

Report to the Cabinet

Meeting to be held on Thursday, 10 June 2021

Report of the Head of Service - Asset Management

Part I

Electoral Division affected:
Clitheroe;

Feedback on Stage 1 Consultation to Provide Additional Primary Places in Clitheroe and Next Steps

(Appendices 'A' - 'C' refer)

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Executive Summary

This report provides feedback to Cabinet on the consultation to provide additional primary school places on the Higher Standen site in Clitheroe. Based upon this feedback, Cabinet is now asked to agree the next steps in providing the additional primary school places.

Recommendation

Cabinet is asked to:

- (i) Approve the commencement of a period of consultation to extend the age range of Ribblesdale High School to provide a 4-16 age all through school, by utilising the Higher Standen site to provide 210 primary school places from September 2023.
- (ii) Agree to progress the design and procurement of a new primary school building at Higher Standen estate, Clitheroe.
- (iii) Approve the estimate of costs to be funded through Basic Need Grant and developer contributions, as detailed in the Schools Capital Strategy. (Appendix 'C' refers).

Background and Advice

Cabinet agreed on 11 June 2020 to adopt the Department for Education framework for the establishment of new schools in Lancashire and also agreed to begin consultation on the provision of a new primary school on the Higher Standen Farm site in Clitheroe, to provide places from September 2023.

This report provides feedback from the consultation, including the additional proposal for providing the places which has emerged.

The report also sets out a proposal for the design and construction of a new school building, to enable the provision of sufficient school places in the Clitheroe area. To enable the school places to be available to meet the timetable set out in the June 2020 report, the scheme to design and procure the construction of the school needs to now be taken forward.

Additional pupil places need to be provided to accommodate the pupils yielded by the development that is now underway on Land at Higher Standen Farm, Pendle Road, Clitheroe. The developer, Taylor Wimpey, has completed phase one of this development and have received planning permission for the spine road to serve the next two phases.

In accordance with the council's SEND Sufficiency Strategy and principles for capital investment in education infrastructure, the school place specification also states that, when providing the additional places, the building would also provide an SEN inclusion unit.

Consultations

A period of consultation was undertaken between 7 December 2020 and 15 January 2021. A total of 84 consultation responses were received. Of the 84 responses 64% were positive and 25% were opposed to the proposal. Detail of feedback received from the consultation is provided at Appendix 'A'.

Feedback from the consultation was mainly positive, with overall agreement that additional places in the area were required.

Arising from the consultation, an alternative to the establishment of a new school was put forward as a potential option for providing the places. This was a proposal by Ribblesdale High School (the site of which adjoins the Higher Standen reserved school site) to extend the age range of their school to provide places for aged 4-11 pupils, thereby becoming an 'all through' school. They proposed to achieve this by utilising the reserved Higher Standen site to provide the primary age places.

A pre-planning consultation with the local community will also take place when plans for the new building are developed to a suitable stage.

Assessment of options

In order to inform the decision on whether to pursue the all through school option or to continue with the commissioning process for a new free school, the two options were assessed against the Principles Underpinning Schools Capital Development, as adopted by Cabinet in January 2020. Each option's comparative alignment with these principles is given at Appendix 'B'.

After consideration of this exercise, it is recommended that the all through option presented a number of benefits and presented less risk than the establishment of a new free school, where the ability for a new school to match these principles is unknown.

It should be noted that Lancashire currently has just one all through mainstream school (the Maharishi Free School) but has no previous experience of setting up an all through mainstream school.

Implications:

This item has the following implications, as indicated:

Risk management

Legal

The local authority is under a statutory obligation to ensure the sufficiency of high-quality school places in its area.

In order for primary school places to be provided by Ribblesdale High School, the council must follow DfE Guidance on changing the age range of a school, see: [Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/making-significant-changes-to-maintained-schools.pdf)

Whilst not a statutory requirement, the guidance expresses a 'strong expectation' that 'LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.'

Therefore, this would involve a further period of consultation before a statutory notice period would commence.

Stage	Draft timescale
Informal consultation	June/July 2021
Cabinet decision to proceed with Statutory notice	September 2021
Statutory notice stage (4 weeks in term time)	September/October 2021
Decision	December 2021
Implementation	September 2023

This Department for Education Guidance also makes reference to 'contentious proposals' as follows:

'Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school.'

Therefore, if the decision was made to pursue this option rather than a new school, it would need to be referred to the Department for Education. However, initial conversations have already taken place with Department for Education officers.

