

Wiltshire Council

Cabinet (Capital Assets) Committee

23 July 2013

Subject: **New Primary School - North East Quadrant in Tidworth – Update**

Cabinet member: **Cllr Laura Mayes, Cabinet member for Children's Services**

Key Decision: **Yes**

Executive Summary

This paper updates Members on the provision of the new school in Tidworth North East Quadrant and the need for further negotiations with Persimmon Homes to acquire additional adjacent land.

Council Officers and Persimmon homes have been in talks since March 2012 about designating 0.6 hectares of land adjacent to the new school site for expansion to 2FE (420 places). Persimmon had adjusted their 'master plan' to accommodate this request. Approval had been given by CCAC to purchase the additional land at an indicated value of £550k (26 January 2013). Negotiations have not been finalised for the acquisition and the paper proposes that they continue. This paper also presents the implications for delivering the new primary school.

Proposal

That Cabinet:

Confirm its authority to proceed with further negotiations about the acquisition of land adjacent to the school site on the North East Quadrant in Tidworth, and to delegate the completion of necessary legal transactions to effect the acquisition to the Service Director Transformation in consultation with the Service Director for Schools and Learning and the Cabinet members for Children's Services and Strategic Planning, Development Management, Strategic Housing, Property, Waste.

Reason for Proposal

Delivery of a new school in Tidworth will enable the Council to meet its statutory duty to provide sufficient school places and will comply with the terms of the NEQ Section 106 agreement. The current site will meet minimum statutory

requirements. However, the acquisition of additional land adjacent to the new school site will be preferable to facilitate expansion to 2FE (420 places) from 2016/17. The availability of the additional land will not affect the selection of the Academy provider.

Carolyn Godfrey
Corporate Director

Wiltshire Council

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Subject: **New Primary School - North East Quadrant in Tidworth – Update**

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Purpose of Report

1. To update the Committee on the provision of the new school in Tidworth North East Quadrant and negotiations with Persimmon Homes to acquire additional adjacent land.

Background

2. The birth rate in the town of Tidworth has increased by 23% in the last 5 years. There are three schools in the town, Zouch Primary, Clarendon Infants and Clarendon Junior. In September 2011 there was a shortfall of reception places in Tidworth. As a result a 2 class extension was built at Clarendon Infants which has enabled them to take additional pupils since September 2012. A further extension of Clarendon Juniors is now complete. Even with these additional places and the new 210 place school to be built at NEQ, it is predicted there will be a significant shortfall of places. Other developments are now coming forward in the town, Area 19 and Zouch Manor, totalling 460 further houses – generating at least 150 additional primary phase aged children.
3. Under the terms of the section 106 agreement with Persimmon Homes the Council is duty bound to provide 180 primary school places on the school site provided at NEQ. Since the last report to committee (26 January 2013) the case to open the new school in 2014 remains strong and the forecast now suggests that 1.5 FE (315 places) will be required from opening. Therefore on this basis, a competition to appoint an academy provider is underway, and the announcement about the preferred sponsor is expected from the DfE shortly.

Main considerations for the Council

4. The table below show that including 500 new houses at NEQ / Area 19/ Zouch Manor there are demand for school places will be met with the existing schools and the new school at 1.5FE which means up to 45 children per year.

School	PAN*	2013	2014	2015
Clarendon Infants	105	105	105	105
Zouch Primary	60	60	60	60
Tidworth NEQ	45	0	38	45
Reception age children from NEQ / Area 19/ Zouch Manor (maximum 500 houses)		6	13	20
Total		171	203	213
Surplus (Shortfall)		-6	7	-3

*PAN - published admission number the maximum number of children per year

- The latest available data is the offers made by the LA from on-time admissions and late applications to 31 June 2013. The table below shows that demand is consistent with the 2013 forecast i.e. there is a waiting list of about 6 reception aged children.

