

Report to the Cabinet

Meeting to be held on Thursday, 8 March 2018

Report of the Head of Asset Management

Part I

Electoral Divisions affected:
Ribble Valley North East; Ribble
Valley South West;

Proposed Expansion of Barrow Primary School, Clitheroe (Appendices 'A' to 'E' refer)

Contact for further information:

Steph Rhodes, Tel: (01772) 531957, School Planning Principal
steph.rhodes@lancashire.gov.uk,

Executive Summary

A six week formal consultation has been carried out regarding a proposal to permanently expand Barrow Primary School in Ribble Valley, with effect from September 2019.

Under the statutory school expansion process, a decision is now required. If the County Council does not make a decision on the proposal within two months from the end of the representation period, the proposal and any representations about the proposal 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 is recommended to:

- (i) Conditionally approve the proposal to make a prescribed alteration to Barrow Primary School by permanently expanding the number of places available from 20 to 30 pupils for reception year in September 2019 and in subsequent reception years. This is subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990; and
- (ii) 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

This report aims to provide information on:

- the proposal to expand Barrow Primary School to reflect current and future numbers on roll;
- the responses received during the statutory notice period;
- factors that Cabinet should take into consideration when determining the proposals; and
- a commentary on how the proposal relates to these factors in order for Cabinet 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). Background evidence is also contained within Appendix 'D' (Question 1 of the Equality Analysis).

As a result of the effect of significant housing developments, intake into primary schools in the area is expected to increase over the foreseeable future. Barrow Primary School is a popular school and has achieved an 'Outstanding' Ofsted rating. On 8 March 2017 the former Cabinet Member for Children, Young People and Schools approved the consultation on a proposal to permanently increase the published admission number for Barrow Primary School from 20 places to 30 places, standardising admission numbers from Reception age, with effect from September 2019. This is part of Phase 2 of a programme of capital expansion projects in maintained schools to provide additional places by regularising admission numbers in areas of growth.

If the permanent expansion is approved the capacity of the primary school would increase from 140 to 210 with additional permanent accommodation being provided on the existing site. This will be enabled by expansion of the existing building; subject to planning consent being granted. The proposal 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	Action	Timescale
Pre-statutory phase	Informal consultation on the proposals to enlarge Barrow Primary School (non- statutory stage)	8 May 2017 to 11 June 2017 (5 weeks)
	Report to the Cabinet on the responses to the consultation and seeking permission to publish statutory notices	14 September 2017
Stage 1	Publish Statutory Notices	7 December 2017
Stage 2	Representation Period on the proposal	6 weeks to 19 January 2018
Stage 3	Decision by the Cabinet	8 March 2018 (The decision must be made within 2 months of the end of the representation period) i.e. before 19 March 2018

Stage 4	Implementation	Permanent September 2019
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Consultations

The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 set out the statutory requirements around consultation as set out within the 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 8 May 2017 and 11 June 2017 the County Council consulted informally on a proposal to permanently expand Barrow Primary School in Clitheroe, Ribble Valley, with effect from September 2019. Full details of the informal consultation process are set out in Appendix 'C' and referred within Appendix 'D' (Question 2 within the Equality Analysis).

After carefully considering the outcome of the informal consultation and the Cabinet agreeing (on 14 September 2017) to proceed with the proposal, the County Council prepared details of the school expansion proposal to be considered which were published in a statutory notice on 7 December 2017 and Complete Proposal. In accordance with the statutory process for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four-week notice period (in this instance 6 weeks' notice period was used to include an additional 2 weeks due to Christmas falling in the 4 week representation period), i.e. from 7 December 2017 to 19 January 2018.

In response to the published proposal, the County Council received two responses. The first from Ribble Valley Borough Council, who confirm that the Council fully supports the proposals and encourage liaison with their Development Management Team in connection with any planning application for additional built facilities. The second was from Barrow Parish Council who welcome the additional primary school places in the village but ask that more consideration be given to parking and traffic before approval is given. It is the Parish Council's view that it is not acceptable to expand pupil numbers without taking account of the increased traffic and lack of parking as this will have a devastating effect on the village.

Comment: The school acknowledges that any proposed increase in pupil numbers is likely to result in increasing traffic and demand for parking, however, they are confident that any issues can be managed. There will be no reduction in the number of staff parking spaces as a consequence of the proposed expansion, and there is

currently no drop off/pick up points. There is currently plenty of parking available along the roadside in the vicinity of the school at peak times of day. The consultation process currently underway deals with the basic principles of expanding the school. If this statutory consultation process concludes that the expansion should proceed, the specifics of the car parking and highways requirements will be dealt with as part of the Development Control planning application. A traffic risk assessment would be undertaken as part of the Development Control planning application. Pre application advice would be sought from the Highways Development Team specific to this proposal and in the lead up to that application further consultations would be undertaken and design solutions would be developed regarding any issues.

