

DERBYSHIRE COUNTY COUNCIL

CABINET

25 March 2014

**Report of the Strategic Director for Children & Younger Adults and the
Strategic Director – Economy, Transport and Environment**

**Provision of a New Primary School to Serve Chellaston Fields and
Associated Developments – (Children and Young People)**

1. Purpose of Report

To seek Cabinet approval to commence a process leading to the establishment of a new primary school at Chellaston Fields.

2. Information and Analysis

2.1. South Derbyshire District Council, Derby City Council and Amber Valley Borough Council are working in partnership to prepare aligned Local Plans. Together, the three Councils' Local Plans will deliver 35,354 new dwellings across the Derby Housing Market Area by 2028. South Derbyshire District Council began preparing its Local Plan in 2009 and, following a number of rounds of consultation, published its Draft Local Plan – Part 1 in August 2013. The Draft Local Plan identifies strategic housing sites in South Derbyshire to provide a total of around 6,500 dwellings from 2008 to 2028 on the edge of Derby. The implications of this wider growth were the subject of a report to Cabinet on 21 January 2014.

2.2. One of the strategic housing sites identified by South Derbyshire is at Chellaston Fields (see plan at Appendix 1). A planning application for 500 houses has been submitted to South Derbyshire District Council for this development.

2.3. This proposed development is currently in the normal areas of Sale & Davy Primary School, which is located within the county, and Chellaston Academy, which is located within the city. Sale & Davy Primary School is a 0.5 form of entry (FE) - 15 places each year - school. It is located over 2 miles from the proposed development and expansion on its site would be very difficult as there is insufficient land available. This constraint and the distance from the development suggest the normal area primary school would not be suitable to meet the need for the additional primary places arising from this proposed development. The next nearest county primary

school is at Weston on Trent. This is also just over 0.5 FE and it is located 2.8 miles from the proposed development. It could expand but the distance from the proposed housing is not ideal, particularly as the journey involves crossing the A50 at the busy Bonnie Prince Charlie roundabout. Providing places in this location would involve the county Local Education Authority in meeting additional travel costs.

- 2.4.** Derby City Council has informed the Authority that its primary schools are full and that there is no potential to expand existing primary schools within the city to meet the demand from the proposed development. In addition, there is proposed development in the city at Fellowlands Way, for a total of 200 houses, for which Derby City Council does not have a primary school able to provide places. This development is located approximately 1 mile from the proposed Chellaston Fields development. There is another proposed development in this area at Holmleigh Way for a total of 195 houses. The development would straddle the boundary of the city and the county, but the majority of the housing would lie within the county. This proposed development is less than a mile from the Chellaston Fields site.
- 2.5.** These three proposed developments will provide a total of 895 dwellings, which will yield approximately 210 pupils. This number of additional pupils would be sufficient for a one FE (30 place each year) primary school.
- 2.6.** The developer has included within the outline planning application a site for a one FE primary school. The developer has also expressed a willingness to provide a one FE primary school, subject to receiving funding to support the provision of the additional school building area needed above that required by his development. The Authority (or the City with respect to the proposed development at Fellowlands Way) could do this by pooling the S106 funding received from the other two developments in this area to this project led by the developer. Furthermore, the developer has agreed to provide the school early in the development process, before more than 30 houses are completed. This is useful, as given the lack of capacity in nearby schools or schools within the city, early provision of additional places is essential.
- 2.7.** There is broad guidance from the DfE on the process to be followed to establish a new school (The Academy/Free School Presumption, July 2013 DfE). This requires that the Authority hold a competition to select an academy sponsor. The following timescale is suggested (but is clearly subject to consultation).

