaviour outside the school premises to such an extent as is reasonable, including for misbehaviour which takes place on school travel (see the guidance on [Behaviour in Schools](#)).

110. Unacceptable behaviour may include, but is not limited to, being rude, pushing and kicking, bullying, distracting the driver, refusing to wear a seatbelt, or refusing to remain seated. It may endanger the safety and wellbeing of other people.

111. Schools' behaviour policies should set out what the school will do in response to poor behaviour and bullying which occurs off the school premises and is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils.

112. Local authorities and schools should work together to:

- set clear expectations on seatbelt use;

- set high expectations for children's behaviour on school travel and ensure they are communicated clearly to **parents** and children;
- ensure arrangements are in place to report and manage incidents of unacceptable behaviour;
- work with operators to put in place measures to manage unacceptable behaviour where it occurs. Some local authorities have reported that interventions that have been successful include seating plans and 'bus prefects'.

113. Local authorities should ensure drivers and passenger assistants have received any training they need to manage children's behaviour while travelling.

114. An eligible child's travel arrangements should only be withdrawn as a last resort and, in these circumstances, the local authority should meet their duty in respect of the eligible child in an alternative way.

Managing behaviour that is part of a child's special educational needs or disability

115. A child's challenging behaviour may be part of their **special educational needs** or **disability** and they may use it as a way to communicate their needs, for example a child who exhibits challenging behaviour may be trying to communicate discomfort or distress. Local authorities should work with travel operators, schools and **parents** to find positive ways to manage this behaviour wherever possible.

116. **Parents** and schools may be able to help local authorities and travel operators understand the reasons for a child's challenging behaviour and the strategies that might be helpful in managing it. For example, a **parent** may be able to let the operator know that their child may shout and pull their hair because they find being stuck in traffic distressing, but that having a familiar toy can help to calm them. The Association of Transport Co-ordinating Officers (ATCO), in conjunction with the Department for Education and the Department for Transport, has published guidance which shares good practice in managing behaviour that is linked to child's **special educational needs** or **disability**²³.

²³ [Alternatives to Seatbelt Buckle Guards Good Practice Guide for Local Authorities](#)

Child U is twelve years old, has **special educational needs** and is eligible for free travel. They have recently moved to a new school. Having travelled quite happily in a taxi to their original school, they become distressed when travelling in a minibus to their new school. Their **special educational needs** mean they are unable to explain why they are distressed. The driver works with Child U's **parent** to resolve the issue. They identify that Child U's distress is caused by having the radio on during journeys. The driver agrees to keep the radio switched off whilst Child U is travelling.

117. Some children may find change distressing and benefit from having consistency in their travel arrangements wherever possible. Where a change to travel arrangements is planned, time to get used to the idea of a new route or vehicle, or an opportunity to meet a new driver or passenger assistant, may be helpful.

Child V is 4 years old and has **special educational needs**. They are about to begin school for the first time and will be eligible for free travel. They can become very distressed in unfamiliar situations. The local authority arranges for their driver and passenger assistant to visit Child V's **home** to meet them before the start of term. This gives Child V the opportunity to familiarise themselves with the vehicle and sit in the seat they will use on the journey to school.

It also gives the driver the opportunity to let the **parent** know that two children will already be on the vehicle when it comes to collect Child V and that it will collect one further child after Child V. This enables the **parent** to talk to Child V to prepare them for what will happen on the journey to school. The **parent** is also able to let the passenger assistant know about some strategies they have found useful when Child V has become distressed when travelling.

Part 4: local school travel policies

118. Local authorities must:

- publish their school travel policy for children of **compulsory school age**²⁴ on their website;
- make paper copies available on request;
- include information about their school travel policy in their composite prospectus for school admissions (which must be published by **12 September** each year);
- include information about travel to school for children with **special educational needs** and **disabilities** in their **SEND Local Offer**.

119. Local authorities should keep their school travel policy under regular review to ensure it continues to meet local needs and comply with statutory requirements. An up-to-date policy must be available by **19 September** each year so that **parents** may take it into account when deciding which schools to apply for during the **normal admissions round**.

120. An effective school travel policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it – local authorities should pay careful attention to the wording, layout and length of their school travel policies;
- enable **parents** to understand the circumstances in which a child is eligible for free travel to school, or any help the local authority provides using its discretionary power;
- tell **parents** how and when they should apply for free travel to school (or apply for help the local authority provides using its discretionary power);
- tell **parents** how they may appeal against the local authority's decision in relation to travel to school for their child.

121. A checklist of the necessary components of a school travel policy can be found in annex 5. Local authorities may find this helpful in ensuring their policies are lawful.

²⁴ This is required by regulation 8 and 9 of the [School Information \(England\) Regulations 2008](#), and paragraphs 10 and 11 of schedule 3 to those regulations. In addition, regulation 5 and paragraphs 5 and 6 of schedule 2 to these regulations require local authorities to include information about their school travel policy in their composite prospectus for school admissions.

122. Local authorities may, if they wish, set their school travel policy out in more than one document but they should ensure that a reader of any of the documents is able to easily understand the basic provisions of the whole policy.

123. School travel policies may signpost **parents** of children who are not eligible for home-to-school travel to other sources of information about travel to school – for example, the websites of local travel providers.

School travel and school admissions

124. **Parents** should consider how their children will get to school at the time they are choosing which schools to apply for. For some, the availability of free travel to school may be an important factor in their decision making. Information about travel to school should, therefore, be easily available to **parents** during the **normal admissions round**.

125. **Parents** will need to easily understand:

- how they can find out which school is their nearest suitable school for school travel purposes, including where this may not be the same as the nearest school for admissions purposes; and
- whether the local authority expects **parents** to include their nearest suitable school in their application for a school place if they intend to apply for free travel (see paragraphs 43 to 47 for more information on this).

Policy changes

126. Where they propose changes to their school travel policy which may affect children's eligibility, local authorities should consult locally. As a minimum, this should include consulting:

- schools whose pupils will be affected by the proposed changes, including those located in other local authority areas;
- **parents** whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future – for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes; and
- the local **Parent Carer Forum**.

127. Consultation should last for at least 28 working days during term time. Local authorities may not consider it necessary to consult on minor amendments or corrections.

128. Local authorities should give careful consideration to:

- the impact proposed changes to their policy will have on **parents'** choice of school, particularly where travel arrangements have been made to support **parents'** preference for their children to attend a school with a **designated religious character** (some such arrangements are associated with long-standing local agreements about the siting of schools);
- the financial impact the changes will have on affected families, paying particular attention to the potential impact of any changes on children from low-income families;
- the impact the changes will have on people with protected characteristics – see annex 2 for further information about protected characteristics and the public sector equality duty.

129. Wherever possible, local authorities should phase in changes so that children who begin attending a school under one set of travel arrangements continue to benefit from those arrangements until they leave that school.

Part 5: appeals

130. All local authorities have a procedure for handling complaints about the services they provide. **Parents** should be able to complain about the service they have received in relation to travel to school. They should also be able to appeal a decision taken by the local authority about their child's travel to school.

131. It is for local authorities to determine which matters should be handled as complaints and which should be handled as appeals. Typically, matters such as whether a child is eligible for free travel, or whether the travel the local authority has arranged is suitable for the child's needs will be handled as appeals. Matters such as the punctuality of a school bus, or a delay in replying to correspondence from a **parent** will be handled as complaints. The guidance in this part relates to appeals.

132. An effective appeals policy will:

- be easy for **parents** to find on the local authority's website;
- be clearly written so that **parents** may easily understand it;
- tell **parents** the circumstances in which they may appeal the local authority's decision;
- tell **parents** how and when they may appeal.

133. It is for local authorities to determine how their appeals process will operate. We recommend they adopt the two-stage process set out below. It will be similar to many local authority complaints procedures. The timings are recommended, not mandatory. Some appeals may be dealt with more quickly. Some complex cases may take longer but should still be completed as soon as possible. A flow chart setting out the suggested appeals process is included in annex 6.

Stage one: review by a senior officer

134. Stage one provides an opportunity for the local authority's school travel team to review their decision. The process should allow a **parent** 20 working days from the day they received the local authority's school travel decision to submit a written appeal. This should explain why the **parent** believes the local authority should review its decision and include any information they would like to be considered as part of the review.

135. A senior officer in the local authority's school travel team (or in the team's line management chain), should review the decision in light of the information provided by the **parent**. Some local authorities arrange for the review to be conducted by a panel of senior officers, rather than an individual, but this is not mandatory.

136. Within 20 working days of receiving a **parent's** appeal, the senior officer(s) should notify the **parent** in writing of the outcome of the appeal. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;
- the factors considered in reaching their decision;
- any other agencies or departments that were consulted as part of the review.

137. Where they have upheld the original decision, they should also explain how the **parent** may escalate their appeal to stage two of the process.

Stage two: review by an independent appeal panel

138. Stage two provides for impartial re-consideration of the case. The process should allow a **parent** 20 working days from the day they received the outcome of stage one to notify the local authority in writing that they wish to escalate the matter to stage two, and to provide any additional information that they wish to be considered in light of the stage one decision.

139. The local authority should make arrangements for an independent panel to review the case. The panel members should be independent of the original decision-making process but need not be independent of the local authority. They should have the knowledge, skills and experience to ensure that the local authority complies with its statutory duties, that a balance is achieved between meeting the needs of **parents** and of the local authority, and that children are not placed at unnecessary risk.

140. The local authority should enable any **parent** that wishes to, to attend an appeal hearing, virtually or in person, to present their case. Where a **parent** does not wish or is unable to attend a hearing, the panel should make its decision based on the **parent's** written representations.

141. The review should take place within 40 working days of the **parent** notifying the local authority that they wish to escalate their appeal to stage 2. The panel should consider information provided at stage one of the appeal as well as any additional information provided and any oral representations made at stage two.

142. Within 5 working days of completing its considerations, the appeal panel should notify the **parent** in writing of the outcome of their review. They should clearly explain:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted;

- the factors considered in reaching their decision;
- which other agencies or departments were consulted as part of the review, if any.

143. The local authority should make the **parent** aware that they may complain to the [Local Government and Social Care Ombudsman](#) if they believe the local authority has made a mistake in the way it has handled their case. If a **parent** considers the decision of the independent appeals panel to be flawed on public law grounds, they may apply for a judicial review.

Part 6: sustainable school travel

Local authorities have a duty to promote the use of sustainable travel on journeys to and from places of education in their area²⁵. Sustainable travel in this context is that which may improve:

- the physical wellbeing of users, and/or
- the environmental wellbeing of all or part of the local authority's area.²⁶

Sustainable travel benefits children and everyone around them by helping people keep healthy, improving mental wellbeing, easing congestion and reducing toxins in the air.

In this guidance, 'sustainable travel' includes:

- public transport and shared transport'
- active travel – **walking**, **wheeling**, cycling and scooting.

Support is available to local authorities through organisations and initiatives such as:

- Modeshift STARS;
- Bikeability;
- Living Streets; and
- School Streets.

These are supported by the Department for Transport and Active Travel England. Further information can be found in annex 2.

144. The duty to promote the use of sustainable travel applies in relation to travel to and from:

- schools;
- further education institutions;
- 16 to 19 Academies;

²⁵ This duty is set out in section [508A \(1\) \(c\) of the Education Act 1996](#).

²⁶ This definition is set out in section [508A \(3\) of the Education Act 1996](#).

- any place where children and young people receive education by virtue of arrangements made in accordance with [section 19 \(1\) of the Education Act 1996](#)²⁷.

145. This duty applies to young people of sixth form age as well as children of **compulsory school age** and is also covered in the [statutory guidance for local authorities on travel for post-16 students](#).

146. Local authorities must:

- **assess** the school travel needs of children of **compulsory school age** and persons of sixth form age resident in their areas (paragraphs 147 to 148);
- **assess** the facilities and services for sustainable modes of travel to, from and within their area (paragraphs 149 to 151);
- **promote** the use of sustainable travel to places of education in their area; and
- **publish** a document which sets out their strategy to promote the use of sustainable travel to places of education in their area (paragraphs 152 to 156).

Assessing school travel needs

147. The school travel needs of a local authority's area relate to journeys to and from places of education undertaken by children and young people who are:

- resident in the local authority's area, or
- live outside the local authority's area but travel to a place of education in the area.

148. Local authorities should consider any information provided by schools and colleges when assessing school travel needs. Where schools have travel plans, these will include information that will be useful to the local authority.

²⁷ Section 19 (1) of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education for children of **compulsory school age** who would otherwise not receive suitable education for reasons such as illness or exclusion.

The Modeshift STARS Education system gathers much of the data that local authorities need to fulfil the sustainable school travel duty. Each participating school:

- provides data on how their pupils travel to school;
- conducts an audit of their sustainable travel and travel infrastructure; and
- provides details on the number and type of sustainable travel initiatives that they deliver.

School A is a Modeshift STARS Primary School of the Year. This recognises their excellence in growing the amount of sustainable travel to their school. The school is situated in an area of high deprivation; they knew some of their pupils may not have access to cycles and chose to concentrate on promoting the benefits of **walking** through **walking** programmes and Park and Stride points. The school also worked with other local schools to purchase a fleet of cycles to share amongst pupils and secured funding to run a community cycling hub.

Assessing facilities and services to support sustainable school travel

149. The assessment should show how places of education are served by:

- bus and other public transport routes;
- school travel arranged by the local authority, and any that may be provided by education settings;
- safe and accessible **walking** and cycling routes including footways, footpaths, off-road cycle tracks and bridleways;
- road safety and accessibility features such as crossing points and patrols, dropped kerbs, traffic calming measures and speed limits;
- arrangements such as:
 - cycle training;
 - road safety training;
 - independent travel training;
 - **walking** promotion schemes;
 - car sharing schemes;
 - park and stride/ride schemes;
 - cycle and scooter parking.

150. It should also take account of other factors that may influence travel choices, such as:

- the quality of the facilities and services and their suitability for the age and ability of the children they serve;
- perceptions of personal safety which may be influenced by factors such as:
 - volume of traffic, speed limits and parking around school gates;
 - behaviour on school travel, public transport and the **walked** route to school;
- the travel needs of children with **special educational needs, disabilities or mobility problems** and whether they would benefit from independent travel training (see paragraphs 56 to 61 for more information about independent travel training).

151. Where schools have travel plans, they may help local authorities understand any specific local issues, the views of schools and the perceptions of pupils and **parents**.

Local authorities may wonder what they can do to promote active travel for children who live a long way from their school. Schemes such as 'Park and Stride' support all children to take part in active travel. Families park away from the school gates and **walk, wheel, cycle** or scoot the rest of the way. Advice on Park and Stride and other active travel initiatives for schools is available from Living Streets. Further information on Living Streets can be found in annex 3.

Sustainable modes of travel strategy

152. Local authorities must publish a sustainable modes of travel strategy for each **academic year**. The strategy should:

- set out the local authority's vision, objectives and work programme for:
 - improving the infrastructure for sustainable travel;
 - promoting sustainable travel to places of education;
- aim to provide:
 - health benefits for children and their families through active journeys, and
 - environmental improvements through reduced congestion and improved air quality.

153. Local authorities must:

- publish their strategy on their website;
- make paper copies available on request;
- include information about their strategy in their composite prospectus for school admissions.

154. Local authorities are not required to annually conduct a formal review of their sustainable modes of travel strategy, but they should keep it under regular review to

ensure it continues to meet local needs and comply with statutory requirements. The most up to date policy must be published by the **19 September** each year.

155. Local authorities may find it helpful to make links between their strategy and other local strategies such as the Local Transport Plan, and the Local Cycling and Walking Infrastructure Plan.

156. Modeshift can provide guidance and support to help local authorities produce their strategy. Further information on Modeshift and links to other sources of information can be found in annex 3.

Annex 1: explanation of terms used in this guidance

academic year

Defined in the [School Information \(England\) Regulations 2008](#) as a period commencing with 1st August and ending with the next 31st July.

belief

Defined by section [509AD \(3\) of the Education Act 1996](#) as any religious or philosophical belief. A reference to belief includes a reference to lack of belief.

compulsory school age

Set out in [section 8 of the Education Act 1996](#) and [The Education \(Start of Compulsory School Age\) Order 1998](#). A child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August. A child ceases to be of compulsory school age on the last Friday in June in the academic year in which they reach age 16.

***dedicated* transport**

Transport which exclusively carries children and young people to and from their place of education and cannot be boarded by members of the public.

designated religious character

Schools with a designated religious character are schools which are designated as such under [section 69\(3\) of the School Standards and Framework Act 1998](#). They may deliver religious education and collective worship in accordance with the tenets of their faith. They may also prioritise admissions for pupils of their faith and recruit staff on the basis of their faith.

disability

Defined in [section 6 of the Equality Act 2010](#). A person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities. A chronic physical or mental health condition may constitute a disability. Not all disabilities are visible.

Education Health and Care (EHC) plan

An Education, Health and Care (EHC) plan details the education, health and social care support that is to be provided to a child or young person who has special educational

needs or a disability. It is drawn up by the local authority after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partner agencies.

Home-to-school travel arrangements are not normally considered to be special educational provision. In exceptional cases travel arrangements may be deemed to constitute special educational provision because they fulfil an education or training function. In these circumstances the travel arrangements should be recorded in section F of the EHC plan.

Travel costs can also be provided as part of a Personal Budget, where one is agreed and included in the EHC plan as part of the special educational provision. This should be recorded in section J of the plan.

home

The place where a child is habitually and normally resident. Local authorities should make clear in their school travel policies how they will determine a child's home address for the purposes of assessing their eligibility for travel, including in circumstances where their parents do not live together and the child spends part of the week with each parent. In these circumstances, there is no expectation that local authorities should provide travel to and from two separate addresses.

individual healthcare plans

Drawn up by schools in consultation with parents and relevant health professionals. They capture the key information and actions that are required to effectively support a child with medical needs in school. For more information about supporting children with medical needs in schools see [Supporting pupils with medical conditions at school](#). This guidance suggests that schools may wish their policies on supporting pupils with medical conditions to refer to home-to-school travel.

licensing authority

Taxi and private hire operators and drivers must be licensed by a local licensing authority – usually a unitary authority or district council in a local area, but Transport for London is the licensing authority for all London boroughs.

medical need

A health need that has the potential to put a child's safety or wellbeing at risk while travelling to and from school.

mobility problem

A physical impairment that impacts a child's ability to walk to school.

normal admissions round

The period during which parents apply for school places. The deadlines for applications are 31 October for secondary school places and 15 January for primary places. Places are offered to parents on National Offer Day. Secondary National Offer Day is 1 March, or the next working day. Primary National Offer Day is 16 April, or the next working day.

parent

References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.

parent carer forum

Voluntary organisations made up of parents and carers from a local area who have children with SEND. They work with local authorities, schools and other professionals to support the strategic participation of parents, carers and their families in local SEND policy service and delivery.

private hire vehicles (PHVs)

May carry up to 8 passengers and can only be pre-booked via a licensed private hire vehicle operator. See also the definition of ***taxi*** below.

religion

[Section 509AD \(3\) of the Education Act 1996](#) defines religion as any religion. A reference to religion includes a reference to lack of religion. See also definition of ***belief*** above.

road route

A route passable by a motor vehicle.

safeguarding

Defined in [Keeping Children Safe in Education](#) as:

- protecting children from maltreatment
- preventing the impairment of their mental and physical health and development
- ensuring they grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

school day

Schools are responsible for deciding when their school day will start and end. The expectation is that local authorities will arrange travel for eligible children to enable them to attend for the 'normal' school day. Schools should organise the school day and school week in the best interest of their pupil cohort. They are expected to act reasonably when making changes to their school day or week. It is unacceptable for them to shorten their day or week unless it is a direct action to enhance pupils' education.

selective school

A school that can select all or some of the children it admits by testing for aptitude or ability, for example a grammar school.

SEND Local Offer

Sets out, in one place, information about the provision local authorities expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have an EHC plan. Further information can be found in the [Special education needs and disability code of practice: 0 – 25 Years](#).

special educational needs (SEN)

Defined in [section 20 of the Children and Families Act 2014](#). A child or young person has special educational needs if he or she has a learning difficulty or ***disability*** which calls for special educational provision to be made for him or her.

taxis

Also known as hackney carriages, black cabs and cabs. May carry up to 8 passengers. May be pre-booked or can be hired immediately by hailing on the street or at a rank. See also definition of ***private hire vehicle*** above.

walk

In this guidance walk has its literal meaning. A child could not be considered to be able to walk to school if they would need to travel in a wheelchair, but a local authority may decide, for example, that suitable travel arrangements for a child would be an assistant to push them in a wheelchair.

wheel

Refers to people who use wheelchairs and mobility scooters and may not identify with walking.

Annex 2: further information

Equalities legislation and home-to-school travel

Local authorities must comply with the [Equality Act 2010](#) and the [European Convention on Human Rights](#) (which is incorporated into UK law by the [Human Rights Act 1998](#)) when exercising their school travel functions.

The Equality Act 2010

The Equality Act (the Act) prohibits a local authority from discriminating against someone on the grounds of a 'protected characteristic'. The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Through an exemption in Part 2 of Schedule 3 of the Act, the discrimination provisions on age and **religion** or **belief** do not extend to a local authority's school travel arrangements. So, for example, a local authority would not be unlawfully discriminating on **religion** or **belief** grounds if it arranged a school bus to a school with a **designated religious character** but not to another school in the area.

The Act also places a legal obligation on local authorities to comply with the public sector equality duty. This means they must consider how their school travel decisions and policies affect people with protected characteristics, and must have due regard to the need to:

- eliminate discrimination against people with protected characteristics;
- promote equality of opportunity between people who have a protected characteristic and those who do not;
- foster good relations between people who have a protected characteristic and those who do not.

The European Convention on Human Rights (ECHR)

Article 2 of Protocol 1 of the ECHR gives **parents** the right to have their children educated in accordance with their religious and other views.

In addition, section 509AD of the Education Act 1996 requires local authorities to have regard to any wish of a **parent** to have their child educated at a school based on their **religion** or **belief** when exercising their school travel duties.

This does not mean that **parents** have a specific right to have their children educated at such a school, or to have travel arrangements made by their local authority to and from any such school.

Local authorities should, nonetheless, have regard to the provisions of the ECHR and section 509AD when considering any request made by a **parent** for travel assistance to a school they have selected on the grounds of their **religion** or **belief**.

They should not, for example, have a blanket policy that they never provide travel assistance to schools with a **designated religious character**. Should they receive a request from a **parent** for travel to such a school, they should consider whether it would be appropriate to exercise their discretionary power.

Parent's responsibility to ensure their child receives education

[Section 7 of the Education Act 1996](#) requires **parents** to ensure their children of **compulsory school age** receive a suitable full-time education. If a child of **compulsory school age** is registered at school but fails to attend school regularly, their **parents** may be guilty of an offence and can be prosecuted by the local authority. Under [section 444 \(3B\) of the same act](#), **parents** will have a defence in law against such prosecution if the child is eligible for free travel to school and the local authority has failed to make home-to-school travel arrangements for them.

Children registered at more than one qualifying school

Some children may be registered at more than one qualifying school, for example if they attend a hospital school or a special school on temporary basis. Children of no fixed abode may be registered at more than one qualifying school because their **parent's** trade or business requires them to travel from place to place. This is known as dual registration. Children with **EHC plans** may have a 'dual placement' and attend more than one school²⁸.

The School Travel (Pupils with Dual Registration) (England) Regulations 2007 clarify a child's eligibility for free travel to school in these circumstances. Where a child is registered at two qualifying schools which are not pupil referral units, the local authority's duty to provide free travel to school applies to whichever of the schools the child is attending on any school day on which travel is required. Where one of the schools is a

²⁸ See paragraph 9.85 of the [Special Educational Needs and Disability Code of Practice: 0-25 Years](#).

pupil referral unit, the child can only receive free travel to the pupil referral unit during the period of suspension or off-site direction.

Disclosure and Barring Service checks

A Disclosure and Barring Service (DBS) check is a check of a person's criminal record. There are 4 types of DBS check:

- a basic check which shows unspent convictions and unspent conditional cautions;
- a standard check which shows spent and unspent convictions, cautions, reprimands and final warnings, subject to filtering rules²⁹;
- an enhanced check which shows the same as a standard check plus any information held by local police that is considered relevant and proportionate to disclose;
- an enhanced check with a check of the relevant barred list, which shows the same as an enhanced check plus whether the applicant is on the barred list.

The DBS keeps two barred lists – one of people who have been barred from working in regulated activity with children, and one for people barred from working in regulated activity with adults.

Regulated activity

Regulated activity with children or adults is defined in legislation. People who carry out regulated activity are eligible for an enhanced check with a check of the relevant barred list. It is a criminal offence for a barred person to work in regulated activity and for an employer to knowingly employ a barred person to work in regulated activity.

'Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children'³⁰ is regulated activity if:

- the driver is doing it as part of their job – paid or otherwise³¹, and
- it is carried out by the same person once a week or more often, or on more than 3 days in a 30-day period.

Dedicated school transport will almost always be regulated activity.

²⁹ Certain old or minor offences may not be disclosed on DBS certificates, but some offences will always be disclosed. These are usually of a serious violent or sexual nature or are relevant for safeguarding children and vulnerable adults. Further information is available here: [DBS Filtering Guidance](#).

³⁰ [Paragraph 2\(1\)\(f\) of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006](#).

³¹ [Regulation 3 of The Safeguarding Vulnerable Groups Act 2006 \(Miscellaneous Provisions\) Regulations 2009](#).

Workforce

The application form for a DBS check asks whether the check is being carried out for a role in the 'children's workforce', 'adults' workforce' or 'other workforce'. This will not affect the convictions or cautions that are automatically disclosed, but chief police officers' decisions about whether to disclose other information will be based on the relevance of that information to a role in the relevant workforce. Chief police officers must have regard to the statutory disclosure guidance³².

Where a licensing authority requests a check for a taxi/PHV driver, they will indicate it is for a role in the 'other workforce'. The check will include a check of both the adults' and children's barred lists.

Where a local authority requests a DBS check for a driver on home to school transport, they will indicate it is for a role in the 'children's workforce'. The check will include a check of the children's barred list only.

Taxis, private hire vehicles and public service vehicles

Taxi and **private hire vehicle** drivers must be licensed. **Licensing authorities** must not issue a licence to an applicant unless they are satisfied that they are a fit and proper person to hold such a licence, and they should revoke a licence if they consider a driver is no longer a fit and proper person. Each **licensing authority** decides on the requirements that applicants must meet for them to issue a licence.

Statutory guidance issued by the Department for Transport³³ recommends that licensing authorities carry out an enhanced DBS check with a check of the children's and adults' barred lists for individuals applying for or renewing a taxi or private hire vehicle driver licence. The guidance also recommends that licensing authorities do not issue a licence to any individual that appears on either of the barred lists, unless there are exceptional circumstances to do so.