The Section 106 agreement for this development contained provision for a site for a new primary school, with a transfer cost of £1, together with contributions toward the provision of school places.

The wording of the current S106 agreement to transfer the reserved land has the trigger for transfer as:

'either

- a) The passing by the County Council of a resolution to establish a new primary school upon the Primary School Land; or*
- b) The Secretary of State entering into academy arrangements for the establishment of a primary school upon the Primary School Land.'*

Therefore, it may be necessary to vary the deed if this option is pursued and this will require the agreement of all relevant parties. This process has been undertaken previously when the expansion of Trinity Church of England/Methodist Primary school was expanded onto a second site held for a new school.

In the report to Cabinet in June 2020, it was stated that, whilst there was a need for 210 places in the short term, the additional growth in the Clitheroe area may necessitate additional places to be provided in the longer term. For this reason, it is suggested that, should the proposal to pursue places via an extension of Ribblesdale's age range be approved, the option for additional places in the future should be agreed in principle with the High School.

Should the school become an academy in the future, there would be an expectation that the school would continue to provide primary places. Should the academy make a proposition to reduce the age range of the school to the Secretary of State in the future, the council would be unable to prevent that possibility. However, such a proposal would require a full business case to be prepared and Lancashire County Council would be part of any consultation to satisfy the Secretary of State that there was sufficient provision in the area.

Financial

If the places are delivered via an expansion of the high school, the physical capacity for the school would be provided via a building provided by the council via the basic need programme, supplemented by developer contributions. Therefore, capital costs remain the same as they would be for a new school.

The Dedicated Schools Grant will increase in line with the additional pupils on roll, providing the additional revenue funding required to meet the projected growth in pupil numbers. However, this pupil funding is lagged, creating a funding gap. A School Forum policy has been established for allocating additional growth funds to match the gap in Dedicated Schools Grant funding.

The financial risks and impacts on funding are reduced by extending the age range of an existing school rather than establishing a new school as local authorities are responsible for the start-up costs of new schools, which can be considerable. If the expansion is unsuccessful and the school is not financially sustainable in the medium term, liabilities could accumulate that would then impact on the authority's finances.

Property Asset Management

A site was agreed with the Trustees of the Higher Standen Estate and Taylor Wimpey in 2015, with the proviso that the developers must provide access and services to the site prior to any land transfer. Notices have been served on the Trustees to the effect that a transfer is required. The site will not be accepted without these elements having been constructed.

The site is currently agricultural land and is towards the centre of the development area and is 2.1 hectares in size. The line of a Roman Road runs across the northern end which impacts on the area that can be developed.

Other

It should be noted that by providing the additional primary places at an all through school, this may impact on the first choice preferences for some children in the area at the secondary transfer stage. This should be made clear in the published admissions information when parents and carers are considering making their applications for Year 7 places.

Feasibility Study

The Design and Construction Service was commissioned to produce a feasibility study and concept design to RIBA stage 2 for a one form entry primary school building with an SEN inclusion unit, with the potential to expand to two form entry at a future date.

The brief for the school building and grounds has been based on the Department for Education's Building Bulletin 103 recommended areas and Output Specification. In addition, the design team was requested to take into account draft Department for Education guidance on Sustainability which is expected to be published later this year.

This work has confirmed that it is feasible to build a single storey one form entry primary school building including an SEN unit, and with core accommodation sized to enable expansion to two form entry. The future expansion has also been considered within the site layout.

Issues which have arisen from the feasibility study include the need for input from an archaeologist due to the site being traversed by the line of the Roman Road and the potential for artefacts to be found within the site. A watching brief and reports prior to the submission of a Planning Application will be required. These are included as provisional costs.

There is some concern regarding the phasing of the wider development and the timing of the construction of the spine road which will need to be in place to allow construction to start on the school. This is being addressed currently through the Estates Service and Legal Service.

Design development

If the RIBA stage 2 concept design stage estimate for the project is approved, the next stage will be to develop the detailed layouts and technical design, submit a planning application and engage a contractor to construct the project.

Procurement route

Asset Management Service is currently in discussion with Procurement Services and Design and Construction regarding potential procurement routes. All Lancashire County Council procurement standing orders will be complied with.

As a formal condition of the Basic Need grant, the Department for Education requires that we consider use of their Contractors' Framework, if it will deliver overall savings and advantages. An options appraisal considering all potential procurement routes, including the Lancashire County Council Partnering Contract and the Department for Education Contractors Framework is currently underway and will consider value for money and experience in delivery.

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 'C' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. 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.