Initial exploration of highways issues at Barrow Primary School presents common issues and concerns experienced at every school that requires expansion. Schools are located within the communities they serve and so there will always be impacts both negative and positive when a school is developed and altered. However, if the school is to expand officers will, as always, seek to minimise and mitigate any negative impact during the detailed design process. The Highways Officer acknowledged the existing highways issues and stated that the existing parking places on the school site should be maintained, if the school were to expand, which can be achieved.

The responses have been placed on Councillor-First and are available for public inspection through Lancashire County Council School Planning Team (Telephone 01772 531957).

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: Barrow Primary School in Clitheroe, Ribble Valley 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 May 2013 graded the school as 'Outstanding.'

There are 4 primary schools in the Langho and Whalley planning area, including Barrow Primary School. One of these is a Voluntary Controlled School and three are Voluntary Aided Schools (2 Church of England and 1 Roman Catholic). The Ofsted Inspections for the schools grade two 'Good' and two 'Outstanding'.

On 8 March 2017, it was reported to the Cabinet Member for Children, Young People and Schools that there was a significant level of housing development planned in the area within the next five years that would mean there would be a shortage of primary school places.

A school-led system with every school an academy: *The 2016 White Paper Education Excellence Everywhere, sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The*

decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Comment: This proposal relates to the provision of 10 additional school places at reception age with the aim of expanding the school's admission number and is funded by the County Council's Capital Programme. This is a proposed expansion of a Voluntary Controlled school and therefore does not fall under the academy presumption.

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. Lancashire County Council's 'School Place Provision Strategy 2017/18 to 2019/20' has been consulted on extensively including schools and nurseries; church authorities; elected members; MPs; ESFA; Parish Councils and trade unions. Factors taken into consideration when proposing to expand Barrow Primary School were in line with this strategy. The rationale for this approach is to maintain stability in the existing school system; to provide the places in the shortest timescale possible; and to achieve best value for money, within a reduced capital allocation. Lancashire County Council sought to provide additional places, at an existing school that provided good quality standards of education, as judged by Ofsted. In addition to high education standards, Lancashire County Council looked to expand a school that had high levels of parental first preferences for admission. This approach provides parents with increased opportunities for obtaining a preferred school place for their child.

The Department for Education clearly prioritises the expansion of existing provision over and above the provision of a new school wherever possible and appropriate.

Having identified a need for additional places in Barrow, Lancashire officers consulted with all head teachers, church authorities and elected members in the area about the situation and options. As a result of these discussions, it was decided to propose an expansion of Barrow Primary School as this would provide the most

sustainable school offer and stability for the area, whilst enabling the provision of places in time to meet the immediate demand for places. The planning window for additional primary places is short and birth information and planning applications are constantly monitored in order to plan ahead effectively. Lancashire County Council will normally wait until at least two, and preferably three years, of increased demand in the area is evident before it makes proposals to permanently expand a school. The reason for this policy is to ensure that permanent places are not created where temporary places would be sufficient; to maintain stability of provision in neighbouring schools; and to reduce the risk around unnecessary capital expenditure.

New provision would take far longer to establish and it was estimated that it would have resulted in places not being available in time for the increase in demand. The timescale required to follow the statutory and Lancashire County Council processes for establishing a new school, the site becoming available, the finding of an Academy Trust to run the school and the time it would take to build were all factors which would mean that the places would not have been available when required. The time frame for expanding an existing school are far shorter, particularly as Barrow Primary School could house a proportion of the additional places within the existing school until the new build is complete

Should Lancashire County Council not have reached the decision to consult on the expansion of an existing school, then the local authority would be at risk of failing in their statutory duty to provide school places for every child in Lancashire under section 14 of the Education Act 1996.

If the decision had been taken to build a free school, then a new free school may have needed a temporary building to house the school until the permanent building work was complete. The permanent site would be unlikely to be built in time to house the additional places required. The costs of establishing a new school are far higher than the expansion of an existing school, particularly one which has some existing capacity. The planned increase of places in the area is not enough to house a new free school, as per Department for Education guidance. In addition, if a new school was built the extra unnecessary places would destabilise existing provision in the area.

