

Children and Families Committee

Date of Meeting:	10 January 2022
Report Title:	School Organisation: Proposal for the provision of a new primary school, Basford East, Shavington, Crewe
Report of:	Deborah Woodcock, Executive Director of Children's Services
Report Reference No:	CF/21/21-22
Ward(s) Affected:	Shavington Willaston and Rope Wynbunbury Haslington Wistaston

1. Purpose of the Report

- 1.1** The purpose of this report is for the Children and Families Committee to consider and approve the proposal to progress with the free school presumption process to open a new primary school in Basford East, Crewe.

2. Executive Summary

- 2.1.** As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to ensure a sufficiency of school places for children resident in its area and a commitment to allow local children to attend their local school wherever possible.
- 2.2.** The data analysis indicates the need for additional school places, Reception to Year 6, as a result of the development at Basford East, Shavington. These additional places would be provided by the establishment of a new 1 Form of Entry (FE) Primary School (with the option for a 30 place nursery), opening in September 2025.
- 2.3.** The proposed building design will include the infrastructure and design considerations to increase up to 2 Form of Entry to allow for future

expansion if the need arises as a result of additional housing in the local area. This will include an oversized hall and space for additional classrooms etc to be added if required.

- 2.4.** In the draft Medium-Term Financial Strategy (MTFS 2022-26) there is a proposal to allocate £5m to this project within the Children and Families Capital Programme, the current approved allocation is £2.5m. This programme will be submitted for approval by Full Council on the 24 February 2022.
- 2.5.** Section 106 agreements in respect of both phases of the proposed development are in place, and these include an obligation upon the developers to provide a total of education funding contributions of £2.528m to help fund the build of a new primary school. As part of the supporting infrastructure a site for the new primary school has been secured via the phase 1 Section 106 agreement which is large enough to provide up to 2 FE if the future need arises.
- 2.6.** Future housing development schemes in the area include South Cheshire Growth Village. As part of the planning process, it is anticipated that the service will request a Section 106 contribution towards the costs for providing additional school places. As detailed in the local plan, 650 houses are expected from this site, which would produce a pupil yield of 230 in total, of which 124 would be primary age pupils, 98 secondary age pupils and 8 special educational needs and/ or disabilities (SEND) pupils.
- 2.7.** Currently, there is a scheme being progressed to provide additional capacity at Shavington Secondary School for 150 places to meet the increasing demand for secondary aged pupils.
- 2.8.** This report requests approval to proceed with undertaking the free school presumption process to identify and obtain agreement for a new school sponsor under section 6A of the Education and Inspections Act 2006. For information regarding the free school presumption process please see sections 6.6, 7.1 and the background papers link - DfE Free School Presumption Policy, November 2019. This free school presumption route is local authority initiated and therefore fully funded through the use of grants and Section 106 contributions. It is not part of the national 'Wave' programme for new schools and therefore does not attract specific national funding.
- 2.9.** The primary school proposal is included within the Local Plan and meets with approval and the strategic aims of the Local Plan.

- 2.10. The establishment of the new primary school will help deliver the council's strategic plans for the provision of school places and ensure there is access to good quality schools within the area, particularly to ensure that the demand from new housing can be met.
- 2.11. This proposal incorporates elements of the Corporate Plan 2021- 2025 in that it will support all children to have the best start in life, and will increase opportunities for all children and young adults with additional needs ensure all children have a high quality, enjoyable education that enables them to achieve their full potential.
- 2.12. The service has formally met with Department for Education (DfE) officials to inform them of our intention to commence the free school presumption route for this new provision. Further meetings will continue to take place as different stages of the formal process are reached prior to actual opening of the school.
- 2.13. The service held a briefing session with local members for this area on the 9 December 2021 to discuss the proposals included within this paper. A presentation of key information was also sent out to all members.
- 2.14. The service held a briefing session with local school leaders for this area on the 13 December 2021 to discuss the proposals included within this paper. A presentation of key information was also sent out to all schools.

