

North Somerset Council Decision



Decision Of: Executive Member for Children's Services and Lifelong Learning
With Advice From: Director of Children's Services
Directorate: Children's Services

Decision No: CY83 (2022/23 scheme)

Subject: Presumption Competition for a new 630-place Primary School in Haywood Village, Weston-super-Mare

Key Decision: No

Reason:

The developer of new homes at Haywood Village is required to deliver the school as part of their contributions to local infrastructures needed a result of their development. The cost of the school will be met by the developer.

Background:

There are 5,460 dwellings due to be built in the east of Weston-super-Mare. At the end of June 2022, from those that have planning permission, 679 (12.4%) of these new dwellings have been built and occupied. Within the total number of homes to be delivered 1,650 are to be constructed in the Haywood Village development area of which 729 (44%) have full planning permission and 142 are occupied. Persimmon are expected to have completed this element of their development by 2024. A further 950 properties are expected to be completed by 2029.

The first phase of the Haywood Village housing development had a total of 900 dwellings. Haywood Village Primary School, that was built as part of this development, is already oversubscribed. The developer (Persimmon) has agreed to deliver a further 630-place primary school with early years facilities to meet the requirements for school places generated by their latest developments.

Officers have worked with the developer and their architects to create a school building with separate community facilities that, subject to planning approval, should be deliverable within the s106 agreements made between the Council and the developer. The developer is finalising the site scheme with the aim of submitting a planning application in January 2023. Subject to approval, construction will start in January 2024 (an 18-month build) and it is hoped the school buildings will be available from September 2025 onwards.

When there is a need for a new school, Local authorities are required to seek Expressions of Interest (EOI) from providers who may wish to run it. The Department for Education (DfE) also plays a role in generating interest from high quality proposers by posting details of new academy/free school proposals on their website too. The Secretary of State for

Education is the Decision Maker when agreeing the new sponsor and all details of the submission and interview process outcomes are sent to the DfE. Members of the Children’s Services (CS) Directorate oversee the EOI process and can make recommendations about our preferred sponsor. The EOI process takes around 9 months to complete. It is normally preferable but not always possible to have a sponsor in place during the design of the school and at least once construction starts.

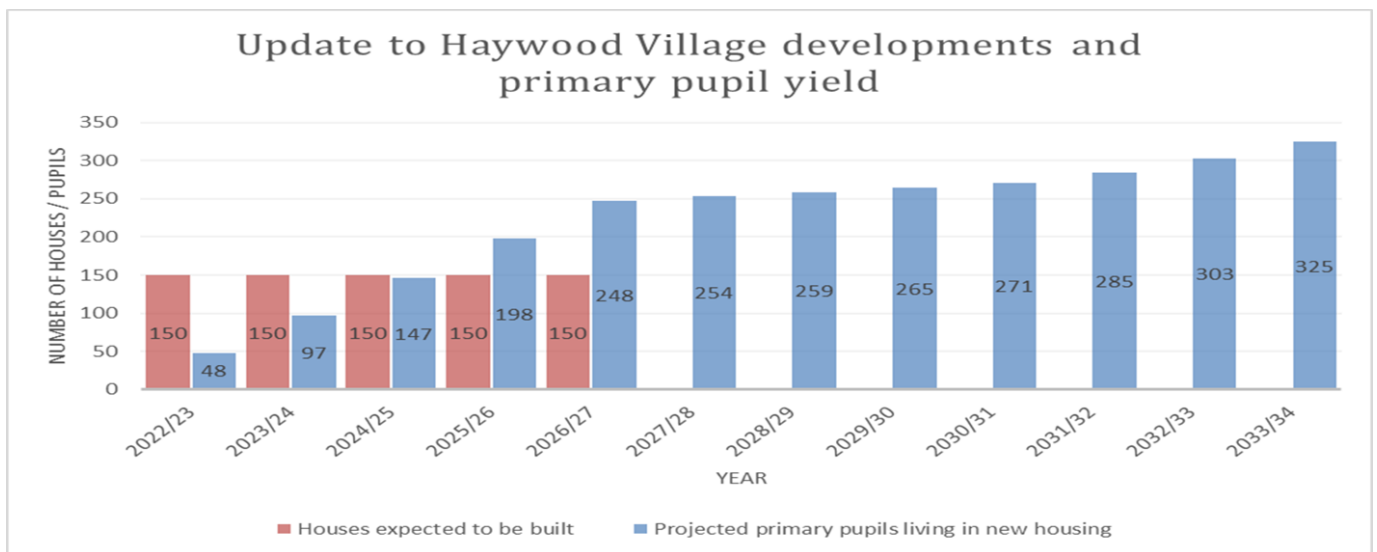
This paper seeks agreement to start the Expression of Interest (EIO) process to seek a sponsor to run this new school, to open provisionally in September 2025.