It was felt that there was sufficient evidence to take the decision to consult on the expansion an existing school and obtain the places within the time frames.

The school is full in all year groups bar one, with 144 pupils on roll in October 2017 which is over the schools capacity by four places. For 2018 admissions, the school has received 31 first preferences for 20 places. Complete Proposal (Section 8 of Appendix 'B') refers.

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 'School Place Provision Strategy 2017/18 - 2019/20'):

- Pupil attainment levels as determined by latest judgement by Ofsted is Outstanding or Good and progress scores at Key Stages 2 and 4
- High levels of parental first preferences
- The current size of the school
- Location of the school relative to population
- Practicalities of expansion on the existing or nearby site
- Costs of expansion
- The governing body's wishes
- Access for pupils by public transport and other sustainable modes with the aim of reducing travel by private car and commissioned transport

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 County Council 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, 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: Barrow 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 Analysis 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 Barrow Primary School is to meet the needs of an increased yield from significant 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.

The proposal will have most effect on children and young people (and their families) specifically of primary school age in the area.

The School Census 2017 shows 88% of the pupils at the school are of White British heritage. This is higher than the national average for primary school pupils which is 75%. The proportion of pupils from minority ethnic backgrounds is 12% which is lower than the national average (25%). Of these the highest number within the ethnic groups is 'Asian' with 9 pupils. The 2017 School Census, however, indicated that 11% of Ribble Valley's schools were from the BME groups so there is an indication that the school's percentage for BME pupils is higher than the representation in the Borough's community.

The school already has close links with all its surrounding community and is committed to continue to work with all members of this community if the school expanded. All 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. 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 rural 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.

The 2017 school census shows 5.5% of the school's population are disabled or have special educational need. This is below average compared to the national average for primary schools which is 14.4%.

The proposed expansion will provide additional places in a rural school with a significant level of housing development planned.

When a school permanently or temporary expands the school transport policy will apply. Pupils receiving home to school transport assistance prior to the expansion will have their situation reviewed to establish the policy still applies following the expansion, only if the school is expanded by moving onto a different site. In this proposal, the expansion would take place on the existing site of the school, should the proposal go ahead. Details of Lancashire County Council's Home to Mainstream School Transport Policy can be found on the Pupil Access Team's web pages on the link below:

<http://new.lancashire.gov.uk/council/strategies-policies-plans/children,-education-and-families/school-transport.aspx>

The proposal provides more opportunity to all of the local community served by the school. If the proposal did not go ahead, it would adversely affect future primary pupils having a school place in their local area.

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: Appendix 'E' refers to this in more detail and 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. The additional accommodation will be provided on the existing site. The County Council 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 maintained school place is available to all Lancashire children of the appropriate age range who want one.

Providing additional places increases the overall capacity in the area 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.

If the County Council delays its decision making in respect of the provision of primary school places in the Clitheroe area, there is a real risk that increased demand will lead to emergency action rather than planned additional places. Emergency action can be disruptive for both the affected school and the families involved in the primary allocation of places, and can impact negatively on the schools' capital programme.

The expansion of the school is subject to planning permission being granted. A feasibility study was commissioned to ascertain whether there was a possibility to expand the school to 1 Form Entry due to the limited site area available for expansion and problems with recent flooding of the buildings. This study concluded that it is possible to expand. However, more detailed plans are now being developed in tandem with the statutory process. Discussions with representatives from the United Reform Church Trust, Blackburn Church of England Diocese who are

providing advice and support and School Governors have been positive with a way forward agreed. Currently there is no formal lease agreement for the school to use parts of the building owned by the Trust, however, the process is underway to correct and formalise ownership and use issues. Legal Services have advised that no work should commence to alter any part of the building owned by the Trust until approval has been granted in writing. Estates/Legal services will look to enter into negotiations with the Trust body as a matter of urgency to resolve this matter but it should be noted that no timescale has been given for this to be concluded.

If these agreements are not resolved there is a risk of delay to the County Council being able to satisfy its statutory obligations to provide additional school places.

Land and Property

The expansion can be accommodated on the existing school site, subject to the above issues being resolved. The approval of any physical school expansion will be subject to obtaining relevant permissions.

Legal and Financial Implications

The legal and financial implications are recorded for inclusion in Part II and are attached at Appendix 'E'.

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'.

Conclusion and Recommendations

Having considered the two responses received as part of the representation period, (Appendix 'D' refers) it is recommended that the proposal to permanently expand Barrow Primary School by 10 additional reception places per year from 1 September 2019, is conditionally approved, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 before 1 September 2019.

List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate

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.