Consultation	March, April 2014
Cabinet approval on whether to launch the formal process	June 2014
Advertise for expression of interest from potential sponsors	September October 2014
Authority evaluation of proposals, including presentations	November 2014
Authority recommendation to the DfE	January 2015
DfE in principal notification of successful promoter	March 2015
Conclusion of funding agreement by DfE	July 2015

- 2.8.** The Authority will need to decide when it requires the new school to open. The developer has indicated that houses may be occupied from September 2015 subject to planning permission. The new school could open from September 2016.

Secondary Education

- 2.9.** In a Cabinet paper on 21 January 2014, the position with regards to secondary education in this area was outlined. This identified that there was a need for a new secondary school to serve this area as there is no prospect of expanding the current normal area school – Chellaston Academy. A study is taking place to identify the options for new secondary school provision for this area, but as yet, no deliverable option has been identified. Furthermore, Chellaston Academy has consulted on removing this development from its normal area. It has done this because it does not have capacity to take additional pupils. If this change is implemented, the Authority will have a duty to secure places for children living in this development but there will be no normal area school (until the longer term solution of the new secondary school is implemented). Children from the proposed development would be able to apply for places in Derby City schools, but as secondary capacity is being taken up by rising pupil numbers, they may fail to secure a place. In this circumstance, the Authority would be required to offer a place at a secondary school in either Long Eaton or Swadlincote (both

around 9 miles from the proposed development), and meet the travel costs of the young people involved.

- 2.10.** The option of delaying determination of this planning application until a secondary school strategy has been agreed has been explored by South Derbyshire District Council. This option cannot be achieved as there is a significant risk that the developer could appeal against non-determination with the result that the proposal would be decided by a planning inspector. This situation would reduce the ability of the Authority to achieve the necessary infrastructure improvements via developer contributions and could expose the Authority and South Derbyshire District Council to additional legal costs.
- 2.11.** The developer has recognised that this situation does create a difficulty for the Authority and has offered to limit completions to 200 houses in advance of a plan for providing additional secondary school places.
- 2.12.** Over time 200 houses would be expected to produce 30 secondary aged pupils. A reasonable assumption would be that 50 dwellings a year may be completed, with first occupations starting in September 2015.

Year	2015	2016	2017	2018	2019
No of houses	0	50	100	150	200
No of secondary aged pupils	0	8	15	23	30

The table above is a broad indication rather than an accurate forecast. It is not possible to predict with any accuracy how quickly houses will sell and be occupied, or how soon they will yield additional secondary aged children.

3. Financial Considerations

- 3.1.** The developer is proposing to establish a one FE school. This will be built by the developer in lieu of a S106 contribution. It will be built to current DfE standards. The Authority will agree to pass S106 contributions from the proposed development at Holmleigh Way (agreed at the standard rate as set out in the Authority's Developer Contributions Protocol) to the developer. The agreements will need to identify a way to do this without exposing the Authority to risk but without creating financial constraints for the

developer.

- 3.2. The Authority would be required to provide start-up revenue funding from the Dedicated Schools Grant for the new primary school to support it as its numbers increase. A further report will be presented to determine the amount of funding that will be required.
- 3.3. In addition to limiting completions to 200 houses in advance of a strategy for providing additional secondary school places (paragraph 2.11 of this report above), the developer will be expected to make a contribution to secondary education in line with the County Infrastructure Plan.

4. **Legal Considerations**

The Education Act 2011 requires Local Authorities to seek proposals to establish an academy / a free school where it considers there is a need for a new school in its area.

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, legal & human rights, human resources, property, economic regeneration and transport considerations.

- 6. **Call-in** 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 CAYA Development Section

- 8. **Key Decision** Yes

9. **Officer Recommendation**

- 9.1. That the Authority agrees to commence a process to establish a new school at Chellaston Fields (subject to consultation); and
- 9.2. That the Authority undertakes a consultation on this proposal for a new school.
- 9.3. That the Authority notes the position with regard to secondary school places set out in 2.11 and 2.12;

- 9.4.** That a further report on the future financial contribution required by the County Council be brought to Cabinet for consideration.

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