

**Report to the Cabinet Member for Children, Young People and Schools**  
**Report submitted by: Head of Service, Asset Management**  
**Date 13 July 2015**

**Part I**

Electoral Division affected:  
Chorley North; Chorley  
Rural West; Leyland  
Central;

**Final Decision on the Proposal to Permanently Expand Primrose Hill Primary School with effect from September 2016**  
(Appendices 'A' to 'C' refer)

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**Executive Summary**

Between 19 January 2015 and 13 February 2015 the authority consulted on a proposal to permanently expand Euxton Primrose Hill Primary School in Chorley, with effect from September 2016.

After carefully considering the outcome of the consultation and agreeing (on 7 April 2015) to proceed with the proposal, the authority published a statutory notice on 21 April 2015. 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 21 April to 18 May 2015.

Under the statutory school expansion process, a decision should now be taken about the proposal. If the authority 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 Euxton Primrose Hill Primary School by permanently expanding the number of places available from 30 to 60 pupils for reception year in September 2016 and in subsequent reception years, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act; 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 a result of the rising birth rate in the Euxton area, coupled with the effect of significant housing development in the area, intake into primary schools is expected to increase over the foreseeable future. In response, a Basic Need expansion scoping exercise was carried out in the area during mid-2014. Following this exercise and after consultation with primary schools in the Euxton area, it was concluded that Euxton Primrose Hill Primary School offered the most appropriate location for school expansion to meet the long-term shortfall in the area. The school has been over-subscribed for at least the past 4 years and has achieved an 'Outstanding' rating in its last Ofsted inspection.

A separate report on the proposal to provide further additional places to accommodate an increasing need for places on Buckshaw Village will be submitted to the Cabinet Member in due course.

As reported to the Cabinet Member in January 2015, a permanent need for at least 47 additional primary places in 2017 has been identified for the Euxton area. Pupil projections indicate that demand for primary school places in this area will increase significantly in future years, as a result of local housing development.

Consequently, on 4 December 2014, the Cabinet Member for Children, Young People and Schools approved a temporary increase in the admission number of Euxton Primrose Hill Primary School from 30 to 60 pupils for September 2015 only. Furthermore, on 12 January 2015, the Cabinet Member for Children, Young People and Schools approved the consultation on a proposal to permanently expand Euxton Primrose Hill Primary School to admit 30 additional pupils to each reception year from 2016 onwards. If the permanent expansion is approved the capacity of the primary school will increase from 210 to 420 by increasing the admission number from 30 to 60. Should the permanent expansion be approved, then additional permanent accommodation will be provided on the existing site; subject to planning consent being granted.

The purpose of this report is to enable the authority to take a decision about the proposal.

This report aims to provide sufficient information on:

- the proposal to expand Euxton Primrose Hill Primary School 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.

Following a period of consultation, the Cabinet Member for Children, Young People and Schools agreed, on 7 April 2015, to the publication of a Statutory Notice proposing to expand Euxton Primrose Hill Primary School.

After the authority's publication of a Statutory Notice on 21 April 2015, and expiry on 18 May 2015 of the four week statutory period for representations to be made about the proposal, the authority 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	19 January 2015 to 13 February 2015
1	Publication of Statutory Notice	21 April 2015
2	Representations on the Proposal	21 April 2015 to 18 May 2015
<b>3</b>	<b>Decision*</b>	<b>13 July 2015</b>
4	Implementation (if the decision is made to proceed)	Permanently expand the number of places from 30 to 60 from September 2016.

\*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.

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

### Checks on receipt of Statutory Proposals

New School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 came into force on 28 January 2014.

### 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 consultation and/or representation period has been carried out and that the proposer has had regard to 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 19 January and 13 February 2015 the authority consulted on a proposal to permanently expand Euxton Primrose Hill Primary School in Chorley, with effect from September 2016. Full details of the consultation process are set out in Appendix 'A'.

After carefully considering the outcome of the consultation and agreeing (on the 7 April 2015) to proceed with the proposal, the authority published a statutory notice on 21 April 2015. 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 21 April to 18 May 2015.

In response to the published proposal, the authority received 1 response from a local resident. The respondent states that he has no particular objections about the expansion, but goes on to express concerns regarding traffic around the school. The respondent also suggests that the expansion is not being provided to address local need but is to address demand from Buckshaw Village. (A copy of the representation can be viewed in the Members Retiring Room.)

#### Comment

Traffic – It must be acknowledged that an expansion will result in increased traffic. However, it is necessary for a traffic impact assessment, which will be carried out as part of the planning application process, to determine traffic related issues.

Location of Expansion – It must be recognised that some of the increased demand for places is from Buckshaw Village, but there is also increased demand coming from the Euxton area. There is also a proposal being considered to expand Trinity CE/Methodist Primary School, located on Buckshaw Village, to 3 forms of entry. Euxton Primrose Hill Primary School is a very popular school, with an Outstanding Ofsted rating, and for this reason local parents want to send their children to this school. This can be evidenced by the admissions for September 2015, which showed 50 first preferences and 78 second preferences for 60 places (the 60 places are only available for 2015 due to a temporary expansion and then the published admission number will reduce to 30).

**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 aspirations of parents, raise local standards and narrow attainment gaps. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.*

#### Comment

Euxton Primrose Hill Primary School is a successful and popular community 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 latest Ofsted Inspection of the school in November 2011 graded the school as 'outstanding.'

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

**Demand:** *In assessing the demand for new school places the decision-makers 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

A sustained increase in the number of births in the Euxton area, as local children reach statutory school age, together with significant local housing development means that the number of school places currently available will not be sufficient to meet demand. The Complete Proposals (**Section 24 and Section 25A of Appendix 'C'**) refer.

The school is full in most year groups. In 2013 the school received 30 first preferences, in 2014 there were 30 first preferences and in 2015 there are 50 first preferences and 78 second preferences.

**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

All schools within the area of growth were contacted in order to seek expressions of interest in expansion before visits to schools then took place. 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.

The latest Ofsted Inspection of Euxton Primrose Hill Primary School in November 2011 graded the school as 'Outstanding'. On the basis of assessment against these criteria, Euxton Primrose Hill was one of two schools to be selected for expansion in the Euxton area.

**Proposed admission arrangements (including post-16 provision):** *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

Euxton Primrose Hill 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.

**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 Euxton Primrose Hill 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.

**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.*

#### 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.

**Capital:** *The decision-maker should be satisfied that any land, premises or capital 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 need to ensure that it is compliant with Section 77 of the School Standards and Framework Act 1998 if proposed works include building on 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.*

### 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 authority 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 area and, if birth rates fall in the future, there may be surplus places.

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 21<sup>st</sup> Century teaching and learning facilities.

If planning permission for the site was not secured by 1 September 2015 this would present a risk. In order to mitigate the risk a planning application will be submitted in due course for consideration by Lancashire County Council's Development Control Committee.

### **Financial**

Based on initial costings it is anticipated that a budget in the region of £3.76 million will be required, including fees and disbursements. Provision is included within the current capital programme for this scheme.

Should the permanent expansion of the school be approved, the school would receive revenue funding assistance to reflect the fact that pupils would begin two terms before the increased numbers are reflected in the school budget. This funding will be assessed annually and provided for a period up to and not exceeding 7 years, to ensure that the school is not financially disadvantaged by the expansion.

### **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.

### **List of Background Papers**

Paper	Date	Contact/Directorate/Tel
All responses received during	April/May 2015	School Planning Team,



the Statutory Notice Period

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Council,  
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