Decision:

To approve the progression of a Presumption Route competition to deliver a new 630-place primary school on the Haywood Village Development in Weston-super-Mare to open in September 2025 (subject to planning approvals, developer delivery and DfE sponsor appointment).

Reasons:

750 dwellings with planning permission are expected to be built in Haywood Village over the next five years. The North Somerset pupil projection model is projecting that the number of primary aged pupils living in these new dwellings will rise by nearly 285 over the next ten years. This is in addition to the children already living in the completed dwellings in Haywood Village. By June 2022, 369 children had been born in the BS24 8 postcode area who are due to start school between 2023 and 2027.



The Council’s latest draft projections, submitted to the DfE for their approval in July 2022, for the cluster closest to the new homes and highlighted in yellow are as a below:

Primary School Projections including housing gain.	School Places					Projected demand					Predicted empty places (negative values = shortfall, please also refer to 2021-2025 Year R Pupil Projections sheet)					
	Net Capacity	2022	2023	2024	2025	2026	2022	2023	2024	2025	2026	2022	2023	2024	2025	2026
WSM East Group																
Haywood Village Academy	Academy	390	420	420	420	420	416	418	411	411	407	-26	2	9	9	13
Heron's Moor Academy	Academy	420	420	420	420	420	418	418	418	415	414	2	2	2	5	6
Locking Primary School	Academy	420	420	420	420	420	270	251	230	228	224	150	169	190	192	196
St Anne's Church Academy	Academy	420	420	420	420	420	381	393	375	361	348	39	27	45	59	72
Parklands Educate Together Primary	Academy	210	270	330	390	420	205	265	295	324	338	5	5	-85	-54	52
Year R not specifically allocated (excluding new housing)							0	0	0	0	0	0	0	0	0	0
Estimated Year R pupils from new housing							0	12	25	36	46	0	-12	-25	-36	-46
Estimated Years 1-6 pupils from new housing and previously unallocated YR							0	52	104	155	204	0	-52	104	155	204
Group total	0	1,908	2,070	2,100	2,100	2,100	1690	1809	1858	1930	1981	218	261	242	170	119

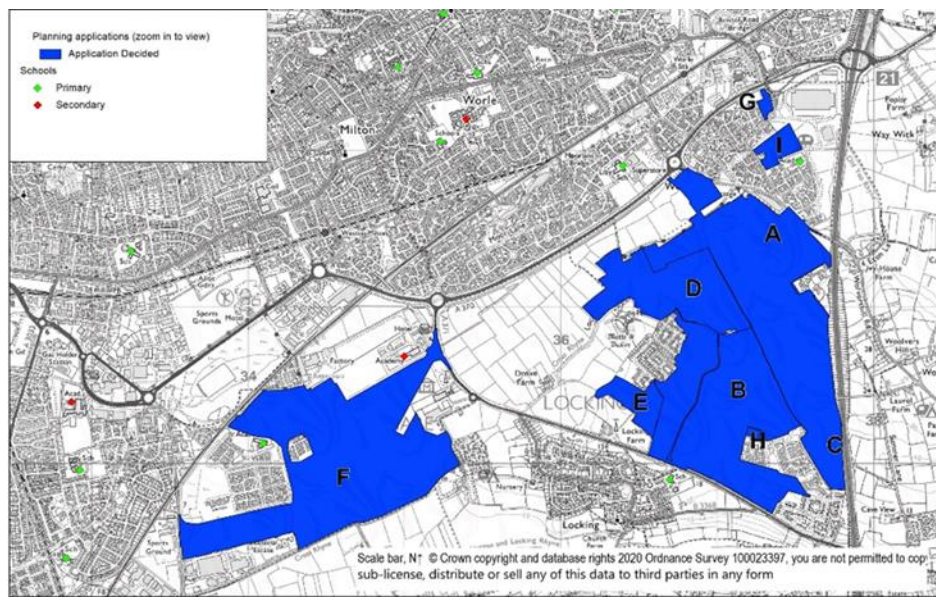
For new reception-aged pupils it shows that, based on current birth and health records, the Weston East cluster will have a deficit of reception aged pupils by September 2023.