Current Wiltshire Parental Preferences

School	On time offers – excludes late applicants	Offers including late applicants to 31 June 2013	Published Admission Number
Clarendon Infants	102	105	105
Zouch Primary	49	60	60
Wait list		6	

- A two storey 2FE (420 places) design was submitted to the planning process in early June 2013. This is later than hoped due to the adjacent land not being available and a redesign of the school buildings was required. Despite this, it is anticipated the whole building will be available from September 2014, although a phased handover may be necessary with at least 6 classes available by September 2014, the balance to be completed by December 2014. The intention is that the school will operate as a 1.5FE school until demand requires it to increase to 2FE (probably 2016/17)

Safeguarding Implications

- The new school will provide school places in a safe environment for children in the immediate locality. Without the new school young children would need to be transported to surrounding village schools away from their community leaving them more vulnerable due to the distance they are away from home.

Public Health Implications

- The school will offer a range of sporting facilities to the pupils including a hall, netball courts and football pitch. In addition there is a proposal to develop a MUGA with community use. This approach will provide the opportunity and facilities for the community to participate in more sports and thereby promote

healthy behaviours and practices to ensure the Tidworth population stay healthy and ensure health resilience.

Environmental and climate change considerations

9. The scope of works being proposed for the proposed development will comprise new buildings. These will be designed to ensure compliance with Wiltshire's renewable energy and environmental requirements as well as building control and other statutory requirements.
10. No matter the scope, a sustainable construction strategy will be adopted. The new build shell will incorporate high levels of insulation to meet Part L 2010 of the Building Regulations. High standards of energy efficiency will be met and this will be coupled with high quality ventilation. All occupied spaces will be designed to provide good levels of day lighting.
11. The biodiversity of the sites' ecological system will be considered and improved. Existing trees will be retained where possible. Eco-habitat areas will be incorporated or protected if existing.
12. To promote sustainable modes of transport, green travel plans will be developed by each school involved and their staff, pupils and visitors will be encouraged to walk, use public transport or cycle, and cycle storage will be provided.
13. As academies, the schools' operations fall under the council's Scope 3 Green House Gas emissions i.e. emissions from sources not owned or directly controlled by the council but related to the council's activities. The council recommends the appointed Academy Trusts adopt efficient energy management once the schools are operational to minimise carbon emissions and thereby their impact on the environment and climate change.

Equalities Impact of the Proposal

14. When making decisions the Council must act reasonably and rationally. It must take into account all relevant information. It must also comply with its legal duties, including relating to equalities.
15. As public bodies schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 the Equality Act 2010. S 149 Equality Act 2010 requires public authorities to:

Have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age; disability; gender reassignment;

pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Tackle prejudice, and
- b) Promote understanding

Compliance with the duties in this section may involve treating some persons more favourably than others.

16. The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority. The Act provides protection for people with certain 'protected characteristics'. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

17. In the field of education in schools the prohibition of discrimination, harassment and victimisation does not apply where the circumstances relate to age, marriage or civil partnership.

18. The duties in relation to schools are:

Not to discriminate against a person:

- a) In the arrangements it makes for deciding who is offered admission as a pupil
- b) As to the terms on which it offers to admit the person as a pupil
- c) By not admitting the person as a pupil

Not to discriminate against a pupil:

- a) In the way it provides education for the pupil
- b) In the way it affords the pupil access to a benefit, facility or service

- c) By not providing education for the pupil
- d) By not affording the pupil access to a benefit, facility or service
- e) By excluding the pupil from the school
- f) By subjecting the pupil to any other detriment

Not to harass:

- a) A pupil
- b) A person who has applied for admission as a pupil.

Not to victimise a person:

- a) In the arrangements it makes for deciding who is offered admission as a pupil
- b) As to the terms on which it offers to admit the person as a pupil
- c) By not admitting the person as a pupil.

Not to victimise a pupil:

- a) In the way it provides education for the pupil;
- b) In the way it affords the pupil access to a benefit, facility or service;
- c) By not providing education for the pupil;
- d) By not affording the pupil access to a benefit, facility or service;
- e) By excluding the pupil from the school;
- f) By subjecting the pupil to any other detriment.

