



Martin Birch  
Director of Children and Family Wellbeing  
Cumbria House  
117 Botchergate  
Carlisle  
CA1 1RD

1<sup>st</sup> March 2024

Dear Martin,

As I write this letter, my inbox continues to receive representations from parents who have been informed today that their child has not been able to secure a place in Workington's only secular secondary school.

§14 Education Act 1996 places on Cumberland Council the duty to secure sufficient secondary schools to provide secondary education across their area, and that "*schools available for an area shall not be regarded as sufficient...unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education*". In providing schools, the local authority must exercise their functions with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

Cumberland Council, and its predecessor Cumbria County Council, have actively prevented investment to create new school places in Workington Academy through new developments using §106 of the Town and Country Planning Act 1990. I have written previously to the former Allerdale Borough Council Planning Committee, to Cumbria County Council, and to Cumberland Council. All of those letters, copies of which are enclosed with this letter, went unanswered and unheeded – but those chickens are now coming home to roost.

I have been clear - I am a staunch defender of faith schools of all types, but the council would simply not countenance only opening places in Islamic or Jewish schools for example. School choice includes the inalienable right of a parent to choose a school close to their community that is not of religious character. I'm increasingly concerned at the proselytisation in which the council seems actively engaged.

Faith schools are already conferred an advantage by virtue of the fact that the council must provide subsidised transport to school for children of that particular faith living more than two miles away, but who choose to attend the schools by virtue of their religious character. This is not an option available to those not of the same faith as the school's character.

There are 56 children who named Workington Academy as their first choice but were not awarded a place. This is a travesty that must be rectified by the council forthwith. I have pointed each one that has contacted me to the Council's appeals process, and will make separate representations to you for each.

This was foreseeable – indeed I've been warning about it for four years – and it was entirely avoidable. I fear that those 56 children are paying the price for mismanagement elsewhere in the council.

Please let me know by return how the Council plans to fulfil its statutory duties, and to provide places for these children at Workington Academy, starting September of this year.

Yours sincerely

**Mark Jenkinson MP**

cc. Councillor Elaine Lynch, Executive Member - Lifelong Learning and Development



Shamus Giles  
Flood & Development Management  
Cumberland Council  
Parkhouse Building  
Baron Way  
Carlisle  
CA6 4SJ

18<sup>th</sup> February 2024

Dear Shamus,

### **PLANNING APPLICATION FUL/2022/0159**

This letter is written notwithstanding my position that this development is outside the local plan, and should not be approved on that basis. It is an attempt by the developer to subvert the planning rules that exist to ensure that local residents are adequately consulted, and development is sustainable.

Firstly, I am glad that the council recognises the requirement for a signalled crossing on the A597 for safe passage to Beckstone School, and the need to upgrade the Scaw Road junction. I would argue that these improvements are necessary not just in order to make this development sustainable, but are required now – but that is outwith the scope of this letter.

Recognising you also have some concerns as the LLFA, this letter is primarily about the requested education contributions.

In 2021 I wrote to Gavin Murray on a similar proposal in High Harrington, about the serious flaws that existed then in the council's modelling, and the assessment of contributions required to make that development sustainable. A copy of that letter is enclosed with this one, and all of my requests for information remain outstanding. I would ask that your department action my outstanding requests and keep me updated.

Unfortunately, despite me making similar representations time and time again, I see that similar flaws have been repeated in your response to this current application, which pre-dated my own response by just a number of days.

### **Faith Schools and the University Technical College**

As I made clear in my earlier letter, I'm concerned at the proselytisation in which the council seems actively engaged – particularly in Harrington. I am a staunch defender of faith schools of all types but the council would simply not countenance only opening places in Islamic or Jewish schools, for example. School choice includes the inalienable right of a parent to choose a school close to their community that is not of religious character.

In St Mary's published school admissions policy, non-Catholic local children feature at **ninth** in the **nine** ordered admission criteria.

While the link to the St Joseph's school admissions policy is broken, at the time of writing in 2021, non-Catholic pupils featured at **eleventh** on an ordered list of **eleven** admittance criteria.