Reception Year (YR) Pupil Projections by cluster	2021				2022			
	2021 provisional PAN	2021 predicted demand	New housing projected YR	Surplus / deficit	2022 provisional PAN	2022 predicted demand	New housing projected YR	Surplus / deficit
Weston Central	225	179	0	46	225	173	0	52
Weston East	300	239	0	61	300	246	16	38
Weston North	465	329	0	136	465	320	0	145
Weston South	225	187	0	38	225	164	3	58
Total	1,215	934	0	281	1,215	903	19	293

Reception Year (YR) Pupil Projections by cluster	2023				2024				2025*			
	2023 provisional PAN	2023 predicted demand	New housing projected YR	Surplus / deficit	2024 provisional PAN	2024 predicted demand	New housing projected YR	Surplus / deficit	2025 provisional PAN	2025 predicted demand	New housing projected YR	Surplus / deficit
Weston Central	225	189	0	36	225	180	0	45	225	186	0	39
Weston East	300	279	32	-11	300	244	46	10	300	263	58	-21
Weston North	465	312	0	153	465	294	0	171	465	305	0	160
Weston South	225	173	3	49	225	159	4	62	225	167	4	54
Total	1,215	953	35	227	1,215	877	50	288	1,215	921	62	232

A surplus deficit of pupils is shown with a red highlighted box.

The new homes in the cluster will continue to be delivered as shown by the new development areas A – I below:



Map Ref	Weston East	Permission Date	Site	Location	No. of dwell.	No with full permission	Properties occupied
A	12/P/1266OT2	08/04/2015	Land South of Churchland Way, Wolvershill Road Banwell	Parklands	1150	450	107
B	13/P/0997/OT2	17/07/2015	Locking Parklands, Locking Moor Road, Locking	Parklands	1200	294	243

C	16/P/2744/OT2	27/10/2017	Land off Wolverhill Road/Churchlands Way (Parklands Village)	Parklands	250	88	15
D	16/P/2758/RG4	12/01/2018	Land to the South of Locking Head Drove Locking	Parklands	700	0	0
E	16/P/1881/OT2	17/01/2018	Land West of Locking Parklands Parklans Village Locking	Parklands	300	248	47
F	12/P/1510/OT2	17/01/2018	Former Weston Airfield Winterstoke Road WsM (Phase 2)	Haywood	1650	729	142
G	17/P/0752/F	08/02/2019	Land North of Wilson Gardens / Scot Elm Drive West Wick	West Wick	49	49	49
H	18/P/3175/FUL	01/04/2019	Phase 3A, Locking Parklands Cranwell Road Locking	Parklands	36	36	35
I	19/P/0413/FUL	31/10/2019	West Acre Caravan Park West Acres Farm Wolverhill Road	West Wick	125	125	41
			Total		5460	2019	679

As at July 2022, the schools within a walking distance for the new school site were as below, where red shows the school is full, amber that there are a few spare places and white shows a reasonable number of spare places.

School (within safe 2 mile walking distance)	Walking distance (miles)	R	1	2	3	4	5	6
Haywood Village Academy	0.19	61/60	60/60	60/60	60/60	60/60	60/60	60/60
Bournville Primary School	1.11	58/60	55/60	60/60	60/60	60/60	64/60	59/60
Oldmixon Primary School	1.24	30/30	30/30	30/30	30/30	29/30	27/30	30/30
Windwhistle Primary School	1.36	34/60	38/60	59/60	46/60	32/32	51/60	50/60
Milton Park Primary School	1.85	31/60	*42/60	58/60	54/60	51/60	60/60	56/60
Ashcombe Primary School	1.93	89/90	87/90	89/90	90/90	88/90	90/90	90/90

The above table tells us that Haywood Village Academy is full and has no spare places in any year groups, Bournville Primary School has a small number of available places in the reception, Year 1 and Year 6 cohorts, Oldmixon Primary School is full in all year groups except for a small number of places in Years 4 and 5, Windwhistle Primary School has places available in all year groups, although is almost full in year 2, Milton Park Primary School has spaces in all year groups except Year 5 and Ashcombe Primary School is full or almost full in all year groups.

Options Considered:

Overall, across North Somerset we have sufficient primary school places to meet immediate demand in the next 5 years. These places are across the whole district and may or may not be areas where parents require places for their children. One option is to not start the competition process and hope that pupils can continue to be accommodated in other local schools. With an additional 739 homes being provided, a new school will be necessary.

