

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Director of Corporate Commissioning
Date Monday 6th February 2017

Part I

Electoral Divisions affected:
Chorley East; Chorley Rural
West; Chorley North.

Additional Primary Places in Euxton, Chorley - Proposal to Expand Balshaw Lane Primary School Chorley
(Appendices 'A' to 'E' refer)

Appendix 'E' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considering that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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Executive Summary

Between 22 November 2016 and 19 December 2016, a formal consultation was carried out on the proposal to permanently expand Balshaw Lane Primary School in Euxton, Chorley, with effect from September 2018.

The decision to proceed with publishing a notice was taken after carefully considering the outcome of the informal consultation on 14 September 2016. The County Council then published a statutory notice on 22 November 2016. In accordance with the statutory process (as per the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four-week notice period, i.e. from 22 November 2016 to 19 December 2016.

Under the statutory school expansion process, a decision should now be taken about the proposal. If the County Council fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposals must be passed to the schools' adjudicator for decision.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) consider the information in this report;
- (ii) conditionally approve the proposal to make a prescribed alteration to Balshaw Lane Primary School by permanently expanding the number of places available from 45 to 60 pupils for reception year in September 2018 and in subsequent reception years, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990; and
- (iii) approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

Background and Advice

As detailed in the 'Strategy for the Provision of School Places and Schools' Capital Investment' (link below) after a steady decrease between 1989 and 2001, birth rates across the county have subsequently been rising.

<http://www.lancashire.gov.uk/council/strategies-policies-plans/children-education-and-families/strategy-for-school-places.aspx>

As a result of the rising birth rate, coupled with the effect of significant housing development, intake into primary schools in some areas is expected to increase over the foreseeable future. The changing dynamics of Lancashire's population, influenced by increased births, immigration, housing developments and economic migration, means that Lancashire County Council's provision of school places must also change in order to meet the changing needs of residents, whether through provision of additional places or through the redistribution of existing places within the county.

As reported to the Cabinet Member for Children, Young People and Schools on 12 January 2015, there is a sustained need for additional places in the Euxton area of Chorley. This increased demand for primary school places in Chorley is in addition to the places provided by the expansion of Primrose Hill Primary School from 210 to 420 pupils, and the expansion of Trinity CE/Methodist Primary School from 420 to 630 pupils, which was approved by the Cabinet Member for Children, Young People and Schools on 13 July 2015.

On 5 November 2015, the Cabinet Member for Children, Young People and Schools approved an increase of the published admission number for Balshaw Lane Primary

School from 40 places to 45 places at Reception age, with effect from September 2017, as part of a capital improvement programme that provided additional places to regularise admission numbers. This programme was targeted at areas where pupil projections indicated increased demand for school places. The increase in the school's published admission number meant that it became more compatible with School Admissions (Infant Class size) Regulations. This programme was funded from the Schools' Single Capital Pot.

On 12 May 2016, the Cabinet Member for Children, Young People and Schools approved the consultation on a proposal to permanently increase the Reception intakes at Balshaw Lane Primary School from 45 to 60 places from September 2018. If the permanent expansion is approved, the capacity of the primary school would increase from 315 to 420. Should the permanent expansion be approved, then additional permanent accommodation will be provided on the existing site. This will be enabled by expansion of the existing building; subject to planning consent being granted.

After the County Council's publication of a Statutory Notice on 22 November 2016, and expiry on 19 December 2016, the County Council is now at stage 3 of the 4 stage statutory process (as per the new School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013) that is summarised below:

Stage	Statutory requirement	
Pre-statutory phase	Informal consultation on the proposal	6 June 2016 to 1 July 2016 (4 weeks)
1	Publication of Statutory Notice	22 November 2016
2	Representations on the Proposal	22 November 2016 to 19 December 2016
3	Decision*	6 February 2017
4	Implementation (if the decision is made to proceed)	Permanent expansion from 1 September 2018 Expansion to building to be completed by September 2018.

*If the Local Authority is responsible for a decision on the proposal and fails to take it within two months from the end of the representation period (stage 2) the proposal must be passed to the schools adjudicator for decision.