All licensed drivers should also be required to evidence continuous registration with the DBS Update Service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the Update Service should still be subject to a check every 6 months.

All **licensing authorities** report that they require an enhanced DBS check with a check of the children's and adults' barred lists. They may also require a medical check, a knowledge test and a driving test. Vehicles used as **taxis** and **private hire vehicles** are

³² [Statutory Disclosure Guidance](#)

³³ [Statutory Taxi and Private Hire Vehicle Guidance](#)

usually required to pass an annual MOT test as a minimum³⁴. They must also be inspected and licensed by a **licensing authority**. The **licensing authority** may set additional requirements, for example around roadworthiness, comfort and cleanliness, and safety and security.

Operators of buses and coaches must have a public service vehicles operator's licence issued by the [Traffic Commissioners](#). Vehicles must have an annual MOT test and operators are required to keep them in a roadworthy condition. They may be inspected by the Driver and Vehicle Standards Agency (DVSA). If local authorities have any concerns about a bus or coach operator, they can [report it directly to DVSA](#).

Professional bus and coach drivers are required to hold the appropriate licence for the vehicle they are driving and an up to date Driver's Certificate of Professional Competence (DCPC). This requires them to undertake 35 hours of approved training every five years. Training providers offer a range of courses from a set syllabus. No specific part of the syllabus is mandatory. The [syllabus](#) includes, amongst other things:

- ability to assess emergency situations;
- ability to anticipate, assess and adapt to risks in traffic;
- ability to ensure passenger comfort and safety.

Organisations that provide transport on a 'not-for-profit' basis can apply for permits under section 19 or section 22 of the Transport Act 1985. These permits allow the holder to operate transport services for hire or reward without the need for a full public service vehicle operator's (PSV 'O') licence. Further information is available from the [Department for Transport](#).

The Bus Services Act 2025 has introduced a new requirement that bus and coach operators must carry out enhanced criminal records checks for all drivers of closed-door school services (not just those organised by schools and local authorities) who drive such services on more than three days in a 30-day period.

Seatbelts and standing passengers

All minibuses, coaches and buses – except for buses designed for urban use with standing passengers – must be fitted with seatbelts. This means that many vehicles used for travel to school will have seatbelts fitted.

Buses designed for urban use with standing passengers (the types of bus typically used as public service buses) do not have seatbelts fitted and may also be used for travel to school.

³⁴ Legislation that exempts new vehicles from the MOT test applies to PHVs but not taxis.

Local authorities and schools that choose to arrange home-to-school travel for their pupils may, if they wish, specify in their contracts with school travel providers that they will only accept vehicles fitted with seat belts. In deciding whether to do so, they will need to consider factors such as:

- the speed at which the vehicle will be travelling, and at which other vehicles on the same route may be travelling;
- the likelihood of an accident happening on the route the vehicle will be travelling (local authorities may find road accident statistics helpful);
- the cost and availability of suitable vehicles fitted with seat belts.

It is also important to note that:

- although primarily designed for use on urban routes, public service buses are also widely used to provide public bus services in rural areas;
- public service buses are generally a very safe mode of travel with a very low casualty rate.

[The Public Service Vehicles \(Carrying Capacity\) Regulations 1984](#) provide that three children under the age of 14 may count as two passengers when travelling on a service bus and occupying seats which do not have seatbelts fitted (for example, on a service bus they may occupy a bench seat designed for two adults). Few of this type of vehicle are now in service. Local authorities should only make use of this concession on an exceptional basis.

Public Service Vehicles Accessibility Regulations (PSVAR)

The Government's vision is for disabled people to travel easily, confidently and with dignity³⁵. The [Public Service Vehicles Accessibility Regulations 2000](#) (PSVAR) require buses and coaches with more than 22 seats, used on local or scheduled services to incorporate features which enable disabled people to board, alight and travel in comfort and safety. Home to school services arranged by local authorities where at least one passenger pays a fare or has a fare paid for them are likely to be subject to the Regulations.

When commissioning services that are in scope of PSVAR, local authorities should procure compliant vehicles where possible, but may procure non-compliant vehicles where necessary if they are covered by an exemption issued by the Secretary of State for Transport. The Department for Transport publish separate advice on exemptions.

³⁵ More information is available in the [2018 Inclusive Transport Strategy](#).

Annex 3: additional resources

Assessment of Walked Routes to Schools Guidelines Produced by [Road Safety GB](#) (a road safety organisation made up of representatives from groups across the UK, including local authority road safety teams) to provide advice to local authorities on assessing the risk posed to pedestrians by traffic.

DBS checks [DBS checks: detailed guidance](#)

Behaviour in Schools [Behaviour in schools](#)

Statutory taxi and private hire vehicle standards [Statutory taxi and private hire vehicle standards](#) [Taxi and private hire vehicle licensing: best practice](#)

LGA safeguarding guidance [School transport guidance note | Local Government Association](#) Provides guidance on the role of local authorities and licensing authorities with regard to safeguarding and taxi and private hire vehicles used for travel to school.

Climate change: a strategy for education and children's services [Sustainability and climate change strategy](#) Includes the Department for Education's commitment to support the Department for Transport in increasing active travel to school.

Active Travel England [Active Travel England](#) The Government's executive agency responsible for making walking, wheeling and cycling the preferred choice for everyone to get around in England.

The Cycling and Walking Investment Strategy [The third cycling and walking investment strategy \(CWIS3\) - GOV.UK](#) sets out the government's objectives for active travel.

Planning local cycling and walking networks [Planning local cycling and walking networks](#) Guidance and tools to help local authorities plan cycling and walking infrastructure.

The Healthy Schools Rating Scheme [Healthy schools rating scheme](#) A voluntary scheme for schools that recognises and encourages their contribution to supporting pupils' health and wellbeing. Includes active travel to school.

Bikeability [Cycle Training for Everyone – Deliver Safer Training | Bikeability](#) Department for Transport's flagship national cycle training programme aimed at children, young people and families in England.

British Cycling [Home – British Cycling](#) National governing body for cycling. Can provide advice on cycling to school and cycle training.

Cycling UK [Cycling UK | The UK's cycling charity](#) Enabling and inspiring more people to cycle more often, including to school.

Modeshift [Modeshift – Sustainable Travel – UK's leading sustainable travel organisation](#) Membership organisation that shares best practice in the delivery of sustainable travel. Over 100 local authorities are members. [Modeshift STARS – Travel Plan in Education, Business & Communities](#) The Modeshift STARS Education scheme supports schools and local authorities to develop and monitor school travel plans and provides a tool for local authorities to assess the sustainable travel and transport infrastructure in their areas and the school travel needs of pupils. [Sustainable Modes of Travel Strategy \(SMoTS\) - Modeshift](#) Guidance to support local authorities in meeting the duty to promote sustainable travel on journeys to places of education and producing a Sustainable Modes of Travel Strategy (SMoTS)

Walk Wheel Cycle Trust (formerly Sustrans) [Home - Walk Wheel Cycle Trust](#) Sustainable transport charity that provides a range of advice and support to enable children to walk, wheel and cycle to school safely.

Living Streets [Living Streets](#) Charity for everyday walking. Runs the annual WOW Walk to School challenge and offers resources and support to schools and local authorities.

Armed Forces Covenant Duty [Armed Forces Covenant Duty](#) Places a legal obligation on local authorities to have due regard to the Covenant principles when exercising certain functions, including their home-to-school travel functions.

Driving school minibuses [Driving school minibuses advice](#) Advice on when a school employee with a car driving licence may drive a minibus.

Length of the school week: minimum expectation [Length of the school week: minimum expectation](#) The Government has set the expectation that all state-funded mainstream schools will deliver a school week of at least 32.5 hours.

REAL disability equality training [REAL training: bus and coach modules](#) Training to improve confidence and skills in delivering inclusive journeys for disabled passengers.

Special Educational Needs and Disability Code of Practice: 0 to 25 years [SEND code of practice: 0 to 25 years](#)

THINK! - the government's road safety campaign [Education resources – THINK! Advice for road users – THINK!](#)

Travel to education and training for young people aged 16 and over [Transport to education and training for people aged 16 and over](#)

Trust quality descriptions [Commissioning high-quality trusts](#)

Alternatives to Seatbelt Buckle Guards: Good Practice Guide for Local Authorities

[Alternatives to Seatbelt Buckle Guards Good Practice Guide for Local Authorities](#)

Guidance from the Association of Transport Co-ordinating Officers (ATCO) on minimising the use of buckle guards. Includes good practice in managing behaviour that is linked to child's special educational needs or disability.

School Streets [School Streets: how to set up and manage a scheme - GOV.UK](#)

Guidance from the Department for Transport and Active Travel England on how to set up and manage a School Streets Scheme. School Streets schemes can support the delivery of a range of benefits including reducing congestion, boosting safety and enabling more children to walk, wheel or cycle to school. Can also help local authorities to fulfil their statutory duty to promote the use of sustainable modes of travel to school.

DfT's connectivity tool [Connectivity Tool - GOV.UK](#) Tool to help understand how sustainably located a place is and the transport interventions needed to support it. The tool can be used to see how locations in England are connected to everyday services by walking, driving, cycling and public transport and plot new transport routes to understand how these would affect an area's connectivity.

Education Act 1996

[Section 7](#) Duty of parents to secure education of children of compulsory school age

[Section 19 \(1\)](#) Provision of education in pupil referral units

[Section 444 \(3\)](#) Offence: failure to secure regular attendance at school of registered pupil

[Section 508A](#) Duty to promote sustainable modes of travel

[Section 508B](#) Travel arrangements for eligible children

[Section 508C](#) Travel arrangements for other children

[Section 508D](#) Secretary of State's duty to issue guidance in relation to sections 508B and 508C

[Section 509AD](#) Duty to have regard to religion or belief in exercise of travel functions

[Schedule 35B](#) Meaning of eligible child

Other relevant legislation

[The Public Service Vehicles Accessibility Regulations 2000](#)

[The School Travel \(Pupils with Dual Registration\) \(England\) Regulations 2007](#)

[School Information \(England\) Regulations 2008](#)

Annex 4: questions local authorities may find helpful when reviewing their policies and procedures

Transparency

- Is the school travel policy easy for parents to find and understand?
- Is it available to parents at the point they are choosing which schools to apply for?
- Is it easy for parents to find out which is their nearest suitable school?
- Is it easy for parents to find out how and when to apply for travel, and when they can expect to receive a response?
- Is it easy for parents to find out how to appeal the local authority's decision, or complain about their service?
- If a parent's application is refused, or their appeal is unsuccessful, are the reasons communicated to them clearly?
- If the local authority is unable to comply with expected timescales, does it let parents know and explain why?

Fairness

- Does the local authority always follow its published procedures when handling applications, appeals and complaints?
- Does the authority consider all relevant information when making decisions in response to applications, appeals and complaints? Are irrelevant considerations ignored and assumptions avoided?
- Does the authority keep an open mind when considering applications, appeals and complaints?
- At appeal, are parents given sufficient opportunity to make their case? Are they able to attend an appeal hearing, virtually or in person, at stage 2 if they wish to?
- Does the local authority keep a clear and accurate record of the information it considered during an appeal, the decision that it reached and the reasons for that decision?

Annex 5: home-to-school travel policy checklist

A local authority school travel policy needs to contain a number of elements to be considered lawful. There are other elements a school travel policy should include to ensure it is clear and easy for parents to understand. The main elements are listed below, but this is not an exhaustive list. Authorities may add elements they consider necessary, provided they are lawful.

- ☐ The policy includes a clear introduction explaining what the reader can expect to learn from the document.
- ☐ The policy clearly explains all four categories of eligible children (statutory walking distances; special educational needs, disability and mobility problems; unsafe walking routes; and extended rights).
- ☐ Where a local authority has a separate policy document for a category of eligibility (for example, special educational needs) they should refer to this in the main policy so parents reading one document may easily understand all the categories of eligibility.
- ☐ The policy includes information on how a parent can apply for travel to school.
- ☐ The policy clearly explains terms such as 'home address' and 'nearest suitable school'. It explains how, in instances of dual living arrangements such as equal shared custody for separated parents, the local authority determines the child's home.
- ☐ Where appropriate, the policy explains that a child's nearest school for school travel purposes may not be their nearest suitable school for admissions purposes.
- ☐ The policy clearly explains how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
- ☐ The policy clearly explains that the eligibility of children with special educational needs, a disability or mobility problems will be assessed on an individual basis.
- ☐ The policy clearly explains the ways in which travel is provided, for example, passes for public service buses, dedicated school buses, taxis.
- ☐ The policy clearly explains any other arrangements that are in place for children who are not eligible for free home-to-school travel, such as spare seat schemes, and any charges that may be made for these.

☐ The policy clearly explains how a parent may appeal the local authority's decision in response to their application for travel to school.

Annex 6: flowchart of the suggested appeals process

Officer A declines a parent's school travel application or offers travel arrangements that a parent considers unsuitable.



Within 20 working days of receiving Officer A's decision, the parent submits their written appeal.



Stage one: review by a senior officer

Within 20 working days of receiving the parent's request, Officer B (a senior officer) reviews Officer A's decision and notifies the parent in writing of the outcome.



Within 20 working days of receiving Officer B's decision, the parent submits written notification that they wish to escalate the matter to stage 2.



Stage two: review by an independent appeal panel

Within 40 days of receiving the parent's notification, an independent appeal panel considers written/oral representations from the parent, Officer A and Officer B, and reaches a decision.



Within 5 working days of reaching their decision, the independent appeal panel notifies the parent in writing.



A parent may make a complaint to the LGSCO if they feel the local authority has made a mistake in the way it has handled their case; or may request a judicial review if they believe the decision to refuse travel is flawed on public law grounds.



Department
for Education

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APPENDIX EHP03 - DfE - School Capacity (SCAP) Survey 2025 - Guide for local authorities (May 2025)



Department
for Education

School Capacity (SCAP) Survey 2025

Guide for local authorities

May 2025

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Summary

How local authorities should collect and submit data for the annual school capacity survey.

The annual school capacity survey (SCAP) collects information on:

- School capacity: primary, secondary, and specialist provision¹ capacity for the current academic year.
- Pupil number forecasts:
 - for primary mainstream, pupil number forecasts for the next 5 academic years;
 - for secondary mainstream, pupil number forecasts for the next 7 academic years;
 - for primary specialist placements, pupil number forecasts for the next 5 academic years; and
 - for secondary specialist placements, pupil number forecasts for the next 7 academic years.
- Planned places: plans for changes to the number of primary and secondary places for the next 3 academic years

SCAP is a statutory collection, except where stated in this guidance.

We publish the data you provide in the [school capacity statistical releases](#).

The collection opens on **Monday 2 June 2025**.

You must submit your SCAP return by **Friday 25 July 2025**.

We advise you to start loading your data no later than **Friday 11 July 2025**.

For questions about this guidance or any issues you are unable to resolve email the Pupil Place Planning Data Team at SCAP.PPP@education.gov.uk for advice.

¹ For special schools and special educational needs units and resourced provision in mainstream schools only.

Who this publication is for

This guidance is for:

Local authority staff involved in compiling and submitting data for SCAP.

Changes from the previous survey

Details of what's changed since the last survey:

- **There have been no changes to the collection itself, the data requirements, or the COLLECT system**, however, we have simplified the language used in this guidance to make it easier to read and follow.
- We have added some more examples in the 'Recording capacity by year group' section.
- We have added more to the forecast data required and methodology sections to better explain the concepts and processes.
- For those new to forecasting or for LAs reviewing their methodology, we have been more explicit in our advice.
- We have indicated areas that may be queried during the data cleaning process (not an exhaustive list).
- **There have been no changes to the sections and ordering of this guidance.**

Which schools to include

Explains which schools are in scope for SCAP

Mainstream schools

Survey returns must include mainstream schools with capacity in any of the year groups from reception to year 11 on **1 May 2025**. This includes:

- local authority maintained schools
- academies, including:
 - free schools
 - city technology colleges
 - university technical colleges
 - studio schools

Survey returns must exclude:

- nursery schools and nursery units within schools
- pupil referral units and alternative provision settings
- mainstream independent schools
- 16-19 establishments

Special schools (capacity return)

Survey returns must include special schools with capacity in any of the year groups from reception to year 11 on **1 May 2025**. This includes:

- local authority maintained special schools
- special academies, including special free schools
- non-maintained special schools²

Survey returns must exclude:

- nursery schools and nursery units within schools
- pupil referral units and alternative provision settings³
- independent special schools
- 16-19 establishments

² Whilst LA commissioning processes for NMSS may differ from other state-funded schools, for the purposes of this collection NMSSs are considered to be state-funded as they are maintained by way of a funding agreement with the Secretary of State and receive capital funding directly from the DfE for the purposes of condition and general maintenance.

³ Due to local variation in alternative provision delivery models, we are not collecting capacity data on alternative provision settings as part of SCAP25. However, the DfE will keep this position under review for future collections.

How to determine net capacity

Explains how to calculate the net capacity for reporting to the school capacity survey.

The method used to calculate the net capacity figure that is reported in the school capacity survey depends on whether the school is a local authority maintained school, an academy, or a special school.

The net capacity of a school will not always equal exactly the sum of the capacity by year groups, for a variety of reasons. The 'Recording Capacity by year group' section gives more details.

For mainstream schools, **you should not record capacity figures in SCAP that are lower than indicated by a Net Capacity Assessment or the Funding Agreement.** We will only accept lower net capacity figures in exceptional circumstances where the reduction is likely to be long-term. For example, where a school operates below net capacity for a period as part of a strategy to improve school performance. We would expect this to have been discussed between the relevant Regional Director, local authority, academy trust, and DfE Pupil Place Planning team as appropriate. You should record details of such cases when prompted in the notes section.

Capacity for local authority maintained schools

The net capacity of a maintained school is calculated using a net capacity assessment (NCA). This is based on the net area of all buildings that are available to that school. It should also include:

- all extra places that have been added to the school (even though they may not yet be in use);
- any classrooms that have been mothballed; and
- non-teaching space that has been re-designated as a classroom.

Further guidance on calculating the net capacity of schools is [available](#).

Capacity for academy schools

We would usually expect the capacity of an academy reported in the school capacity survey to be based on the capacity recorded in the school's funding agreement, which in turn should have been based on the most recent net capacity assessment.

Where an NCA has been carried out, either through the Department for Education's (DfE) [NCA programme](#) or by some other means, this net capacity figure should be reported in SCAP.

If using an academy's funding agreement as the source of capacity information and a change has been or is to be made to the physical capacity of the school, you must take account of this change in the total net capacity figure reported in SCAP. When changing physical capacity, trusts should first consult the [guidance](#) for making significant changes and follow the process where required to gain approval for the change. Whether approval is needed or not, in all cases trusts should take action to amend the capacity figure in their funding agreement and on [Get Information about Schools](#).

Where changes to an academy funding agreement have not yet been made, you may find the following examples helpful in completing the SCAP capacity return.

If the number on roll in a school is higher than its capacity, you must enter an explanation prior to submission, which we will review during the data cleaning process.

Example 1: An academy has reduced its Published Admission Number (PAN) below that stated in the funding agreement, but no buildings have been removed or re-purposed.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
750	120	600	598	750

The reduction or limiting of PAN should have been carried out in accordance with the admissions code but does not require a deed of variation to the funding agreement nor a change to the capacity reported in SCAP. The physical space continues to be available. You should continue to record the funding agreement capacity as the net capacity in your return.

The capacity by year group fields should reflect the lower PAN of 120 for the year groups which were admitted under the lower PAN of 120.

Example 2: An academy has its PAN set above that indicated by the funding agreement, but no buildings have been added. The number on roll continues to be lower than the funding agreement.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
750	180	900	654	750

An increased or high PAN may be possible where numbers on roll are low in upper year groups. There is no certainty that the physical space could accommodate the total number indicated by the PAN multiplied by the number of year groups.

You should continue to record the funding agreement capacity as the net capacity in SCAP. The capacity by year group should reflect the higher PAN of 180 for the year groups which were admitted under the higher PAN of 180.

However, if the academy is confident that higher PAN can be accommodated across all year groups and they will continue to set PAN at this level in the long-term, this higher capacity can be reported in SCAP and they should seek to amend the capacity figure in the funding agreement.

Example 3: An academy has its PAN set above that indicated by the funding agreement, but no buildings have been added. The number on roll reflects higher admission numbers.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
750	180	900	897	900

The number on roll consistently reflects uptake of the higher PAN. There is a high degree of certainty that the physical space can accommodate the total number indicated by the PAN multiplied by the number of year groups.

The PAN multiplied by number of year groups should be recorded as the net capacity. The capacity by year group should reflect the higher PAN. The trust should seek to amend the capacity figure in the funding agreement.

Example 4: An academy's admissions are higher than the funding agreement capacity figure and PAN.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
750	180	900	1025	900

As the academy is under no obligation to admit above PAN or the funding agreement capacity, the higher admission numbers reflected in number on roll are uncertain and should not be used to determine capacity. However, there is a high degree of certainty that the physical space can accommodate the total number indicated by the PAN.

You should record the PAN multiplied by the number of year groups as the net capacity in your return. The capacity by year group should reflect the higher PAN.

You should record notes to explain the pupils in excess of capacity, particularly for academies in areas of school place pressure. We may undertake further investigation with the academy trust in these cases.

Example 5: An academy with a sixth form has its PAN set above the capacity indicated by the funding agreement but no buildings have been added. The numbers on roll continue to be lower than the funding agreement capacity figure.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
900 including 100 sixth form (implying 160 each for years 7-11)	170 (years 7-11)	950 including 100 sixth form	891 including 51 sixth form	900

There is uncertainty on whether the physical space could accommodate the total number indicated by the PAN multiplied by the number of year groups plus sixth form. The higher PAN for years 7-11 may only be able to be accommodated by temporary use of sixth form capacity.

You should continue to record the funding agreement capacity as the capacity in your return. The capacity by year group for years 7-11 should reflect the higher PAN of 170.

You should report a sixth form capacity using the guidance on calculating sixth form capacity.

Example 6: An academy no longer admits or has never admitted to the sixth form, but the funding agreement contains a 6th form capacity. No changes have been made to the building since the funding agreement was set. There are two examples here, one where PAN is higher than the funding agreement intended, and one where PAN is at the funding agreement level.

Funding agreement capacity	PAN	PAN x number of year groups	Number on roll	SCAP capacity
750 which includes 150 sixth form	135	675	682 (0 in 6th form)	750 (0 sixth form)
750 which includes 150 sixth form	120	600	598 (0 in 6th form)	750 (0 sixth form)

For the purposes of SCAP, the closure or non-opening of a 6th form will not change the physical net capacity of a school. Removal of the sixth form provision should have been carried out in accordance with the admissions code and [significant change](#) process.

You should continue to record the full funding agreement as the net capacity in your return. The capacity by year group for years 7-11 should reflect the PAN.

Where the sixth form is no longer operating, a zero can be entered in the sixth form capacity field.

Capacity for sixth forms/post 16

SCAP includes a field for sixth form capacity and a field for the calculation method used. We would not expect these fields to change between surveys unless there has been a physical change, or a new measurement method used (e.g. as a result of an updated NCA or an NCA has been carried out for the first time).

The school's total net capacity figure should include the sixth form capacity. The sixth form capacity field should reflect the number of places out of the overall net capacity related to the sixth form.

Option 1: Net Capacity Assessment (Preferred method)

Use the data within the net capacity assessment tool to calculate the sixth form capacity. The data required are:

- net capacity
- number of age groups
- average sixth form stay on rate
- year 12 admission, if applicable

To calculate a sixth form capacity figure: take the net capacity and deduct the mainstream year group PAN multiplied by number of year groups.

Option 2: Funding agreement (for academies)

Use the post-16/sixth form pupil capacity reported in the academies funding agreement.

Funding agreements can be found under the workforce and finance section of the [school performance service](#).

Examples 5 and 6 in the 'Capacity for academy schools' relate to sixth form places.

Other options for calculating capacity

If options 1 and 2 are not suitable, you may use one of the following methodologies. If you use one of these methodologies, we may ask for information about why options 1 and 2 are not suitable.

Only use these options if it will result in a significantly different but more accurate sixth form capacity measurement than using options 1 or 2. If the sixth form capacity determined by any of the following options are similar (e.g. within 10%) to that under options 1 or 2, then please report the sixth form capacity using options 1 or 2.

Option 3: PAN or capacity by year group-based measure

Subtract the total capacity by year groups for years 7 to 11 from the overall school capacity to leave a nominal sixth form capacity.

This method is not acceptable where you know that the school is operating at a substantially lower PAN than the capacity in the NCA or funding agreement.

Option 4: typical operating style

Use knowledge of your schools' typical operating style. For example, if you have had a conversation with the school and they have stated their sixth form capacity, which may differ from other methods but suits their operating style.

Only use the typical operating style if it better reflects 6th form capacity that is significantly different to options 1, 2 or 3.

Option 5: Other options for calculating sixth form capacity

If you use a method not listed and it results in the same figure that would have been reached via options 1 to 4, then report that method rather than 'other'.

If you chose this option, add a note to COLLECT to inform us how you calculated the capacity.

We would not expect you to use this option if you have used any of options 1-4 in previous SCAP returns.

Capacity for specialist provision

This is the third year we are collecting capacity data for special schools and SEN units and resourced provision within mainstream schools. Special schools sit outside the admissions code and have a duty to admit pupils for whom the school is named in their EHCP. We recognise that some special schools will not have previously attempted to assess or define their available capacity. For the purposes of reporting capacity data in SCAP, LAs should refer to the following sources of information.

LAs should report the total available specialist capacity. We are not requiring LAs to report capacity for different types of SEN provision or categories of need.

Recommended Option – Special School Net Capacity Assessment

The DfE has produced a new Special School Net Capacity Assessment Tool, designed to support local authorities to calculate the total pupil capacity of a special school. The tool has been designed to resemble the mainstream net capacity assessment tool used for mainstream schools, but with adaptations to reflect the additional complexity and space requirements of specialist provision.

Use of the Special School NCA tool is not compulsory, but we would strongly encourage any LAs seeking to establish the capacity of a special school for the first time to use the new tool as a guide. The tool is currently available as a 'Beta' version and we expect to continue to refine and develop the tool over time based on feedback from local authorities. Any LAs seeking access to the Special School NCA tool should email SCAP.PPP@education.gov.uk to receive the latest copy of the tool and guidance.

As the Special School NCA tool remains a 'Beta' version, it is intended as a guide for available capacity in line with [relevant space standards](#). It may not necessarily reflect capacity in use or appropriately reflect every school's unique circumstances. Ultimately, it is for LAs to determine whether a Special School NCA accurately reflects the capacity of the school in question, or whether it may be more appropriate to rely on alternative sources of information when reporting the capacity of the school in question.