Another option could be to seek the relocation of a neighbouring local school. The s106 agreement requires the developer to build a new 630-place school to meet demand directly resulting from the new developments. If another school were to be relocated and expanded onto this site, the Council would be breaking the terms of the s106 agreement, and the developer could claim that the contractual arrangements are compromised. They could refuse or request part re-payment from the Council for the delivery of the new school.

The Council could look to expand other local schools to meet the new demand. Again, the s106 agreement requires the developer to build a new school to meet the needs of their new housing within their development area. Providing provision outside of the development could compromise the land allocation and capital funding for the new school and could result in increased home to school transport costs that are met by the Council. Some school place allocations could be some distance from the new homes.

Developers are required to provide infrastructure to meet demand because of their developments. A school needs to meet the needs of the new community in perpetuity. Councils work with developers to secure new place delivery within agreements that are often time limited and based on evidence of new demand because of their new housing. Where the developer accepts their development does result in excess demand, they are required to pay for this infrastructure via legally determined s106 or Community Infrastructure Levy payments. If a Council does not secure the delivery from the developer within the timeframes within the legal agreements, it will need to implement its legal duty to secure sufficient school places from its own or, if available, other public resources. Funding is not automatically externally available. There are currently no known new resources to pay for a new primary school in this location other than through these agreed developer contributions.

The s106 agreement for this school currently required the developer to start plans to deliver this new school by the time 150 homes are occupied. This target, whilst market dependent has, with the Council's agreement, now passed. They are not permitted to continue indefinitely with their housing delivery until the school project is in progress.

The Council needs to weigh its requirement to deliver new homes; provide local schools for pupils; its ability to pay for new schools in the future, potentially from its own resources; and the availability of places and at other schools carefully. On this occasion local demand and the provision of 630 places paid for by the developer that will provide a new school for this new community is the reason why this recommendation is being taken forward at this time.

Financial Implications:

The Council has a strategic duty to ensure it has sufficient school places to meet demand. It fulfils this role by 'commissioning' places from schools and academies.

Local Authorities are required to meet the revenue costs of a Presumption Route new school provision. They must make provision in their school funding growth funds to support increases in pupil numbers relating to basic need. This relates to the per-pupil revenue funding in addition to all funding for pre-opening development costs and post-opening funding required to address diseconomies of scale until a school reaches full capacity.

Local authorities are expected to work with selected proposers to agree a reasonable and mutually acceptable funding allocation for the local authority to cover pre- and post-opening costs. These payments are determined based on arrangements agreed with the Strategic Schools Forum. The Strategic Schools Forum (SSF) reviews the Exceptional Growth Policy annually and it is therefore subject to review. Over time nationally the policies that determine the allocations of the Dedicated Schools Grant (DSG) will, in time, move to a Hard Funding Formula. Whilst this may take time to implement, it will have an impact on the local Exceptional Growth Formula that may be determined nationally or payable locally.

The s106 negotiations for this site included an opportunity for s106 resources to be available to assist with pre- and post-opening costs. This may be necessary for this school as it will not be able to attract up to 630 pupils immediately from its local community. The amount to be made available will be dependent on the government resources available to the sponsor at the time and any deficits in revenue funding agreed between the sponsor and the council.

Other than advertising and other associated competition costs that are met from established budgets, there are currently no specific revenue costs for the Council associated with this competition for the new school.

Legal Powers and Implications:

The School Standards and Framework Act 1998 sets out how Local Authorities should exercise their statutory duties to secure primary and secondary education to meet the needs of the population in their area. The Education and Inspection Act 2006 enhanced the role of Local Authorities, making them strategic commissioners of services with a mandate to promote high standards for all and greater choice and diversity.

The Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 requires Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996. Local Authorities must reasonably consider parental representations regarding the provision of schools and respond accordingly, including outlining any proposed action or, where it is considered action is not needed, to explain the reasons for this.

The Education Act 2011 maintains the role of Local Authorities as the strategic commissioner of services but provides greater autonomy of education provision by the encouragement of the establishment of academies, free schools, studio schools and Enterprise Colleges that are independent of the Local Authority. The Act gives Local

Authorities 'a critical new role as strengthened champions of choice, securing a wide range of education options for parents and families, ensuring there are sufficient high-quality school places, co-ordinating fair admissions, promoting social justice by supporting vulnerable children, and challenging schools which fail to improve.'

The process recommended in this report is based on current Department for Education Guidance on Establishing new Maintained Schools available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501328/Free_school_presumption_guidance_18_february.pdf

The Childcare Act 2016, section 2 allows the Secretary of State for Education to discharge his duty to secure free childcare for qualifying pupils on English local authorities. A failure to provide pre-school places means the Council would be in breach of this duty.