These schools are already conferred an advantage by virtue of the fact that the council must provide subsidised transport to school for Catholic children living more than two miles away, but who choose to attend the schools by virtue of their religious character. This is not an option available to non-Catholics.

Places in the Energy Coast University Technical college should not be counted in your calculations as it cannot take the full age range for secondary pupils, and places **must** be provided in years 7,8 and 9 elsewhere. Your flawed modelling seeks to deprive the closest catchment secondary school, which has a significant projected place deficit, of the funding required to provide those places and make any new development sustainable.

### **Pupil Yield Data**

Again, the council has relied on ONS pupil yield data, which is flawed in the context of West Cumbria – particularly for Harrington, Seaton and Stainburn. We have significant data on pupil yield over many years, which should be used to properly inform the requirements for sustainable development.

You state that the pupil yield for the ongoing development 2014/0429 has not been included in the assessment, which would represent a serious omission with no justification. The yield could be spread across the 3 catchment schools, or in order to be more accurate you could survey the three schools for the number of children in each who live on the new development, much of which has been inhabited now for some years.

I note that you have failed to provide the pupil yield/application table to which you refer in your letter. Please provide that to me and the planning department for publication at the earliest opportunity.

### **Education Contributions**

As it stands, you are requesting a primary contribution for just 22 of the expected 26 primary pupils, already using flawed calculations. You have chosen to use the standard contribution rather than the actual cost of development, an option that is readily available to you. The sum requested therefore is £398,244, but it would seem to me that you do not have a plan to provide those spaces, for that number of children, at Beckstone – the catchment school.

When this happened in a previous application, with the sum expected to go to providing places in Beckstone School, the council soon realised that site abnormalities meant that the project required a significantly enhanced capital contribution. The funding was then reallocated to providing places at St Marys while leaving a deficit in Beckstone. I refer you back to my earlier comments on proselytisation.

On secondary contributions you have asked for £0, despite the council's own projections showing that Workington Academy, as the catchment secondary, is expected to breach its capacity by nearly 200 pupils in the coming years. They would argue that those figures are an under-representation of the true expected pupil numbers.

I ask that you revisit both of these requests, and would be happy to facilitate site visits to any of the schools, which I expect they would welcome.

It is disappointing that this challenge should have to come from me, when it should be coming from Cumberland Councillors elected to the ward and in the case of development sustainability, should be coming from council officers.



I am copying this letter to the ward councillors on Cumberland Council and Workington Town Council; to the Portfolio Holder for Cumberland Policy and Regulatory Services; and to the Portfolio Holder for Lifelong Learning and Development, who I hope has responsibility for schools under the responsibility listed as '*Access to Education*' - incredibly the word '*school*' doesn't appear in the list of responsibilities of **any** portfolio holder, so I can understand how education appears to be a secondary consideration to those of us on the outside.

I am also copying to Beckstone School and Workington Academy, who will be at the sharp end of this and other applications where the assessment of the sustainability of any development has not been properly considered in the context of education. Finally, I will copy to the planning department for publication against the application.

Yours sincerely

**Mark Jenkinson MP**



Gavin Murray  
Flood & Development Management  
Economy & Infrastructure  
Cumbria County Council  
Parkhouse Building  
Baron Way  
Carlisle  
CA6 4SJ

17<sup>th</sup> July 2021

Dear Gavin,

**PLANNING APPLICATION FUL/2020/0250**

I am writing to ask you to reconsider your response on this application, in relation to education contributions. I am disturbed by some of the misleading comments on school capacity, which amount to a perverse abuse of s106 in favour of the developer – not only harming the children who are directly impacted, to whom you have a statutory duty as the education authority, but damaging communities and families and ignoring the precipice at which the education authority stands.

I'm increasingly concerned at the proselytisation in which the county council seems actively engaged – particularly in Harrington. You will know from my representations elsewhere that I am staunch defender of faith schools of all types. As a Conservative Anglican Christian I attended a Catholic secondary school, and my baptised Anglican children have attended both Anglican and Catholic schools, but I also recognise the inalienable right of a parent to choose a school close to their community that is not of religious character.