19. The Academy Trusts recommended in this report are required to comply with these duties. The interview panel confirmed with the chosen Academy Trusts that they are aware and understand these duties.

Risk Assessment

20. It is recognised that the pupil projections may either be an under or over-estimate of future numbers and thus become less accurate the further into the future they go. Projections are kept under review as new data becomes available, including the termly pupil censuses and live births. In planning for new schools, the Council looks to provide places in geographical areas of increased demand arising from residential development and/or rising birth rates. Applying risk management assessment principles can help strategic decision makers make informed decisions about appropriateness of adopting policy or service delivery options.

Risks that may arise if the proposed decision and related work is not taken

21. Risks that may arise if the proposed decision and related work is not under taken:

Risk

- a) The LA will not carry out its statutory duty to provide sufficient

school places

- b) The LA will not be compliant with S106 agreements with developers and planning

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

22. Risks that may arise if the proposed decision is taken and actions that will be taken to manage those risks:

	Risk	Action to mitigate the risk
1.	Project Delay	Active monitoring
2.	Budget over run	Active monitoring
3.	Quality	Active monitoring

Active Monitoring - Effective management of risks involves:

- a) identifying possible risks in advance and putting mechanisms in place to minimise the likelihood of their materialising with adverse effects
- b) having processes in place to monitor risks, and access to reliable, up-to-date information about risks
- c) the right balance of control in place to mitigate the adverse consequences of the risks, if they should materialise
- d) decision-making processes supported by a framework of risk analysis and evaluation.

Financial Implications

23. In Tidworth the capital costs are funded from section 106 agreements with developers and DfE Basic Need allocations. The cost of purchasing the land is not expected to exceed £550K.

Legal Implications

24. Councils have a statutory duty to ensure that there are sufficient school places in their area, to promote high educational standards, to ensure fair access to educational opportunity and to promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice.

25. On 1 February 2012 Section 37 of the Education Act 2011 was commenced, including Schedule 11 of the Act. This made changes to Part 2 of the Education and Inspections Act 2006 in relation to the process for establishing new schools, including the Academy/Free School presumption. The "presumption" in the guidance required LAs to establish an Academy/Free

School in the first instance where they identified the need for a new school.

26. The guidance published by the DfE details the process that Local Authorities and new school proposers have to follow. The LA has followed the DfE guidance throughout the process.

27. Advice has been sought from the Head of Legal and Democratic Services who supports the process we have followed.

Options Considered

Scenario 1: No additional land, two storey 2FE school with MUGAs

Although the site is restricted, it meets DfE Building Bulletin 99 requirements for primary schools except for pitches and soft play area and exceeds the all requirements for a restricted site. The table below gives further details.

	BB99 (sq m)	BB99 Restricted	Tidworth (sq m)	Surplus (Shortfall)
Pitch	8400	Off site	5035 & Off Site	(3365)
Soft Play	1850	1440	1500	(350)
Habitat	620	210	624	+4
Games	1440	1000	1498	+48
Hard play	1075	620	1135	+60

Scenario 2: Two storey 2FE school with 0.6 Ha additional land acquired from Persimmon

This will entail entering into further negotiations with Persimmon Homes about the acquisition of the additional land. This includes bringing forward two additional areas within the current development that Persimmon has identified allowing the planned housing to be built in these locations rather than on the land adjacent to the school. Linked to this could be some shared use of the land next to the school as a Multi Use Games Area (MUGA) enhancing both the school and utilisation of public open space, particularly for young people.

Scenario 3: Two storey 2FE school with some additional land (less than 0.6Ha) acquired from persimmon with the provision of a MUGA.

As scenario 2, but allowing some development on the additional school land if required to achieve the overall housing target in the development.

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Date of report: 9 July 2013

Background Papers

The following unpublished documents have been relied on in the preparation of this report: None

Appendices

None