Climate Change and Environmental Implications:

The Council is committed to becoming carbon neutral by 2030. Ensuring pupils living in new developments can attend a local schools will assist with this commitment.

Ongoing conversations are being held with the developer in relation to the sustainability of the building. The scheme has been set as at BREEAM very good and there are ongoing conversations about the climate and environmental implications of the scheme, including school utility options and travel to and from school.

Consultation:

Details of the potential need for promoters of new schools was included in the consultation about the draft Education Provision in North Somerset ~ A Commissioning Strategy 2021 – 2024 that was adopted by the Executive on 23 June 2021.

Options for the new school were considered by the CYPS Policy and Scrutiny Panel School Organisation Steering Group on 25 May 2021 and reviewed at their meeting on 10 September 2021. They were supportive of the recommendations and submission of this report. A report was submitted to the CYPS Policy & Scrutiny Panel at their meeting on 21 October 2021. The proposal to commence the Expression of Interest Process was supported by the Panel.

Plans to start this competition were also shared in September 2021 with local schools who expressed concerns about the reliability of the council's new development projections. As a result of these misgivings an independent review was commissioned. It found that the council's overall methodology is robust, and that appropriate source data is used. After reviewing the historic projection accuracy, the review concluded that schools and decision makers should have confidence in future projections. This review has, however, delayed the start of this EOI process and the delivery of the new school by a year.

Invitations to make an Expression of Interest will be advertised in the local press and through the Council's internal Noticeboard publication. Officers will also ensure that those

groups and organisations known to the Council that might be interested in establishing the new school are aware of the opportunity.

Once the Council has notified the Department for Education of its intention to seek proposals for a new school/academy, the Department will include these details on its website.

A draft timeline for the process is shown below:

<i>Action:</i>	<i>Date:</i>
Opportunity to progress plans to open a new school, potentially, in September 2025 identified	December 2022
Draft Competition Scope agreed by Children's Services Directorate Leadership Team	March 2023
CYPS Policy and Scrutiny School Organisation Group Review options	March/April 2023
Final Scope agreed	May/June 2023
Engagement with the North Somerset school community through the Education Excellence Partnership Board	July 2023
Expressions of Interest Circulated	September 2023
Closing Date	Mid-December 2023
Papers reviewed	January 2024
Officers and CYPS Executive Member meet to arrange interview questions and score submissions based on written information	January 2024
Interviews take place	February 2024
Preferred bidder determined (but not shared publicly)	March 2024
All Expressions of Interest and preferred bidder submitted to DfE	March 2024
DfE Outcome announced	By July 2024

Risk Management:

The projections for Weston East show that with the creation of new homes, demand will exceed supply by 2023. If the new homes are not forthcoming and demand is reduced, this may require the suspension of the EOI process. The Council has delayed the opening of schools in two recent EOI processes, both for reasons of projection planning showing fewer pupils than initially expected due to reductions in the build rates by developer and reductions in birth rates. With the current delay in the school's opening until 2025, this may not be the case this time. The opening of this school has been suggested from two years after demand exceeds supply on this development. Whilst projection methodology is not an exact science, the developer on the Haywood Village site has continued with a robust delivery of their homes and, currently, there are no indications this will change in the near future.

There may be delays with the delivery of the site that could postpone the opening of the school until after September 2025. Such delays, if they come to pass, will be discussed with the developer, the school sponsor, and the Department for Education as appropriate. There is a risk that if the school does not open, pupils would need to be transported to alternative schools outside the development. This could result in transport costs for these pupils for the whole of their remaining primary phase of education. Persimmon delivered their earlier school on time and there is no reason to suggest this will not be possible this occasion too.

Other local schools may continue to oppose or seek to stall the opening of the new school stating that they may have benefited from the supply of pupils from new developments. The review of our projections will hopefully allay these reservations.

The Council, in keeping to its policy of local school for local children, should not open a school when another may become unsustainable as this will have an impact on that community. Discussions have been held with school leaders in the north of Weston where pupil numbers are declining. Some of these schools may need to reduce their Planned Admission Numbers to meet current demand. This can still result in a sustainable school overall. Other schools and academies that are some distance from the new provision may also be required to reduce their capacities down to reflect the cyclical rise and fall in births that can come from national increases and decreases in birth rates within the geographical areas that they serve. This has been the case in the past for some of the schools locally that have changed their Planned Admission Levels to reflect local increases and decreases in demand.

