

Okehampton New Primary School

Joint report of the Head of Planning, Transportation and Environment and the Head of Education and Learning

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: It is recommended that Cabinet

- (a) Notes that Devon County Council previously forward funded Section 106 Contributions using Department for Education (DfE) Basic Need Grant, to purchase a new primary site in Okehampton;**
- (b) Gives approval to complete the full selection process for a new school proposer for a 210 place primary school with early years provision increasing to 420 places to serve the expanding community of Okehampton;**
- (c) Approves the principle of forward funding the new primary school for Okehampton, the submission of a full planning application, and the scheme proceeding to tender stage;**
- (d) Endorses that all future housing development in Okehampton needs to make a fair and proportional contribution to support the delivery of the new school site and buildings.**

1. Summary

This report follows the decision made by the Cabinet Member for Children's Services and Schools on 5 June 2017 to complete the selection process for a new proposer for a new 210 primary school with early years provision (2-11 years) from September 2018 in Okehampton with possible expansion to 420 places.

The report provides additional information on timings and funding and seeks endorsement to retrospectively seek contributions from future housing development which will enable the proposal to move through to final approval. Cabinet is also requested to provide confirmation the project should proceed to planning application and tender stage due to the tight timescales.

2. Background/Introduction

The current West Devon Local Plan and emerging Plymouth & South West Devon Local Plan confirm the need for a new primary in the east of Okehampton to mitigate the impact of development. The principle of a new school in Okehampton has been previously supported by Cabinet through approval of the Education Infrastructure Plan 2016-2033 (Min*86, Cabinet, 12 October 2016). Devon has already forward funded expected Section 106 contributions using the DfE Basic Need Grant for the purchase of a school site. Therefore to

support this requirement we have requested assurances from West Devon Borough Council that contributions would be sought from future developments to in part repay this investment.

The existing town primary school is full in some year groups, nearing capacity in others and known future reception numbers are all in excess of capacity in the town. There is therefore a need to bring forward the new school to support current numbers and the growth in demand for new homes.

The new school is planned to be a 210 place school with early years but capable of being expanded to 420 to future proof primary provision in the town should it continue to grow.

The Education Act 2011 changed the arrangements for establishing new schools and introduced Section 6A (the free school presumption) to the Education and Inspections Act 2006. The presumption arrangements require local authorities to seek proposals to establish a free school where they have identified the need for a new school. The Local Authority is responsible for providing the site and meeting the associated capital and pre-opening costs.

Local Authorities may assess proposals against their specification for the new school sponsor and can, if they wish, recommend their preferred proposer to the Regional Schools Commissioner who will make the final decision on behalf of the Secretary of State. Cabinet agreed at its meeting on 11 March 2015 that the Local Authority will continue to offer their assessment of proposals to the Regional Schools Commissioner and the Head of Education and Learning will consult with the Cabinet Member for Children, Schools and Skills on the submission. The final determination on the recommended proposer will therefore be made by Cabinet Member. It should be noted that Local Authorities have to await the Secretary of State's decision before making any public announcements.

3. Proposal

The selection of a new school proposer for the new primary school in Okehampton needs to commence without delay in order that provision can be available from September 2018. The primary school in Okehampton is at capacity in some year groups, or nearing capacity in others and the forecast of pupil numbers shows large cohorts over the next few years which cannot be contained in the existing school. The new school requires full planning application permission and following approval will need to be taken to tender stage.

It should be noted that the timeframe will be tight in order to complete the process and include information for parents within the admissions process. An indicative timetable of the process is as follows:

July 2017	Cabinet Approval to Proceed
21 June – 19 July 2017	Expressions of Interest
15 September 2017	Receipt of Applications
October 2017	Assessment of proposals and recommend a preferred sponsor to DfE/RSC Cabinet Member Decision on Preferred Sponsor Report to RSC on sponsors and any recommendation
November 2017	Decision by Regional Schools Commissioner and Secretary of State
January 2018	Proposer to set up Governing Body, recruit staff, etc. for opening September 2018

This proposal also confirms the overarching financial strategy.

4. Options/Alternatives

The procedures for securing new schools are required as part of our statutory responsibilities as commissioner of services.

