

DERBYSHIRE COUNTY COUNCIL

CABINET

24 November 2015

Report of the Strategic Director for Children’s Services

**PROVISION OF A NEW PRIMARY SCHOOL TO SERVE BOULTON MOOR
DEVELOPMENT AND PROVISION OF A NEW PRIMARY SCHOOL TO
SERVE DRAKELOW PARK DEVELOPMENT – (CHILDREN’S SERVICES)**

1. Purpose of Report

To seek Cabinet approval to consult on a proposal for the establishment of a new primary school at Boulton Moor (Phase 1), and the establishment of a new primary school at Drakelow Park.

2. Information and Analysis

Two housing developments in South Derbyshire District, approved by the Local Planning Authority in 2008 and 2009, have begun with initial building work on access to the site and development of the service infrastructure. These sites are at Boulton Moor (Phase 1) on the south east boundary with Derby City and at Drakelow Park on the south east boundary of Burton-on-Trent in Staffordshire.

Boulton Moor

At Boulton Moor, the initial phase of the development comprises 1058 houses. The size of this development would be expected to yield around 200 primary aged pupils. Other primary schools in the county in this location are full and there are limited primary places within nearby schools in the city. As a consequence, in line with the Council’s ‘developer protocol’ funding for a new one form entry primary school was secured from the developer by means of a S106 agreement that was signed in 2011. This agreement stipulates that a sum be paid to the Authority when the development is commenced to enable the new school to be designed.

Housebuilding on this site has now started. The first occupations are expected from summer 2016. The number of houses and children projected from this development is as follows:

Boulton Moor phase 1	Year of completion					
	15/16	16/17	17/18	18/19	19/20	20/21
houses	76	76	100	100	100	100
pupils	15	15	20	20	20	20
cumulative pupils	15	30	50	70	90	110

The relevant details of the nearest county schools are included below.

School	NOR	Net capacity	Admissions number	Year group sizes September 2015						
				R	1	2	3	4	5	6
Aston-on-Trent Primary School	206	189	27	27	27	28	29	31	32	32
Weston-on-Trent CE (VA) Primary School	117	115	15	14	12	14	19	20	19	20

The closest existing schools to this development are located in Derby City and those schools are full.

Other developments are taking place in this area that will add to the demand for primary school places. The Authority now needs to commence the design of the new school and to carry out an initial consultation on the proposal to open the new school.

Drakelow Park

Drakelow Park will deliver approximately 2500 houses over the next ten years with the need for a new two form entry primary school to serve this community.

The Authority has secured a S106 agreement to deliver the land for and funding towards the cost of building a new primary school; it is intended that the school will develop at the pace relative to the housing delivery through the development, and therefore it will grow in stages to become a two form entry primary school.

Drakelow Park	Year of completion					
	15/16	16/17	17/18	18/19	19/20	20/21
houses	40	59	80	100	100	100
pupils	8	12	16	20	20	20
cumulative pupils	8	20	36	56	76	96

The site is in the normal area of Rosliston Primary School currently. This is a school with a net capacity of 98 and 91 pupils on roll currently. The site cannot be expanded and it is some distance from the new housing development.

School	NOR	Net capacity	Admissions number	Year group sizes September 2015						
				R	1	2	3	4	5	6
Rosliston Primary School	91	98	14	16	14	14	9	14	13	11

There is broad guidance from the Department for Education (DfE) on the process to be followed to establish a new school (The Free School Presumption, July 2015 DfE). The presumption arrangements require the Authority to seek proposals to establish a free school where they have identified the need for a new school in their area. The following are the key stages of the process.

Stage	Timescale
Consultation	4 weeks
Cabinet approval on whether to launch the formal process	2 months
The Authority must notify the Secretary of State their plans to seek proposals for a new school as soon as the need for a new school has been agreed.	
Advertise for proposals for a new school and await responses	4 weeks
Authority evaluation of proposals	2 months

Cabinet Authority for recommendation of a proposal to the DfE	2 months
DfE evaluation of proposals and notification of successful proposer	2 months
Conclusion of funding agreement by DfE	3 months

The Authority will need to decide when it requires these new schools to open. At this stage, the developments at Boulton Moor and at Drakelow Park are in the early stages with an anticipated build rate of between 50 and 100 houses per year. The timing of the new schools will be decided based on the funding available, the rate of house building and occupation and places available in other schools in the vicinity, with a view to ensuring the best interests of the education service as a whole. If the new schools were opened too soon it could have a negative impact on other schools in the area. The commitment of funding to design, the initiation of the formal sponsor selection and the opening date of the new school will all be subject to later Cabinet decisions.

