

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY 18 DECEMBER 2017 AT 2:00PM

**SCHOOL TO SERVE HIGH LEIGH HOUSING DEVELOPMENT AND
POTENTIAL RELOCATION OF WESTFIELD COMMUNITY PRIMARY
SCHOOL, HODDESDON**

*Joint Report of the Director of Children's Services and the Director of
Resources*

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Executive Members: David Williams, Leader of the Council (as responsible
for the Resources, Property and the Economy
portfolio)
Terry Douris, Education, Libraries & Localism

Local Members: Paul Mason - Hoddesdon South,
Tim Hutchings - Hoddesdon North

1. Purpose of report

- 1.1 To provide Cabinet with an update on the viability of pursuing an option to deliver a 2 form entry (f.e.) primary school at High Leigh, Hoddesdon rather than a new 1f.e. school necessary to meet demand from the High Leigh housing development. Provision of a 2f.e. school building would facilitate the potential relocation of the nearby 1f.e. Westfield Community Primary School, rather than having two 1.f.e. schools within 0.5 mile proximity.
- 1.2 To seek Cabinet agreement to proceed with a statutory consultation on the proposed relocation and enlargement of Westfield Community Primary School.

2. Summary

- 2.1 This report provides an update following Cabinet's approval, on 11 July 2016, to serve Notice to take up the option to acquire additional land in order to explore the viability of delivering the County Council's preference of schools of at least 2 forms of entry.
- 2.2 A confidential, financial options appraisal assessing the delivery of either a new 1 or 2 f.e. primary school is set out in Part II of this report.

- 2.3 If it is accepted that delivery of a 2 f.e. school remains the preferred option, the following will be necessary in order to meet all the requirements set out in the High Leigh s106 agreement:
- i) the acquisition of additional land at High Leigh, Hoddesdon
 - ii) application of indexed s106 funds as detailed in the formal s106 agreement relating to the High Leigh housing development
 - iii) use of County Council funding equivalent to the value of the eventual disposal receipt to part-fund the acquisition of additional land at High Leigh
 - iv) use of schools Repairs and Maintenance budget and Basic Need funding to bridge the funding gap
 - v) obtain planning permission for housing on the Westfield School site
 - vi) obtain planning permission for the proposed new school
 - vii) development and occupation of the new school site, and
 - viii) vacation and disposal of the Westfield School site.
- 2.4 The relocation of Westfield Community Primary School to a new school building located within the High Leigh development and its enlargement from 1 to 2f.e. would also be subject to the outcome of public consultation and subsequent Statutory Notice with regard to the enlargement of the school.

3. Recommendation

- 3.1 The Education, Libraries & Localism Cabinet Panel and the Resources, Property & the Economy Cabinet Panel will each consider a report on this item of business at their respective meetings on 11 and 15 December 2017. The Panels will be invited to recommend to Cabinet *“That Cabinet:*

- i. agrees the proposal to pursue the option to deliver a 2 f.e. school to meet demand from the High Leigh housing development, Hoddesdon through the relocation and enlargement of Westfield Community Primary School, subject to the outcome of a statutory consultation;*
- ii. gives approval, with final terms to be agreed by the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Property and the Economy portfolio) and the Executive Member for Education, Libraries and Localism, for:*
 - the acquisition of additional land at High Leigh, Hoddesdon*
 - the application of indexed s106 funds as detailed in the formal s106 agreement relating to the High Leigh housing development, Hoddesdon*

- *use of County Council funding equivalent to the value of the eventual disposal receipt to part-fund the acquisition of additional land at High Leigh, Hoddesdon and additional building costs*
- *use of schools Repairs and Maintenance budget and Basic Need funding to bridge the funding gap*
- *submission of a planning application for housing on the Westfield School site and completion of any planning agreement*
- *submission of a planning application for the proposed new school*
- *procurement of the new school premises, and*
- *subsequent disposal of the Westfield School site;*

iii. agrees that the Director of Children's Services is authorised to proceed with a statutory consultation, commencing in January 2018, on the proposed enlargement of Westfield Community Primary School and non-statutory consultation on its relocation to High Leigh, Hoddesdon (in line with the developer's programme, when available, and related s106 agreement stages); and

iv. receives an update on the financial viability of the proposal when it receives the outcome of the public consultation on the relocation and expansion of the school in April 2018."