You will know from my previous representations that I consider your school places formula to be seriously flawed in respect to the actual pupil yield in West Cumbria. We know that, on average, every three and four-bedroomed house on this estate will yield significantly more than 0.5 children. A proper assessment, specifically for West Cumbria using the significant data we hold, is within your gift. So is a request for the whole cost of provision, outwith any calculations using default models.

Nevertheless, I note your pupil yield assessment using that formula calculates that the proposed development would yield an estimated fifty-six children: consisting of thirty-three primary school age pupils and twenty-three secondary school age pupils.



## Primary Schools

Your responses states that:

*“The catchment primary school for this development is Beckstone Primary School which lies approximately 1.2 miles from the development site. Two further primary schools are located within the 2 mile statutory walking distance threshold of the site - St Mary’s Catholic Primary School (1.2 miles) and Distington Primary School (1.9 miles).”*

Beckstone Primary has had significant capacity issues for some time, and have previously taken pupil numbers way in excess of Published Admission Numbers on promises of additional classroom capacity. In fact you have previously secured s106 funding for a two-classroom extension that you later diverted to St Marys Catholic Primary school, while the community school continues to suffer.

Such an extension, you tell me, would normally come in at £450-500k, but the additional works required for Beckstone’s site conditions mean that the cheapest option came in at £1.6m. I remind you of your ability to make £1.6m the required education contribution – it is then up to the developer to assess viability of their scheme. It is not for the council to determine financial liability on their behalf.

On Primary school capacity, your disappointing response states:

*“There is no space in the catchment school of Beckstone Primary to accommodate the yield of 33 primary age pupils from this development. However, both St Mary’s Catholic Primary School and Distington Primary are within the statutory safe walking distance from the site and have sufficient capacity between them to accommodate the yield from this development. In light of this it is considered that no primary school capacity contribution is required”*

I note that your calculation of 1.9 miles for Distington Primary comes in at just under the statutory maximum distance of 2 miles, but that you have chosen not to publish that route, the guidance you have used to calculate it or any traffic assessments. Please set out each of these to me in detail. The alleged ‘safe route’ in this instance crosses at least two main roads on bus routes that do not have pedestrian crossings; the entrance to three colleges and a nursery; and two working car repair centres

Furthermore, I note that Cumbria County Council appears not to have published *any* methodology in relation to Safe Routes to Schools - unlike many other authorities. Such a publication would avoid any doubt in future.

In conjunction with Cumbria County Council, St Mary’s school sets its own admission policy. In that policy, non-Catholic local children feature at **tenth** in the **ten** ordered admission criteria. It is also already conferred an advantage by virtue of the fact that the council must provide subsidised transport to school for children living more than two miles





away, but who choose to attend the school by virtue of it's religious character. This is not an option available to non-Catholics.

In making the decisions that Cumbria County Council has, in this and previous applications, it is conferring advantage on a particular religious section of the community that it would simply not find acceptable to do were it an orthodox or non-conformist school, or indeed any religion outside of Christianity.

Beckstone Primary has a maximum capacity of 372, with 383 on roll. Distington Primary has a capacity of 105 with 128 on roll. St Marys Catholic Primary School has a published maximum capacity of 216, with 201 children on roll. That's a current place deficit of 19. To say that there is not a requirement for places for an additional 33 children, which we know will be significantly higher, is quite simply incorrect.

### Secondary Schools

Your response states:

*"The catchment primary [sic] school for this development is Workington Academy which lies approximately 2.9miles from the site. The next nearest secondary schools are the Energy Coast University Technical College (UTC) (1.7 miles) and St. Joseph's Catholic High School (2.7 miles). It is noted that intake at the Energy Coast UTC is from the age of 14."*

On places:

*"Taking into account existing committed developments within the catchment of Workington Academy, it is considered that there would be insufficient places to accommodate the estimated yield of 23 secondary-age pupils from this development. However, two other schools catering for secondary-age pupils are present within the statutory walking distance threshold for secondary schools and have sufficient capacity to accommodate the secondary yield from this development. Therefore no contribution toward secondary education contribution is required."*

The UTC cannot feature in your calculations. It has capacity but cannot take students until they are 14. It needs a feeder school to take the children for the first three years. While initial yield will likely span school years, natural yield in future years is less likely to. If it should feature, by virtue of the fact that it can only accommodate two of the five secondary school years, the maximum number of places you can offset is nine (2/5 of 23). That leaves a deficit of thirteen places, even on a flawed model that undercalculates.