In terms of meeting the need for school places:

Do nothing – this is likely to result in an increase to the home to school transport costs and children being transported away from their community. It is also likely that housing development could stall due to lack of local education facilities.

Expand Existing Schools – the local primary school is already one of the largest primary schools in the county and nearing/at capacity. The site is constrained and would not support the expected pupil numbers. Expansion of schools in rural areas would again see an increase to home to school transport as highlighted above. The proposal has had to be balanced off against the potential impact on smaller rural schools.

5. Consultations/Representations/Technical Data

The Department for Education's procedures for academy/free school presumption will involve consultation with all those impacted by the proposals and all groups interested in establishing a new school.

The new school is included within Devon's Education Infrastructure Plan 2016-2033 and Schools Organisation, Capital and Admissions Forum, Devon Education Forum and the Local Learning Community have been kept informed.

6. Financial Considerations

Capital - As with the new school site, the new school will need to be forward funded in advance of signed section 106 agreements being triggered and new housing development applications will need to make appropriate contributions which can be retrospectively applied. The project will therefore need to be forward funded from unallocated Basic Need resources approved within the Planning, Transportation and Environment Schools Capital Programme; further details will be presented to Cabinet in the autumn. Should future Section 106/Community Infrastructure Levy (CIL) contributions not be forthcoming then the DfE Basic Need Grant would be required to cover the capital costs which would have an impact on the future capital programme.

Revenue - Revenue funding is included within the Growth Fund to support pre and post opening costs of the new school.

7. Environmental Impact Considerations

The new school will be subject to planning permission under the Town and Country Planning Act 1990. In addition, the Plymouth and South West Devon Local Plan sets out clear economic, social and environmental objectives for the area.

The proposal will ensure there is local provision for local children, providing facilities to the East of the town.

8. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

The process for the selection of an appropriate proposer will ensure the Council exercises its Public Sector Equality Duty. In addition, prospective proposers will need to commit to Devon's policies and practices and be required to comply with relevant policies on Admissions, Transport and Special Educational Needs. An impact assessment has been completed and is required to be provided to the Secretary of State to meet her duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

A copy of the Impact Assessment has been circulated to Cabinet Members, and is available on the Council's website at: <https://new.devon.gov.uk/impact/new-schools-procedure-june-2017>.

9. Legal Considerations

There are no specific legal considerations in relation to these proposals. Following selection of the successful proposer a funding agreement will be entered into with the Secretary of State. The statutory processes will be followed in line with guidance from the Department for Education.

The new school has the benefit of outline planning but will require full planning permission.

10. Risk Management Considerations

This proposal has been assessed and all necessary safeguards included in relation to the Council's position.

Risks related to start-up costs relevant to the funding for schools have been identified and included within future funding commitments.

The timescales for the opening of the school is planned for September 2018 are tight and the proposal requires the final decision on school sponsor from central government. Devon has already and will continue to highlight the need for timely responses from the Regional School Commissioner's Office to meet the necessary timescales.

There will be a risk that once the school is provided, future developments may look to avoid making education contributions or education is not prioritised through the planning process hence the recommendation (d).

11. Public Health Impact

The proposals will take into account the requirements and health and wellbeing of its local community. It is proposed the new school will include a space to support the delivery of multi-agency services, in particular to support Children Centre Service delivery.

12. Summary/Reason for Recommendation/Conclusion

The growth in population in the Okehampton area and the forecast of future pupil cohorts in the area together with the procedures for establishing new schools under the academy/free school presumption make it necessary to undertake the statutory procedures to seek proposers for this new primary school without delay.

Dave Black
Head of Planning, Transportation and Environment

Dawn Stabb
Head of Education and Learning

Electoral Division: Okehampton Rural

Cabinet Member for Children's Services and Schools: Councillor James McInnes

Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson

Local Government Act 1972: List of Background Papers

Contact for enquiries: Christine McNeil

Room No. AB2 Lucombe House, County Hall, Topsham Road, Exeter

Tel No: (01392) 38383000

Background Paper	Date	File Reference
1. Impact Assessment	June 2017	https://new.devon.gov.uk/impact/new-schools-procedure-june-2017 .