Other Sources of Special School Capacity Information

If a special school NCA is not available, LAs can use other sources of data. In rough order of preference, these data sources include (but are not limited to):

- Any capacity figure for the school that may have been agreed as part of a significant change request, either as a [prescribed alteration to a maintained school](#) or as part of request for [a significant change to an open academy](#).
- The school's 'planned number of places' as per the schools funding agreement (academies only)
- The number of 'funded places' as agreed as part of ESFA's High Needs Place Funding process (academies and institutions funded by ESFA directly only)⁴
- Typical operating figure – any capacity figure that may be used or understood locally e.g. to help inform pupil placements and local strategic planning.
- A school's self-reported capacity as captured in [Get information about Schools](#)

LAs should specify the source of each special school's capacity information in the relevant field.

We expect LAs and schools to work co-operatively to establish an appropriate capacity figure that best reflects the available capacity in that institution. For their part, schools should endeavour as far as is practical to support any LA efforts to establish an agreed capacity figure for their school, for example by facilitating access to conduct a net capacity assessment.

LAs and schools should note that the capacity information reported in SCAP is intended for planning purposes only. It does not have any wider statutory implication in respect of special schools' responsibilities under the 2014 Children and Families Act (i.e. it has no legal bearing on whether a particular placement at said school may or may not be appropriate), or in respect of any statutory 'prescribed alteration' that may apply, or any other relevant legislation. If a local authority and a school cannot agree a mutually acceptable capacity figure then DfE will take the LA's determination of the school's capacity as final for the purposes of the SCAP25 collection as the responsibility for ensuring a sufficient supply of places rests with local authorities.

LAs do not need to provide a breakdown of capacity by year group. For all-through schools, LAs should provide capacity split by primary and secondary. See 'Recording separate primary and secondary capacity' section. For secondary schools, LAs should attempt to report the capacity available for post-16. See 'Recording sixth form/post 16 capacity' section.

SEN Units & Resourced Provision

SEN units & resourced provision are forms of specialist provision found within mainstream schools. They are distinct from instances where pupils with or without an

⁴ Only where funded places are reflective of capacity. If using 'places funded' LAs should ensure that this does not result in a reported capacity higher or lower than that which could be accommodated in practice.

EHCP may be receiving special educational provision **solely in mainstream classes** (with or without additional SEN support or assistance of High Needs revenue top-up funding). Some LAs may not locally make a clear distinction between SEN units, resourced provision, or other forms of support in mainstream classes, or may use alternative terms for equivalent types of provision (Enhanced Resource Bases etc.). For the purposes of SCAP, formal SEN units and resourced provision are defined as follows:

- SEN units are special provisions within a mainstream school where the children are taught mainly within separate classes.
- Resourced provision is where places are reserved at a mainstream school for pupils with a specific type or types of SEN, but who are taught mainly within mainstream classes but require a base and some specialist facilities around the school.
- SEN Units and resourced provision will generally:
 - receive additional funding from the local authority specifically for the purpose of the provision.
 - cater for a specific type or types of SEN (e.g., autistic spectrum disorders, severe learning difficulties etc.).
 - are usually for pupils with statements or EHC plans (but could include pupils with SEN but without a statement or plan⁵).

Other indications that a particular form of special provision in mainstream settings might be considered a formal SEN unit and resourced provision, is that they will generally be 'reserved' for pupils with (or awaiting) an EHCP, and placements will usually be commissioned by the LA through the EHCP process, rather than accessed by pupils utilising standard admission arrangements. They will generally sit outside the school's mainstream PAN (though exact arrangements may differ from school to school). Finally, SEN units and resourced provision will generally receive dedicated additional funding to support the specialist nature of the provision, usually in the form of receiving High Needs place funding for a certain number of specialist places, as part of the LAs local high needs funding process.⁶

LAs will need to determine the capacity of any SEN units and resourced provision within mainstream schools, though utilising a full NCA assessment may not be appropriate unless the SEN unit operates in practice as a fully self-contained unit. Key sources of capacity information for SEN units and resourced provision are likely to include:

- The recorded capacity of any SEN unit or resourced provision in the academy's funding agreement (academies only)

⁵ Generally, only where such a pupil is awaiting or undergoing an EHCP assessment.

⁶ See [High Needs Funding Operational Guidance](#) for more information on place vs top-up funding of SEN units and resourced provision.

- The number of ‘funded places’ agreed with the local authority as part of the LA’s high needs place funding process.
- A typical operating figure – any capacity figure that may be used or understood locally e.g. to help inform pupil placements and local strategic planning.
- The maximum number of EHCP pupils the provision could accept before it would impact the schools ability to admit pupils without EHCPs up to its stated mainstream PAN.
- The capacity of any SEN units or resourced provision as captured in [Get information about Schools.](#)
- Alternatively, local authorities may need to request this information from schools directly.

LAs do not need to provide a breakdown of SEN units or resourced provision capacity by year group. For all-through schools, LAs should provide capacity split by primary and secondary. See ‘Recording separate primary and secondary capacity’ section.

The capacity data required and how to add the data to COLLECT

Information on adding your school capacity data.

Submit the school capacity data using the COLLECT system which can be accessed using DfE Sign In. [Guides](#) for local authorities submitting data using COLLECT are available.

The school level data within the school capacity return should reflect the position as at 1 May 2025.

The list of schools and associated capacity data are prepopulated based on the lists confirmed with you in Spring 2025 and the capacity figures you provided in SCAP 2024. Any updates to this list will be from information on the Get Information About Schools system.

Recording updates to school list in COLLECT

If you have updates to the list of schools, you will need to make them in the COLLECT system.

To view the data for a school and/or update the record you will need to click on the school name. This will highlight the selected school in blue. You can then click the 'Edit' button to make the following changes.

Schools converted to academy status

For any listed schools that have since converted to academy status, you only need to change a few fields. After selecting the school, mark the school as closed. Then set the value of the 'close existing school and preserve data to create a new school (overnight)' field to 'true'.

After the overnight update, the school will appear in the 'new school' section. You can then change the governance and any of the other school details which need to be updated.

Schools that have merged

For any schools which have merged, you will need to close one or more schools and update the details of the remaining school(s). You should mark one or more of the existing schools as closed. For the remaining school(s) mark as closed and set the 'close existing school and preserve data to create a new school (overnight)' field to 'true'.

After the overnight update, you will need to update the 'new school' section to reflect the school details and combined capacity. This includes updating the:

- school name
- establishment number
- governance code
- net capacity
- capacity by year group

New schools

For any completely new schools not already in the list (not including those created by academy conversion or amalgamation), add these in the 'new schools' section. This includes new schools resulting from a split or other school re-organisations where data are not transferred between schools.

You must complete all data fields for the school, including the number on roll as at May 2025.

Closed schools

For any completely closed schools, mark them as closed.

Split site schools (mainstream only)

Where a school is split between different planning areas because it operates from different sites, report each site separately in the appropriate planning area. The capacity data reported should relate to each separate site.

We will prepopulate any split site previously reported using information from the previous survey. Report the main site using the school's establishment number and report any ancillary sites using an artificial establishment number beginning with 99. This will raise a query within COLLECT. In response to the query, state the real establishment number of the school.

Use the split site indicator field for all sites.

If you are reporting a split site for the first time, you must complete all data fields for any ancillary sites in the 'new schools' section, including the number on roll as at May 2024. The capacity details of the main site in the 'existing schools' section should also be edited to be specific to the main site. See instructions in the 'Recording updates to school list in COLLECT' section.

This does not apply to special schools.

Recording net capacity

Each school must have a value in the net capacity field. We would not expect a significant number of schools to lose capacity each year. If a school has significantly reduced capacity since the previous collection, you must add a note in COLLECT to explain why. We may ask for further details during the data cleaning process.

Maintained schools

For local authority maintained schools, report the capacity as at 1 May 2025.

This should be based on an up-to-date net capacity assessment for each school, and not on how many children the school admits or the sum of deemed capacity by year group. An up-to-date net capacity assessment could be one carried out as part of a regular programme of updates, or one that has been carried out as a result of changes to the building or its use. We would not consider a net capacity assessment to be up to date if changes that affect pupil capacity have been made to the building or its use since the assessment was carried out.

The net capacity should exclude any SEN unit or resourced provision capacity, which should be recorded in the relevant separate fields. The net capacity assessment automatically excludes SEN unit or resourced provision capacity. Do not deduct any SEN unit or resourced provision capacity from the capacity calculated by a net capacity assessment.

If you are aware of an upcoming change to a school's capacity, you should still record the capacity as at 1 May 2025. If appropriate, report details of the upcoming change in the Planned Places return.

We may query if the reported net capacity has changed and/or is not in line with other data sources. See 'Common queries' section.

Academies

We would usually expect the capacity of an academy reported in SCAP to be based on the capacity recorded in the school's funding agreement, which in turn should have been based on the most recent net capacity assessment.

Where an NCA has been carried out, either through the Department for Education's (DfE) NCA programme or by some other means, this net capacity figure should be reported in SCAP.

This should exclude any SEN unit or resourced provision capacity, which you should record in the relevant separate fields. The capacity recorded in the funding agreement should have been based on the most recent net capacity assessment before the school converted, which automatically excludes SEN Unit or resourced provision capacity. Do

not deduct any SEN unit or resourced provision capacity from the capacity recorded in the funding agreement.

Funding agreements can be found in the workforce and finance section of the [school performance tables](#) or the academy trust website. **You must confirm capacity details with your academies to check they are up to date.**

Where an academy has repeatedly operated an admission number higher than the capacity figure in the funding agreement (and repeatedly admitted up to that higher admission number), and you expect it will continue to do so, report the academy's capacity as the 2024/25 published admission number (PAN) multiplied by the number of year groups.

Any decrease in admissions not involving a physical change to the building should be carried out in accordance with the Admissions Code, and you should continue to report the capacity based on the funding agreement.

Where physical alterations are made to buildings that will reduce net capacity, the academy/trust should follow the guidance on 'Making significant changes to an academy' to seek approval to amend the capacity figure in their funding agreements. A Net Capacity Assessment may be required. Until the physical capacity has been removed or an NCA has been carried out, you should continue to report capacity at the higher level.

Further examples on academy capacity are available in the 'How to determine net capacity' section of this guidance.

New or expanded schools

For new or expanded schools as well as for schools filling up the built capacity year-on-year, net capacity should reflect the final intended total built capacity, even if it is still filling up or based on a temporary site with limited capacity.

Free schools

For free schools, you should report the final intended capacity of the school as per the funding agreement, even if it is still filling up or based on a temporary site with limited capacity.

This should exclude any SEN unit or resourced provision capacity, which you should record in the relevant separate fields.

For free schools that opened in September 2024, capacity information has been prepopulated for you based on the funding agreement.

We will only expect you to make changes to this information if you think this is incorrect or if there has been a change to the final intended capacity of the school.

Special schools

For all special schools, report the available capacity as at 1 May 2025. As detailed the 'How to determine net capacity' section, this can be based on the most suitable method for the school, such as a special school net capacity assessment, funding agreement, or typical operating figure.

If you are aware of an upcoming change to a school's capacity, you should still record the capacity as at 1 May 2025. If appropriate, report details of the upcoming change in the Planned Places return.

Recording separate primary and secondary capacity

Where the school (mainstream or special) is a middle or all-through school, you must also complete both the primary and secondary capacity fields to show how the capacity is split between the phases.

The combined figures must equal the net capacity of the school.

Do not complete these fields for only primary and only secondary schools.

For mainstream schools only, this should exclude any SEN unit or resourced provision, which you should record in the relevant separate primary and secondary fields.

For middle and all-through special schools, or SEN units and resourced provision in middle and all-through mainstream schools – if the capacity by primary and secondary is not known, then LAs should make the best approximation they can based on the information available (e.g. split by current numbers on roll in each phase).

Recording sixth form/post 16 capacity

Make sure you include sixth form or post-16 capacity within the total capacity figure for any school with post-16 provision. Where sixth form or post-16 capacity is provided, we may use this data to consider the impact of under-populated sixth forms.

For mainstream schools only, sixth form or post-16 capacity should exclude any SEN unit or resourced provision capacity in that sixth form/post-16 provision.

If you report a figure for sixth form capacity, please select the method used to calculate the capacity from the drop-down list. Unless inappropriate for a given school, report the sixth form capacity based on funding agreement or net capacity assessment. If you choose to use another method, we may query your reason for not using one of these two methods. Further guidance on sixth form capacity is available in the 'How to determine net capacity' section of this guidance.

For special schools with post-16 places, if the post-16 capacity is not known, then LAs should make the best approximation they can based on the information available (e.g. current numbers on roll).

Recording SEN unit/resourced provision capacity

You should NOT include the capacity of SEN units and resourced provision in the school's total capacity figure. The capacity of any SEN units and resourced provision within mainstream schools should be determined in line with the guidance set out in the 'Capacity for specialist provision' section.

For primary and secondary schools, report all SEN unit and resourced provision under 'SEN Unit Capacity' and 'RP Capacity' respectively.

Where the school with a SEN unit or resourced provision is a middle or all-through school, you must complete both the primary and secondary capacity fields to show how the total capacity is split between the phases. You must also complete the total SEN unit and RP capacity fields. If the capacity by primary and secondary is not known, then LAs should make the best approximation they can based on the information available (e.g. split by current numbers on roll in each phase).

Recording capacity by year group (mainstream only)

Capacity by year group should relate to the number of places available in each year group as at 1 May 2025. Usually, this will be the published admission number (PAN) for that year's cohort but may vary if accommodation was added or removed later (see section on 'New schools and schools where net capacity has changed').

Include any bulge classes (whether they were added at the point of entry or later) in this figure.

If a small number of additional pupils were admitted over PAN through appeals, you do not need to add this to the capacity by year group.

For mainstream schools only, this should exclude any SEN unit or resourced provision capacity.

Capacity by year group will be prepopulated using the information provided in the previous SCAP, rolled forward by 1 year (for example, the previous year 7 capacity will now be in year 8). You will only need to enter capacity by year group for the missing year(s) of entry to the school, unless any changes have been made to capacity in other year groups. You must record a capacity figure for each year group from reception to year 11 that has pupils on roll.

The sum of capacity by year group (year groups reception to 11 plus 6th form capacity) will not necessarily equal exactly the total capacity, for a variety of reasons. For example:

- An academy PAN reduction is unlikely to reduce the capacity in the funding agreement but will be reflected in the capacity of the year group(s) which have been affected by the PAN reduction.
- A bulge class accommodated in space not intended for long-term teaching, such as a library, would be reflected in the capacity by year group total but may not increase net capacity.
- A new school opened at a lower PAN than originally intended. It has now filled and is no longer classed as a new school. PAN remains at the lower level and can be reported in the capacity by year group, however net capacity must be reported as the original final intended capacity.

PAN changes without changes to net capacity

PAN changes where net capacity is not changing should only be reflected in the capacity of the year group(s) that have been affected so far. You should still report the original PAN for year groups that entered the school prior to the change. Only if net capacity has changed should all year group capacities be changed (see section on 'New schools and schools where net capacity has changed')

For year groups which have had their pupil numbers limited for operational reasons to a number below the PAN that was in place at the time the cohort was admitted, the year group capacity recorded should be the PAN that was in place at the time the cohort was admitted. When entering the data on COLLECT, state in the notes for the affected year groups the limited year group capacity.

The reduction or limiting of PAN should have been carried out in accordance with the admissions code but does not require a deed of variation to the funding agreement nor a change to the capacity reported in SCAP.

New schools and schools where net capacity has changed

For new or expanded schools or schools filling up the built capacity year-on-year, capacity by year group should be specified for and reflect all year groups that will be served by the final intended total built capacity. This applies to any cohorts which have already been admitted, even if they were admitted with a reduced PAN. We will query capacity by year group which appears to show year on year growth of capacity in use rather than final intended capacity by year group.

For presumption schools that opened in September 2024, capacity by year group information has been pre-populated for you from DfE data.

There may be occasions where a school opened with a lower PAN than was initially intended, has now filled up, and a decision has been made to keep the PAN low. In these cases, the lower PAN can now be reported across all year group capacities. Net capacity remains at the original final intended capacity unless accommodation has been removed.

Where school capacity has reduced, record the final intended capacity for each year group.

Free schools

For free schools, you should report the final intended capacity by year group of the school as per the funding agreement, even if it is still filling up or based on a temporary site with limited capacity. For free schools that opened in September 2024, capacity by year group information has been pre-populated for you from their funding agreement. We would only expect you to make changes to this information if there has been a change to the final intended capacity by year group of the school.

Recording pupil numbers on roll

The numbers on roll information for each school will be prepopulated for all existing schools from the number of registered pupils on the most recent spring school census. All full-time and part-time pupils in designated nursery classes are excluded from the prepopulated number on roll.

The final SCAP dataset (and our published tables) will use the more up to date data from the summer school census.

If you are entering details in the 'new schools' section, you will need to provide the numbers on roll for each year group for that school. This should include any year 14 pupils, as recorded on the 2025 summer school census.

Recording net capacity method

Please report the method used to calculate net capacity. Where a net capacity assessment has been used to calculate net capacity, please also report the date on which the net capacity assessment was completed. The reporting of these data is voluntary. The completion of these data will improve our understanding of the application of the net capacity assessment and funding agreement data currently held, reducing communication required during data cleaning and informing future collection requirements.

Using the Excel templates to upload data

You can use the Excel XML template provided to upload the capacity data to COLLECT . We cannot accept the Excel template via email.

The data collection service desk will send out the templates in late May 2025 to the nominated contact for your local authority. The service desk will issue the templates via

the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the service request form.

Common queries

Query: Unexpected school establishment number

This query usually appears where an incorrect establishment number has been used. Check that you have used the establishment number that was in operation on 1 May 2025.

This query will always appear for the ancillary sites of any split site schools, as dummy establishment numbers have to be used. Please enter in the notes that this is a split site.

You must give details in the notes for any schools in your SCAP return that are not present in the Get Information About Schools system.

Query: The total of the capacity by year group fields does not match total capacity (mainstream only)

We would expect the total capacity to be roughly equal to the sum of the capacity of each year group.

Check you have correctly reflected any expansions or contractions to the size of the school. For example, if you have added a 1FE expansion to a primary school, raising the total capacity by 210 places, the capacity of each year group should have increased by roughly 30.

If the same query appeared for the school in SCAP 2024, the note will be prepopulated for you. If your situation has changed, update the note.

Query: The number of pupils is in excess of capacity

We would expect it to be difficult to fit many pupils into the school above its capacity. Check if you have forgotten to record an increase to the capacity of the school.

It may be that the school does manage to accommodate extra children, for example by:

- using non-teaching spaces as classrooms, or
- classrooms being able to fit a few extra children into each class than whole school capacity would suggest.

You will need to explain the reason for the number of pupils being in excess of capacity in the note you attach to the query. If the same query appeared for the school in SCAP 2024, the note will be prepopulated for you. If your situation has changed, update the note.

Query: Capacity of the school has decreased.

In areas where there is pressure on places, we would usually expect that capacity remains static or increases year on year, and that places would not be removed. If capacity has reduced in areas of place pressure, please provide an explanation in the notes.

In areas where numbers on roll are falling or there is no place pressure, we still require you to note the reasons for any reductions, so that we can quality assure the data and collate the information for future reference. If demand starts rising again and there is a future pressure on places, we will need to be able to review the notes for context.

Note: please refer to the guidance on how to determine net capacity.

Query: There has been a change in the year R or year 7 capacity.

In order for us to distinguish between PAN changes and bulge classes in the year of entry, please indicate which applies. Please also indicate if capacity has changed for any other reason.

The forecast data required (mainstream only)

What you have to include

Your forecasts must reflect the **actual number of pupils that you expect to have to provide a mainstream place for**, in each academic year in each planning area. This should be based on the total number of pupils you **expect will attend the** schools in that planning area, rather than where pupils are residents. We will query any forecast methodology which appears to be based solely on residency.

Where you have sixth form provision in secondary schools you will need to ensure that you have entered forecast data for years 12 and 13. If you expect any year 14 pupils, include these together with your year 13 forecasts.

Do not include pupils attending nursery or special schools or pupils attending nursery or SEN units attached to mainstream schools.

Do not include a margin in your forecasts to reflect spare places that you need to manage in-year admissions, mobility, or parental choice. You can include your expectations about pupils arriving during the year. Most authorities do this based on their experience of in-year arrivals.

Where forecast demand is higher than the capacity in a planning area, we expect this excess demand to be 'redistributed' to another planning area or areas with available places, where pupils could reasonably attend school. This could be, for example, where pupils cannot secure a place in their local school and are allocated a place elsewhere, or where pupils are travelling to non-local schools that then become full.

You should 'redistribute' pupils based on your knowledge of patterns of pupil attendance.

You should not reflect any temporary redistribution of pupils which you do not expect to continue. This could be because of, for example, excessive home to school distances, transport issues, or pending projects to add places in the preferred planning area.

Where there is no prior knowledge of established patterns of pupil attendance, you should reflect the excess demand in the planning area of its origin or another planning area with available space that you think pupils could reasonably attend.

Redistribution must be applied where needed because your planning area forecasts must reflect the actual number of pupils that you expect to have to provide a mainstream place for in that planning area, as mentioned at the start of this section.

If a planning area is on a local authority border, you will need to check with the neighbouring authority to ensure that they have sufficient capacity to accommodate all the projected pupils who you expect to be redistributed to the neighbouring authority. This is to ensure the pupil redistribution will not create a pressure in the neighbouring planning area where that LA is not responsible for providing places.

Future school changes

Where you are restructuring your school landscape (for example, from three to two tier education systems) you should aim to record your forecasts based on the structure that will be in place in each of the forecast years. The corresponding capacity changes should also be reflected in your Planned Places return. You should then record a note in COLLECT to notify us that a restructure is taking place. There are exceptions to this, particularly for single school planning areas or where the situation is complex. Please contact SCAP.PPP@education.gov.uk for advice where needed.

If you are expecting to introduce a new planning area or hoping to change your planning area structure in the future, you should record the pupil forecasts in the most appropriate planning area that currently exists. You must record forecasts of pupil numbers for existing schools in the planning area in which they currently sit.

You should forecast for new free school provision where you are confident that the project will go ahead and that it will affect the school landscape in your authority. Include a note to explain this.

Split site schools

Where a school is split between different planning areas because it operates from different sites, please include the forecasts for each site in the relevant planning area.

Housing developments

Your pupil forecasts should only include expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast period, we expect that development to be present in the relevant planning authority's latest five-year land supply. You should explain the inclusion of such housing developments, as we may review the evidence on the site's deliverability to test the suitability of the development in your forecasts.

New housing developments may generate additional pupil forecasts, but you should be careful to avoid double-counting pupil yields which are already factored into your

forecasts by default through cohort progression or migration. In addition, as part of your forecast, you should consider what proportion of the pupil yield may come from within the same planning area as the development.

If there are existing parameters for new housing in your forecasting models, we would only expect to see a change if there is a demonstrable increase in the rate at which new housing is being delivered. In this case, an appropriate figure should be determined for the additional yield.

Pupil forecasts from housing developer contributions and Housing Infrastructure Fund

Housing developer contributions (HDC) include new school places secured from developers through Section 106 agreements and the Community Infrastructure Levy. A small number of local authorities have also received or expect to receive funding from the Housing Infrastructure Fund (HIF) for the provision of new or extended schools.

Forecasts of places to be funded through these should reflect the number of school places that will be created using this funding, or by developers in lieu of funding, from academic year 2025/26 onwards. Further [guidance](#) on securing developer contributions is available.

You must include these funded places in your main forecasts but also report them separately in the relevant sections of the forecast template and on COLLECT. This will enable the DfE to split these places from the main forecasts for funding purposes.

You must include places provided by any projects that will use, or are expected to use, either of these funds.

Where HDC funds have been received but not assigned to a project you should estimate the date of delivery and quantity of places to be delivered, and report these in the return.

Where you expect these funds to fund places within the forecasting period, but have not yet received the funds, please include an estimated number of places.

Where this funding supplements an existing project, the number of pupils in these funded places should relate only to the proportion of places generated through HDC and HIF. There are many ways you can do this. For example, you may calculate the number of HDC places based on the amount the developer advised they would fund per place. You could also look at the project as a whole and calculate the proportion of places attributed to HDC or HIF and the number of places this created.

If you have contributed HDC funding to a centrally-funded free school, you should not include these places as part of your HDC forecast.

Where you have included these funded places in one forecast year, they should appear in future forecast years, along with any extra places added in those future years.

You should split HDC or HIF forecasts across year groups unless you are certain they apply to only one year group.

Usually, we do not expect the forecasts for these funded places to follow the pupils through the school system, as HDC funded places are usually for a specific school or expansion. The exception to this is when bulge classes are funded through HDC or HIF.

We expect any HDC or HIF funded places in the first three years of your forecast return to be present in your planned places return.

Example of how to forecast pupils attending housing developer funded places

In 2026/27, a new 1FE school is opening. Of the 210 places, 35 places have been funded by the developer. As this does not relate to a specific class, the places have been apportioned across all year groups (5 places per year group). Once the HDC places are built, they will be available in all subsequent forecast years.

In 2028/29, a 15 place per year group expansion has been funded from HDC, creating 105 places in total. The places are again spread across all year groups creating 15 places per year. These places are in addition to the 5 places per year group to be created in 2026/27, resulting in 20 places being reported in each year group in 2028/29 and each academic year after.

Table 1: Example Housing Developer Contribution forecasts

Academic year	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
2025/26	0	0	0	0	0	0	0	0
2026/27	5	5	5	5	5	5	5	35
2027/28	5	5	5	5	5	5	5	35
2028/29	20	20	20	20	20	20	20	140
2029/30	20	20	20	20	20	20	20	140

Forecasting methodology (mainstream only)

Explains potential methods to establish a forecast methodology for reporting to the school capacity survey.

There is [separate guidance](#) available on forecasting pupil numbers for specialist placements.

You are responsible for providing forecasts of mainstream pupil numbers to the DfE as part of SCAP. This provides local authorities and the DfE with key information for capital programmes, as well as providing the DfE with information to support basic need capital allocations and for its Pupil Place Planning Advisers to fulfil their role in supporting local authorities to fulfil their duty to secure sufficient school places.

Assessing the accuracy of previous forecasts

Before producing a new set of forecasts, you should assess the accuracy of your previous forecasts to identify and correct any issues. You can do this by comparing your previous forecasts to actual pupil numbers. You should consider the accuracy of your forecasts at overall local authority level, as an overall sense check. Inaccuracies at LA level may indicate systematic issues across one or more planning areas. You should also consider the accuracy of your forecasts at planning area and year group levels to target particular areas for improvement. If your LA level forecasts seem accurate but there are issues at planning area level, this may mean that some apportioning is not quite right or that re-distribution has not been applied properly (see the 'What you have to include' section).

You can calculate a measure for the accuracy of historic forecasts as: $(\text{Forecast pupil number} - \text{Actual pupil number}) / \text{Actual pupil number} \times 100$

This will give you a figure for the percentage over forecast or under forecast. For example, if the calculation results in a figure of 3, this means there was a 3% over forecast. Similarly, a figure of -2 means a 2% under forecast.

The threshold for what counts as accurate can depend on how volatile the trend in pupil numbers is, whether you are looking at LA or planning area level, and whether you are looking one year ahead or further out. Generally, anything within + or - 2% can be considered accurate. Beyond that, in areas of fluctuating pupil numbers or at times of changes in trends, a slightly higher threshold may be appropriate. It is worth checking the latest [school places scorecards](#) for the national average LA level forecast accuracy one year and three years ahead. This dashboard will also allow you to review the forecast accuracy of LAs similar to yours.

This value will enable you to test whether inaccuracies exist. You can then investigate your forecasting methodologies in further detail to find the possible source of the

inaccuracy. It could be down to fluctuations in the input data, such as higher or lower than expected in year admissions, entry year numbers on roll, or underlying population data. It could also be down to the assumptions you made, such as housing yield, build-out rates, migration patterns. Fluctuations in input data do not usually need any methodology adjustments, but if your assumptions are leading to under or over forecasting, then you should consider whether better evidence is available to inform and change the assumption. For example, if you forecast cohort growth of 2% per year per year group, but this has never materialised and there is no evidence to indicate housing developments will produce this cohort growth, then we would expect this to be moderated down to reflect historical trends.

You should consider how accuracy changes the further ahead you project. For example, you should consider how accurate your forecasts historically have been in each of the five years ahead. If your methodology has not changed, you can do this by looking at previous SCAP returns and comparing to the latest actual numbers on roll. If your methodology has changed, this is harder to do, but is possible by running the new methodology using historical data. In considering changes in forecast accuracy over time, you will be able to check whether any changes you have made are having an impact and allow you to adjust your assumptions appropriately.

Forecasting year group pupil numbers

Reception

There are many methods that can be used to forecast reception pupil numbers. We recommend that you use population-based data to obtain the best estimate of the number of children that currently live in your local authority. This is essentially the pool of children that will form your reception cohorts. In addition to this underlying population, you will also need information on cross-border movement and migration to enable you to form your forecasts for reception intakes. These factors can be applied individually to population data, however, we recommend using historic year R uptake ratios applied directly to your population data. See 'Example of forecasting reception pupil numbers' section.

Potential sources of population data include:

- Office for National Statistics - Live Birth Data
- GP registration data
- Early Years census data

For the final year of reception forecasts required, some of the children will not have been born at the time that you produce your forecasts. You will need to either use a different methodology for the final year R forecast, or produce a population estimate to feed into your existing methodology. Producing a population estimate may involve a simple roll-forward or may involve using different sources of population or birth data, for example

monthly births data or the latest NHS data. We recognise the final year of the forecast will inherently be more uncertain.

Non-intake year groups

A suggested, and our recommended, method for calculating forecast pupil numbers for year groups which are not the intake year of the school is to use a cohort progression technique.

This is based on the premise that the number of children in a given year group at a school will increase/decrease according to historical trends as they move into the next year group in the next academic year. See the 'Example of forecasting non-intake pupil numbers' section for a worked example.

Year 7 or other intake year pupil numbers

For other intake years, you could use either the method described for reception pupils or the method described for non-intake year groups. For example, for year 7, the underlying 'population' is the year 6 cohorts relevant to each school or planning area and the cohort progression is the year 7 uptake factor.

Other factors

The process described above is intended to give a basis for forecasts and is based largely on historical trends continuing. It may be that in your local authority, you need to make some adjustments to account for specific situations.

Migration

Changes to historical migration patterns as a result of foreseeable events should be considered. Only include factors that have a degree of certainty and/or that indicate a long-term shift in trends, to avoid introducing volatility. Example factors to take account of could be:

- an expected increase in inward/outward migration to/from a local area;
- a change in general migration patterns; or
- a known influx of arrivals.

Be mindful that in some cases, children will already be in school and included in the numbers on roll data. We encourage LAs to provide accurate projections of population growth based on trends, evidence, and projected future growth. LAs should take care not to over-project the impact of migration. We will challenge forecasts if we feel there is evidence of over-estimated pupil numbers.

We are aware that some factors will be 'known unknowns', for example the number of overseas children and asylum seekers. There will be different things to consider with

each migration route, for example: the rate of arrivals, the timeframe they are anticipated to arrive in, and how long children are expected to remain in the country/area. We expect forecasts to include these children only where there is a high degree of certainty around these things, and where numbers can sensibly be interpreted at an LA and planning area level. We do not expect to see forecasts changing on the basis of speculation.

Where a significant influx of arrivals is included under the conditions above but are expected to leave again within the forecast period, we would expect to see any step change or peak in your figures to revert to near normal levels within the forecast period.

Housing

One situation where you may wish to adjust your forecasts is to account for inflow of pupils due to new housing being built. Housing developments can have a significant impact on the demand for places in individual planning areas, or across entire local authorities.

The pupil forecasts you submit in SCAP should only include expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts. In most cases, such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast period, we expect that development to be present in the relevant planning authority's latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by reviewing evidence on the site's deliverability and assessing delivery against previous 5-year land supply plans in the relevant planning authority.

The data you collect on housing developments is likely to come from many different sources. It should be as detailed as possible, enabling you to identify:

- Number of units
- Housing size and mix
- Location
- Completion timescale

In forecasting for housing developments, you should consider patterns of movement to these developments. You should consider if new developments are likely to be populated by families moving in from outside your local authority. If so, it is important to ensure that you only count these pupils once and are not added both as part of your 'housing yield' calculation and as inward migrants, where these are counted separately.

If new developments are more likely to be populated by local families moving a short distance, consider who will fill the houses they move out of. If there is a lot of local movement, consider that some of the pupils who move into the new developments might remain in their existing school places. This could mean the effect of the new development on school place need is spread over a wider area.

One thing to consider is the rate at which houses are built in the area. If this is fairly steady over time (i.e. housing stock increases by x% each year) then it is likely that the pupil yield will already be captured in a migration factor or cohort progression rate. It is only if the speed of house building changes (up or down) that you may need to adjust your forecasts to take account of this. Consider the following examples:

1. A planning area has a large new housing development, which has planning permission but has not yet started. It is on the edge of the town and the planning area has not recently experienced significant levels of housing being built. It would be reasonable in this scenario to include all the forecast yield in future forecasts (assuming of course that the local authority's yield calculation already has a factor for local children taking up residence in the housing development)
2. A planning area has planned housing developments of around 800 units per year. This is following a period of similar levels of housing over the last five years. This means that many of the 'number on roll' figures used in the baseline forecasting already include cohort growth from housing. If the local authority was to include all pupil yield from each of the 800 units in future years, they may well be double counting, as the basic method is already accounting for this growth.

Where there is a demonstrable increase in the rate at which new housing is being delivered, you should determine an appropriate additional yield figure above that already included in the forecasting models.

Office for National Statistics core projections model

As part of a wider review of the school capacity collection, the DfE commissioned the Office for National Statistics (ONS) to develop a model to project local authority and planning area pupil numbers. The model is based upon nationally available data such as births and school census returns. It therefore provides a 'core' projection that does not include local factors such as changes to housing yield, or planned school changes, which may influence local authorities' forecasts.

The methodology used in the model is described in the core forecasting tool itself.

The model will be available at the beginning of June 2025.

Core Forecasting Tool

We have provided the core forecast in an Excel based forecasting tool. The tool uses the same Excel XML template local authorities currently complete for the school capacity forecast blade.

Local authorities can use the tool in two ways,

1. Comparing to local authority forecasts and identifying factors which may contribute to forecast differences.

2. Modifying the core forecast to account for local factors.

Use of the forecast model

The model was tested by running forecasts from a historical base year (2017/18) using only the data that would have been available at the time, allowing the accuracy of the model to be assessed and compared with forecasts from the SCAP return. In many cases, the SCAP forecast was more accurate than the core forecast, suggesting that local factors had been applied and had improved the forecast. Equally there were many cases where the core forecast was more accurate than the SCAP forecast, possibly due to methodology problems such as including extra factors that are already accounted for within the cohort progression ratios.

It is intended that the core model will help within the forecasting process in the following ways:

- Providing a baseline figure to local authorities for comparative purposes
- Aid common understanding of the factors that influence the forecast for a particular planning area
- Potentially highlight where it may be possible to improve the methodology used for certain planning areas
- Help identify where forecasts may need to be reviewed

Some of these benefits may be realised over time, as data is built up for the core forecasting model over several years.

Validation

You should monitor your forecasting process rigorously to ensure it is fit for purpose and produces results that are accurate and based on sound evidence.

It is essential that forecast figures are as you intended in your methodology. Make sure that you use appropriate formulas, and that the correct data are referenced. You may wish to focus on one or two examples and work all the way through your forecast model to ensure that you can see that each step is working in the way intended and that the outcome is logical.

You should perform quality assurance checks on the input data you use for your forecasts to ensure it is fit for purpose. The underlying assumptions you use in your forecasts should be realistic and evidence-based.

It is important to compare current forecasts to those of previous years to identify significant changes and ensure they make sense. For example, is an overall increase in pupil numbers the result of an increase in a particular year group, or planning area, and does this match your expectations?

You should also compare your forecasts to other data sources, for example data on admission applications for the upcoming September.

You should work closely with neighbouring local authorities, particularly where there are significant cross border flows. For example, your projections may need to consider planned changes to school organisation in neighbouring authorities. You should check that your understanding of cross border flows matches that of your neighbours. For example, if you are forecasting significant inward migration from a neighbouring local authority, is this also reflected in their forecasts, or are pupils being counted twice?

If you are outsourcing your forecasting, you should still carefully sense check the outputs and review the reason behind any changes to previous forecasts.

Example of forecasting reception pupil numbers

The following describes a suggested method for forecasting pupils in the reception year group.

Population data

Suppose you receive the following data for registrations at GP surgeries.

Table 2: Example GP registration data

Academic year	Age group	GP registrations
2021/22	Aged 4 as at 31 st August 2021 (birth in 2016/17 academic year)	514
2022/23	Aged 4 as at 31 st August 2022 (birth in 2017/18 academic year)	516
2023/24	Aged 4 as at 31 st August 2023 (birth in 2018/19 academic year)	520
2024/25	Aged 4 as at 31 st August 2024 (birth in 2019/20 academic year)	536
2025/26	Aged 4 as at 31 st August 2025 (birth in 2020/21 academic year)	540
2026/27	Aged 4 as at 31 st August 2026 (birth in 2021/22 academic year)	556
2027/28	Aged 4 as at 31 st August 2027 (birth in 2022/23 academic year)	580
2028/29	Aged 4 as at 31 st August 2028 (birth in 2023/24 academic year)	602
2029/30	Aged 4 as at 31 st August 2029 (birth in 2024/25 academic year)	To be estimated

You will need to estimate an underlying population figure for those aged 4 at 31st August 2029, as some of these children will not yet be born. You can do this by using historical information about changes in population and assume trends will continue. You should use the historical data that you think will best reflect the trends carrying forward.

- If GP registration data fluctuates, then taking an average or weighted average of the last few years may be best.
- If GP registration shows an increasing or decreasing trend, it may be more appropriate apply the average annual rate of change to get the final year's estimate. If trends are nearing their maximum or minimum values, we would advise caution with this method.
- You may also feel that simply using the previous year's figure again for the final year is the best option, particularly if there is large fluctuations or high uncertainty.

You can test your estimation method using the historical data, to see how accurate the calculation would be compared to the known values.

Table 3 shows an example of how to apply a weighted average to estimate the final year of GP registrations. The weights have been chosen for illustrative purposes only.

- Calculate the difference in population size between each year, as shown in table 3.
- Next, take a weighted average to give more weight to the most recent years. For example, for illustration only, if you wanted to apply a weight to 3 for the most recent year, a weight of 2 for the year before, and a weight of 1 for three years ago (a combined weight of $3+2+1=6$), the calculation would be:
 $((22 \times 3) + (24 \times 2) + (16 \times 1)) / 6 = 130 / 6 = 21.67$
- Assume that the population for 2029/30 will be 21.67 higher than the previous year, which when rounded gives 624.

Table 3: Example growth in GP registration data

Academic Year	GP registrations	Increase in population size of
2025/26	540	
2026/27	556	16
2027/28	580	24
2028/29	602	22
2029/30 estimated	624	21.67

Calculate uptake factor

The next step is to calculate an uptake factor to determine what proportion of the children in your underlying population will require a mainstream, state-funded school place. In this example, the underlying population is those registered with a GP.

You may wish to base this on historical uptake. To determine the uptake factor for each year, calculate the actual number of pupils in reception as a proportion of the total number of children of the appropriate age in your population data. For example, if there were 200 4-year-old children in the population as at 31 August 2023 and 164 children in your reception cohort in 2023/24, the uptake factor would be 164 divided by 200 times 100, which equals 82%.

The points in the year at which you take a measurement for number of reception pupils on roll will depend on things such as where your highest point might be or for what point you have a data series for.

Consider whether applying the historical uptake factor is accurate. You may wish to consider whether over the past few years the historical uptake factor has been stable or volatile, or shown a trend, and whether that trend is likely to continue.

Table 4 provides an example of reception year uptake factors.

Table 4: Example GP registration data compared to actual pupil numbers

Academic year	GP registrations	Actual Year R numbers	Uptake factor
2021/22	514	430	83.7%
2022/23	516	443	85.9%
2023/24	520	448	86.2%
2024/25	536	455	84.9%

Apply your chosen uptake factor

For each year of your forecast, multiply the number of children of the appropriate age from your population data by the uptake factor you calculated in the previous step.

In this example, we can see that the uptake factor is relatively stable over time, at about 85%. You could therefore apply last year's uptake factor of 84.9% or the rounded average of 85% to the future data to give final forecast figures for the reception year group. Table 5 shows the forecast that results from applying the rounded average uptake to GP registration data.

Table 5: Example GP registration data turned into forecasts using an uptake factor

Academic year	GP registrations	Uptake factor	Calculation	Forecast pupils
2025/26	540	85%	=540*0.85	459
2026/27	556	85%	=556*0.85	473
2027/28	580	85%	=580*0.85	493
2028/29	602	85%	=602*0.85	512
2029/30	624	85%	=624*0.85	530

Example of forecasting non-intake pupil numbers

To forecast using a cohort progression technique, you will need data on the current pupil numbers in each year group in each school or planning area. We would advise forecasting at planning area level rather than school level, to avoid the fluctuations in parental preference. If forecasting at school level, you should ensure your forecasts also make sense when aggregated to planning area level and test their accuracy against historical planning area data.

It may be more robust to base pupil number forecasts on the cohort progression seen over a number of years. This example uses the past four years of pupil number data for a planning area to calculate cohort progression ratios for each year group in each academic year.

You should consider whether using the most recent ratio, an average, a weighted average, or a trended figure is the most appropriate. If there are recent changes to cohort progression ratios that you expect to continue, then you may not want to use historical ratios. You could also use a weighted average of historical ratios to give more weight to recent trends. Alternatively, you may know of upcoming changes that will mean trends will change.

Table 6 gives data for pupil numbers in the current academic year and each of the last three years.

Table 6: Example historical actual pupil numbers

Academic year	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/22	430	432	435	480	478	470	469
2022/23	443	440	437	486	485	472	471
2023/24	448	456	443	492	495	485	471
2024/25	455	460	458	509	510	495	488

To calculate cohort progression ratios, divide each pupil number by the number of pupils who were in that 'cohort' the year before. So, for example, divide the number of pupils in Year 1 in 2022/23 (440) by the number of pupils in Reception in 2021/22 (430), to get the ratio 1.023.

Table 7 shows these ratios for each year group and each year. It also shows the average, an illustrative weighted average (using weights of 1 for 2022/23, 2 for 2023/24, and 3 for 2024/25), and an illustrative trend projection (which takes the average annual changes and applies it to the final year).

Similar to estimating the final year R forecast, an average or weighted average is most suited to fluctuating patterns. A trend projection is most suited for clear increasing or decreasing trends, but only up to the point that the maximum or minimum is reached.

This is particularly important for cohort progression rates, as there will be a limit to how many pupils realistically join or leave a cohort. Where trends are increasing or decreasing and there is some uncertainty, simply using the previous year's figure may be the best option.

You can test your estimation method using historical data to assess the accuracy of the chosen method compared to the known values.

Table 7: Example historical cohort progression ratios

	Year R to Year 1	Year 1 to Year 2	Year 2 to Year 3	Year 3 to Year 4	Year 4 to Year 5	Year 5 to Year 6
2022/23	1.023	1.012	1.117	1.010	0.987	1.002
2023/24	1.029	1.007	1.126	1.019	1.000	0.998
2024/25	1.027	1.004	1.149	1.037	1.000	1.006
Average	1.026	1.008	1.131	1.022	0.996	1.002
Weighted average	1.027	1.006	1.136	1.026	0.998	1.003
Trend projection	1.029	1.000	1.165	1.051	1.007	1.008

In this example, progression from Year 2 to Year 3 and from Year 3 to Year 4 shows a clear pattern (cohort progression ratios are steadily becoming higher, indicating that more children are joining this planning area at those year groups). You should consider what might be behind this where you see this is the case. For example, this might be the result of there being a poorly performing junior school in an adjacent planning area and resulting pupil movement away from that school into this area. A trend projection might be more suitable for these year groups, but before applying this you should consider whether you believe this pattern is likely to continue.

The next step is to apply the calculated cohort progression rates to your current pupil numbers. Multiply the rate you chose for Year R to Year 1 progression by the current number of pupils in Year R to get a figure for the number of Year 1 pupils expected next year. You can then apply the Year 1 to Year 2 rate to this figure to get a figure for Year 2 pupils the year after, and so on.

Table 8 shows the results of applying the weighted average cohort progression to each year, although you may decide to use a trend projection for Years 3 and 4 if you think demand will continue to increase. Year R figures for 2025/26 onwards are the results of the reception forecast calculated earlier.

Table 8: Example forecasts when applying average historic cohort ratios

	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2022/23 actuals	443	440	437	486	485	472	471
2023/24 actuals	448	456	443	492	495	485	471
2024/25 actuals	455	460	458	509	510	495	488
2025/26 forecast	459	467	463	520	522	509	496
2026/27 forecast	473	471	470	526	534	521	511
2027/28 forecast	493	485	474	534	539	533	523
2028/29 forecast	512	506	488	539	548	538	534
2029/30 forecast	530	526	509	555	553	547	540

Adding forecast data to COLLECT (mainstream and special)

Information on adding your pupil forecast data

You should submit your pupil forecast data using the COLLECT system, which can be accessed using DfE Sign In. [Guides](#) for local authorities submitting data using COLLECT are available.

You must provide forecasts of pupil numbers broken down by year group for each mainstream and specialist planning area in your local authority.

Specialist planning area names and numbers will be provided by the DfE. They will be LA wide and will relate to the types of provision (SEN units and resourced provision, Special schools, Independent special schools, and Alternative provision) – see '[Forecasting demand for SEN provision](#)' for more details. Note: this is a wider list of provision than is required for the capacity return.

Primary forecasts must contain data for academic years 2025/26 to 2029/30 and cover year groups reception to year 6.

Secondary forecasts must contain data for academic years 2025/26 to 2031/32 and cover year groups 7 to 11. You must also include forecasts for year groups 12 and 13 for planning areas that contain schools that have sixth forms.

Primary specialist placements forecasts must contain data for academic years 2025/26 to 2029/30 and cover year groups reception to year 6. Secondary specialist placements forecasts must contain data for academic years 2025/26 to 2031/32 and cover year groups 7 to 11. They do NOT need to include years 12 to 13, even if schools in the planning area have post-16 provision.

Forecast methodology statement

The methodology statement should set the figures in context. This is important since projection methodology varies from one local authority to another.

You must provide comprehensive information, including how you have checked and quality assured your forecasts. We may ask for further detail, including requesting a copy of your forecasting model. If you include rates (for example, cohort survival rates, progression rates or pupil yield rates) that you apply to existing cohorts or housing data, please explain how you have calculated these.

Before we will accept your data, we must be satisfied with the robustness of your forecasts.

Your forecast methodology should include information on cross-border flows, with confirmation that you have checked import and export assumptions with neighbouring local authorities.

There is a section to cover how you have arrived at your specialist placements forecast (for further detail on potential forecast methodologies, please see the stand-alone [Forecasting demand for SEN provision](#) guidance).

You should send your forecast methodology in a Word document, using the template provided, to SCAP.PPP@education.gov.uk.

Using the Excel templates to upload data

You can upload your forecast data to COLLECT using the Excel XML template we provide. We cannot accept the Excel template via email.

The data collection service desk will send out the templates in late May 2025 to the nominated contact for your local authority. The service desk will issue this via the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the [service request form](#).

Common queries

Query: Cohorts not progressing as expected

For example, comparison of Year 3 forecast in 2025/26 to Year 4 forecast in 2026/27.

We would normally expect most pupils in Year X in one year to progress on to Year X+1 in the same planning area the next academic year.

Check the forecast you have submitted is a true reflection of how pupils progress through the school years in that planning area. It may be that you do expect large fluctuations in cohorts, for example if:

- large housing developments are planned in the planning area, and you expect a significant increase in children joining schools above the standard entry year;
- there is a drop or increase every year at a specific cohort due to schools with unusual age ranges.

You will need to explain this in the note you attach to the query.

Query: Fluctuations in pupil numbers year on year

For example, comparison of Year 7 forecast in 2025/26 to Year 7 forecast in 2024/25.

We would not normally expect large fluctuations in pupil numbers year on year, as we would expect schools to take a relatively stable number of pupils each year.

Check the forecast you have submitted does not contain any mistakes.

It may be that the planning area does experience large fluctuations, for example, because it is rural and birth rates are highly variable.

You will need to explain this in the note you attach to the query.

Query: Forecasts vastly different to current number on roll

You will also need to provide an explanation where there is a significant difference between the pupil forecast in the final forecast year and the current number on roll.

The planned places data required and how to add the data to COLLECT (mainstream only)

Information on adding your planned places data

You should submit planned places data using the COLLECT system, which can be accessed using DfE Sign In. [Guides](#) for local authorities submitting data using COLLECT are available.

You must provide details of local plans to add to or remove places from net capacity, broken down by year group for each school, for the next 3 academic years:

- 2025/26
- 2026/27
- 2027/28

Any recorded planned changes to net capacity should be carried out in accordance with the guidance for [LA maintained schools](#) and [academy trusts](#).

What you have to include

You should include places related to any project undertaken by the school, local authority, or MAT where the following three criteria all apply.

1. Where mainstream school net capacity is being added or removed

You should include all places:

- from locally funded projects that are being added or removed from net capacity, irrespective of how much they cost (including zero cost projects)
- added from presumption free schools which are expected to open in the next three years

You should not include:

- changes to admission numbers unless these will also result in a change in capacity in the net capacity assessment or academy funding agreement
- SEN or nursery places, even if they use basic need funding

2. Where the addition or removal of places is not centrally funded

You should not include changes in places resulting from projects that are funded by:

- the Priority School Building Programme
- a centrally delivered free school programme (includes free schools, UTCs and studio schools)
- the Condition Improvement Fund

- the Selective Schools Expansion Fund
- the capital scheme for voluntary-aided schools
- the school rebuilding programme
- the School-based nursery capital grant

You should also not include whole school academy closures.

If you are providing supplementary funding or places to any of these centrally funded programmes, then you should record the number of places that relate to that supplementary funding only. If you record the total, we will ask you to correct the data.

If you are awaiting a decision on whether a new free school will be opened in your authority and have had to plan a contingency in case the free school does not open, only include this if you plan to bring in the contingency regardless of the outcome of the free school decision.

3. Where you have a high degree of certainty that the project will go ahead.

We would normally expect this to be where funding has been committed, for example where the local decision-maker has signed off the capital plans or where contracts have been let.

For presumption free schools, we would also normally expect the provisional opening date of the school to have been set.

Report places under the first full academic year in which the places will be available. This should be based on the date when places are built, rather than when they are due to fill with pupils.

If the places will not be available in September for the start of a given academic year, record the project under the following academic year. For example, if the places will be built by November 2025 or February 2026, record this in the academic year 2026/27.

An exception to this might be changes to school reorganisation, for example moving from a three tier to two tier structure. This depends on the timing and structure of the change. If you need help reflecting changes to school reorganisation, please contact us at SCAP.PPP@education.gov.uk.

Recording Added Places

In the planned places return, you must only report future increases to net capacity that are not bulge classes. I.e. where the additional places will remain in the year group, rather than moving through with a specific cohort. For example, a project to increase the size of Key Stage 1 (reception to year 2) accommodation in a primary school.

Report added places cumulatively. For example, if 15 places are added in years 7 to 11 in 2025/26, and a further 15 places in 2026/27, then a total of 30 places should be reported in years 7 to 11 in 2026/27 and 2027/28.

Do not report PAN increases unless the change increases net capacity or exceeds the funding agreement capacity.

For added places that relate to schools which are due to open during the planned places timeframe, please state the final intended planning area of the school. Where the establishment number of the school is not known please use an artificial establishment number, such as 9999.

Recording Removed Places

Report any works which remove physical capacity from the school, for example, the demolition of a block or removal of temporary classrooms.

Please do not report whole school academy closures.

Record removed places as negative figures.

Do not report PAN decreases unless the change decreases net capacity.

Recording Bulge Class Places

Report any additional capacity that will provide places for a cohort and that will move through the school with this cohort. For example, a project to accommodate a one-off additional form of entry.

We would expect to see this move through the school in your data. For example, if there are 30 places in year 7 in 2025/26, we would then expect to see those places in year 8 in 2026/27.

Do not include bulge classes in the planned places return that are already in operation and so are included in the capacity return.

Using the Excel templates to upload data

You can upload your planned places data to COLLECT using the Excel XML template we provide. We cannot accept the Excel template via email.

The data collection service desk will send out the templates in late May 2025 to the nominated contact for your local authority. The service desk will issue the templates via the secure School to School (S2S) system. If you have issues with S2S, contact the service desk using the [service request form](#).

Examples

Example 1:

One school is planning a 1 FE expansion which will be ready to start filling up from September 2025, while another school will remove 5 places per year group due to internal reconfiguration from 2026/27.