If the opening of the school is delayed, places will be found at other schools in North Somerset for the duration of the child's primary education. There are home-to school transport implications for the Council if the offered school is more than the statutory walking distance from the pupil's home address and could incur council-funded home to school transport costs for up to 7 years per pupil. Officers will continue to work with the developer to support their provision of the new school buildings and to secure a sponsor for the school to open by September 2025.

A failure to open a new school could lead to the removal of funding from the housing developer if it could be shown that the school is no longer needed. This could have implications for this and future s106 negotiations. The Council is required to secure

provisions for the long-term and needs to plan for demand for future generations as well as immediate need. The housing developer has committed to provide this new school and are submitting a planning application in January 2023 as part of their delivery obligations.

Planning and other permissions for the new school may not be forthcoming. The developer has been working with planning and other Council officers to understand the requirements for this site. Officers will also work closely with the DfE, other council officers and the new sponsor to ensure that any risks are minimised as much as possible.

This may or may not be some distance from the child's home.

The Council could be required to maintain the school site until such time as the sponsor has a Funding Agreement from the DfE and the site is transferred to the Trust in accordance with the Academies Act 2010. On a recent project, the cost of 'mothballing' a 210-school site has been in the region of £10,000 per month. The opening of the school when planned is a key priority.

The site of the new school may have environmental or archaeological significance, and this could result in a delay in the delivery of the buildings. All necessary investigations and actions will need to be undertaken by the developer to ensure a timely delivery. There are already significant numbers of new homes on this development, so the risk of any unknown discoveries is considered to be low.

A national Hard Formula could be introduced by September 2025 and the Council could become responsible for all pre and additional post opening costs. The negotiations for this school included revenue allocations within the s106 agreement and these could be used in an emergency.

Equality Implications:

An EIA assessment was undertaken prior to the start of this process. Under section 149 of the Equality Act 2010 the School has the following public sector equality duties:

- I. Eliminate discrimination, harassment, victimisation, and other conduct prohibited by the Act.
- II. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- III. Foster good relations between people who share a protected characteristic and those who do not.

In planning the delivery of a new school, the Expansion Group considered the impact this could have on a range of equality groups including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage or civil partnership. These groups are described as 'protected characteristics' in the Equality Act 2010.

In summary, initial thoughts if the proposal were to go ahead, were that the impact on the protected groups overall will be positive.

Protected Characteristic Groups	Impact: High (H) Medium (M) Low (L) or Not Applicable (N)	
Disabled people	H	There would be easy access to the school from within a growing new community
People from different ethnic groups	N	The school is available to pupils from all ethnic groups
Men and women	N	The school is available to girls and boys
Lesbian, gay, or bisexual People	N	The school would be available to staff and pupils, irrespective of their identification
People on a low income	M	There would be easy access to the school from within a growing new community
People in certain age groups	M	The school is available to pupils aged 3 - 11
People in particular faith groups	N	There are no requirements for this to be a faith school
Transgender people	N	The school would be available to all, irrespective of their identification
People who are married or in a civil partnership	N	N/A to pupils aged 3 - 11
Women who are pregnant or on maternity leave	N	The design should allow for spaces for staff in this category

The needs of Service Personnel will also need to be considered in relation to the imminent Armed Forces Covenant Legislation whilst also ensuring compliance with the School Admissions Code.

The EIA will be reviewed a year after implementation (if approved).

Corporate Implications:

The proposed school will contribute towards the Council's vision for an open, fairer, and greener North Somerset by:

- A thriving and sustainable place - the new school will make living on the Haywood Village development an attractive place to live for those families with primary-aged

children who are seeking local school places. Having a local school will contribute to the Council's aims to be carbon neutral by 2030

- A council which empowers and cares about people – working in partnership with the new school sponsor the school will support children to achieve their full potential
- An open and enabling organisation – securing a new 630-place school with early years facilities from a housing developer ensures we manage our resources and work with these partners to deliver the best outcome for local residents.

Appendices:

None.

Background Papers:

Children and Young People's Services Policy and Scrutiny Panel – 21 October 2021 - <https://n-somerset.moderngov.co.uk/ieListMeetings.aspx?CommitteeId=148>

Signatories:

Decision Maker(s):



Signed:

Title: Director of Sheila Smith

Date: 26.01.23

With Advice From:



Signed:

Title: Executive Member for Children's Services and Lifelong Learning

Date: 26.01.23

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable: