Representations raised on behalf of Lingfield College to
Matter 8: Policy TLP 23 Protection, Provision & Enhancement
of Schools in advance of the Examination in Public into the
Regulation 22 Version of Our Local Plan: 2033 January 2019

September 2019

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MATTER 8

Policy TLP23: Protection Provision & Enhancement of Schools

8.30 Would the Policy be effective and justified in requiring the agreement of the Education Authority for new schools and education facilities?

No. The Local Planning Authority has no role to play in school place forecasting or strategic planning as part of education policy, whether as part of the state or private sectors. In the case of state school provision, it is the ambit of Surrey County Council through its School Organisation Plan to ensure that sufficient school places are provided to meet future demand, primarily by working with existing schools to ensure that places are brought forward using funds provided by the Government on a formula basis in order to supplement its own resources. Lingfield College on the other hand, being an independent private school, is required to organise its affairs in the same way as any business, lying outside the jurisdiction of Surrey County Council as Education Authority, but whose performance may have an impact on state school provision.

In a land use planning context, the starting point in respect of school provision is that set out in paragraph 94 of the NPPF 2019 where the emphasis is on sufficient “choice of school places” being available to meet the needs of existing and new communities, with LPAs expected to take “a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education”. (my emphasis)

In this way, the role of District Councils is limited to setting planning policy and determining planning applications in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004. The role of a local planning authority is not to seek to “go behind” the policy support for schools provided by the Framework, and neither is it appropriate to involve themselves in matters which are the responsibility of Surrey County Council, as Education Authority through its School Organisation Plan.1

The requirement to obtain agreement from the Education Authority for new schools and education facilities is neither effective nor justified, and the Local Planning Authority have sought to take on the responsibilities of Surrey County Council as Education Authority.

8.31 Are the criteria set out in respect of schools in the Green Belt justified and consistent with national policy for Green Belts as set out in the Framework?

The criteria set out in the five bullet points in Regulation 22 Version of Policy TLP23 in respect of schools in a Green Belt are not justified, nor are they consistent with national policy on Green Belts as set out in the

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1 See the appeal decisions concerning Ingleby Barwick PINS Ref. No. APP/H0738/A/13/2192538 at IR 11.17 – 11.19 agreed by the Secretary of State in DL13, as well as in an appeal decision concerning Perry Beeches PINS Ref No. APP/P4605/W/15/3141154 at DL 13 and IR 108
Framework. For reasons already stated in answer to the previous question, the first and third bullet points venture into territory which is the responsibility of Surrey County Council in its capacity as Education Authority, and are not related at all to the fundamental objective and purposes behind Green Belts.

The second bullet point is not justified nor is it consistent with national Green Belt policy, and neither is the fourth bullet point, when considering in a planning context a school in a Green Belt.

The fifth bullet point is not a proper test when assessing new school development in a Green Belt from the perspective of the main objective behind Green Belt policy and the purposes of including land in a Green Belt. Moreover, it presupposes through the use of the word “unacceptably” that should there be harm to the Green Belt, a proposal for a new school may still be acceptable. That is both inconsistent and unjustified in the context of national Green Belt policy. In the event that harm is identified, requires the applicant to demonstrate that “very special circumstances” exist, sufficient to outweigh the harm caused by virtue of the development’s inappropriateness and any other harm.

8.32  Are the proposed modifications necessary for soundness?

No.