Added Places for School 1:

Academic year	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2025/26	30	30	30	30	30	30	30
2026/27	30	30	30	30	30	30	30
2027/28	30	30	30	30	30	30	30

Removed Places for School 2:

Academic year	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2025/26	0	0	0	0	0	0	0
2026/27	-5	-5	-5	-5	-5	-5	-5
2027/28	-5	-5	-5	-5	-5	-5	-5

Record added and removed places in the first year they in which they are built or removed. Added and removed places should be permanent so the places shown in 2025/26 must also be shown in 2026/27, and so on.

Example 2:

Secondary school 1 took a bulge class of 30 in Year 7 in September 2024, the bulge class will be in Year 8 in 2025/26. The bulge class that entered the school in September 2024 should not be included in the planned places return. The bulge class that entered the school in September 2024 will be reflected in the capacity by year group data in the capacity return, as the bulge class is in operation in the school on 1 May 2025.

Secondary school 2 will accommodate a Year 7 bulge class of 60 from September 2026:

Bulge class places for school 2:

Academic year	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
2025/26	0	0	0	0	0	0	0
2026/27	60	0	0	0	0	0	0
2027/28	0	60	0	0	0	0	0

Example 3:

A secondary school is becoming an all-through school and will start admitting to year R in September 2025. Currently it admits 7FE to year 7 and does not have a sixth form. From September 2025 it will admit 3FE in year R and 5FE for year 7. Secondary capacity will therefore reduce by 2FE in September 2025.

As the school currently admits 7FE to year 7, the capacity by year group in the capacity return is reported as 210 for year groups 7 to 11, as this is the capacity as at 1 May 2025.

In the planned places return, when recording added places, you should show the new primary places on a gradual basis. You should also record the primary planning area that this school will be in.

Academic year	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2025/26	90	0	0	0	0	0	0
2026/27	90	90	0	0	0	0	0
2027/28	90	90	90	0	0	0	0

When recording removed places, you should show the reduction in capacity for secondary year groups on a gradual basis, as the existing pupils who entered the school at the time of the higher PAN will still be there.

Academic year	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
2025/26	-60	0	0	0	0	0	0
2026/27	-60	-60	0	0	0	0	0
2027/28	-60	-60	-60	0	0	0	0

Common queries

Query: The number of places added or removed are only for a single year group

We would normally expect non-bulge projects to add or remove net capacity to affect multiple year groups in a school.

Check that you have recorded future places as built rather than when they are due to fill up with pupils.

You will need to explain this in the note you attach to the query.

Commentary

Information on completing your commentary template

Email your completed commentary templates to SCAP.PPP@education.gov.uk.

As part of SCAP, you must complete a place planning commentary template. It provides information to help the analysis of areas with pupil place planning pressures and areas with spare places. It also gives context to the high needs data submitted under SCAP.

The commentary must link to each of your planning areas, identifying any local pockets where school capacity is an issue (shortfalls or surpluses) or where there are whole new schools planned.

Use the commentary to explain:

- where there is planned action to secure additional capacity or remove capacity, indicating if it is temporary or permanent, if in new schools or expansions (for additions), and if/how the space has been repurposed (for removals);
- any other significant changes to capacity, when they would be implemented and how this would affect the places available;
- any plans that would significantly impact available capacity.

Make sure any references to specific schools include their 4-digit establishment number so that we can match up the information easily.

We will compare the commentary for each planning area against the data you have provided in capacity, forecast, and planned places. If the commentary does not appear to match what your data shows, we may ask for further clarification to check your data is accurate.

Examples might be where:

- you have said an area has high growth or housing developments, but your forecasts do not appear to show this increase;
- your data indicates a future pressure in a planning area, but the commentary does not mention this;
- you have said a school will provide temporary accommodation for a bulge class from September 2025, but there are no places recorded;
- you are planning significant removal of places for conversion to early years or SEN provision.

For SCAP25, it would be useful for us to know if additional Basic Need capital funding will be necessary to deliver places by September 2029, above the amounts already published at [Basic need allocations - GOV.UK](#). This will enable us to gather more context on where capital funding may or may not be needed given the nationally declining pupil population.

Accessing, submitting, and checking a return

How to access the COLLECT data collection system, send us your school capacity survey data, check your data, and resolve any errors

Accessing the data collection systems

You should use the COLLECT data collection system to submit data on:

- Capacity
- Forecasts
- Planned places

Access COLLECT via DfE Sign In.

For issues accessing COLLECT or technical problems while using COLLECT, contact the data collection service desk using the service request form.

Checking your data

We will email your nominated contact a Quality Assurance (QA) checklist. This list provides a guide on checking your data before submission.

As well as using this list, you should check the data as it is entered. Accurate data entry and completion of this list will reduce the number of questions that we may need to ask you.

COLLECT includes a reports feature which allows you to view and download output reports containing your data. The COLLECT system refreshes overnight, so any data that you input will not show on the output reports until the following day.

Use these output reports alongside the QA checklist to help you address any issues with your data before you submit it.

Submitting your return

You will need to arrange for your own internal review of your data before submitting it to us.

You will be unable to submit your returns if you have not addressed all error messages.

When responding to a query within COLLECT, make sure the note is against the query itself and not the return as a whole.

If you are unable to resolve any errors, email SCAP.PPP@education.gov.uk for advice. Make sure you give details of the error and the school or planning area to which it relates.

You must submit all data using the online systems. We cannot accept email copies of the downloaded spreadsheets or output reports.

Email accompanying information to SCAP.PPP@education.gov.uk. It should include:

- the commentary
- the forecast methodology using the latest template (if not submitted via the COLLECT system).

You should submit your data by **Friday 25 July 2025**.

Your return will only be considered complete when you have provided all elements.

Director of Children's Services (DCS) sign-off

After submission, we will quality assure your data. When this process is complete, we will provide you with a template for DCS sign off.

We expect DCS sign off to happen around December 2025, once the checks on all local authorities have been completed.



Department
for Education

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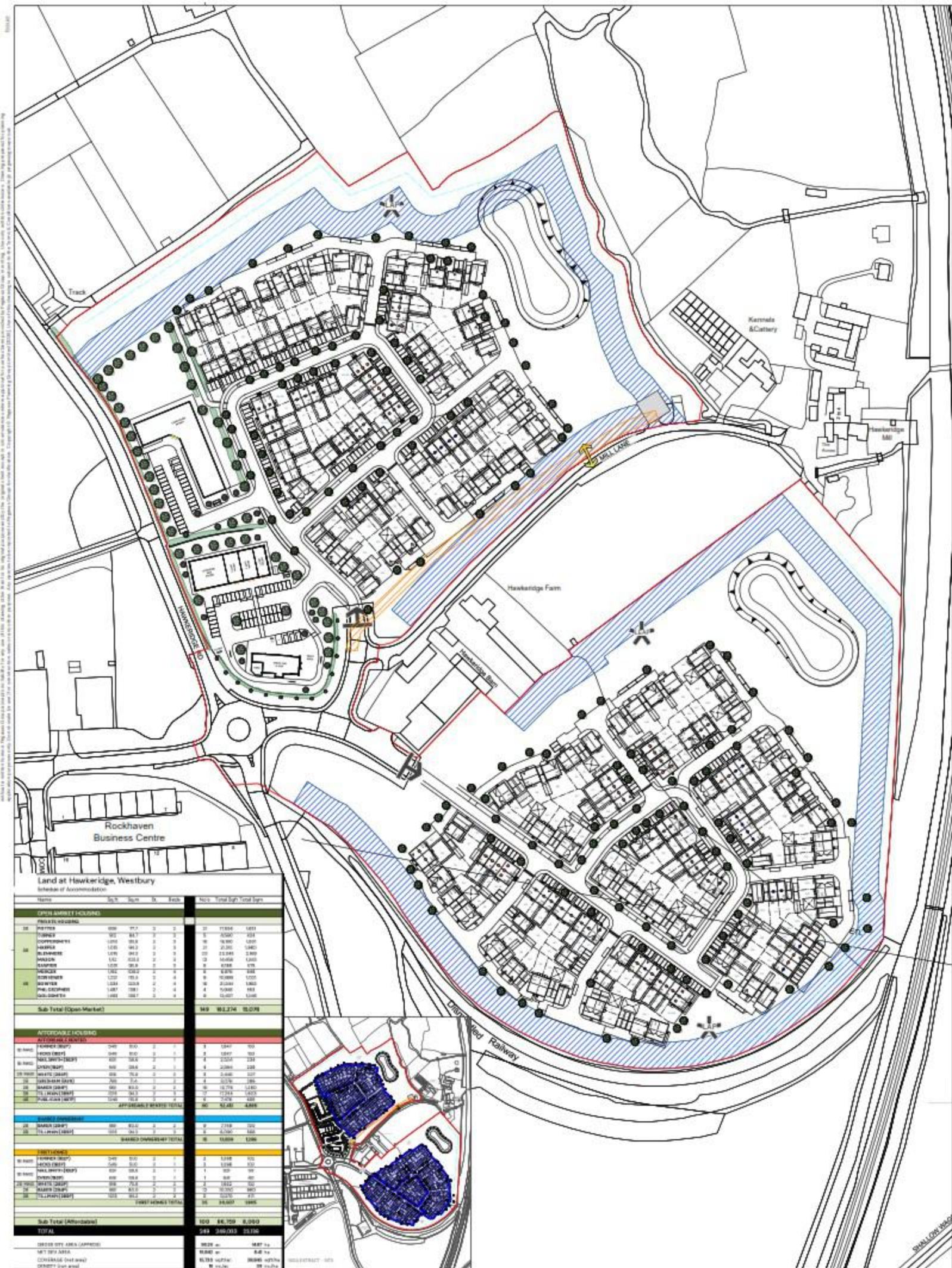
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APPENDIX EHP04 - P25-2563_DE_01G_01 Site Layout



Land at Hawkeridge, Westbury						
Schedule of Accommodation						
	Item	Plot	Area	No. Beds	No. Total	Total High Total
OPEN MARKET HOUSING						
100	100	100	77.7	2	2	2
	101	101	84.7	2	2	2
	102	102	88.8	2	2	2
	103	103	94.2	2	2	2
	104	104	94.2	2	2	2
	105	105	94.2	2	2	2
	106	106	94.2	2	2	2
	107	107	94.2	2	2	2
	108	108	94.2	2	2	2
	109	109	94.2	2	2	2
200	200	200	77.7	2	2	2
	201	201	84.7	2	2	2
	202	202	88.8	2	2	2
	203	203	94.2	2	2	2
	204	204	94.2	2	2	2
	205	205	94.2	2	2	2
	206	206	94.2	2	2	2
	207	207	94.2	2	2	2
	208	208	94.2	2	2	2
	209	209	94.2	2	2	2
Sub-Total (Open Market)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
300	300	300	77.7	2	2	2
	301	301	84.7	2	2	2
	302	302	88.8	2	2	2
	303	303	94.2	2	2	2
	304	304	94.2	2	2	2
	305	305	94.2	2	2	2
	306	306	94.2	2	2	2
	307	307	94.2	2	2	2
	308	308	94.2	2	2	2
	309	309	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
400	400	400	77.7	2	2	2
	401	401	84.7	2	2	2
	402	402	88.8	2	2	2
	403	403	94.2	2	2	2
	404	404	94.2	2	2	2
	405	405	94.2	2	2	2
	406	406	94.2	2	2	2
	407	407	94.2	2	2	2
	408	408	94.2	2	2	2
	409	409	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
500	500	500	77.7	2	2	2
	501	501	84.7	2	2	2
	502	502	88.8	2	2	2
	503	503	94.2	2	2	2
	504	504	94.2	2	2	2
	505	505	94.2	2	2	2
	506	506	94.2	2	2	2
	507	507	94.2	2	2	2
	508	508	94.2	2	2	2
	509	509	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
600	600	600	77.7	2	2	2
	601	601	84.7	2	2	2
	602	602	88.8	2	2	2
	603	603	94.2	2	2	2
	604	604	94.2	2	2	2
	605	605	94.2	2	2	2
	606	606	94.2	2	2	2
	607	607	94.2	2	2	2
	608	608	94.2	2	2	2
	609	609	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
700	700	700	77.7	2	2	2
	701	701	84.7	2	2	2
	702	702	88.8	2	2	2
	703	703	94.2	2	2	2
	704	704	94.2	2	2	2
	705	705	94.2	2	2	2
	706	706	94.2	2	2	2
	707	707	94.2	2	2	2
	708	708	94.2	2	2	2
	709	709	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
800	800	800	77.7	2	2	2
	801	801	84.7	2	2	2
	802	802	88.8	2	2	2
	803	803	94.2	2	2	2
	804	804	94.2	2	2	2
	805	805	94.2	2	2	2
	806	806	94.2	2	2	2
	807	807	94.2	2	2	2
	808	808	94.2	2	2	2
	809	809	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
900	900	900	77.7	2	2	2
	901	901	84.7	2	2	2
	902	902	88.8	2	2	2
	903	903	94.2	2	2	2
	904	904	94.2	2	2	2
	905	905	94.2	2	2	2
	906	906	94.2	2	2	2
	907	907	94.2	2	2	2
	908	908	94.2	2	2	2
	909	909	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1000	1000	1000	77.7	2	2	2
	1001	1001	84.7	2	2	2
	1002	1002	88.8	2	2	2
	1003	1003	94.2	2	2	2
	1004	1004	94.2	2	2	2
	1005	1005	94.2	2	2	2
	1006	1006	94.2	2	2	2
	1007	1007	94.2	2	2	2
	1008	1008	94.2	2	2	2
	1009	1009	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1100	1100	1100	77.7	2	2	2
	1101	1101	84.7	2	2	2
	1102	1102	88.8	2	2	2
	1103	1103	94.2	2	2	2
	1104	1104	94.2	2	2	2
	1105	1105	94.2	2	2	2
	1106	1106	94.2	2	2	2
	1107	1107	94.2	2	2	2
	1108	1108	94.2	2	2	2
	1109	1109	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1200	1200	1200	77.7	2	2	2
	1201	1201	84.7	2	2	2
	1202	1202	88.8	2	2	2
	1203	1203	94.2	2	2	2
	1204	1204	94.2	2	2	2
	1205	1205	94.2	2	2	2
	1206	1206	94.2	2	2	2
	1207	1207	94.2	2	2	2
	1208	1208	94.2	2	2	2
	1209	1209	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1300	1300	1300	77.7	2	2	2
	1301	1301	84.7	2	2	2
	1302	1302	88.8	2	2	2
	1303	1303	94.2	2	2	2
	1304	1304	94.2	2	2	2
	1305	1305	94.2	2	2	2
	1306	1306	94.2	2	2	2
	1307	1307	94.2	2	2	2
	1308	1308	94.2	2	2	2
	1309	1309	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1400	1400	1400	77.7	2	2	2
	1401	1401	84.7	2	2	2
	1402	1402	88.8	2	2	2
	1403	1403	94.2	2	2	2
	1404	1404	94.2	2	2	2
	1405	1405	94.2	2	2	2
	1406	1406	94.2	2	2	2
	1407	1407	94.2	2	2	2
	1408	1408	94.2	2	2	2
	1409	1409	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1500	1500	1500	77.7	2	2	2
	1501	1501	84.7	2	2	2
	1502	1502	88.8	2	2	2
	1503	1503	94.2	2	2	2
	1504	1504	94.2	2	2	2
	1505	1505	94.2	2	2	2
	1506	1506	94.2	2	2	2
	1507	1507	94.2	2	2	2
	1508	1508	94.2	2	2	2
	1509	1509	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1600	1600	1600	77.7	2	2	2
	1601	1601	84.7	2	2	2
	1602	1602	88.8	2	2	2
	1603	1603	94.2	2	2	2
	1604	1604	94.2	2	2	2
	1605	1605	94.2	2	2	2
	1606	1606	94.2	2	2	2
	1607	1607	94.2	2	2	2
	1608	1608	94.2	2	2	2
	1609	1609	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1700	1700	1700	77.7	2	2	2
	1701	1701	84.7	2	2	2
	1702	1702	88.8	2	2	2
	1703	1703	94.2	2	2	2
	1704	1704	94.2	2	2	2
	1705	1705	94.2	2	2	2
	1706	1706	94.2	2	2	2
	1707	1707	94.2	2	2	2
	1708	1708	94.2	2	2	2
	1709	1709	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1800	1800	1800	77.7	2	2	2
	1801	1801	84.7	2	2	2
	1802	1802	88.8	2	2	2
	1803	1803	94.2	2	2	2
	1804	1804	94.2	2	2	2
	1805	1805	94.2	2	2	2
	1806	1806	94.2	2	2	2
	1807	1807	94.2	2	2	2
	1808	1808	94.2	2	2	2
	1809	1809	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
1900	1900	1900	77.7	2	2	2
	1901	1901	84.7	2	2	2
	1902	1902	88.8	2	2	2
	1903	1903	94.2	2	2	2
	1904	1904	94.2	2	2	2
	1905	1905	94.2	2	2	2
	1906	1906	94.2	2	2	2
	1907	1907	94.2	2	2	2
	1908	1908	94.2	2	2	2
	1909	1909	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
2000	2000	2000	77.7	2	2	2
	2001	2001	84.7	2	2	2
	2002	2002	88.8	2	2	2
	2003	2003	94.2	2	2	2
	2004	2004	94.2	2	2	2
	2005	2005	94.2	2	2	2
	2006	2006	94.2	2	2	2
	2007	2007	94.2	2	2	2
	2008	2008	94.2	2	2	2
	2009	2009	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
2100	2100	2100	77.7	2	2	2
	2101	2101	84.7	2	2	2
	2102	2102	88.8	2	2	2
	2103	2103	94.2	2	2	2
	2104	2104	94.2	2	2	2
	2105	2105	94.2	2	2	2
	2106	2106	94.2	2	2	2
	2107	2107	94.2	2	2	2
	2108	2108	94.2	2	2	2
	2109	2109	94.2	2	2	2
Sub-Total (Alternative)						140 140.2 140.2
ASSISTED HOUSING						
ALTERNATIVE HOUSING						
2200	2200	2200	77.7	2	2	2
	2201	2201	84.7	2	2	2</

**APPENDIX EHP05 - Wiltshire Council - Primary School Forecasts (Westbury
Secondary Planning Area extracts plus North Bradley Primary School)**

Based on NORs from October: 2024

pupil yield per house: 0.3

Revised Primary School Population Forecast

Forecast for academic year: 2025 - 2026

Based on NORs from October: 2024

DfE No: 2136

School: Westbury Infants

Area Health Authority

Pre-school children in catchment area

	0+	1+	2+	3+	4+
2020	84	75	70	98	90
2021	97	88	83	72	103
2022	90	97	83	89	78
2023	91	95	92	81	84
2024	94	93	104	98	84

Actual school NORs. (inc unit)

	YR	Y1	Y2					
Year	4+	5+	6+					Total
2020	63	69	66					198
2021	71	67	65					203
2022	71	76	63					210
2023	69	76	66					213
2024	59	69	72					200

Growth by year group

	YR to Y1	Y1 to Y2					Total YR to Y2
2020	n/a	n/a					n/a
2021	4	-4					0
2022	5	-4					1
2023	5	-8					-3
2024	0	-4					-4
Average	3.5	-5.0					-2

timated

4 year average of Est 4+ in arriving in YR	2025 4+	2026 4+	2027 4+	2028 4+
70.0	66	73	65	72

Plus Bitham overflow.

Plus 6

Bitham overflow

Estimated school NORs by year group (inc unit)

Year	YR	Y1	Y2					Total
4+	4+	5+	6+					
2025	66	59	69					194
2026	73	66	59					198
2027	65	73	66					204
2028	72	65	73					210
2029	69	72	65					206
2030	69	69	72					210
2031	69	69	69					207
2032	69	69	69					207
2033	69	69	69					207

Effect of housing on whole school NOR

	School year commencing	Extra pupils	Cumulative extra	Total NOR	Classes
September 2024	6	6	200	7	
2025	2	8	202	7	
2026	1	9	207	7	
2027	0	9	213	8	
2028	0	9	219	8	
2029	6	15	221	8	
2030	6	22	232	8	
2031	5	27	233	8	
2032	5	31	238	8	
2033	0	31	238	8	

Growth/drop-off by age group numbers

Age	1+	2+	3+	4+
2022	0	-5	6	6
2023	5	-5	-2	-5
2024	2	9	6	3

3 year average 2.3 -0.3 3.3 1.3

PAN:
PAN x 3
Estimated NOR
Surplus places:

2024	2025	2026	2027	2028
90	90	90	90	90
270	270	270	270	270
200	202	207	213	219
70	68	63	57	51

Estimated Y2 with extra housing pupils

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
72	69	59	66	73	65	72	69	69	69	69
3	3	3	3	3	5	7	9	10	10	10
72	72	62	69	76	70	79	78	79	79	79

percentages

Age	1+	2+	3+	4+
2022	100	94	107	108
2023	106	95	98	94
2024	102	109	107	104

3 year average 103 100 104 102

Housing and estimated extra pupil numbers

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	48	6	2030	51	6
2026	17	2	2031	51	6
2027	6	1	2032	36	5
2028	3	0	2033	37	5
2029	1	0	2034	0	0

Total 250 32

pupil yield per house: 0.3

Housing included: No. of houses remaining to be built TOTAL

Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury	145	250
21A MARISTOW STREET, WESTBURY, BA13 3DN	1	
2-4 Westbury Mall, Edward Street, Westbury, BA13 3DR	5	
31-35 Edward Street Westbury	2	
32 High Street, Westbury, BA13 3DH	2	
4 Church Street Westbury	1	
47A EDWARD STREET, WESTBURY, BA13 3BQ	1	
7 STATION ROAD, WESTBURY, BA13 3JL	4	
8-10 Oldfield Road, Westbury, Wilts, BA13 3LA	4	
85 Station Road Westbury	1	
Land at Westbury Sailing Lake, Station Road, Westbury,	21	
Land off Oldfield Road	30	
Land off Station Road Westbury/Wiltshire	32	
PHIL STOKES MOTORCYCLES, WEST END, WESTBURY	1	

Revised Primary School Population Forecast					Forecast for academic year: 2025 - 2026					Based on NORs from October: 2024							
DfE No: 3192		School: Westbury Junior															
Actual school NORs. (inc unit)										Growth by year group							
Year				Y3	Y4	Y5	Y6				Y3 to Y4	Y4 to Y5	Y5 to Y6	Total Y3 to Y6			
				7+	8+	9+	10+										
2020				53	52	69	57			2020	n/a	n/a	n/a	n/a			
2021				69	60	54	68			2021	7	2	-1	8			
2022				69	74	60	55			2022	5	0	1	6			
2023				61	63	77	58			2023	-6	3	-2	-5			
2024				63	60	59	78			2024	-1	-4	1	-4			
										Average	1.3	0.3	-0.3	1			
Estimated school NORs by year group (inc unit)										Effect of housing on whole school NOR							
Year				Y3	Y4	Y5	Y6			School year commencing	Extra pupils	Cumulative extra	Total NOR	Classes			
4+				7+	8+	9+	10+			September							
2025				72	63	60	59			2024	8	8	260	9			
2026				69	72	63	60			2025	3	11	265	9			
2027				59	69	72	63			2026	1	12	276	10			
2028				76	59	69	72			2027	1	13	276	10			
2029				80	76	59	69			2028	0	13	289	10			
2030				72	80	76	59			2029	9	22	306	11			
2031				73	72	80	76			2030	9	30	317	11			
2032				75	73	72	80			2031	6	36	337	12			
2033				75	75	73	72			2032	6	43	343	12			
										2033	0	43	338	12			
2024 2025 2026 2027 2028					Estimated Y6 with extra housing pupils												
PAN:	90	90	90	90	90	>5%	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
PAN x 4	360	360	360	360	360	0 to 5%	78	59	60	63	72	69	59	76	80	72	73
Estimated NOR	260	265	276	276	289	None		3	3	3	3	5	8	9	11	11	11
Surplus places:	100	95	84	84	71		78	62	63	66	75	74	67	85	91	83	84
Housing and estimated extra pupil numbers						Housing included: No. of houses remaining to be built TOTAL											
Year ending 31 March	Houses	Estimated extra pupils		Year	Houses	Estimated extra pupils											
2025	48	8		2030	51	9		Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury								145	
2026	17	3		2031	51	9		21A MARISTOW STREET, WESTBURY, BA13 3DN								1	
2027	6	1		2032	36	6		2-4 Westbury Mall, Edward Street, Westbury, BA13 3DR								3	
2028	3	1		2033	37	6		31-35 Edward Street Westbury								2	
2029	1	0		2034	0	0		32 High Street, Westbury, BA13 3DH								2	
						4 Church StreetWestbury						1					
						47A EDWARD STREET, WESTBURY, BA13 3BQ						1					
						7 STATION ROAD, WESTBURY, BA13 3JL						4					
						8-10 Oldfield Road, Westbury, Wilts, BA13 3LA						4					
						85 Station Road Westbury						1					
						Land at Westbury Sailing Lake, Station Road, Westbury,						21					
						Land off Oldfield Road						30					
						Land off Station RoadWestbury/Wiltshire						32					
						PHIL STOKES MOTORCYCLES, WEST END, WESTBURY						1					

Revised Primary School Population Forecast

Forecast for academic year: 2025 - 2026

Based on NORs from October: 2024

DfE No: 2066

School: Westbury Leigh

Area Health Authority

Pre-school children in catchment area

	0+	1+	2+	3+	4+
2020	45	49	44	56	54
2021	41	51	44	45	52
2022	43	42	57	50	49
2023	42	42	44	50	50
2024	43	43	45	43	51

Actual school NORs. (inc unit)

	YR	Y1	Y2	Y3	Y4	Y5	Y6	
Year	4+	5+	6+	7+	8+	9+	10+	Total
2020	39	51	46	52	52	53	58	351
2021	39	36	49	46	49	46	54	319
2022	33	39	35	49	48	50	47	301
2023	27	30	38	32	47	44	43	261
2024	24	28	35	40	34	52	47	260

Growth by year group

	YR to Y1	Y1 to Y2	Y2 to Y3	Y3 to Y4	Y4 to Y5	Y5 to Y6	Total YR to Y6
2020	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2021	-3	-2	0	-3	-6	1	-13
2022	0	-1	0	2	1	1	3
2023	-3	-1	-3	-2	-4	-7	-20
2024	1	5	2	2	5	3	18
Average	-1.3	0.3	-0.3	-0.3	-1.0	-0.5	-3

Estimated

4 year average of Est 4+ in arriving in YR

	2025 4+	2026 4+	2027 4+	2028 4+	
	53.0	25	24	23	23

Actuals

Average percentage based on last 3 years

Estimated school NORs by year group (inc unit)

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2025	25	24	28	35	40	34	52	238
2026	24	25	24	28	35	40	34	210
2027	23	24	25	24	28	35	40	199
2028	23	23	24	25	24	28	35	181
2029	24	23	23	24	25	24	28	170
2030	24	24	23	23	24	25	24	166
2031	24	24	24	23	23	24	25	165
2032	24	24	24	24	23	23	24	164
2033	24	24	24	24	24	23	23	164

