

**HERTFORDSHIRE COUNTY COUNCIL****EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL  
TUESDAY, 7 NOVEMBER 2017 AT 10:00AM****TO RECEIVE A PETITION FOR COUNCIL ACTION TO RECONSIDER THE  
DECISION TO BUILD A NEW HARPENDEN SCHOOL ON THE SITE EAST OF  
COMMON LANE***Report of the Director of Children's Services*

Report Author: Pauline Davis - Head of School Planning  
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Executive Member: Terry Douris, Executive Member for Education, Libraries &  
Localism Cabinet Panel

Local Members: David Williams (Harpenden North East), Teresa Heritage  
(Hapenden South West), Annie Brewster (Harpenden Rural),  
Richard Thake (Knebworth and Codicote), Terry Douris  
(Bridgewater), David Barnard (Hitchin Rural), Richard H Smith  
(Welwyn)

**1. Purpose of report**

- 1.1 To inform the Education, Libraries and Localism Cabinet Panel of a Petition organised by Mr John Hansen. The petition requests Council to reconsider the decision to build a new Harpenden School on the Site East of Common Lane.

**2. Procedure**

- 2.1 The Council's Petitions Scheme provides that:

*"officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with"*

- 2.2 The Petitions Scheme further states:

*"Following consideration of a Petition for Debate... the Panel can make a recommendation as follows:*

- *refer the matter to Cabinet*
- *make a recommendation to officers as to how to respond to the petition*

- *request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel*
- *Acknowledge the petition but recommend that no further action is taken.”*

### **3. The Issues raised in the petition**

- 3.1 An e-petition was raised via Hertfordshire.gov website and attracted 279 signatures. It reads...

*“Reconsider the decision to build a new Harpenden School on the Site East of Common Lane.*

*We the undersigned, as residents of the Harpenden School Planning Area, petition Hertfordshire County Council (HCC), in conjunction with Education Funding Agency (EFA), to rerun the site evaluation and selection process, including scoring that led to the Site East of Common Lane (Site F) being chosen as a potential new school site, before any further work is carried out on the Harpenden School project due to significant changes in the factors considered in the previous exercise.*

*In the original scoring used to justify site selection no account was taken of the following (in no particular order):*

*1) Site F's owners ambitions to develop part of the site for housing, and the consequent effects on school building;*

*2) The ambition of South Beds to develop housing on the Harpenden Northern border.*

*3) The rising levels of traffic caused by housing development on the Lower Luton Rd and North Harpenden and the continuing expansion of Luton Airport.*

*4) Two separate Archaeological investigations by the University of Bristol on only one corner of the site using Magnetometry and Ground Penetrating Radar have revealed a significant variety of constructions on the site which merit a thorough investigation of the entire site,*

*5) The original decision (as stated in minutes of HCC Cabinet meeting 23 September 2013) was based on a permanent increase in demand of 5 Forms of Entry over current school place provision, while the latest HCC forecasts, produced just 3 years later, show a fall to a demand for 0 Forms of Entry by the end of the forecast period, i.e. no shortfall. We believe this evidence that was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and location of an appropriate site for needs of the area.*

*As this evidence was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and potential location of an appropriate site for the needs of the area.*

*Any one of the above is enough to mean the circumstances for releasing this site from green belt cannot be justified.”*

#### **4. Background**

- 4.1 The County Council has a responsibility to secure sufficient school places. The County Council assessed the demand for secondary school places in the area which covers Harpenden town and a number of villages (the Harpenden Education Planning Area). It concluded that there was an identified need for additional secondary school places to serve the area.
- 4.2 In September 2016, the Department for Education (DfE) announced capital funding for a new secondary school in Harpenden. The Education and Skills Funding Agency (ESFA), acting on behalf of the DfE, has appointed a contractor, Kier, to construct the new secondary school. The development of the school is being led by the ESFA.

#### **5. Current Position**

- 5.1 An application for planning permission (“the application”) for a new school in Harpenden has been made to the County Council jointly by ESFA and the County Council. The planning application is subject to the normal statutory consultation period and members of the public have the opportunity to comment on the proposals.
- 5.2 It is noted that the ESFA, its contractor and agents have undertaken a number of technical assessments which form part of the application.
- 5.3 A refresh of a comparative site assessment was undertaken. A comparative site assessment considers the environmental and Green Belt effects, as well as planning policy compliance of potential school sites. A deliverability analysis was also undertaken.
- 5.4 The petition refers to the ambition of ‘South Beds [sic] to develop housing on the Harpenden Northern border’. It is noted that the Central Bedfordshire Local Plan Draft Plan July 2017 does not include development north of Harpenden.
- 5.5 A transport assessment and a public transport strategy have been prepared by consultants appointed by Kier and the ESFA and submitted with the application. This work considers the ability of the highway network around the site to accommodate additional traffic movements.
- 5.6 The application is also supported by detailed heritage assets (archaeological) impact and mitigation assessments.

- 5.7 The need for a new school will be considered as part of the planning process. An 'Educational Need' statement was submitted with the application.

## **6. Summary and Next Steps**

- 6.1 The process for the provision of the new school is underway with the development of the school being led by ESFA.
- 6.2 An application for planning permission has been made to the County Council. This is a separate process from that leading to the Cabinet decision in September 2013 and will be subject to the normal statutory consultation, which includes the public.
- 6.3 The Development Control Committee will take a decision whether or not to grant planning permission.
- 6.4 Officers do not believe that, given the current position with the project, including the pending consideration of the application, it is necessary or appropriate for the matter to be re-considered by the Cabinet.

## **7. Financial Implications**

- 7.1 There are no financial implications in relation to this report.

## **8. Equalities Impact Assessment (EqIA)**

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 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 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 No EqlA was undertaken for this report because the report does not impact on equalities or affect any of the protected characteristics which would require an EqlA to be completed.

*Background Papers*

[Link](#) to planning application on the County Council's website

<https://cloud1.atriumsoft.com/HCCePlanningOPS/loadFullDetails.do?apId=26370>