The purpose of these consultations is to establish the principle of the proposal of a new school in each of these areas which will enable subsequent decisions to be taken in a timely way. A copy of the proposed consultation papers is attached as Appendix 1 (Boulton Moor) and Appendix 2 (Drakelow Park).

3. Financial Considerations

The developers at Boulton Moor (Phase 1) and at Drakelow Park are making sites available for a one and two form entry primary school respectively together with the funds for Derbyshire Local Authority to deliver a one form entry primary school at Boulton Moor (Phase1) and a two form entry primary school at Drakelow Park. Section 106 contributions have been agreed with the developers. Payments are phased to reflect the housing build rates of each of the developments. The details are outlined below.

Boulton Moor

An invoice in the sum of £162,448.13 has been issued by South Derbyshire District Council to the developer/landowner of Boulton Moor (Phase1) and this funding is for the design work to provide school places to serve this development. Cabinet is asked to approve the

design work to commence as soon as these funds are received as defined by the terms of the S106 agreement.

Once the Authority has designed the new school the developer has the choice to either pay the Authority a sum of £3,200,000 (plus indexation back to 2007) or to build the school to the Authority's specification. The earliest the school could open would be in 2017/18 but a final decision on the timing of opening the school will be subject to a further report to Cabinet.

Drakelow Park

South Derbyshire District Council planning officers have sought the first payment of £350,000 from the developer of the Drakelow Park site, and this funding is for the design work and first stages of procurement to deliver school places to serve the community of this development. Cabinet is asked to approve that design work commences as soon as these funds are received as defined by the terms of the S106 agreement.

The Authority would be required to provide start-up revenue funding from the Dedicated Schools Grant for each of these new primary schools to support them as numbers increase. A further report will be presented to determine the amount of funding that will be required.

4. Legal Considerations

Section 6A of the Education and Inspections Act 2006 requires Authorities to seek proposals to establish an academy (a free school) where it thinks there is a need for a new school in its area.

It is for the Authority to decide how to consult on the proposed new schools and with whom (e.g. potential providers, other schools, academies, the wider community, diocese and any others affected by the proposals). The Authority should be clear from their school place planning about the type, age range, gender and capacity of the free school they wish to be established and the expected cost.

The Authority must undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. This is to enable the Secretary of State to meet their duties under section 9 of the Academies Act 2010 and under section 149 of the Equalities Act 2010.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, human resources, property, economic regeneration and transport considerations.

6. Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report? No

7. Background Papers

These are held on file in the Children's Services Development Section.

8. **Key Decision** No

9. Officer Recommendation

- 9.1 That the Authority undertakes a consultation in relation to this proposal for a new school at each of these sites;
- 9.2 That S106 funds as outlined in the report be allocated to the design of the new school as soon as they are received by the Authority

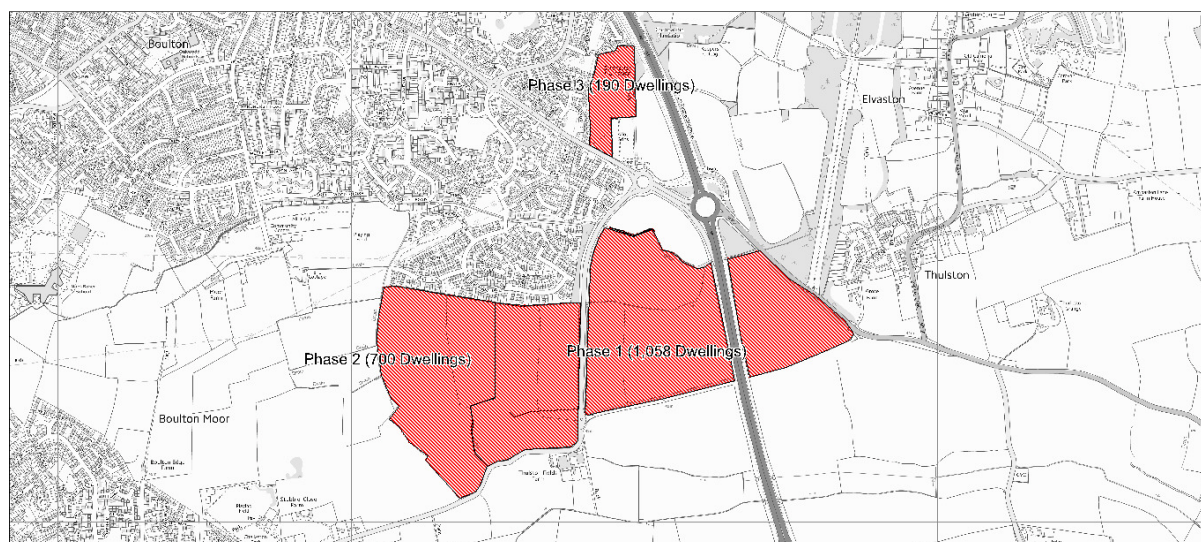
Ian Johnson, Strategic Director for Children's Services

Appendix 1

Derbyshire County Council Consultation on the Provision of a New Primary School in the Boulton Moor Area

Context

In 2007/2008, South Derbyshire District planners considered an application for 1080 new houses at Boulton Moor in Derbyshire, on the boundary with Derby City. This application was approved by a Planning Inspector at Public Inquiry. There is a S106 Agreement associated with the planning application which identifies the developer's commitments to deliver infrastructure for the area.



Housing Development at Boulton Moor

The level of development being proposed at Boulton Moor would indicate a potential demand for 216 primary aged pupil places, 162 secondary aged pupil places, and 65 post 16 pupil places. The developer of the site at Boulton Moor (Phase 1) has agreed to make available land and contribute towards the cost of building a new primary school to serve the new housing development. The developer is making a contribution towards the provision of secondary places for pupils from this phase of the development at Noel Baker School in Derby City.

There are two other phases of development at Boulton Moor, one in the County of approximately 700 dwellings and one in Derby City of a smaller number. The site being provided by the developer within the Phase 1 development can be expanded to deliver a two form entry primary school for all pupils from this new housing living in Derbyshire.

Design

The design of the new primary school would be to Building Bulletin 103, the official guidance from the Department for Education (DfE) on the facilities to be built for all schools. Derbyshire County Council would ensure that the design meets all requirements and is fit for purpose.

Process and Timescale

The process to deliver a new primary school is a complex one with a variety of deadlines to meet for information, consultation and action. The Education and Inspections Act 2006 requires the Local Authority to seek proposals for the establishment of a Free School/ Academy if they think a new school needs to be established in their area.. The Local Authority manages the process and works with the sponsor and the developer to establish the new provision. The timescale for this process would follow this indicative calendar –

Consultation	December 2015/January 2016
Cabinet approval on whether to launch the formal process	Cabinet Meeting March 2016
The Authority must notify the Secretary of State their plans to seek proposals for a new school as soon as the need for a new school has been agreed.	
Advertise for proposals for a new school and await responses	April 2016
Authority evaluation of proposals	May 2016
Authority recommendation of a proposal to the DfE	June 2016
DfE evaluation of proposals and notification of successful promoter	July 2016
Conclusion of funding agreement	October 2016

Issues for Consultation

There is a need to consider the issues arising from the proposed housing development and its impact on the local community and existing school(s).

Derbyshire County Council would welcome your views on the principle of providing the primary school places that are required in a new primary school at Boulton Moor.

Consultation Questions

1. Do you agree that a new school is required to serve the development at Boulton Moor?
2. Do you agree that the Authority should stage the opening of such a new school to ensure there is no adverse impact on existing primary school provision?
3. Do you have any other comments to make on this proposal?

Any comments in response to this consultation should be sent by 19 January 2016 to –

Ian Johnson, Strategic Director for Children's Services, Ref. DEV/DAH
Children's Services Development Team
Chatsworth Hall
Chesterfield Road
MATLOCK
Derbyshire
DE4 3FW

Telephone Dee Hill on 01629 536248 (Direct line) or E-mail
dee.hill@derbyshire.gov.uk

The outcome of this initial consultation will be reported to Elected Members as detailed in the timetable above, and Cabinet will make a decision on whether to progress the proposal or not.