Effect of housing on whole school NOR

	School year commencing	Extra pupils	Cumulative extra	Total NOR	Classes
September	2024	1	1	260	9
	2025	10	11	249	9
	2026	12	23	233	8
	2027	0	23	222	8
	2028	0	23	204	7
	2029	0	23	193	7
	2030	0	23	189	7
	2031	0	23	188	7
	2032	0	23	187	7
	2033	0	23	187	7

Growth/drop-off by age group numbers

Age	1+	2+	3+	4+
2022	1	6	6	4
2023	-1	2	-7	0
2024	1	3	-1	1
3 year average	0.3	3.7	-0.7	1.7

percentages

Age	1+	2+	3+	4+
2022	102	112	114	109
2023	98	105	88	100
2024	102	107	98	102
3 year average	101	108	100	104

PAN:

PAN x 7

Estimated NOR

Surplus places:

2024	2025	2026	2027	2028
45	45	45	45	45
315	315	315	315	315
260	249	233	222	204
55	66	82	93	111

Estimated Y6 with extra housing pupils

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
47	52	34	40	35	28	24	25	24	23	23
47	2	3	3	3	3	3	3	3	3	3
47	54	37	43	38	31	27	28	27	26	26

Housing and estimated extra pupil numbers

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	3	1	2030	1	0
2026	32	10	2031	1	0
2027	39	12	2032	1	0
2028	1	0	2033	0	0
2029	1	0	2034	0	0
Total	79	23			

pupil yield per house: 0.3

Housing included:

No. of houses remaining to be built

TOTAL

5 Green Lane Westbury Wiltshire BA13 3PY	1
Land South of Sandhole Lane/Westbury	67
Madbrook Farm/Warminster Road/Westbury/BA13 3RB	1
MICHAEL ELKINS LIMITED, WESTBURY LEIGH, WESTBURY	9
MILLSTREAM HOUSE, MILL LANE, WESTBURY, BA13 :	1

Revised Primary School Population Forecast

Forecast for academic year: 2025 - 2026

Based on NORs from October: 2024

DfE No: 2009

School: Bratton

Area Health Authority

Pre-school children in catchment area

	0+	1+	2+	3+	4+
2020	14	11	13	16	15
2021	15	15	12	15	15
2022	8	17	17	15	14
2023	13	12	17	17	16
2024	12	12	13	15	18

Actual school NORs. (inc unit)

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2020	26	15	26	27	21	22	28	165
2021	23	26	13	26	26	19	18	151
2022	14	24	23	13	24	24	16	138
2023	30	17	25	22	15	22	27	158
2024	21	30	13	20	21	17	23	145

Growth by year group

	YR to Y1	Y1 to Y2	Y2 to Y3	Y3 to Y4	Y4 to Y5	Y5 to Y6	Total YR to Y6
2020	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2021	0	-2	0	-1	-2	-4	-9
2022	1	-3	0	-2	-2	-3	-9
2023	3	1	-1	2	-2	3	6
2024	0	-4	-5	-1	2	1	-7
Average	1.0	-2.0	-1.5	-0.5	-1.0	-0.8	-5

Estimated

	4 year average of Est 4+ in arriving in YR	2025 4+	2026 4+	2027 4+	2028 4+
	111.0	16	14	13	13

Actuals

Percentage based on last 2 years

Growth/drop-off by age group numbers

Age	1+	2+	3+	4+
2022	2	2	3	-1
2023	4	0	0	1
2024	-1	1	-2	1
3 year average	1.7	1.0	0.3	0.3

percentages

Age	1+	2+	3+	4+
2022	113	113	125	93
2023	150	100	100	107
2024	92	108	88	106
3 year average	119	107	104	102

PAN:

PAN x 7

Estimated NOR

Surplus places:

2024	2025	2026	2027	2028
30	30	30	30	30
210	210	210	210	210
145	146	147	140	133
65	64	63	70	77

>5%

0 to 5%

None

Estimated Y6 with extra housing pupils

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
23	17	21	20	13	30	21	16	14	13	13
	1	2	2	2	2	2	2	2	2	2
23	18	23	22	15	32	23	18	16	15	15

Housing and estimated extra pupil numbers

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	3	1	2030	0	0
2026	24	7	2031	0	0
2027	14	4	2032	0	0
2028	1	0	2033	0	0
2029	0	0	2034	0	0
Total	42	12			

pupil yield per house: 0.3

Housing included:

No. of houses remaining to be built

TOTAL

48A WESTBURY ROAD, EDINGTON, WESTBURY	1	42
Farm Buildings to the North Of Hudds Mill Lane, Edington, Wilts	2	
Greater Lane Farm, Westbury Road, Edington	1	
Land north of Westbury Road and west of Court Orchard, Bratton	31	
Land off Court lane, Edington, Westbury, BA13 4PT	1	
OLD MILL YARD, MELBOURNE STREET, BRATTON, W	1	
PICKERS PALMERS FARM, CAPPS LANE, HEYWOOD, WESTBURY, BA1	4	
Wellground Alpaca Stud, Wellground Farm, Lower Westb	1	

Based on NORs from October: 2024

School: **Chapmanslade**

2020	6	7	10	12	10
2021	6	4	9	12	13
2022	8	7	5	10	11
2023	3	13	9	11	12
2024	12	4	14	10	9

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2020	11	13	14	13	15	16	14	96
2021	14	14	14	14	15	17	18	106
2022	17	11	12	13	15	14	17	99
2023	16	16	13	10	14	16	14	99
2024	11	19	16	15	12	15	12	100

	YR to Y1	Y1 to Y2	Y2 to Y3	Y3 to Y4	Y4 to Y5	Y5 to Y6	Total YR to Y6
2020	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2021	3	1	0	2	2	2	10
2022	-3	-2	-1	1	-1	0	-6
2023	-1	2	-2	1	1	0	1
2024	3	0	2	2	1	-4	4
Average	0.5	0.3	-0.3	1.5	0.8	-0.5	2

4 year average of Est. 4+ in arriving in YR	2025 4+	2026 4+	2027 4+	2028 4+
128.9	13	17	5	15

[illegible]

	School year commencing	Extra pupils	Cumulative extra	Total NOR	Classes
September 2024	1	1	100	4	
2025	2	3	104	4	
2026	1	4	107	4	
2027	1	5	101	4	
2028	0	5	102	4	
2029	0	5	98	4	
2030	0	5	92	4	
2031	0	5	93	4	
2032	0	5	93	4	
2033	0	5	89	3	

Age	1+	2+	3+	4+
2022	1	1	1	-1
2023	5	2	6	2
2024	1	1	1	-2

2024	2025	2026	2027	2029	
17	17	17	17	17	>5%
119	119	119	119	119	0 to 5%
100	104	107	101	102	None
19	15	12	18	17	

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
12	15	12	15	18	19	11	13	17	5	15
	0	1	1	1	1	1	1	1	1	1
12	15	13	18	17	20	12	14	18	6	18

Age	1+	2+	3+	4+
2022	117	125	111	92
2023	163	129	220	120
2024	133	108	111	82

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	2	1	2030	1	0
2026	5	2	2031	1	0
2027	4	1	2032	0	0
2028	3	1	2033	0	0
2029	1	0	2034	0	0

Housing included:	No. of houses remaining to be built	TOTAL
113 High Street, Chapmanslade, Westbury, BA13 4AN	1	17
Empty site on the A362, next to the development at Baytree Clois	8	
Thoulstone Farm Thoulstone Chapmanslade	1	
Thoulstone Farm, Farm Buildings, Thoulstone, Chapmanslade	3	
Thoulstone Farm, Thoulstone, Chapmanslade, Westbury, BA13 4AQ	3	
Water Farm, Corsley, Warminster, BA12 7QD	1	

pupil yield per house: 0.3

DfE No: 3207

School: Dilton Marsh

Area Health Authority

Pre-school children in catchment area

	0+	1+	2+	3+	4+
2020	23	21	10	12	24
2021	9	27	18	8	9
2022	13	9	23	19	9
2023	7	15	8	21	20
2024	11	7	15	10	22

Actual school NORs. (inc unit)

	YR	Y1	Y2	Y3	Y4	Y5	Y6	
Year	4+	5+	6+	7+	8+	9+	10+	Total
2020	29	29	28	27	25	29	29	196
2021	14	29	28	28	29	26	29	183
2022	18	15	30	30	28	30	25	174
2023	29	19	16	27	30	25	29	175
2024	19	29	16	16	27	30	24	161

Growth by year group

	YR to Y1	Y1 to Y2	Y2 to Y3	Y3 to Y4	Y4 to Y5	Y5 to Y6	Total YR to Y6
2020	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2021	0	-1	0	2	1	0	2
2022	1	1	2	-2	1	-1	2
2023	1	1	-3	0	-1	-1	-3
2024	0	-3	0	0	0	-1	-4
Average	0.5	-0.5	-0.3	0.0	0.3	-0.8	-1

Estimated

4 year average of Est 4+ in arriving YR	2025 4+	2026 4+	2027 4+	2028 4+
163.0	26	24	11	18

Actual

Estimated school NORs by year group (inc unit)

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2025	26	19	29	16	16	27	30	163
2026	24	26	19	29	16	16	27	157
2027	11	24	26	19	29	16	16	142
2028	18	11	24	26	19	29	16	144
2029	20	18	11	24	26	19	29	148
2030	20	20	18	11	24	26	19	139
2031	20	20	20	18	11	24	26	140
2032	20	20	20	20	18	11	24	134
2033	20	20	20	20	20	18	11	129

Effect of housing on whole school NOR

	School year commencing	Extra pupils	Cumulative extra	Total NOR	Classes
September 2024	2	2	161	6	
2025	2	4	167	6	
2026	2	6	163	6	
2027	1	7	149	5	
2028	0	7	151	5	
2029	6	13	161	6	
2030	6	19	158	6	
2031	5	24	164	6	
2032	0	24	158	6	
2033	0	24	153	6	

Growth/drop-off by age group numbers

Age	1+	2+	3+	4+
2022	0	-4	1	1
2023	2	-1	-2	1
2024	0	0	2	1

3 year average 0.7 -1.7 0.3 1.0

percentages

Age	1+	2+	3+	4+
2022	100	85	106	113
2023	115	89	91	105
2024	100	100	125	105

3 year average 105 91 107 108

PAN:
PAN x 7
Estimated NOR
Surplus places:

2024	2025	2026	2027	2028
30	30	30	30	30
210	210	210	210	210
161	167	163	149	151
49	43	47	61	59

Estimated Y6 with extra housing pupils

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
24	30	27	16	16	29	19	26	24	11	18
24	1	1	1	1	2	3	3	3	3	3
24	31	28	17	17	31	22	29	27	14	21

Housing and estimated extra pupil numbers

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	6	2	2030	19	6
2026	8	2	2031	19	6
2027	7	2	2032	18	5
2028	3	1	2033	0	0
2029	1	0	2034	0	0

Total 81 24

pupil yield per house: 0.3

Housing included: No. of houses remaining to be built TOTAL

	TOTAL
Land rear of 117 High Street, Dilton Marsh, BA13 4DP	54
1 & 2 The Poplars, Sand Pit Lane, Dilton Marsh, Wiltshire, BA13 4DL	2
163 HIGH STREET, DILTON MARSH, WESTBURY	1
2 SHEPHERDS MEAD, DILTON MARSH, WESTBURY, BA13 4DL	1
Bremeridge Farm, Fairwood Road, Dilton Marsh, BA13 4ED	4
Bridge Farm, Westbury Leigh, Westbury, BA13 3SU	1
Clearwood Boarding Cattery, Clearwood, Dilton Marsh, Westbury, Wiltshire	1
Grenadier House 56 High Street	1
Honey Lane Farm, Honey Lane, Dilton Marsh, Westbury, BA13 4DL	1
Land adjacent 7b Stormore, Dilton Marsh, Westbury, BA13 4DL	3
Land Adjacent, 2a Clivey, Dilton Marsh	1
Land at Petticoat Lane, Petticoat Lane, Dilton Marsh, Wiltshire	8
Land South of Whitecroft Dilton Marsh Westbury Wiltshire	1
Land West Of 15 High Street Dilton Marsh BA13 4DL	1
THE PRINCE OF WALES INN, HIGH STREET, DILTON MARSH	1

Revised Primary School Population Forecast

Forecast for academic year: 2025 - 2026

Based on NORs from October: 2024

DfE No: 3135

School: North Bradley

Area Health Authority

Pre-school children in catchment area

	0+	1+	2+	3+	4+
2020	13	18	18	19	25
2021	17	23	18	22	23
2022	14	15	24	21	26
2023	21	13	17	22	22
2024	23	23	12	16	22

Actual school NORs. (inc unit)

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2020	29	30	30	26	31	29	31	206
2021	22	30	30	30	28	29	29	198
2022	23	21	30	30	27	30	29	190
2023	27	24	23	31	31	28	30	194
2024	29	27	28	25	31	32	28	200

Growth by year group

	YR to Y1	Y1 to Y2	Y2 to Y3	Y3 to Y4	Y4 to Y5	Y5 to Y6	Total YR to Y6
2020	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2021	1	0	0	2	-2	0	1
2022	-1	0	0	-3	2	0	-2
2023	1	2	1	1	1	0	6
2024	0	4	2	0	1	0	7
Average	0.3	1.5	0.8	0.0	0.5	0.0	3

Estimated

4 year average of Est 4+ in arriving in YR	2025 4+	2026 4+	2027 4+	2028 4+
Area + 9	30	21	30	30
PAN		PAN	PAN	PAN

Percentage based on last 3 years

Growth/drop-off by age group numbers

Age	1+	2+	3+	4+
2022	-2	1	3	4
2023	-1	2	-2	1
2024	2	-1	-1	0
3 year average	-0.3	0.7	0.0	1.7

percentages

Age	1+	2+	3+	4+
2022	88	104	117	118
2023	93	113	92	105
2024	110	92	94	100
3 year average	97	103	101	108

Estimated school NORs by year group (inc unit)

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
	4+	5+	6+	7+	8+	9+	10+	
2025	30	29	27	28	25	31	32	202
2026	21	30	29	27	28	25	31	191
2027	30	21	30	29	27	28	25	190
2028	30	30	21	30	29	27	28	195
2029	28	30	30	21	30	29	27	195
2030	28	28	30	30	21	30	29	196
2031	28	28	28	30	30	21	30	194
2032	28	28	28	28	30	30	21	192
2033	28	28	28	28	28	30	30	199

PAN: 30

PAN x 7: 210

Estimated NOR: 200

Surplus places: 10

2024	2025	2026	2027	2028
30	30	30	30	30
210	210	210	210	210
200	214	203	202	207
10	-4	7	8	3

>5%

0 to 5%

None

Estimated Y6 with extra housing pupils

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
28	32	31	25	28	27	29	30	21	30	30
28	2	2	2	2	4	8	8	8	8	8
28	34	33	27	30	31	37	38	29	38	38

Housing and estimated extra pupil numbers

Year ending 31 March	Houses	Estimated extra pupils	Year	Houses	Estimated extra pupils
2025	36	11	2030	52	16
2026	2	1	2031	91	27
2027	1	0	2032	12	4
2028	0	0	2033	0	0
2029	0	0	2034	0	0
Total	194	59			

pupil yield per house: 0.3

Housing included:

No. of houses remaining to be built

TOTAL

1 WESTBURY ROAD, HEYWOOD, WESTBURY, WILTSHIRE	1	194
Blueridge Farm, 34 Hawkeridge, Westbury, BA13 4LA	1	
Cutteridge Farm, Wood Road, North Bradley, BA14 9PT	1	
Ground and First Floor Block C, The Pavilions, Windsor Road, T	34	
Land off the A363 at White Horse Business Park	132	
Land Rear of 54 Woodmarsh, North Bradley	23	
Land to the Rear of 20 The Rank, North Bradley, Trowbridge, BA14 9L	1	
Strathmore, 57 Potters Hill, Crockerton, Warminster, BA1	1	

**APPENDIX EHP06 - Wiltshire Council - Secondary School Forecasts (Westbury
Secondary Planning Area extract)**

DfE No: 5415 School: Matrovers School Area: Westbury																	
		Actual school NORs. (inc unit)															
		Primary	Secondary								Total	Notes:					
		Y6	Y7	Y8	Y9	Y10	Y11	Y12	Y13	Y14	Y7-Y11						
Year		10+	10 & 11+	12+	13+	14+	15+	16+	17+	18+							
2019		199	154	159	135	134	141	53	71		723						
2020		231	151	152	155	134	131	68	49		723	Growth by age group					
2021		237	171	145	148	150	135	58	64		749						
2022		214	187	174	134	142	147	61	51		784						
2023		225	168	190	160	139	138	57	53		795						
2024		244	167	169	183	163	137	46	56		819						
Cohort Survival - calculation of year groups as % of previous year (6th form as % of corresponding Year 11 group)																	
Average % (last 4 years) 76.4 100.1 94.6 99.5 98.6 39.0 90.9																	
Estimated size of Year 6 groups on transfer to secondary school (inc Spec Units)																	
Year of transfer:		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037		
Current year group:		Y6	Y5	Y4	Y3	Y2	Y1	YR	aged 3	aged 2	aged 1	aged 0	unborn	unborn	unborn		
Estimated future Y6 NOR:		244	232	214	209	210	230	194	216	220	185	203	% of previous age group at school for last 4 years				
Est growth/loss by Y6 :																	
Estimated NOR Y6:		244	232	214	209	210	230	194	216	220	185	203	Housing Pupil Factor 0.221				
PAN:		200	200	200	200	200	200	200	200	200	200	200				200	200
76.4 % to this sch		186	177	164	160	160	176	148	165	168	141	155	Y7 Y8				
Surplus places: re PAN		14	23	36	40	40	24	52	35	32	59	45				200	200
Estimated % at school																	
		Actual															
		Oct NOR	Estimated September NOR (Including Unit)														
		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037		
		167	186	177	164	160	160	176	148	165	168	141	155	Y9 Y10			
		169	167	187	178	164	160	161	176	148	165	168	141			155	
		183	160	158	177	168	155	151	152	166	140	156	159			134	147
		163	182	159	157	176	167	154	150	151	166	140	155			158	133
		137	161	180	157	155	173	165	152	148	149	163	138			153	156
		46	53	63	70	61	61	68	64	59	58	58	64	54	60		
		56	42	49	57	64	56	55	61	58	54	53	53	58	49		
		819	856	861	832	822	815	806	778	779	788	768	748	600	435		
			14	34	50	52	53	71	90	105	113	113	113	113	113		
Forecast: years 7 - 11		819	870	894	881	874	868	878	868	884	901	881	861	713	548		
Total years 12 - 13+		102	95	111	127	125	116	123	126	118	112	111	117	112	109		
Total years 7 - 13+		921	966	1006	1008	999	984	1000	994	1002	1013	992	978	825	657		
PAN x 5		1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000		
Forecast: years 7 - 11		819	870	894	881	874	868	878	868	884	901	881	861	713	548		
Surplus places: re PAN x 5		181	130	106	119	126	132	122	132	116	99	119	139	287	452		

Growth by age group					
	Y7 to Y8	Y8 to Y9	Y9 to Y10	Y10 to Y11	Total
2020	-2	-4	-1	-3	-10
2021	-6	-4	-5	1	-14
2022	3	-11	-6	-3	-17
2023	3	-14	5	-4	-10
2024	1	-7	3	-2	-5
Average	-0.2	-8	-0.8	-2.2	-11.2

Housing Pupil Factor 0.221		
% of previous age group at school for last 4 years		
	Y7	Y8
2020	75.9	98.7
2021	74.0	96.0
2022	78.9	101.8
2023	78.5	101.6
2024	74.2	100.6
	Y9	Y10
2020	97.5	99.3
2021	97.4	96.8
2022	92.4	95.9
2023	92.0	103.7
2024	96.3	101.9
	Y11	Y12
2020	97.8	48.2
2021	100.7	44.3
2022	98.0	45.2
2023	97.2	38.8
2024	98.6	33.3
	Y13	
2020	92.5	
2021	94.1	
2022	87.9	
2023	86.9	
2024	98.2	

**APPENDIX EHP07 - Wiltshire Council - Developers Contributions - Education
Infrastructure (2017)**

DEVELOPERS CONTRIBUTIONS – Education Infrastructure

Education – Schools and Early Years Places

Policy Approved 2014, Revision 2017

1. Summary

This document sets out Wiltshire Council's policy for requesting infrastructure contributions where the need for extra school and early years (nursery) places arises directly from housing developments. It is consistent with the guidance contained in paragraph 204 of the National Planning Policy Guidance (NPPF) 2012 as given statutory force more recently under Regulation 122 of the CIL Regulations 2010 i.e. that it is, in summary: necessary, directly related, fairly and reasonably related in scale and kind to the development. This policy also accords with the NPPF by seeking to promote sustainable and viable communities, encouraging local schools thereby reducing the need to travel by car and encourage where possible walking to school by ensuring local services are able to develop. Specifically, paragraph 72 of the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Wiltshire Council will take a proactive, positive and collaborative approach to meeting this requirement, and widen choice in education. Great weight will be placed on the need to create, expand or alter schools.

Wiltshire Council aims to provide a good match between pupils and places with an infrastructure of high quality school buildings and facilities where all schools are of sufficient size and standard to deliver the curriculum cost effectively. Wiltshire Council has a "local children going to local schools" policy, which is desirable both in environmental and school travel plan terms, and because local schools make a valuable contribution to the broader sustainable communities agenda. It is also the general and reasonable expectation of parents moving to a new housing development that their children will be able to attend their local school or early years provider. Hence, the Council aims to facilitate this by focusing upon local schools, and in particular, their ability to accommodate the additional children generated by housing development in their locality.

The *School Places Strategy 2015-2020* states that Wiltshire Council will consider new (4 -11) schools for primary phase pupils, new (11 - 16) or (11 - 18) schools for secondary phase pupils and all through (4 -16) schools where appropriate. For primary schools there is a strong preference for schools which take in between one (210 places) and three forms of entry (630 places). There is also a strong preference for early year's provision to be provided as part of a new primary school.

Under the Childcare Act 2006 the Council must provide free early years funding for all 3 and 4 year olds up to 15 hours each week. From 2017 this increases to 30 hours each week and therefore demand for early year's places is expected to increase and additional places will be required.

In general terms, proposals for the development of 600 dwellings or more are likely to require both a new early years facility and a new primary school (preferably integrated) to serve the children generated by that development unless there is considerable surplus capacity in schools within reasonable walking distance of the development. Due to their relatively wide recruitment areas, a new secondary school is only likely to be required to serve a major urban expansion scheme.

2. Assessing the need for school and early years places

Wiltshire Council has a comprehensive and well-established system for forecasting the future pupil populations of primary and secondary schools in the County. Information is gathered on: children registered with GPs in the County; admission trends (taking into account parental preferences for schools and demographic changes in population) and planned housing developments.

Wiltshire Council publishes a *School Places Strategy* which is reviewed and updated regularly. The next review is planned for later in 2017. This document outlines the strategy for the planning and provision of school places and priority areas of demand for new provision. Education officers also work closely with planning officers and developers to ensure that the most up to date information is obtained prior to consideration of a planning application.

The 2006 Childcare Act (section 11) states that Local Authorities have a statutory obligation to ensure that they have a strategy in place for the provision of childcare sufficient to meet the needs of parents who require childcare. If capacity is exceeded then the Council in its role of market facilitator and commissioner will require resources to stimulate the market and provide additional capacity. When a new school is required, the Council's strong preference is for integrated nursery provision on the new school site. Where this is not possible alternative nursery provision will need to be provided.

A developer contribution will be sought where it can be demonstrated that there is a need to expand education provision for early years, primary and/or secondary schools in the locality of the proposed housing development. Generally, the schools examined will be those serving the designated or catchment area in which the housing development is to be located. For primary need we will consider capacity at all schools within a 2 mile safe walking distance and for secondary within a 3 mile safe walking distance from the development.

It is accepted that it may not be reasonable to seek contributions for a single small development and generally contributions will only be sought in respect of developments of 10 or more dwellings. However where a number of smaller developments are located in designated rural areas and the cumulative impact of these developments may be significant on school place availability in the area, a lower threshold may be considered. Similarly, where there is immense pressure on the availability of school places in a particular area, the Council reserves the right to assess all applications coming forward that generate the need for an additional place or more, and to aggregate these contributions.

It is possible that a housing development may give rise to the need for a new school, either because the number of houses involved is so large (including when all developments in the area are considered) or because existing schools have already reached the limits of their potential to

expand. In these circumstances the Council would seek an appropriate sized site to locate a new school and appropriate financial contributions towards the cost of a new school and early year's facility.

3. Calculating the demand for places

The Council has tracked the actual number of children arriving in Early Years settings and Wiltshire schools from a variety of different sized housing developments over 12 years and recently commissioned an update survey to review the number of children arising from new developments in Wiltshire. From this it has calculated pupil product figures which it uses as the basis for estimating the number of nursery, primary and secondary aged children likely to come from future housing developments. These figures are:

- 0.04 per dwelling for Early Years 0-2 year olds (4 per 100 dwellings)
- 0.09 per dwelling for Early Years 3-4 year olds (9 per 100 dwellings)

- 0.31 per dwelling for Primary aged pupils (31 per 100 dwellings) and
- 0.22 per dwelling for Secondary aged pupils (22 per 100 dwellings).

These "pupil products" apply to all sizes/types of dwelling including affordable housing with the exception of 1 bed properties.

When a request for information about the estimated level of Section 106 Education contributions to be sought is made, the developer or landowner will be asked to specify the number of dwellings broken down by type, and specifying where possible, the number of one bed sized units within each category. If the enquiry is preliminary to making or considering an actual planning submission, then an *indicative assessment* for guidance only, will be provided.

Formal assessment will take place as part of the consultation process on a submitted planning application. Assessments will be based upon the most current data available on pupil numbers and forecasts, schools' capacities and details of other known housing applied for/approved within the relevant community area/s. It should be noted that as the situation in schools does not remain static, a time lapse between assessments of a proposal may well result in different outcomes. Any changes to the site location, housing number or mix specified in an application will necessitate a new assessment, as they are material to the basis of the assessment and effectively present a new proposal.

In order to make an assessment of the impact of the new housing upon the existing education infrastructure in the locality, the Council's officers will first deduct any one bed sized units from the accommodation schedule and then apply a standard discount of 30% to the remaining (if any) affordable housing. This discount reflects evidence that families in affordable housing move within the immediate area and so their children will not need to change schools, and is most pertinent at secondary level where designated areas can be wide ranging.

