

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

Author:	Cabinet Member for Children's Services and School Attainment and Head of Education
Wards:	St Andrews
Parishes Affected:	St Andrews

1. Purpose and Reasons

- 1.1 The report sets out the primary school place requirements in the North of Swindon and proposes the construction and opening of a new two form entry primary school on land north of the Tadpole Garden Village.
- 1.2 The report requests permission to conduct a consultation on the proposed location of the primary school, to proceed with the design and planning and to seek an education provider to operate the school.
- 1.3 The report also requests permission to bridge the funding gap between the developer primary school contributions from Tadpole Garden Village and the cost of construction.
- 1.4 This report supports the Priority Two of the Vision to "Offer education opportunities that lead to the right skills and right jobs in the right places" and in specifically pledge 15 "in addition to two new Free secondary schools, build one secondary and 12 primary schools to meet the needs of our increasing population".

2. Recommendations

Cabinet is recommended to:

- 2.1 Authorise the Head of Design and Architecture to manage the submission of a planning application and proceed with the construction of a two form of entry primary school and nursery through the SCAPE framework.
- 2.2 Authorise the Head of Education in conjunction with the Cabinet Member for Children Services to appoint an education provider for the new free school and fulfil all statutory processes to ensure the Secretary of State for Education makes an appointment.
- 2.3 Authorise the Head of Education, in consultation with the Cabinet Member for Children's Services and School Attainment to conduct a local consultation on the preferred location of the primary school.
- 2.4 Authorise the Director of Finance (Section 151 Officer) to approve the funding for the school from existing Section 106 contributions (contributions secured from housing developers in order to provide the infrastructure required to mitigate their

Further information on the subject of this report can be obtained from Gareth Cheal, 01793 465802, gcheal@swindon.gov.uk.

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

development) and by using up to £2m of Schools Capital Programme basic needs funding.

3. Detail

Background

- 3.1 It is the Local Authority's statutory duty to ensure there are sufficient school places in Swindon. To ensure that the statutory duty is met the Cabinet recently approved the updated Swindon School Place Planning Study (Cabinet Minute 46, 2016/17 refers).
- 3.2 The school place planning study recommended that an additional 4.29FE (FE is equivalent to one class of 30 pupils, therefore a 2FE primary school would have an intake of 60 pupils per year and an overall school population of 420 pupils across the seven age groups) would be required at primary school level in North Swindon.
- 3.3 The Council has created places for the temporary "bulge" years since the Tadpole Farm development has been under construction and families have moved in to the new homes. There are extra classes in some year groups at schools that will, in time, work their way through the schools to Year 6. The schools will then resume their original capacity.
- 3.4 Over the last 5 years the Council has created further planned places in North Swindon as below:
 - 3.4.1 Expansion of Orchid Vale Primary School from a 1FE school to 2FE in Sept 2012
 - 3.4.2 Expansion of Haydonleigh Primary School from a 2FE school to 3FE in Sept 2012
 - 3.4.3 Swindon Academy has opened as a 5 -16 school with a primary capacity of 4FE (840 pupils)
 - 3.4.4 Opening of a new 2FE school at Tadpole Farm in Sept 2014.
- 3.5 The study recommended a second primary school in Tadpole Farm will cover the majority of the extra places that would be needed from the large housing developments and an additional 2FE school would be required at Abbey Farm to meet the demand generated from smaller infill developments in North Swindon, especially around Blunsdon Stadium.

Free Schools

- 3.6 In September 2015, the Department for Education announced a new presumption that requires every new school to be a Free School. As a result

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

there are now 2 approved routes to secure a new free school.

- 3.7 The Department for Education runs a process that has two application “waves” for sponsors wishing to set up a new free school. This process is determined by the Department for Education and is outside of Local Authority control.
- 3.8 The alternative route is via a presumption process, which is initially driven by the Local Authority. A competition is held to identify a sponsor for a new school, which is ultimately approved by the Secretary of State.
- 3.9 Swindon has adopted an approach to work with education providers to identify a need for places and support free school applications with access to data and hosted events at the University Technical College, Swindon. This is to advertise to potential academy and free school sponsors the characteristics of Swindon, the education strategy and our place planning pressures.
- 3.10 As a result of the engagement work that has been conducted Swindon has had approved two secondary schools, a secondary special school and four primary schools approved through this route (approximately £78m). This puts the Council a third of the way through pledge 15, but importantly these schools will be delivered by pass-porting section 106 funding (contributions secured from housing developers in order to provide the infrastructure required to mitigate their development) to the government at no additional cost to Swindon.
- 3.11 Cabinet considered a report on Free School applications at its meeting in March 2017 (Cabinet Minute 75 2015/2016 refers), which included applications submitted for the two primary schools in paragraph 3.4 above.
- 3.12 In April 2017, the Council were notified by the Department of Education that the Abbey Farm Primary School was successful and has been approved to open as a free school, however, the application by Great Western Academy to open a new school at Tadpole Garden Village was not approved.
- 3.13 However, supporting the free school wave programme, over the presumption route had an element of risk that a school application could be unsuccessful, which would leave the Council with an identified shortfall and the statutory responsibility to ensure places are provided.
- 3.14 Therefore, this report proposes to establish a school that is required at Tadpole Garden Village from September 2018 by following the presumption process set out in paragraph 3.7 above.

