

**HERTFORDSHIRE COUNTY COUNCIL**

**ENTERPRISE, EDUCATION & SKILLS CABINET PANEL**

**FRIDAY 13 FEBRUARY 2015 AT 10.00 AM**

Agenda Item

No.

**4**

**PROPOSED PROVISION OF PRIMARY SCHOOLS WITHIN BISHOP'S STORTFORD NORTH, BISHOPS STORTFORD**

Joint Report of the Deputy Chief Executive and the Director of Children's Services

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**1. Purpose of report**

- 1.1 To enable Cabinet to consider the current position regarding the provision of primary school places to serve the housing development at the Bishops Stortford North [BSN] development area.
- 1.2 To propose an alternative configuration of primary school sites to that proposed by the Bishops Stortford North Consortium [the Consortium] and which is the subject of a resolution to grant planning permission by East Hertfordshire District Council, [EHDC], so as to provide better sited provision of additional school places.
- 1.3 To obtain authority to proceed with land transactions to support the strategy as is outlined in this report.

## 2. Summary

- 2.1 Cabinet was advised, in a report for the 22 September 2014 meeting in the section headed “Permanent acquisition of an identified 4<sup>th</sup> fe of primary school land”, of a proposal from the County Council that the Consortium’s development would be better served if:
- a) the County Council owned permanently the land for the 4 Forms of Entry [FE] of primary school site capacity to be provided, and
  - b) two 2 FE capacity primary schools were provided rather than the existing proposal for 1FE (west) and 2/3 FE (east) primary schools.
- 2.2 Also that the Consortium had provided in a letter of comfort an assurance that it would be prepared to work to achieve these better arrangements once it had gained its initial planning permission.
- 2.3 Significant progress has been made in detailed negotiations with the Consortium and EHDC and arrangements are in place in draft legal agreements that, subject to the grant and implementation of planning permission and so the agreements consequently becoming a live, will allow the County Council to ‘buy out’ the 4<sup>th</sup> FE of primary school land.
- 2.4 Further, for that be a stepping stone to an application by the Consortium to EHDC to vary its planning permission and the related s106 agreement so that there are, instead of 1FE and 2/3FE sites, two 2FE sites and via an amended land agreement the County Council is able to ‘buy out’ the 4<sup>th</sup> FE of primary school land at the western 2FE site rather than at the eastern site.
- 2.5 Negotiations with Countryside Properties in relation to their proposed development of the part of BSN known as ASR5 are not so far advanced and its application has yet to be considered by EHDC’s Development Management Committee. However, it is understood that EHDC does expect, and Countryside will be willing, to agree in a s106 agreement to the transfer to the County Council a site of sufficient size for a 1FE primary school within the ASR5 development area so that additional primary places can be provided there.
- 2.6 The current proposals overall would, so far and if the above arrangements can be delivered, enable two 2FE primary schools within the Consortium’s scheme and a further 1FE primary IN the Countryside Properties’ scheme.
- 2.7 In the light of the above progress Cabinet is asked to authorise the acquisition of the 4<sup>th</sup> FE of land on a permanent basis. That provides the Consortium with the assurance it needs for an application to revise its planning permission to be prepared and progressed. Early actions by all parties are needed so that the community can be clear that it is

intended that the western primary school will have 2FE capacity and all procurement and development processes can proceed in that basis.

- 2.8 Confidential financial information is contained in a report on the Part II agenda for this meeting.

### **3. Recommendations**

- 3.1 That Cabinet authorises acquisition of additional land immediately adjacent to the s106 agreement 1FE western primary school site at the Bishops Stortford North development area, Bishops Stortford, to enable the development of 2FE primary school premises at that location.