Using the pupil products described at above, the likely number of pupils arising from the development will be calculated and if appropriate, rounded up or down to give a whole number. It

will then be assessed as to whether they can be accommodated within the existing capacity of the school(s) firstly in the designated area and then if appropriate, the appropriate wider area such as across a town, and within the relevant statutory safe walking distances for the age range/s; taking into account other known granted or registered developments in the locality.

The estimated pupil product calculated for a new housing development, plus the forecast numbers on roll at the appropriate school(s) are compared to the relevant school capacities to identify the extent of any deficit that will need to be addressed.

The determination of whether or not there is sufficient early years provision in the area of the development will be done with reference to the current "*Wiltshire Childcare Sufficiency Report*" and an assessment of the impact of the development on existing capacity.

Upon consideration of all the relevant data (as described above), where the proposed housing development would lead to a school and/or early years pupil population forecast in excess of current capacity, or where a school is already full, a contribution will be sought in respect of land and/or finance to enable the Council to meet the shortfall in places. Where insufficient places are available at a local area school to accommodate the full pupil product of a development, then those still available will be "allocated" to individual developments and priority established by the date of registration of the relevant planning application/s and where relevant the date of actual planning approvals. Informal enquiries and requests for preliminary assessments where no application has yet been submitted will not be eligible to benefit from such an allocation.

Please note, when an application has been refused, it remains 'live' and included in any assessments until the 6 months appeal period has elapsed, if no appeal is brought forward or an appeal is not upheld, the applications will be removed from future assessments.

4. Assessing Developer financial contributions for school and early years places

The Council will consider the most appropriate mechanism for securing developer contributions on individual applications. It is likely, that where a proposed development will require an additional primary or secondary school or a significant number of additional school and/or early years places, then the contribution will be secured via a S106 agreement, unless identified on the 'Regulation 123 List'. The explanatory notes which accompany the list specifically state that the Council may continue to seek planning obligations through S106 agreements for specific infrastructure projects or types of infrastructure included within the list but only where the requirement is created by five or fewer developments.

Any such site-specific infrastructure requirements will be subject to the three statutory tests set out under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

5. Financial Contributions

This section defines the school place cost multiplier figure required by Wiltshire Council.

The cost per pupil place calculation for both primary and secondary school places is reviewed and updated annually by an independent firm of quantity surveyors and the new calculation comes into effect on the 1 April each year. The early years calculation is a percentage of the primary cost per place.

- The Primary Cost per Place figure for 2017/18 is £17,545
- The Secondary Cost per Place figure for 2017/18 is £23,316
- The Early Years Cost per Place figure for 2017/18 is £17,019

The index chosen on the basis of objectivity and reliability is the BCIS public sector national cost standards for State Schools.

6. Primary School Place Capital Cost Multiplier

Primary schools are most efficiently organised in classes of 30 pupils (there is a statutory maximum of 30 pupils for pupils aged 4-7 ref *Infant Class Size legislation*). Taking the 30 pupils across the seven years of primary school, this means that primary schools built in Wiltshire are built in blocks of 210 places. This is often known as a 'form of entry' (FE). In terms of viability and financial sustainability the ideal size of primary school is 2FE (420 places). Where a decision is taken to provide a new 1FE school, it is usually on the basis that this will later be expanded to a 2FE (420 places) school, subject to demand, or even 3FE (630 places). Very occasionally half 'form of entry' expansions are considered above 1FE.

Practically, large developments are generally built in phases, starting with 1FE and expanding later to 2FE and beyond. Therefore, for the purposes of the primary cost multiplier in this document it is based on delivering 1FE (210) place schools as these are most likely to be built in the first phase. However, for simplicity the same cost multiplier will be used for all phases of work.

7. Secondary School Place Capital Cost Multiplier

In light of the demography in Wiltshire, the need for new secondary school provision will be limited to areas where there is substantial new housing development proposed and a new school will be viable, size wise. In most towns across Wiltshire additional secondary places will be delivered through the expansion of existing secondary schools and academies.

Financial contributions for expanding secondary schools will be sought via S106 and pooled where appropriate or CIL if area identified on the published CIL 123 List.

The secondary cost per place multiplier is based on the average delivery cost of a number of secondary expansion projects completed in Wiltshire or in the geographical vicinity.

8. Early Years Provision Place Cost Multiplier

The Early Years Provision place cost multiplier is based on a figure of 97% of the primary place cost multiplier.

Early years provision (3 – 4 Years) is most efficiently organised in groups of 13 children or 8 children dependent on the level of the qualifications of staff who are working directly with the children. This information can be found in the Statutory Framework for the Early Years Foundation Stage. For two year olds regardless of staff qualifications the ratio is 1 adult to every four children. Taking the groups across the age ranges and 40% provision for 0 - 2 year olds, this means that Early Years provision built in Wiltshire is generally in blocks of 40 places.

9. Assessing developer's other contributions

Land if required for a new school / early years provision, or an extension to an existing one should be provided free of charge by the developer to the Council. The size of the site area required should be agreed with the Council (for a primary school the normal minimum 1.8Ha, however if a nursery facility is also to be included on the school site, then 2.0Ha will be required); as should the location, shape and orientation of the land before a master plan is produced for the proposed development.

Where a development is not large enough to require a new school, but is of sufficient size to trigger the need for one because existing schools and/or early years providers cannot satisfactorily accommodate all the pupils from the development, then a site of sufficient size to accommodate up to a 2FE primary school (minimum 1.8Ha or 2.0Ha if nursery to be included) plus a financial contribution towards the construction costs will be required in proportion to the estimated pupils generated. The Council will use its best endeavours to draw together contributions from two or more developments, where appropriate (subject to CIL restrictions), to commission a new school with a strong preference for integrated nursery and primary education.

However developers will be required, as an absolute minimum, to provide the new school site at no cost to the Council. If a site is allocated on the basis that the school will need to be expanded further at some point in the future, then a larger site may be requested. In the event that the extra site is not used within an agreed period of time (usually 10 years) the 'extra' land may be returned to the developer by agreement.

Where a proposed development is located adjacent to an existing school site, then the developer will be expected to acquire and provide any adjacent land required to expand the school, free of charge to the Council and pay the relevant financial contribution towards the construction costs proportionate to the estimated pupils generated.

10. School Sites

The actual site required for a new school will depend on several factors, including location, access, shape, topography and the relationship with adjacent community and other land uses. The minimum useable areas should be as follows:

Primary

- 1 Form entry primary school (210 places): 1.2 hectares (rural locations only)
- 2 Form entry primary school (420 places): 1.8 hectares
- 3 Form entry primary school (630 places): 2.6 hectares

Nursery (as part of school site)

If a Nursery is to be provided as part of the school then an additional 0.2 hectares is required.

Secondary

The areas required for new secondary schools will depend on the size of school proposed but the minimum useable areas should be as follows:

5 Form entry secondary school (750 places):	5.8 hectares
6 Form entry secondary school (900 places):	6.8 hectares
7 Form entry secondary school (1,050 places):	7.7 hectares
8 Form entry secondary school (1,200 places):	8.7 hectares
9 Form entry secondary school (1,350 places):	9.6 hectares

These should be seen as the minimum site area required for a (11-16) school of the size as laid out above. Post 16 facilities will need further assessment if required. Sites should not be seen to be delivering any public open space or community requirements for the developer or the Local Planning Authority.

Where a large development is shared between several developers, it may be appropriate to make provision in the Section 106 agreements so that the burden falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable.

11. Information available

Figures used to demonstrate pupil population and school capacity shortfalls and any cost estimates will be made available to applicants on request. These will be indicative and the value of the cost multiplier will be accurate at the time of responding to an enquiry. The Council will require that the cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement, with appropriate indexation. If an application goes to appeal and a significant time period has elapsed since the original assessment of the application was made, the latest school population forecasts will be used to determine whether there should be any modification to the earlier indicative contribution to allow for changes in the number or mix of dwellings, or to the pupil numbers in the local schools.

Once the level of contribution has been determined, and that it will be included within a legal agreement such as a S106, and thereafter that sum of money will be indexed from the date of signature using the BCIS index indicated.

Standard terms will apply to these legal agreements:

- Where the development is for less than 100 units of housing, contribution payment will be required in full, prior to/upon commencement of, development on site.
- Where the development is for more than 100 units, in order to assist the developer with cash flow issues, whilst still allowing the Council sufficient time and funding for implementation of larger school capital schemes (100-400 dwellings), two or occasionally on very large developments (401+ dwellings), three phased payments will be considered. However, the first tranche of payment will always be payable upon or prior to commencement of development. The remaining phased payments will be linked to occupation of a certain number of dwellings throughout the progress of the development.
- Normal trigger points for two phased payments will be 50% at commencement of development and 50% on occupation of the dwelling representing 50% of the way through the development.
- For applications qualifying for three payment instalments, 30% will be required on or prior to commencement of development, with the remaining 70% required as 35% each at further trigger points agreed, usually at occupation of 200th dwelling and at 400th dwelling dependent on size of development.
- Individual arrangements will apply to situations where a new school is required or being provided/constructed by a developer.
- Where phased payments apply, any sums not payable either prior to or at commencement of development, will require Bonding.
- The Council will require 10 years from date of receipt of the (final) tranche of payment in which to utilise the contribution provided, either by expenditure, or commitment to a developed/planned scheme or project (this will allow the Council to collect contributions from other developments in the locality in order to accumulate sufficient budget to fund an expansion or new school project where necessary).
- Where the housing number/mix of a development has not been finalised prior to the need to complete a legal agreement, then a Council determined formulae can be included within the agreement to allow for a detailed calculation (and/or re-calculation) to be made when this situation has been resolved. However payment triggers will remain as above.
- Where a school site is required to be provided the site will need to be transferred to the Council (fully serviced to the boundary) as soon as possible after commencement of

development ideally within 6 months and no later than 12 months after commencement of development, to enable the Council to commission the new school.

12. Meeting additional demand.

Wiltshire Council will identify and decide how best to meet the increased demand for Education provision. The Council will need to take into account both educational and financial considerations when deciding whether it is necessary to build a new school or extend an existing school.

The Council works closely with schools and will need to consult with head teachers, school governing bodies, academy trusts, diocesan education boards, parents and the local community about a new residential development and the impact it is likely to have on existing school provision in the locality. During these consultations the Council will take into account:

- the size of existing schools;
- whether the schools are capable of expansion (in terms of site areas and site constraints) and how easily the existing buildings lend themselves to extension, and
- Whether it is desirable, on education grounds, to extend them.

The Council will also consider the geography of the area, the accessibility of safe walking or travel routes between any existing schools and a new development, and the impact that increased pupil numbers are likely to have on road traffic in the surrounding area.

13. Review

This cost per place multipliers within this policy will be reviewed and updated annually where appropriate.

Contact Details

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APPENDIX EHP08 - Pre-App Response_2512-19 (education-related extracts)

Education:

The obligation is necessary to ensure the proposed development complies with Core Policy 3 of the WCS and supported by the NPPF, and PPG (paragraphs 007 and 008). Failure to provide the contributions would result in insufficient education places in the locality of the development. Without the proposed contribution, the proposed development would have an unacceptable impact on the community and potentially lead to the need for parents to travel further to access these facilities.

Early Years

There are currently 6 preschools and 1 childminder. However, these are not within a safe walking route from this proposed development.

The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision.

Current pupil products: 0.04 per dwelling for 0-2 year olds and under (4 per 100 dwellings) and 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings). Current cost multiplier - £17,522 per place. (But please note that this is shortly to be updated for the 2024/2025 financial year and the new figure will apply to S106s signed in that financial year).

- **Total required as per calculations above = £508,138 towards the development of Early Years provision in this area.**
- **This contribution would be subject to indexation and secured via a Section 106 Agreement, to which the Council's standard terms would apply.**

PRIMARY ASSESSMENT DETAILS:

Aggregated data for the schools within 2 miles:

- Capacity = 1260 places.
- Oct 24 NOR = 1067 pupils.
- Current peak forecasts/numbers = 1077 pupils.
- Additional places required by in area housing already registered/approved but not yet in forecasts = 162. So, based upon current data, there are only 21 spare places available across the schools.
- primary cost multiplier = £18,758 per place. *(Please note that this figure is due to be reviewed and updated for the 2024/25 financial year shortly, and the latest multiplier will then apply to S106 agreements as per our S106 Methodology. So, any contributions stated below are indicative figures only). The three schools within 2 miles only have 21 places available and there is a shortfall of 49 places. To create these additional places the Council would require $48 \times £18,758 = £900,384$
- However, none of the 3 schools within 2 miles can be further expanded on their current sites.
- As there are also no safe walking routes to these schools, all children moving into the housing would require transport to be provided by the Council.
- The cost of this transport, in perpetuity, would be significant, this is not sustainable. Given this and the inability to expand the local schools, we would submit an objection towards a proposal such as this to create substantial residential development in this location

SECONDARY ASSESSMENT DETAILS:

- Matravers is the sole secondary school designated to serve Westbury and its neighbouring villages.
- PAN capacity Years 7 – 11 = 1090
- Oct 2024 Years 7 -11 number on roll = 819 pupils.
- Current forecasts peak at 856.
- The total of places required by in area housing already registered/approved ahead of this application, but not yet in forecasts = 124.
- So, capacity to accommodate further pupils is available here.

Current secondary cost multiplier = £22,940 per place. *(Please note that this figure is due to be reviewed and updated for the 2024/25 financial year shortly, and the latest multiplier will then apply to S106 agreements as per our S106 Methodology. So, any contributions stated below are indicative figures only).

Current figures indicate that there is sufficient capacity available at Matravers School to accommodate the pupils that this development would generate.

However, there is no safe walking route from the proposed development to the school. All children moving into the housing would require transport to be provided by the Council. The cost of this transport, in perpetuity, would be significant and unsustainable. We would submit an objection towards a proposal such as this to create substantial residential development in this location.



APPENDIX EHP09 - Appeal Decision 3345598



Appeal Decision

Hearing held on 21 November 2024

Site visit made on 21 November 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/Y3940/W/24/3345598

Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Westbury LVA LLP against the decision of Wiltshire Council.
 - The application Ref is PL/2021/03749.
 - The development proposed is residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access at Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ in accordance with the terms of the application, Ref PL/2021/03749, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal is for outline planning permission with access only. However, 3 parameters plans show the location for development, open space and building heights. These would be subject to a condition to adhere to in any future reserved matters. Additionally, an illustrative masterplan shows a potential layout, but this is for indicative purposes only.
3. A finalised Section 106 planning obligation agreement was discussed at the Hearing and 4 signed counterparts were submitted, dated 12 December 2024. Certified copies were received on 16 January 2025.
4. An agreed Statement of Common Ground was submitted before the Hearing, which set out that the Council no longer wished to defend the appeal due to a change in the housing land supply position.
5. An Ecology Briefing Note was submitted prior to the Hearing, which updated the ecology position given the surveys were over 2 years old. This included a site visit by a qualified ecologist, and I am satisfied that the ecological evidence is sufficient to determine the appeal.
6. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. The appellant and Council were provided with the opportunity

to comment. The Council confirmed that the effect of the revised Framework means that the Council can now only demonstrate 2.03 years supply of housing instead of the previously agreed 3.46 years. However, it maintained concerns over deliverability in 5 years. The appellant provided a reply in relation to deliverability concerns, which I have had regard to.

7. The Council has submitted the Wiltshire Local Plan for Examination. However, given no hearings have taken place yet, it is of limited weight.

Main Issue

8. This is whether the site is suitable for the proposed development, having regard to the Council's settlement strategy.

Reasons

Site and surroundings

9. The site lies to the north west of The Ham and west of Hawkeridge Road, situated to the north west of Westbury. It comprises agricultural fields associated with Glenmore Farm. The site is adjacent to existing residential development to the west and south, which forms the settlement edge of Westbury, with a trading estate located north.
10. The proposal is for a residential development of up to 145 dwellings. The parameters plans indicate that these would be located on the southern part of the site, leaving the northern part for amenity and open space, acting as buffers for both ecological and noise reasons.

Whether the site is suitable for the proposed development

11. Core Policy 1 of the Wiltshire Core Strategy (January 2015) (CS) sets out the spatial strategy for development in the area, identifying the settlements in a hierarchy where sustainable development will take place. Westbury is identified as a Market Town, meaning it can support sustainable patterns of living in Wiltshire through its current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town to help sustain, and where necessary, enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.
12. CS Core Policy 2 sets out the delivery strategy and requires that at least 42,000 additional homes are built in Wiltshire between 2006 and 2026. This is disaggregated into 3 Housing Market Areas (HMAs). Westbury is in the North and West HMA, with a requirement of 24,740 homes. The CS splits Wiltshire into several Community Areas, with Westbury Community Area, under Core Policy 32, being given its own minimum housing requirement.
13. CS Core Policy 2 sets out that development will not be permitted outside the development limits unless in circumstances permitted by other policies. The proposal does not meet any of the other circumstances and the proposal's location outside the development limits of Westbury is contrary to CS Core Policy 2 and interrelated to this, would conflict with Core Policies 1 and 32. Thus, there would be an in-principle policy harm owing to the conflict with the settlement strategy set out in CS Core Policies 1, 2 and 32.

Other Matters

Active and sustainable modes of travel

14. The site is located on the settlement edge of Westbury, and is sufficiently close to the services and facilities that this market town provides. The planning obligation would provide a commuted sum towards a night time bus service, and there are bus stops close to the site access. The bus stops would also be upgraded, with shelters and raised height pedestrian access kerbing [condition 18].
15. Additionally, there is an existing pedestrian footway along the front of the site, which, using best endeavours¹, would be widened. However, the existing footway would offer suitable walking links if the wider footpath could not be secured. A 3m wide cycle link would be provided through the site [condition 5], exiting at the northern corner and continuing up along the main road to provide access to the trading estate.
16. Cycling would be an option to commute to the town centre, railway station and other recommended cycle routes, given the terrain is mostly flat. Additionally, each dwelling would be fitted with an electrical vehicle charging point, along with a public charging point, which would be required via a condition [condition 15]. This means that future owners would be encouraged to own ultra low and zero emission vehicles, which represents a sustainable transport mode in the Framework. A Full Travel Plan would also be necessary to provide future residents with sustainable transport options [condition 17], which follows the principles of the Framework Travel Plan, which details measures to reduce car usage and increase sustainable transport modes.
17. Overall, the location of development is likely to result in future residents relying on a private car for some journeys. However, there are realistic means of accessing services and facilities using sustainable travel modes. Thus, the proposal would be in a suitable location.

Safe and suitable access

18. Despite the concerns raised by local residents, the evidence before me relating to the off site highway works would be an improvement to the existing situation. The speed limit would be decreased outside the site, which is provided for in the s106. Visibility splays would be appropriate, and suitable crossing facilities would be provided. Additionally, there is the cycle link proposed at the northern edge of the site and the closure of an existing unsafe access point. The works proposed have been subjected to stage 1 and 2 road safety audits and the Council confirmed that they would be acceptable. These off site works, visibility splays and access would be subjected to planning conditions [5, 12 and 19], or obligations in the s106.
19. An emergency access was not considered to be necessary by the Council's highways team, and the data presented is robust and accurate. I have no reason to doubt the evidence before me, and for these reasons, the proposal would provide safe and suitable access for future residents.

¹ In the planning obligation

Living conditions for future residents

20. Residents and the Parish Council raised concerns about the proposed footpath link to the small play area off Hawkeridge Park. Whilst layout is not proposed, pedestrian access from the site to this play area should be encouraged. This would enable suitable pedestrian links to existing and future development. It would also promote legibility and community cohesion.
21. Furthermore, despite claims that it is closed for winter months, I heard that it had not been closed for last winter or this winter, and I do not see this as a barrier to providing access through this play area and onto Hawkeridge Park. It would also provide access for existing residents through to the proposal, to access public open space, other play areas and the trading estate. Claims that the Parish Council would not grant access seems perverse when these future residents would be part of the community.
22. The indicative layout has been designed to ensure that living conditions for future residents would be suitable, in specific relation to noise from the nearby trading estate, nightclub and traffic. This is through embedded mitigation and a suitable layout. The Council's Public Protection team have not raised objections, subject to planning conditions, that would control internal and external noise levels. These would ensure that windows in habitable rooms could be opened and would not rely on mechanical ventilation. This would be necessary to ensure suitable future living conditions, and based on the evidence before me, this would be secured [conditions 13 and 14].
23. Claims of odour from a nearby resource recovery centre were raised. That site is subjected to a permit from the Environment Agency and odour is regulated through the agency. The site is further away from the source than existing dwellings, and although future residents may be subjected to unpleasant odours from time to time, this would not lead to unacceptable future living conditions.

Drainage

24. Foul water from the site would drain into the existing sewers. Surface water would be split into separate discharge points, prior to discharge into the water course, with an attenuation basin on site. The appellant detailed at the Hearing that this was subject to a riparian agreement, which involved no third party landowners. The Local Lead Flood Authority raised no objections, and I am satisfied that the site would not result in any increased flood risk, subject to conditions [conditions 10 and 11].

Biodiversity

25. The scheme has been designed with biodiversity and ecology as a driving priority. There are significant ecological buffers provided around the site, which would provide habitats and bat mitigation, along with enhancements and biodiversity net gain (BNG). Evidence of a district level licence for great crested newts was presented and the proposal, with its embedded mitigation, would have no adverse effect upon any other protected species, such that no other licenses would be necessary.
26. *Salisbury Plain Special Protection Area (SPA)* - The site lies within the 6.4km buffer zone of the SPA. The qualifying feature of the SPA is the stone curlew population, and likely significant effects (LSE) would arise from all residential

development within 6.4km of the SPA, due to increased recreational pressure from visitors. This would include the proposal.

27. The Council, as Competent Authority in the first instance, has a Habitats Regulations Assessment (HRA) for the CS and a HRA for the Wiltshire Housing Site Allocations Plan. Within this, the Appropriate Assessment (AA) looks to mitigate the LSE through annual stone curlew and visitor monitoring. The AA reached a conclusion that housing growth would not have an adverse effect on the integrity of the Salisbury Plain SPA, either alone or in-combination with other plans and projects, provided that the mitigation scheme continues to be implemented. This is secured by the Council through its Community Infrastructure Levy (CIL) and would include a receipt from this development.
28. Nonetheless, the proposal would be unplanned development, and could contribute to an effect not mitigated for by the Council's HRAs. However, given the scale of development in comparison to the size of the buffer zone, this effect would be minimal. Additionally, the scale of public open space on site would absorb a significant amount of everyday recreational activity by new residents. Therefore, I am satisfied that with the mitigation from the CIL payment, and the amount of onsite public open space, the scheme would not adversely affect the integrity of the Salisbury Plain SPA.
29. *Bath and Bradford on Avon Special Area of Conservation (SAC)* - The site lies within the zone of medium risk for the SAC. The qualifying features are 3 bats, Bechstein's bat (*Myotis bechsteinii*), Greater horseshoe bat (*Rhinolophus ferrumequinum*) and Lesser horseshoe bat (*Rhinolophus hipposideros*), with the conservation objectives being to ensure the integrity of the site is maintained or restored, to ensure favourable conservation status of the qualifying features. LSE effects would arise from increased recreational pressure at woodlands used by Bechstein's bat for breeding and loss or damage to bat habitats. Natural England also identified that in the Trowbridge area, there is a need to maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit, operating as dark corridors.
30. Additionally, the site is located between Round Wood (approx. 2km) and Pickett and Clanger Woods (approx. 1.5 km), both of which are easily accessible by public footpaths and road. These woods are publicly accessible and each support a colony of Bechstein's bats which together are believed to form a meta population of national importance.
31. The proposal would lead to LSE, both in terms of habitat loss on site and by recreational pressure placed upon nearby habitats and woodlands by new residents of the development. This would be an in-combination effect.
32. However, the open space parameters plan, illustrative masterplan and the ecology evidence details a significant buffer of more than 100m to the northern hedgerow, which would be maintained as high quality semi-natural greenspace, of value to the qualifying features. All core bat habitat would also be buffered from development by at least a 22.5m corridor of natural habitat. The central hedge would be retained, there would be significant native tree and scrub planting, an orchard, new hedgerows and other species specific mitigation. Additionally, an 'alternative space for recreation' would be proposed in the northern half of the site to encourage residents to walk and or exercise dogs on-site. Resident's packs are also to be provided.

33. Providing that these measures are subject to conditions, such as construction environmental management plan, a landscape and ecology management plan, and external lighting [conditions 7, 12 and 16], the proposed mitigation would ensure that the proposal would not adversely affect the integrity of the SAC through any habitat loss on site.
34. The Trowbridge Bat Mitigation Strategy (TBMS) outlines a strategy to mitigate increased recreational pressure on the bats. This applies to the site and seeks contributions to purchase, plant up and maintain an amount of habitat. This would mitigate the residual effects of increased recreational pressure from new residents upon nearby habitats and woodlands. The planning obligation commits to the payment of this sum per dwelling. Thus, with the mitigation proposed, the potential adverse effect would be avoided, and the integrity of the SAC would not be adversely affected.
35. *Picket and Clanger Woods Site of Special Scientific Interest (SSSI)* – Special interests of the SSSI are the floristically-rich ancient woodland, supporting an outstanding range of butterfly and moth species, and woodland birds such as nightingale. A range of small mammal species and common lizard have been recorded and as detailed above, it is known to support significant populations of Bechstein's bat.
36. The proposal would result in increased recreational impacts on the SSSI from new residents. The TBMS requirement would not mitigate the impacts on the wider SSSI, and the Council detail that parts of the SSSI are in an unfavourable and recovering status. Therefore, a bespoke recreational mitigation strategy would be necessary, that would contribute a monetary sum to assist with the management of increased recreational pressure. This is provided for in the planning obligation. With this mitigation, the special interests of the SSSI would not be adversely affected.

Planning obligation

37. In addition to those identified above, the planning obligation would also provide:
 - an early years contribution towards the funding of 17 pre-school places.
 - 40% affordable housing, split 60% affordable rent and 40% intermediate houses, with 10% adapted units.
 - Waste and recycling contribution towards the provision of containers.
 - Leisure contribution towards off site sports provision.
 - Monitoring fee
38. Based on the evidence before me, all the obligations would be necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development. This would be compliant with the tests in the Framework and the CIL Regulations.
39. Additional infrastructure, such as contributions towards doctors' and dentists' surgeries was raised by interested parties. However, there is simply no evidence before me that seeking obligations would comply with the Framework and CIL tests, despite the various assertions about appointment wait times and overstretched services. Additionally, the Local Education Authority did not require any contributions towards secondary or primary education places, nor did the Highway's Authority necessitate any contribution towards strengthening the rail underbridge on Station Road.