Site

- 3.15 The Council conducted a wide consultation in 2013 on options for school sites in North Swindon; however, there were no suitable locations proposed and the primary school site at Tadpole Garden Village was brought forward to serve the demand for places at that time.

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

- 3.16 As identified in the supplementary report to Cabinet in March 2013 “by bringing the approved school site forward for development in response to current need in the Northern Sector for September 2014, there is a significant risk to long term school place planning. This is because an additional site for the Tadpole Farm development would be required at some point to meet the identified needs of the new community.”
- 3.17 A proposed location has been identified to the north of the Great Western Academy Free School opening in September 2017. The land is in Swindon Borough Council ownership, but has an identified future use as a waste site in the Local Plan that would need to be amended. There are no alternative options proposed, but the location will be subject to a local consultation and any alternatives will be considered against the established school site selection criteria.

Funding

- 3.18 The construction of the primary school will be funded predominately through Section 106 funding secured through the approved planning applications at Tadpole Garden Village. It is recognised that the Section 106 contribution is not sufficient to meet the full cost of the school. This shortfall is currently estimated at circa £2m.
- 3.19 The Council has been notified that it will receive £2.958m of Schools Capital Programme basic needs funding in 2018/19, this is designed to meet the cost of providing additional places required in Swindon. It is therefore expected that up to £2m of this funding is used to support the delivery of this school.
- 3.20 On a wider basis the School place planning report to Cabinet in September 2016 identifies the need for an additional 23 - 25 Primary Forms of Entry and a need for 22 - 24 Secondary Forms of Entry by 2026 in Swindon (Cabinet Minute 46 2016/17 refers).
- 3.21 It is expected that changes to the process for delivering and funding new school provision once the new government is formed will be proposed. Whilst there will be Section 106 contribution attributable to meet some of the wider and long term requirements, it is unlikely that Section 106 will cover the full cost of all of these schools. Therefore, it is proposed to bring a full report to Cabinet in Autumn 2017 once there is more clarity on the future arrangements for school delivery and funding.

Consultation and next steps

- 3.22 Public consultation considering the proposed school will commence in June 2017 with the results presented to the Cabinet Member for consideration. This proposed timescale will run in parallel with the appointment of an education

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

provider and to provide the new facilities. Any proposal to establish a new school at Tadpole Garden Village will be subject to a successful planning application.

- 3.23 The Education Act 2011 sets out the following new requirements for Local Authorities with regard to the establishment of new school.

3.23.1 The Authority has to seek proposals for the establishment of a Free School, and specify the date by which proposals must be received.

3.23.2 Following the published closing date by which proposals should have been submitted, the Authority must contact the Secretary of State for Education to outline the steps it has taken to secure applications for the establishment of a Free School, together with details of which have been received.

3.23.3 Only if no Free School proposals are received, can the Authority seek the Secretary of State's permission to begin a competition process to establish a maintained school.

- 3.24 It is proposed, if necessary, that subject to Cabinet approval an education provider will be sought during autumn 2017.

4. Alternative Options

- 4.1 Based on the forecast pupil data, there is no option but to provide additional school places in North Swindon. An alternative could be to allow an academy sponsor to pursue a free school through wave 13, but it is expected that the timing of that process would result in the approval of a school in 2018 and opening in September 2019 at the earliest.

- 4.2 The other alternative is that there would be an insufficient number of school places in North Swindon.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Government capital grant allocations for capital spending on schools have been significantly reduced in recent years and are insufficient to meet the needs of existing schools and the requirement to fund new ones. This has resulted in the Council entering into additional borrowing to support identified needs.
- 5.2 The construction of the primary school will be funded predominately through s106 funding secured through approved planning applications at Tadpole Garden Village. It is anticipated that there will be a shortfall in funding of circa £2m. The Council has been notified that it will receive £2.958m of Schools Capital Programme basic needs funding in 2018/19.

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

- 5.3 As identified in para 3.20 the Council has a number of schools that need to be built over the next few years and it is unlikely that s106 contributions will be sufficient to meet all of the costs of building these schools.
- 5.4 The proposal would affect the Dedicated Schools Grant (DSG), in relation to both “trigger” funding: initially (the increased revenue funding provided to schools that have an in-year increase in pupil numbers over a certain threshold) and “pre-opening” costs (the funding allocated to a school to set up before opening, covering the April to September period before pupils are admitted). As a consequence of the DfE’s school funding reform programme the Council would need to consult formally with the Schools’ Forum to seek agreement to the level of funding proposed to be allocated for in year pupil growth in advance of each financial year.

Legal and Human Rights Implications

- 5.5 The Council has a responsibility to ensure that there are sufficient school places available. Further details as to the required process for the establishment of a new school are set out in paragraph 3.19 of the report. The Education & Inspections Act 2006 requires Local Authorities to promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places.
- 5.6 Human rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.7 The proposals for additional school places comply with Section 17 of the Crime & Disorder Act 1998 to develop school policy to maximise school attendance.

Diversity Impact Assessment

- 5.8 A DIA for the School Place Planning Strategy was attached to the September 2016 Cabinet report. No further implications have been identified.

Risk Management

- 5.9 The proposed decision to move forward to the next stage of the decision making process is considered minimal risk at this stage. However, should the proposal move forward to the implementation stage then there are likely to be significant risks similar to any other large school building project.

School Place Planning – Tadpole Garden Village

Cabinet

Date: 14th June 2017

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 None

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for June 2017.