The approval of this proposal would result in the overall capacity of the school increasing from 315 to 420. This will be enabled by expansion of the existing building. A feasibility study has identified that the site would accommodate the proposed expansion.

The purpose of this report is to enable the County Council to take a decision about the proposal. The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children, Young People and Schools.

This report aims to provide sufficient information on:

- the proposal to expand Balshaw Lane Primary School in Euxton, Chorley to reflect current and future numbers on roll;
- the responses received during the statutory notice period;
- factors that the decision maker must take into consideration when determining the proposals; and
- a commentary on how the proposal relates to these factors in order for the decision maker to make a determination in respect of the proposals.

Details of the school expansion proposal to be considered are set out at Appendix 'A' – Public Notice, and Appendix 'B' – Complete Proposal.

Checks on receipt of Statutory Proposals

School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013. The following are the statutory requirements around consultation as set out within Department for Education (DfE) guidance, 'Guidance for Decision Makers' (April 2016) and evidence of the County Council's compliance with each requirement.

Factors that the decision maker must take into consideration when determining the proposal

Consideration of consultation and representation period: *The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.*

Comment: Between 6 June 2016 and 1 July 2016 the County Council consulted informally on a proposal to permanently expand Balshaw Lane Primary School in Euxton, Chorley, with effect from September 2018. Full details of the informal consultation process are set out in Appendix 'C'.

After carefully considering the outcome of the informal consultation and the Cabinet Member for Children, Young People and Schools agreeing (on 14 September 2016) to proceed with the proposal, the County Council published a statutory notice on 22 November 2016. In accordance with the statutory process for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four-week notice period, i.e. from 22 November 2016 to 19 December 2016.

In response to the published proposal, the County Council received four responses. The first response was received from the Blackburn Diocesan Board of Education, who stated that Church of England Schools in the area had been contacted and they did not feel it would negatively affect the schools. The Diocese, therefore, do not have any objections to this proposal.

The second response was received from Euxton Parish Council who stated they were keen to see the much needed additional places at Balshaw Lane Primary School, but raised concern for residents, pupils and road users, caused by parking associated with the school, and stated their view that unless suitable provision was made, these concerns would only be exacerbated by the increase in school size.

The third response was received from a local resident who perceived there was a lack of consultation with residents in the area. In their view, there was a lack of understanding of the problems an increase in school numbers would have on traffic problems for residents, and their view that the Council brings forward these schemes but does nothing to repair the damage to Bredon Avenue surfaces and pavements these schemes cause.

The fourth response was received from a couple of local residents who again re-iterate their concern over the traffic around school which they felt was horrendous in the morning and afternoon of a school day. They also raised their concern that it appeared the staff car park was not big enough, so an increase in pupil numbers would mean the traffic problem would get worse unless considered at the planning stage.

The responses have been placed on Councillor-First and are included as background papers to this report. They are available for public inspection through Lancashire County Council School Planning Team (Telephone 01772 531957).

Comment

Traffic - It must be acknowledged that the increase in pupil numbers was likely to result in increased traffic and demand for parking, however, the school is confident that any issues can be managed. Highways officers have already been consulted on this matter and have increased the car parking facilities at school within the design solution, should the proposal go ahead. Design and Construction officers are of the view that nursery parents and staff will now use the car park at the cricket pavilion. If the proposal goes ahead, parking and traffic issues would be further considered as part of the traffic risk assessment, which would be undertaken as part of the application to obtain planning permission required for the permanent new build, if the proposal goes ahead.

Lack of consultation with local residents - For a proposal to permanently expand a Community Primary School, there is a statutory process which the authority, as the proposer must follow. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, the local authority consulted interested parties through an informal consultation period held from 6 June 2016 to 1 July 2016. This included a consultation document (Appendix 'C') which provided full details of the proposal. Pages 9 and 11 of the consultation document (Appendix 'C') provided information on how to make views known, and was circulated to people and organisations that may have an interest in the proposals (page 8 of Appendix 'C' refers). Pupils' views from the school were also invited through the children's consultation. The school led on the children's consultation and 266 children were consulted from all year groups. It is not a statutory requirement to hold a public meeting. An appointment led event, rather than a public meeting, was held between 3pm and 8pm on Thursday 16 June 2016 at Balshaw Lane Primary School. This

format of meeting is preferred as it allows the authority to manage the process effectively, minimise waiting times and ensure that appropriate officers are available to offer any interested parties, either individually or in small groups, advice and guidance to enable them to gain a better understanding on all aspects of the proposals.