3.2 The Cabinet Panels' recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Order of Business sheet.

4. Background

4.1 Planning permission for up to 523 dwellings at High Leigh, Hoddesdon was granted on 2 April 2015. A s106 agreement was also completed on 2 April 2015.

4.2 Pupil yield from the development is anticipated to be approximately 1f.e. The s106 agreement provides for the transfer of a 1f.e. school site to the County Council and the funding to build the school at that size.

4.3 The County Council has a preference for schools of at least 2 f.e. because it considers that they are financially and educationally more viable in the longer term. Larger schools can also offer a broad curriculum and enhanced opportunities for staff development. A 2f.e. school would also manage fluctuations in pupil numbers more easily than a smaller school.

4.4 As the proposed development lies less than half a mile from the existing 1f.e. Westfield Community Primary School, an option for the County Council to acquire additional land sufficient to accommodate a

2f.e. school (in order to facilitate the relocation of Westfield) was secured within the s106 agreement. A plan showing the High Leigh development site, the location of 1f.e. site and the additional land within that area, and the location of Westfield School is attached to this report as Appendix A.

- 4.5 The enlargement and relocation of Westfield Community Primary School would satisfy the Council's preference for 2 f.e. primary schools, and avoid provision of two smaller primary schools within close proximity (within 0.5 miles). Relocation of the school from an older school building to modern, energy efficient accommodation would also have a positive impact on the school's running costs and the County Council's ongoing repairs and maintenance responsibilities. The Governing Body of Westfield Primary is supportive of the proposal to relocate as a 2 f.e. school.
- 4.6 At its meeting on 11 July 2016, the County Council's Cabinet agreed to serve Notice to take up the option to acquire the additional land. Funds provided for in the s106 agreement then allowed for feasibility work to be undertaken to establish the viability of delivering a 2 f.e. school. See:
- <https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/346/Committee/8/Default.aspx>
- 4.7 Feasibility work completed to date has provided indicative costs to deliver the 2f.e. option. A full financial appraisal is set out in Part II of this report. It indicates that, at this point in time, the cost to acquire the additional land and build a 2f.e. school exceeds the potential resources available (through the High Leigh s106 agreement and proceeds from the disposal of the Westfield School site); assuming that all approvals are obtained and estimated costs remain the same. However, that cost could be considered worthwhile, in order to achieve the optimal solution. Work continues to establish further the financial viability of the proposal.
- 4.8 The Broxbourne Borough Local Plan identifies the Westfield School site as a potential housing site in its Strategic Housing Land Availability Assessment and early pre-application town planning discussions have been positive. The value of the land assumed is an estimate of its value for redevelopment for housing purposes and the outcome will depend on the quality of the planning permission available and the market conditions prevalent at the time of disposal. Obtaining planning permission for housing would formally establish the alternative use authorisation and, subject to the relocation being completed, allow the potential development value to be released. There would be cash flow implications for this proposal and these are provided in the part II report.

- 4.9 Should the 2f.e. option be considered to be the preferred solution, the current funding gap could be met with contributions from the Schools' Repairs and Maintenance budget (to reflect the estimated ongoing capital commitment should Westfield School not be relocated) and Basic Need grant.
- 4.10 The enlargement of Westfield Community Primary School from 1 to 2f.e. would be subject to the outcome of public consultation and subsequent Statutory Notice. The public consultation would also seek views on the necessary relocation of the school to the new school building located within the High Leigh development.
- 4.11 Should the County Council decide to reject the 2f.e. option, the s106 agreement allows for Notice to be served to opt out of acquiring the additional land and reversion to a 1f.e. school site transfer. This Notice must be served prior to transfer of the land, or within 3 months of receipt of notification of the occupation of the 85th dwelling, whichever is the latter. Based on recent experience elsewhere in the County, this milestone could be reached rapidly after commencement of development (date not yet confirmed).
- 4.12 Prior to the land transfer trigger, the County Council must have:
- made a final decision whether or not the 2f.e. option is viable (securing planning permission for housing on the Westfield site would give greater confidence)
 - completed full statutory consultation, allowing sufficient time to design and gain planning permission for a 1f.e. school if the 2f.e. option is rejected
 - secured planning permission for the school it plans to build.
- 4.13 The earliest anticipated timing for completion of the new school is September 2020, based on current information regarding the Developer Programme. Although this is some time off, a decision is required now in order to be certain of meeting related timescales outlined above.
- 4.14 The timetable of future action in relation to proposals on which the County Council is consulting would be:

Public consultation	10 Jan to 27 Feb 2018
Panel (to receive the outcome of the consultation)	17 April 2018
Cabinet (to approve the publication of statutory notices and capital projects and to provide updated costs)	23 April 2018
Statutory Notice period	3 to 30 May 2018
Cabinet (for final approval if objections received)	9 July 2018
Implementation	September 2020 (Indicative only)

Town Planning Implications

- 5.1 The prospects for the grant of planning permission for a well-designed scheme either a 1f.e. or a 2f.e. new school within the High Leigh development area are good.
- 5.2 Should planning permission be granted for the new school, at 2f.e. capacity, it is reasonable to assume that the Local Planning Authority would be willing to grant planning permission for housing redevelopment of the Westfield School site on the following basis:
- a) there is a pre-commencement condition that precludes implementation of the planning permission unless and until Westfield Community Primary School has relocated to new premises on implementation and completion of the new site development;
 - b) a s106 Planning Agreement has been concluded that provides for:
 - (i) all of the receipts from the sale for the existing school site to be invested in the new school premises (or in other education provision within the Borough);
 - (ii) all of the usual planning obligations appropriate to housing development sites – mainly affordable housing on site and money contributions to social infrastructure e.g. highways, education, health, open space & recreation, etc.; and
 - (iii) ensuring the requirements of Sport England are met in respect of replacement school playing fields.

6. Financial Implications

Capital Funding

- 6.1 A financial options analysis has been undertaken assessing the delivery either a 1f.e. or a 2f.e. school.
- 6.2 Based on current information, the High Leigh s106 contributions (index linked) would be insufficient to provide a new 1f.e. school. Currently that funding gap would need to be funded by Basic Need grant.
- 6.3 Provision of a 2 f.e. school is educationally preferable to the provision of two smaller schools. This option would require reinvestment of the capital receipt from the disposal of the Westfield school site to part-fund the acquisition of the additional land. Having taken this into account, the costs to acquire the additional land and build a 2f.e. school would exceed the potential resources available by a greater margin than the delivery of a 1 f.e. school (assuming that all approvals are obtained and estimated costs remain the same). That gap could

be met through use of Schools' Repairs and Maintenance funding and Basic Need grant.

- 6.4 This report should be read in conjunction with the accompanying Part II report which sets out the detailed financial options analysis.

7. Statutory Powers

- 7.1 Acquisition of the additional land would proceed under the provisions of s120 of the Local Government Act 1972.

- 7.2 Disposal of the existing site of Westfield School would be undertaken under the provisions of s123 of the Local Government Act 1972.

- 7.3 Following receipt of consents under the provisions of:

a) The School Playing Fields General Disposal and Change of Use Consent (No 4) 2012, by use of the closed school site and replacement playing fields consents, once the new playing fields are available for use by the School and subject to no other school in the relevant area (1 mile radius) having a deficiency of playing fields at that time; and

b) The Academies General Disposal and Appropriation Consent (No 2) 2012, subject to the Secretary of State having no need for the site.

- 7.3.1 These consents would be sought once planning permissions have been granted for the new school and re-development of the existing school site. Should the application process show that the terms of the General Consent for Disposal and Change of Use are not met in detail, a specific Ministerial consent under the protection of school playing fields legislation would be sought.

8. Equalities Implications

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making.

- 8.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

- 8.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The

protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 8.4 An Equalities Impact Assessment has been carried out on this proposal and will be updated where necessary. It will be made available in the Members' Lounge prior to, and at the Cabinet meeting and is attached as Appendix B to this report in order that Members are fully aware of any equality issues arising from the proposal. The EqlA will be reviewed and updated as part of any future public consultation. Consideration has been given to the likely impact of the proposal, and current assessments conclude that it is not anticipated that people with protected characteristics will be affected disproportionately.
- 8.5 The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.
- 8.6 The relocation and expansion of the school will enable additional school places to be made available in new facilities at a more sustainably sized school. It would be well located to meet demand from the new development and to continue to serve the existing community.
- 8.7 The relocation and expansion of the school provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.
- 8.8 The school relocation and expansion provides positive impacts, offering the opportunity for improved facilities for disabled access in the new building.

Background Information

As per the hyperlink in the report

Report to the Education, Libraries and Localism Panel, December 2017

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/774/Committee/105/Default.aspx>

Report to the Resources, Property and the Economy Cabinet Panel, December 2017

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/767/Committee/104/Default.aspx>