### **4. Background**

- 4.1 The section of the report to Cabinet on 22 September 2014 headed “Permanent acquisition of an identified 4<sup>th</sup> fe of primary school land” is attached as Appendix A. A composite plan that shows the indicative schemes proposed by the Consortium and by Countryside Properties is attached as Appendix B.
- 4.2 The terms of the Consortium’s draft s106 Agreement provide for the transfer to the County Council of site of sufficient size to establish a 1FE primary school site on the western neighbourhood and a 2FE site on the eastern neighbourhood. It also provides, in order to cope with the peak demand for transfer to the HCC land equivalent to an additional 1FE on eastern primary site on the basis that in 15 years’ time, after which it is anticipated that the peak demand will have subsided, that additional land will revert to the Consortium.
- 4.3 Via a separate draft option agreement the County Council may withdraw Consortium’s right to recover the additional land, subject to the payment of compensation. That compensation will be assessed on the basis of the residential development value of that land subject to a discount calculated on the present value of the unexpired balance of the 15 year period.
- 4.4 The Consortium has provided a letter of comfort in which it advises a willingness to seek a variation of their planning permission and s106 agreement such that the 4<sup>th</sup> FE of land is ‘moved’ from the east site to the west site to enable the County Council to develop two 2FE schools.

### **5. Financial Implications**

- 5.1 Information is provided in a report on the Part II agenda of this meeting.

## **6. Equalities Implications**

- 6.1 No equality implications have been identified at the proposal stage. It is anticipated that these proposals will assist in producing the optimum provision of primary school places across the BSN development area.

## **7. Conclusions**

- 7.1 The County Council has a statutory duty to secure a sufficient number of school places. The scale of the Bishops Stortford North development brings into sharp focus the need to plan for the optimum provision of additional school places.
- 7.2 The proposals currently included in the draft S106 agreement with the Consortium would secure sufficient places to meet demand from its scheme, but in a sub-optimal arrangement of school sizes.
- 7.3 The strategy outlined in this report would result in a more efficient and sustainable provision of primary school places across the Consortium's scheme.

*Extract from Cabinet Report 22 September 2014 agenda item 12:*

“Permanent acquisition of an identified 4<sup>th</sup> fe of primary school land

- 4.18 East Herts District Council has resolved to grant town planning consent for ASRs 1-4 on the basis of a 1fe primary school in Phase one (Western Neighbourhood) and a 2/3fe primary school as part of Phase 2 in the eastern neighbourhood; provision of a total of 4fe of primary capacity to cater for demand arising from ASRs 1-4.
- 4.19 The peak primary pupil yield is calculated to fall below 3fe (but remain above 2fe) in 2030 as the demographics within the development settle to reflect the population of the surrounding settlement. If and when this occurs, the developers require to have returned the parcel of land identified as “excess” of requirements to meet the long term need for primary provision; in essence, reducing a 3fe school site to a 2fe site by removal of the ‘temporary’ playing field land.
- 4.20 The Consortium proposes a mechanism for return of this extension land at a date 15 years from completion of the school development. Alternatively, the Consortium is willing to allow the County Council to acquire the identified parcel of land at any time during that period, at residential market value discounted for time by the amount of unexpired period.
- 4.21 Any such hand back of land would present significant logistical challenges in reducing the site area of an operational primary school delivering primary education to 3fe of children in the area. The school, an Academy, may by the time the peak drops, still be full and serving pupils from outside the immediate Bishops Stortford North development as a result of both fluctuations in demand and parental preference.
- 4.22 At 1fe, the primary school in the western neighbourhood is also below the County Council’s preferred size of primary schools of at least 2fe and has insufficient capacity to meet the calculated yield arising from phase 1 of the development.
- 4.23 Representations have been made to both East Herts District Council and the Consortium expressing preference for two 2fe primary schools to serve ASRs 1-4 on both educational and economic grounds.
- 4.24 The Consortium is not willing to vary its current planning application and the draft S106 as that may prejudice early grant of planning permission. However, the Consortium has provided a letter of comfort confirming their willingness, in principle, to vary the requirements of the S106 agreement post completion and provide additional land adjacent to the 1fe primary school site in the western neighbourhood to enable

the delivery of a 2fe primary school on a 2 hectare site there. The eastern primary school site would be reduced to that required for a 2fe school only.

- 4.25 This would facilitate delivery of the 4fe capacity required to serve the Consortium's development through two 2fe primary schools and offers geographical and educational benefits, and also economies both in school education and premises revenue costs in comparison with the alternative 1fe and 3fe schools scenario.
- 4.26 In order to secure two 2fe primary school sites for the long term future, the County Council would need to decide to 'buy out' from the Consortium the "4<sup>th</sup> fe" identified parcel of land. An estimate of the cost of that acquisition is provided in the accompanying Part II report."