Planning balance

40. The location of the proposal outside the 'limits of development' would conflict with the development plan as a whole. However, the Council does not have a 5 year supply of housing land and there is a significant shortfall of affordable housing. Thus, Footnote 8 of Framework Paragraph 11 details that policies for applications involving the provision of housing are considered out of date. There are no policies that would indicate a strong reason for refusal and thus the 'tilted balance' of 11 d) ii would apply.
41. Aside from the emerging Local Plan, which has only just been submitted for Examination, there is no other obvious remedy to the shortfall in the short or medium term. This overall position indicates that the development plan is failing to meet its strategic challenges. Thus, its settlement strategy and limits of development are not working effectively. These policies are therefore of limited weight, as is the conflict with them.
42. The delivery of market and affordable housing is of substantial weight in favour. Additionally, there would be biodiversity net gain, public open space, a community orchard, creation of jobs during construction, increased local spending, provision of night time bus service and off site highway improvements. These all weigh in favour and many would benefit the wider community. Aside from the marginal loss of best and most versatile agricultural land, which would be of little weight, there are also no technical reasons that would result in any harm. I have no reason to doubt that the dwellings would not start to be delivered in the next 5 years, especially considering the extensive indicative layout that has been provided to ensure suitable future living conditions.
43. Consequently, the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, all of which the proposal would provide. As such, the material considerations indicate a decision other than in accordance with the development plan.

Conditions

44. In addition to the conditions above, which would be necessary to make the development acceptable, the plans (including broad accordance with the parameter plans), dwelling numbers, phasing plan and provision of public open space are listed for certainty [condition 4].
45. The dwellings would be built sustainably, including reductions in energy use and emissions and efficient water use, as detailed in chapter 7 of the Design and Access Statement. This would be necessary to ensure the prudent use of natural resources, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy [conditions 6 and 9]. A condition for archaeological investigations would be necessary to ensure that any matters of archaeological interest are correctly recorded [condition 8].

46. Closure of the existing access to Glenmore Farm would be necessary in the interests of highway safety [condition 19]. The Council requested that this was within 3 months of the commencement of development. However, this would be an unreasonable time scale. The access is open now and can be used freely, and whilst it would be necessary to ensure it is closed as soon as practically possible, I see no specific reason to require it to be closed until the development is nearing completion, to ensure its closure can be properly phased into the development as it is built out.
47. The suggested Travel Plan condition [condition 17] has been amended to remove the requirement for the employment of a Travel Plan Co-Ordinator as this would go beyond the realms of a condition. However, I have required details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements of the travel plan, along with the length of time and frequency.

Conclusion

48. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:	
Gen Collins LLB(Hons) MA MRTPI	Principal Planning Officer, Wiltshire Council
Mark Wiltshire MIHE	Transport and Highways Manager, Wiltshire Council
For the appellants:	
Alan Williams BSC MPLAN MRTPI	Director, Grass Roots Planning
Matthew McShan	Associate Partner, LVA
Mubassir Malik MEng (Hons) MIOA	Associate Acoustician, Stantec
Interested parties	
Suzanne Wycombe	Ethandune Ward Cllr
David Jenkins	Heywood Parish Cllr
John Masson	Heywood Parish Chairperson
Francis Morland	Heywood Parish Cllr

HEARING DOCUMENTS

HD1	Public Protection comments
HD2	Travel Plan condition
HD3	Finalised Unilateral Undertaking dated 12 December 2024

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall make provision for the following:
 - a) Up to 145 dwellings;
 - b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 4,106 square metre (sqm) of general public open space and at least 171 sqm of equipped play space.

The layout and scale shall be broadly in accordance with the following plans –

- Dwg Ref: 191119L 02 01 J (Illustrative Masterplan) dated 06/22
- Dwg Ref: 191119 PP 01 (Building Height Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 04 Rev A (Areas Parameter Plan) dated 11/22
- Dwg Ref: 191119 PP 02 (Open Space Parameter Plan) dated 11/22
- Doc Ref: 191119 R 02 01 D (Design & Access Statement) dated 07/22
- Doc Ref: 4712_01E_EcIA Ecological Impact Assessment

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

- 5) The 'means of access' to the site and the off-site highways works shall be provided in accordance with the following drawing –

- Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23

In addition, the final layout shall include a 3 metre wide shared-use cycleway within the application site, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

Prior to commencement of the development, a programme for the delivery and completion of the means of access, the off-site highways works and the shared-use cycleway shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site, the off-site highways works and the shared-use cycle way shall then be delivered and completed in accordance with the approved programme.

All visibility splays shown on Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23 shall be provided prior to first use of the new means of access to the site from The Ham by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

- 6) Application/s for the approval of the reserved matters shall be in accordance with section 4.7 of the approved Design and Access Statement (Dwg Ref: 191119 R 02 01 D) regarding sustainability. A Sustainability Statement shall be submitted with each reserved matters application which demonstrates this, and the development shall be implemented in accordance with the Sustainability Statement.
- 7) Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet

grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- i. A phasing plan demonstrating the timing of habitat creation works in relation to landscape buffers (Zone A and Zone B of the Trowbridge Bat Mitigation Strategy) and advanced planting proposals including predevelopment provision of 'space for recreation' will be completed in advance of or alongside vegetation stripping.
- ii. A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- iii. Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- iv. Details of how habitats created will be managed to achieve predicted BNG gains for the duration of the development.
- v. A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- vi. Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved in full and for the lifetime of the development in accordance with the approved details.

- 8) No development shall commence until a written programme of archaeological investigation, which should include on-site work (i.e. trial trenching) and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority. The programme of archaeological work shall be carried out in accordance with the approved details.
- 9) No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 10) No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should include detailed drainage calculations which demonstrate that discharge rates from the whole developed area (2.507ha) of the site do not exceed:
 - 1 in 1 year storm event - 1.65 l/s
 - 1 in 30 year storm event - 4.14 l/s
 - 1 in 100 year storm event - 5.15 l/s
- 11) No development shall commence until a detailed drainage ownership and management plan has been submitted to and approved in writing by the local planning authority. The plan shall:

- Detail the required maintenance activities for drainage (including SuDS) features, along with details on how frequently these activities will be completed, and the party responsible for maintenance. The development shall be carried out and maintained in accordance with the approved drainage ownership and maintenance plan.
 - Provide copies of legal agreements which confirm that the developer has the right to cross 3rd party land and discharge to the ordinary watercourse in perpetuity. The legal agreements must demonstrate that the developer has permission to cross third party land to enable the drainage system to be constructed, and for it to be maintained throughout its whole design life.
- 12) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. Construction phase environmental management plan, named person for residents to contact definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Detailed Site logistics arrangements;
 - v. Details regarding parking, deliveries, and storage;
 - vi. Details regarding dust mitigation;
 - vii. any other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - viii. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - ix. Details of how surface water quantity and quality will be managed throughout construction;
 - x. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xi. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.

- xii. Details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- Pre-development species surveys, including but not exclusively, roosting bats, otter, water vole and birds.
 - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday and no working on Sundays, Bank or Public Holidays.

The development shall be implemented in accordance with the approved details of the CEMP.

- 13) No development shall commence until an Acoustic Design Scheme (for external traffic noise) for the protection of the proposed residents from external traffic noise has been submitted to and approved in writing by the local planning authority. The Acoustic Design Scheme (for external traffic noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:
- bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB based on the 10th highest measured level.
 - living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
 - external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The Acoustic Design Scheme (for external traffic noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

In accordance with a timetable in the approved Acoustic Design Scheme (for external traffic noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (for external traffic noise) has been fully implemented, any additional measures required to achieve compliance.

- 14) No development shall commence until an Acoustic Design Scheme (entertainment and industrial noise) for the protection of the proposed residents from entertainment and industrial noise has been submitted to and approved in writing by the local planning authority. This shall relate to internal noise levels and private external amenity areas. The Acoustic Design Scheme (entertainment and industrial noise) shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise - New Residential Development (May 2017 or later versions)) and it shall include the site layout (showing barrier blocks), internal dwelling layouts, façade construction (including design and installation), manufacturers details of windows and ventilation, and boundary treatments.

Within 320 m of the West Wiltshire Trading Estate boundary, (ie closer than existing dwellings), the design shall achieve a rating level (LArTr) of equal to and no greater than typical background sound levels (LA90T) for facades with openable windows to habitable rooms (living rooms and bedrooms) and for private external amenity areas when assessed using BS4142:2014+A1:2019 or any subsequent version.

Internal noise levels from entertainment noise, shall be designed to not exceed the following:

- NR 20 dB Leq,15minutes
- NR 20 dB LfMax
- The LFN Reference Curve within Table 9 of NANR45 revision1 December 2011 - Procedure for the Assessment of Low Frequency Noise Complaints.

The Acoustic Design Scheme (entertainment and industrial noise) shall be implemented during construction of each dwelling, and thereafter be permanently retained. In accordance with a timetable in the approved Acoustic Design Scheme (entertainment and industrial noise), a post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme (entertainment and industrial noise) or other suitably qualified expert, shall be submitted to and approved in writing by the local planning authority. This shall provide evidence that the approved Acoustic Design Scheme (entertainment and industrial noise) has been fully implemented, any additional measures required to achieve compliance.

- 15) Prior to commencement of development above slab level, a scheme for the provision of at least one public electric vehicle 'rapid' charging point (EVRCP) in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The EVRCP shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the

local planning authority, whichever is the sooner. The EVRCP shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

- 16) No external lighting shall be installed in public areas until details of the type of light appliance, height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The details shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Where light spill has the potential to impact bat habitat, a lighting impact assessment shall be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met. The external lighting shall be installed and maintained in accordance with the approved details, and no additional external lighting in public areas shall be installed. Prior to final occupation of the development, a post-development lighting survey demonstrating compliance with the approved details, conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy, shall be submitted and approved in writing by the local planning authority.
- 17) Prior to first occupation of any dwelling, a Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The Full Travel Plan shall be based on the Framework Travel Plan and include details of who has responsibility for monitoring compliance and the means of securing that future monitoring and management arrangements. This shall include the length of time over which monitoring will occur and the frequency. The Full Travel Plan shall be implemented in accordance with the approved details.
- 18) Prior to occupation of the 30th dwelling, 2 bus stops including shelters and raised height bus passenger access kerbing (one for northbound passengers, and one for southbound passengers) outside the site shall have been provided in accordance with details to be first submitted to and approved by the local planning authority.
- 19) Prior to occupation of the final dwellinghouse, the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular access to Hawkridge Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated. Thereafter the access point shall remain closed in perpetuity.

*****END OF CONDITIONS*****

APPENDIX EHP10 - Wiltshire Council - FOI response regarding developments referred to in the WC pre-application consultation response (with EHP annotations)

The pre-app response was based on housing figures as at that date. A reassessment of the site would obviously now be based on current data. The housing figures quoted in the pre-app response were these:

SITE NAME	Application Ref	Total Units	Primary Places Needed	Secondary Places needed
SMALL SITES				
North Bradley	various small sites	2	1	Trow schools*
Various small sites (Primary figure based on only those in Bitham Brook and Westbury Inf/Jun catchments)	Various	35	8	8
LARGE SITES				
Land SE of White Horse Business Park, North Bradley	20/03641/OUT	70	18	Trow schools*
Land rear of 54 Woodmarsh	PL/2021/09739 (OL)	23	6	Trow schools*
Land SW of White Horse Business Park, North Bradley (originally 82 units)	PL/2022/05426 (FUL)	62	17	Trow schools*
Land North of Southwick Road & South of the Rank, North Bradley (66 units)	PL/2023/10205 (OL)	66	19	Trow schools*
Sailing Lake (total 300 units)	15/12551/OUT	66	19	13
Land off Station Road (total 88 units)	17/07548/FUL	80	23	16
Former Nursery, Barters Farm, Chamanslade (total 43 units)	18/06223/ FUL	10	0	2
Land West of Dartmoor Road & South of A3098 (26 units)	20/06808/FUL	73	0	14
Land at Glenmore Farm/ The Ham (145 units)	PL/2021/03749 (OL)	145	40	28
Land North of Westbury & East of Court Orchard, Bratton (35 units)	PL/2021/ 05259 (OL)	35	0	6
Land rear of 117 High Street, Dilton Marsh	PL/2023/01880(OL)	54	0	11
Land off Freestone Grove	PL/2023/05157(OL)	40	11	7
Former Commercial Nursery, Barters Farm, High Street, Chamanslade	PL/2023/05349(FUL)	9	0	2
Land South of Clivey, Dilton Marsh	PL/2024/06523	85	0	17
GRAND TOTALS OF ALL		855	162	124

* Secondary pupils will feed into Trowbridge schools, hence this housing has not been included in the secondary numbers.



**APPENDIX EHP11 - Land South of Clivey, Dilton Marsh - Decision Notice
(refused in Feb 2025)**

The Town and Country Planning Act 1990
Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2024/06523

Decision Date: 12 February 2025

Applicant: Rosconn Strategic Land
c/o Agent, Equinox North, Great Park Road, Almondsbury,
Bristol, United Kingdom, BS32 4QL

Particulars of Development: Erection of up to 85no. dwellings, access, open space,
landscaping, supporting infrastructure and associated works
(Outline application relating to access - Resubmission of
PL/2023/01048)

At: Land South of Clivey, Dilton Marsh, Wilts

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby **REFUSE TO GRANT PERMISSION** for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (3)

- 1 **RFR No.1. Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Dilton Marsh is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Dilton Marsh, and so is in the countryside.**

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other than in

circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 32 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Westbury Community Area in which the site lies. It states that development in the Westbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 85 dwellings, etc. on land that is in the countryside. Under Core Policies 1, 2 and 32, the proposal does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new development satisfies the fundamental principles of sustainability, and so it follows that where a proposal fails to comply with the strategic approach, material weight should be afforded to this conflict.

The application site is not identified for development in the adopted Wiltshire Core Strategy or a Site Allocations Development Plan Document, and it is not allocated in the emerging Dilton Marsh Neighbourhood Plan for new housing. The proposal is, therefore, contrary to Core Policies 1, 2 and 32 of the Wiltshire Core Strategy.

The Council cannot however currently demonstrate an adequate housing land supply (HLS) when tested against the NPPF requirement and the above policies cannot be given full weight. The courts have settled that it is a matter for the respective decision maker to determine what weight should be afforded to strategic policies that cannot be afforded full weight. In a 2017 Supreme Court ruling on *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents)* *Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)* confirmed that pursuant to the operation of the 'tilted balance':

“it will remain a matter of planning judgement for the decision-maker. Restrictive policies in the development plan (specific or not) are relevant, but their weight will need to be judged against the needs for development of different kinds (and housing in particular), subject where applicable to the “tilted balance”.

In this case, the Council is substantively concerned about site sustainability, highway safety, and future residential amenity and delivering a high-quality development and healthy communities as required by NPPF, the Council's adopted Design Guide and adopted local policy.

The applicant has not demonstrated that the proposals would comply with paragraph 115 (b) of the National Planning Policy Framework and that safe and suitable access can be achieved for all users; and furthermore the applicant has not demonstrated that the proposals would not result in an unacceptable impact in safety terms, in accordance with the National Planning Policy Framework paragraph 116, or that any such impacts can be cost effectively mitigated to an acceptable degree through a vision-led approach, in accordance with the National Planning Policy Framework paragraph 115 (d).

The applicant has also not demonstrated that the site is sustainable in transport terms and has responded to its location with a suitable modal share strategy including walking distance, quality of route and journey times to key facilities.

[Informative Note to the above RFR – National Highways have expressed the following:

“National Highways considers that the development has the potential to generate additional vehicle trips and turning movements through the A36/B3099 Marsh Road junction which has a collision history and is unlit. Of particular concern is the predicted increase in A36 northbound right-turning movements which will increase the number and frequency of slowing and stationary vehicles on the A36. National Highways primary concern is to ensure the safe operation of the SRN. Applying the principals of the NPPF paragraphs 115 and 116 (supported by our Licence requirements and policy within DfT Circular 01/2022), development which adds traffic to a junction with a collision history, could increase the frequency of road safety issues occurring, or could in itself cause those road safety issues to arise, is considered by National Highways to have an unacceptable impact on highway safety.

National Highways considers that the identified mitigation measures will not adequately mitigate the likely effect of the development proposals on collision numbers at this location. We also consider it unlikely that the applicant could cost effectively deliver mitigation measures that would satisfactorily address the potential highway safety impact of their development to an acceptable degree. In the absence of significant improvements to the junction, National Highways considers that any development proposals that significantly increase demand for right-turning movements at the junction, primarily those A36 northbound right-turn movements into the B3099, to be unacceptable in highway safety terms. We consider that our current recommendation is consistent with the advice we have provided in respect of previous proposals.

The junction remains a location of interest to National Highways and one we continue to monitor. We have a process for identifying issues on the network, assessing risk and prioritising improvements subject to the availability of funding. Improvements in this location have not been identified or prioritised for funding at this time.”

Additionally, the Council's local highways officers have concurred with the above but furthermore, the applicant has refused to carry out a revised access arrangement and undertake a speed limit review].

- 2 **RFR No. 2. The applicant has failed to satisfy NPPF paragraph 207 pursuant to evidencing the site's archaeological interest. No trial trenching results have been shared with the Council up to the point of issuing the decision on 12 February 2025.**

[Informative Note to the above RFR – the above refusal reasoning may be set aside should the applicant subsequently satisfy the Council's archaeologist through the sharing of published trial trench results].

- 3 **RFR No. 3. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework.**

[Informative Note to the above RFR – the above refusal reasoning relates to the lack of a s106 being prepared to secure all the essential developer contributions, new infrastructure and mitigation to make the development acceptable in planning terms in compliance with NPPF para 58 and adopted Wiltshire Core Strategy Core Policy 3. In the event of an appeal being lodged, the applicant would be required to address this fundamental omission].

Parvis Khansari - Corporate Director, Place

NOTES

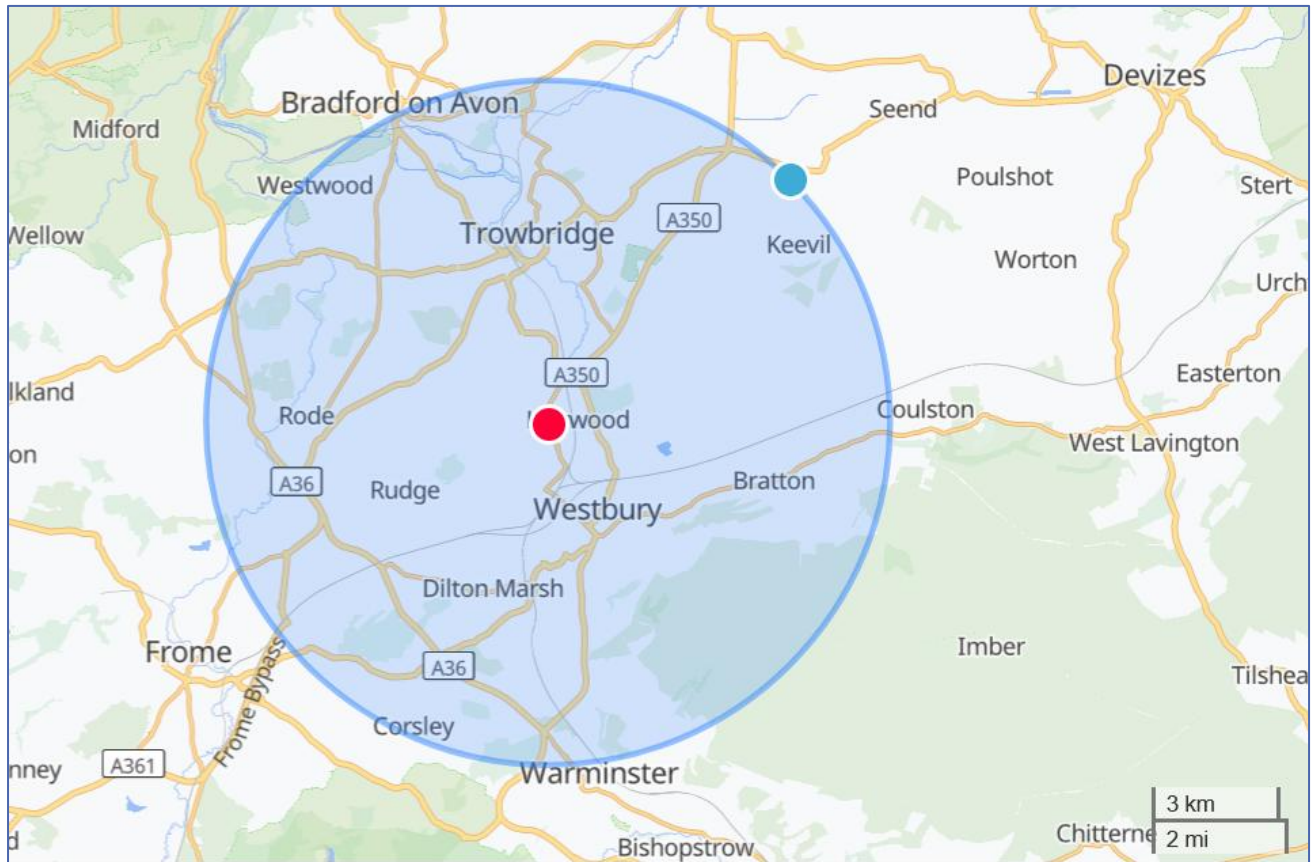
1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - [Appeal a planning decision: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).



APPENDIX EHP12 - 25059 Planning History for Education Analysis.2604-02

25059 Hawkeridge Business Park, Mill Lane, Hawkeridge BA13 4LD

Planning History Search to Inform Education Assessment



Study Scope and Search Area

The tabulated results overleaf relate to residential permissions for major housing schemes (10 + units) granted permission plus live / pending applications going back to April 2021 within the study area.

The geographical extent of the study area is a 5-mile radius of the application site, Hawke Ridge Business Park. It should be noted that the search area is confined to sites within Wiltshire Council's administrative boundary only. The search excludes the large village settlements of Rode and Beckington, which although located within the 5 mile radius, are located within Somerset Council's administrative area.

The information has been sourced from Wiltshire Council's housing land supply statement and planning history available on the Council's GIS mapping system. We have also added-in comments from our local knowledge relating to the status of some of the identified sites.

Settlement	Site	Reference	Capacity	Comments
Trowbridge	26 Fore Street, Trowbridge	21/01148/FUL	24	Completed
Trowbridge	Ashton Street Centre, Ashton Street, Trowbridge	PL/2021/09909	48	Permitted scheme subject to a replan
Trowbridge	Land to the south of Church Lane, Upper Studley	18/10035/OUT	55	Allocated site permitted 07.06.2024
Trowbridge	Clarks Mill and Mill House Stallard Street Trowbridge	PL/2022/00462	20	Complete
Trowbridge	Courtfield House, Polebarn Road, Trowbridge	18/04656/FUL	20	Completion expected 2026
Trowbridge	Land at Elizabeth Way, Hilperton, Trowbridge	20/09701/FUL, PL/2021/08554, 20/07751/FUL, 16/00672/OUT, PL/2021/08554	355	Partly complete with working continuing on site
Trowbridge	Land at Elm Grove, Drynham Lane, Trowbridge BA14 0PL	19/11459/OUT, PL/2022/09425	250	Commenced on site in 2025
Trowbridge	Ground and First Floor Block C, The Pavilions, Windsor Road, Trowbridge,	PL/2021/07628	34	Complete
Trowbridge	Innox Mills, Trowbridge	PL/2021/08064	243	Hybrid permission granted in 2025 but stalled due to viability constraints. No reserved matters have yet been submitted.
Trowbridge	Land off Frome Road, Upper Studley, Trowbridge	20/09659/FUL	50	Commenced on site in 2025
Trowbridge	Land off the A363 at White Horse Business Park	PL/2022/05426, 20/03641/OUT	175	Application pending
Trowbridge	Ashton Park	15/04736/OUT	2500	OPP permitted September 2025. 7 No. reserved matters applications pending consideration.
Trowbridge	Southwick Court	20/00379/OUT	180	Permitted at appeal March 2024
Warminster	Land at the proposed West Warminster Urban Extension North of Victoria Road & to the West of Bath Road Comprising approx. 84 hectares	15/01800/OUT, PL/2021/07207, PL/2022/08898,	1,000	OPP permitted and reserved matters permitted and under construction.

Warminster	Rear of Westbury Road	PL/2021/09067, PL/2024/04959	10	Constructed
Warminster	Bore Hill Farm, Devereil Road, Warminster	PL/2022/07120	80	Application pending
Westbury	Land south of Sandhole Lane, Westbury	20/11515/OUT, PL/2022/09817	67	Current status not known
Westbury	Land at Glenmore Farm	PL/2021/03749	145	OPP granted on appeal 2025 Vistry RMA submission expected 2026
Westbury	Land at Bratton Road, Westbury	PL/2022/06046	43	Application pending
Trowbridge Rural remainder	Land Rear of 54 Woodmarsh, North Bradley	PL/2021/09739	25	Current status not known
Trowbridge Rural remainder	Land north of St George's Road, Semington	19/02147/OUT, PL/2023/10561	26	Completed
Trowbridge Rural remainder	Land north of Westbury Road and west of Court Orchard, Bratton	PL/2021/05259, PL/2023/07170	31 Phase + 6 Phase 2	Commenced on site in 2025
Trowbridge Rural remainder	Land off St George's Road, Semington, Melksham, Wilts	PL/2022/01367	18	Second phase completion expected 2026
Trowbridge Rural remainder	Land off Wesley Lane	PL/2022/05416	27	Current status not known
Trowbridge Rural remainder	Land adjacent to Southwick Road, North Bradley	PL/2023/10205	66	Resolution to grant planning permission pending completion of a s.106 agreement
Westbury Rural remainder	Land rear of 117 High Street, Dilton Marsh	PL/2023/01880	54	OPP granted March 2024 Redcliffe Homes have acquired the site

APPENDIX EHP13 - Wiltshire Council - FOI response regarding early years settings referred to in the WC pre-application consultation response

<i>(i) each provider's address</i>	<i>(ii) each provider's early years places capacity</i>	<i>(iii) each provider's current take-up of places (March 2026)</i>
Bebe Tots Limited 7a Trowbridge Road, WESTBURY, Wiltshire, BA13 3AY	91	This data is confidential
The Willows Preschool Church Lane, North Bradley, Trowbridge, Wiltshire, BA14 0TA	32	This data is confidential
Daisy Chain Preschool Methodist Church Hall Station Road, Westbury, Wiltshire, BA13 3JL	24	This data is confidential
YMCA Kingfisher Preschool Bitham Brook School, Arundell Close, Westbury, BA13 3UA	18	This data is confidential
Bright Stars Nursery White Horse Childrens Centre, Eden Vale Road, WESTBURY, Wiltshire, BA13 3NY	72	This data is confidential
Childminder details not able to share due to safeguarding criteria	This data is confidential	This data is confidential