On-going Consultation

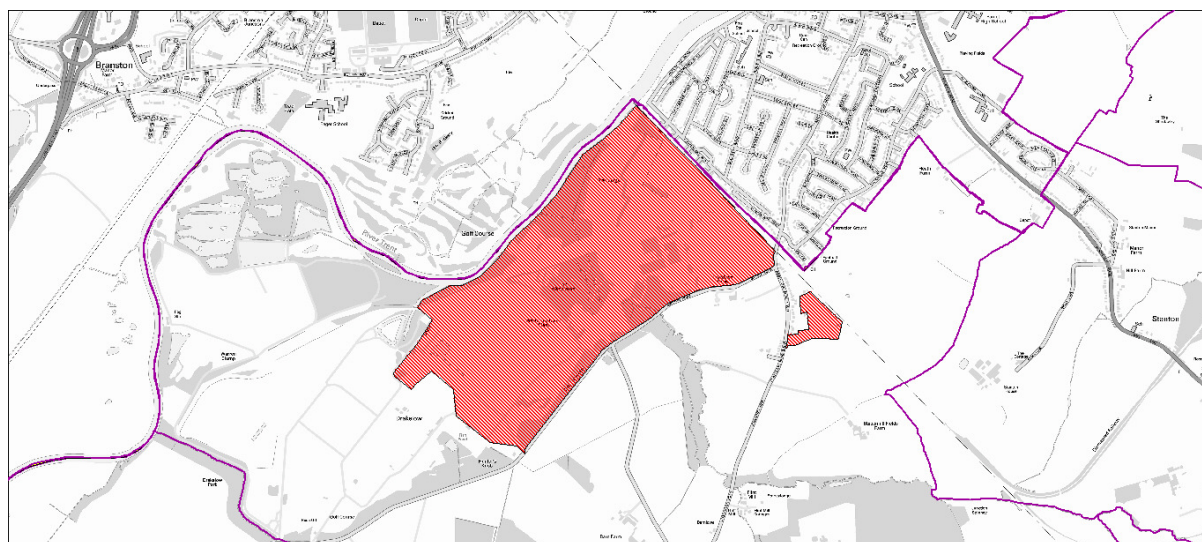
If Elected Members decide to proceed with the proposal for a new primary school, there will be further consultation on the proposal to address the normal area (catchment area) of the new primary school, the stages of opening a new school, and how the new school would work alongside the existing schools amongst other issues. Under the Education and Inspections Act 2006, the presumption is that any new school that is opened would be a Free School / Academy. The Local Authority would work to appoint a sponsor for the school and with that sponsor to establish the design and ethos of the new provision.

Appendix 2

Derbyshire County Council Consultation on the Provision of a New Primary School in Drakelow Park, near Burton on Trent

Context

Developers of the Drakelow Park area brought forward a planning application in 2008 for approximately 2,500 dwellings to be built on this site bordering Staffordshire. The outline application was approved by the Local Planning Authority, South Derbyshire District Council, and negotiations with Staffordshire County Council were finalised for the terms of the S106 Agreement. It is intended that a new primary school will be constructed to serve the community and secondary and post 16 places will be delivered at schools within Burton-on-Trent in Staffordshire.



Housing Development at Drakelow Park

The terms of the S106 agreement mean that the developer is committed to providing land and funds for the development of a new primary school at the heart of the new Drakelow Park community. The phasing of the payments is such as to allow initial design work for a 2 form entry school, to be followed by staged payments to reflect the housing delivery and demand for places. This will ensure that places will be available to parents living on the new development but will be sensitive to the impact of a new school on other primary schools within the area.

Design

The design of the new primary school would be to Building Bulletin 103, the official guidance from the Department for Education (DfE) on the facilities to be built for all schools. Derbyshire County Council would ensure that the design meets all requirements and is fit for purpose.

Process and Timescale

The process to deliver a new primary school is a complex one with a variety of deadlines to meet for information, consultation and action. The Education and Inspections Act 2006 requires the Local Authority to seek proposals for the establishment of a Free School / Academy if they think that a new school needs to be established in their area. The Local Authority manages the process and works with the sponsor and the developer to establish the new provision. The timescale for this process would follow this indicative calendar

Consultation	December 2015/January 2016
Cabinet approval on whether to launch the formal process	Cabinet Meeting March 2016
The Authority must notify the Secretary of State their plans to seek proposals for a new school as soon as the need for a new school has been agreed.	
Advertise for proposals for a new school and await responses	April 2016
Authority evaluation of proposals	May 2016
Authority recommendation of a proposal to the DfE	June 2016
DfE evaluation of proposals and notification of successful promoter	July 2016
Conclusion of funding agreement	October 2016

Issues for Consultation

There is a need to consider the issues arising from the proposed housing development and its impact on the local community and existing school(s). Derbyshire County Council would welcome your views on the principle of providing the primary school places that are required in a new primary school at Drakelow Park.

Consultation Questions

1. Do you agree that a new school is required to serve the development at Drakelow Park?
2. Do you agree that the Authority should stage the opening of such a new school to ensure there is no adverse impact on existing primary school provision?
3. Do you have any other comments to make on this proposal?

Any comments in response to this consultation should be sent by 19 January 2016 to –

Ian Johnson, Strategic Director for Children's Services, Ref. DEV/DAH
Children's Services Development Team
Chatsworth Hall
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The outcome of this initial consultation will be reported to Elected Members as detailed in the timetable above, and Cabinet will make a decision on whether to progress the proposal or not.

On-going Consultation

If Elected Members decide to proceed with the proposal for a new primary school, there will be a further consultation on the proposal to address the normal area (catchment area) of the new primary school, the stages of opening a new school, and how the new school would work alongside the existing schools amongst other issues. Under the Education and Inspection Act 2006, the presumption is that any new school that is opened would be a Free School / Academy. The Local Authority would work to appoint a sponsor

for the school and with that sponsor to establish the design and ethos of the new provision.