The event was attended by 29 individuals, these included parents and grandparents of current and potential pupils, staff and local residents.

The formal representation period allows for further comments to be made and considered before the final decision is determined.

The Council brings forward schemes but does not facilitate the damage the schemes cause – A copy of the respondent's objection regarding ongoing maintenance and checks to Bredon Avenue and surrounding road surfaces has been forwarded to the Project Manager in Lancashire County Council Design and Construction Service and the Capital Development Team for reference at the design stage.

Education standards and diversity of provision: *Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.*

Comment: Balshaw Lane Primary School in Euxton, Chorley is a successful and popular primary school serving its particular community as well as attracting pupils from a wider area and is well placed to meet the present and continuing demand for primary school places. The Ofsted Inspection of the school in November 2011 graded the school as 'Outstanding.'

There are 6 primary schools in the Euxton planning area, including Balshaw Lane Primary School. Three of these are Community Schools and three are Voluntary Aided Schools (1 CE, 1 RC and 1 CE/Methodist). The Ofsted Inspections for the schools grade two 'Good' and four 'Outstanding'.

On 12 January 2015, it was reported to the Cabinet Member for Children, Young People and Schools that there was a sustained need for additional places in the Euxton area of Chorley. This increased demand for primary school places in Chorley is in addition to the places provided by the expansion of Primrose Hill Primary School (a community school) from 210 to 420 pupils and the expansion of Trinity CE/Methodist Primary School (Voluntary aided) from 420 to 630 pupils, which was approved by the Cabinet Member for Children, Young People and Schools on 13 July 2015.

This is a proposed expansion of a community school and therefore does not fall under the academy presumption.

Comment: This proposal relates to the provision of 15 additional school places at reception age with the aim of expanding the school's admission number and is funded by the LCC Capital Programme. Therefore this academy section is not applicable.

Demand v need: *Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish a free school via the 'free school presumption'. However it is still possible to publish proposals for new maintained school outside of the competitive arrangements, at any time, in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith.*

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

Comment: There is not an identified need for a new school. However, there is expected to be a permanent need for additional places in the area, with over 890 new houses expected to be built in close proximity to the school over the next five years (Source – Chorley Borough Council 5 Year Housing Land Supply Document). Cabinet Member report dated 14 September 2016 and Complete Proposal (**Section 8 of Appendix 'B'**) refer.

The school is full in almost every year group. For 2016 admissions, the school has received 50 1st preferences for 40 places.

School size: *Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.*

Comment: In an initial assessment of the potential to expand existing schools, the following factors are considered (as stated in the 'Strategy for the Provision of School Places and Schools' Capital Investment 2015/16 - 2017/18'):

- The current strength of the school in terms of attainment levels and leadership.
- Parental preference
- The existing size of the school.
- The existing site and the area available to expand the buildings and maintain adequate play and sports space.
- Access to the site and proximity to the area of growth.
- Any potential joint investment benefits which are immediately obvious

A feasibility study has been carried out to ensure that an expansion of this scale can be accommodated on the existing site.

Proposed admission arrangements: *In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.*

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

Comment: When considering future need for school places one element of the statistical analysis involves examining the historic popularity of the school and of other establishments in the area. The data, which details parental applications, refers to all which have been received for annual intakes including any from non-Lancashire residents. For community and voluntary controlled schools the Local Authority is the admission authority and proposes and determines the admission arrangements and the published admission number for each establishment. These are reviewed and consulted upon annually within the statutory process required by the Schools Admission Code and associated regulations.

Policies and admission numbers are, therefore, reviewed every year and, following consultation and determination by the Cabinet Member for Children, Young People and Schools, there is a formal objection period for concerns to be referred to the Office of the Schools Adjudicator by any interested party (deadline date 30th June in the year of determination).