I have already set out the issues we have with proselytisation and the benefits conferred on one particular religious section of the community. Similarly to the Catholic Primary school, non-Catholic pupils feature at **eleventh** on and ordered list of **eleven** admittance criteria.



Problems with place numbers in Secondary schools are also compounded by the fact that Secondary pupils from lower income families, choosing a school by virtue of its religious character, no longer have partially subsidised travel to school, but it becomes *wholly subsidised*.

St Josephs has a published capacity of 615, and currently has 626 pupils – a deficit of 11 for clarity. Workington Academy not only has “insufficient places to accommodate the estimated yield” from your own report, you are well aware that it is expected to have a deficit in excess of 200 places in the near future.

Story Homes, from experience, have no wish to shirk their responsibility to the communities they expand – but they cannot do anything in isolation. Your flawed modelling, and the narrative you consistently produce around school places in my constituency, means that everyone is hamstrung.

I look forward to the day, in the very near future, that Education and Planning responsibilities sit in the same authority, and I welcome forthcoming planning legislation changes that would give everyone in the planning process more certainty – but in the meantime I ask the County Council to step up to the plate and serve it’s communities as they deserve.

I implore you to revisit your planning consultation response with haste, and ask the planning authority not to consider it until you have.

Yours sincerely

**Mark Jenkinson MP**

cc. Sara Brook, Allerdale Borough Council Planning  
David Hayward, Story Homes  
Gill Steward, Cumbria County Council Chief Executive  
John Readman, Cumbria County Council  
Councillor Mike Johnson, Allerdale Borough Council Leader  
Councillor Tony Annison, Chair Allerdale Borough Council Development Panel  
Andrew Seekings, Allerdale Borough Council Chief Executive  
Mr D Warbrick, Headteacher Beckstone Primary  
Mr D Bird, Headteacher Workington Academy





Development Panel  
Allerdale Borough Council  
Allerdale House  
Workington  
CA14 3YJ

16<sup>th</sup> February 2021

Dear Panel Members,

**Application: 2/2018/0493**

I was as disappointed as you will be, to learn that the education contribution agreed for the junior school for the previous iteration of this application has been removed.

We know that the school places calculations are flawed in respect of West Cumbria, and that a four-bedroomed house on this estate will yield more than 0.5 children. It is folly to think that the pupil yield will be evenly spread across the school years. Seaton Junior School has suffered with peaks and troughs of pupil numbers over many years now, and those peaks will only grow larger. It is incredibly short sighted to look only the next four years, or indeed to only consider overall capacity of the school. In the very recent past, year groups have had to be mixed to accommodate pupil numbers.

As an aside, the County Council report references spaces in Workington Academy – yet as a relatively new, growing school the expected yield would see the school at capacity – and they were oversubscribed by 40 pupils in this year's Year 7. We cannot keep doing this.

Some of you will remember from that previous application that we stood together, and fought the ridiculous notion that you could build half a classroom to accommodate the pupil yield from this development. **Against officers advice** we requested double the contribution that the County Council had asked for. We passed that development with the increased contribution – and I'm asking you to do the same again.

We often complain that infrastructure should come first – and the Government will seek to address that in our reforms of a planning system that is decades out of date. I will be happy to discuss these reforms with members of the panel, as a collective or individually. **But today**, I'm asking you to play your part in making that infrastructure come first – to use the tools at your disposal and to stand firm and ensure that the s106 again requests the full amount of a classroom that will inevitably be required.

Yours sincerely

**Mark Jenkinson MP**



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