National Curriculum: *All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.*

Comment: Balshaw Lane Primary School follows the National Curriculum.

Equal opportunity issues: *The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:*

- *eliminate discrimination;*
- *advance equality of opportunity; and*
- *foster good relations.*

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Comment: It is not considered that there are any equal opportunity issues associated with the proposal. The proposal is to expand the school which will not disadvantage any group and will benefit current and additional future pupils at the school. A full Equality Impact Assessment has been completed, which can be found in Appendix 'D'.

Community cohesion: *Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.*

Comment: The proposal to extend Balshaw Lane Primary School is to meet the needs of an increased birth rate and the yield from new housing in the surrounding area. The school already has close links with its surrounding community and members of the community were consulted as part of this process. Appendix 'D' refers to this in more detail.

Travel and accessibility: *Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.*

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory Home to school travel and transport guidance for LAs.

Comment: The proposed expansion will provide additional places in a densely populated residential area with good transport and road infrastructure. The provision will not adversely impact upon disadvantaged groups as additional pupils will be able to access a local school place. Appendix 'D' refers to this in more detail.

Funding: *The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.*

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Comment: See financial section below. The additional accommodation will be provided on the existing site. The Local Authority will ensure that it is compliant with

Section 77 of the School Standards and Framework Act 1998 relating to building on school playing fields.

School premises and playing fields: *Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.*

Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

Comment: The proposal can be delivered within the existing site and any development would be subject to all necessary approvals such as Section 77 of the School Standards and Framework Act 1998 and planning consent.

Implications:

This item has the following implications, as indicated:

Risk management

If additional primary school places are not created, there is a risk that the County Council would fail in its statutory responsibility to make sure that a school place is available to all Lancashire children of the appropriate age range that want one.

Providing additional places increases the overall capacity in the areas and, if birth rates fall or planned housing development fails to materialise in the future, there may be surplus places, with the possibility that the impact may be felt greatest by one or a small number of neighbouring schools.

Providing any additional accommodation for an increased number of pupils will need to be carefully managed to improve traffic congestion and community facilities at the same time as delivering 21st Century teaching and learning facilities.

A planning application will need to be submitted to LCC as the Local Planning Authority for this development.

Financial Implications

The financial implications are set out at Appendix 'E' which is exempt from publication.

Legal Implications

The legal implications are set out in the report.

Land and Property

The expansion of Balshaw Lane Primary School could be accommodated on the existing school site. A feasibility assessment has been carried out for the proposed expansion.

The approval of any physical school expansion will be subject to obtaining relevant planning permission and Section 77(3) consent for the change of use in the land (or meeting the terms of The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014).

Equality and Diversity

S. 149 of the Equality Act 2010 sets out the equality duty that public authorities must comply with. The proposal is to expand the school which will not disadvantage any group and will benefit additional pupils who would be able to secure places at the school. A full Equality Analysis has been completed, which can be found at Appendix 'D'.

Conclusions and Recommendations

The considerations for a decision to be taken about a school expansion are contained within this report and Appendices 'A' to 'E'.

Having considered the responses received from the consultation, and the fact that just four representations were received (one who did not have any objection to this proposal; one who is keen to see the much needed additional places at Balshaw Lane Primary School but request that the County Council address parking issues; one who raised objections to the their perceived lack of consultation, traffic problems for residents and maintenance of Bredon Avenue due to increased traffic; and a local couple who again raised concern at problems caused by traffic at school times.) it is recommended that the proposal to permanently expand Balshaw Lane Primary School in Euxton, Chorley by 15 additional reception places per year from 1 September 2018, be conditionally approved, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 before 1 September 2018.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Consultation Booklet, Complete Proposal & Public Notice	Nov/Dec 2016	School Planning Team Lancashire County Council Tel (01772) 531957
Consultation responses for the expansion proposals of Balshaw Lane Primary School	6 June to 1 July 2016	Asset Management, 01772 531957

Capital programme for regularising primary school admission numbers and suitability projects in mainstream primary schools aimed at addressing accommodation issues as identified by Ofsted.

5th November 2015

Martin Cooper – (01772) 536851

Appendix 'E' contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. This section of the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.