3. Recommendations

That committee gives approval:

- 3.1. To proceed with the free school presumption process which will include undertaking a consultation with the local community, local schools, local councillors, town council and local MP. This is not the formal statutory consultation which sponsors are required to undertake.
- 3.2. To report back to committee the outcomes from the consultation process so that feedback is considered from the local communities.
- 3.3. To proceed with the transfer of the proposed school site into the Council ownership, as detailed in the Section 106 agreement, together with any other agreements associated with or ancillary to the transfer.
- 3.4. To progress with the process of attracting potential sponsors to run the new school and to complete any agreements or land transfers associated with appointing a suitable sponsor. Ultimately, the Secretary of State will approve the sponsor following due process.

4. Reasons for Recommendations

- 4.1.** This recommendation is made on the basis of the pupil forecasts for Weston Primary School (which is the only school within a two mile safe walking route from the Basford East developments) is not a suitable alternative to take in a significant number of additional learners due to site restrictions. The provision of a new school will ensure that Cheshire East Council meets its statutory duty to ensure that there are sufficient school places in this planning area.
- 4.2.** Current forecasts, for Reception to Year 6 and covering the period 2021 to 2025, indicate a small shortage of primary school places at Weston Primary School in 2023 increasing year on year to indicate a shortfall of 52 places by 2025, see section 3.4, table 1. These figures do include additional pupils anticipated from new housing in the area, including a proportion of pupils from the Basford East development. These figures do not include the desired 2% level of operational surplus, which is intended to facilitate admissions mid-year, some degree of parental choice and reasonable journey times to school.
- 4.3.** In addition to this, and following the necessary consultation process, from September 2022 Weston Primary School has reduced their published admission number from 38 to 30. This will have a cumulative effect on reducing the available places in the area by 8 places starting in Reception from September 2022 until 2028 when the reduction will have worked through each year group.
- 4.4.** Table 1 below shows the increasing shortfall in places at Weston Primary School for this forecasting period:

	Weston Primary School - Pupil Forecasts					Weston Primary School - Pupil Shortfall/ Surplus Without 2% operational surplus				
Year	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025
	240	253	269	299	318	26	13	-3	-33	-52
Table 1 Data Source - 2021 Pupil Forecasts										

- 4.5.** Table 2 overleaf shows the increasing shortfall in places at Weston Primary School for this forecasting period with the desired 2% level of operational surplus.

Weston Primary School - Pupil Forecasts						Weston Primary School - Pupil Shortfall/ Surplus With 2% operational surplus which equates to 5 pupils				
Year	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025
	240	253	269	299	318	21	8	-8	-38	-57

Table 2 Data Source - 2021 Pupil Forecasts

- 4.6. To allow the service/directorate to ensure there is a reasonable timescale to implement the necessary statutory processes, procurement, and planning to deliver the new school in readiness for September 2025.
- 4.7. To ensure that the local authority has the right number of school places for all children to have a good local school to attend, and all children enjoy the best education which prepares them to thrive in adulthood.

5. Other Options Considered

- 5.1. The council has undertaken a detailed analysis of the named schools in the planning area and concluded that none of the existing schools within the vicinity are suitable to accommodate the children expected to arise from the development at Basford East. The schools included are Weston Village Primary School, Shavington Primary School, The Berkeley Academy, Wynbunbury Delves C of E Primary School and Wistaston Church Lane Academy.
- 5.2. Table 3 below shows the pupil forecast data for the primary schools within this planning area:

School	Net Capacity	Forecast NOR					Shortfall or Surplus Places				
		2021	2022	2023	2024	2025	2021	2022	2023	2024	2025
Weston Village Primary School	266	240	253	269	299	318	26	13	-3	-33	-52
Shavington Primary School	420	390	436	452	455	463	30	-16	-32	-35	-43
The Berkeley Academy	420	406	407	408	413	412	14	13	12	7	8
Wynbunbury Delves CofE Primary School	209	177	176	184	194	191	32	33	25	15	18
Wistaston Church Lane Primary School	420	418	419	420	420	420	2	1	0	0	0
Totals	1,735	1,632	1,691	1,732	1,780	1,804	103	44	3	-45	-69

Table 3 Data Source - 2021 Pupil Forecasts

- 5.3. Of the schools on the above table only Weston Village Primary School is within two miles of the furthest point in the development. From September 2022 Weston Primary School has reduced their published admission number from 38 to 30. Weston Primary School is the catchment school for the new development at Basford East but due to site restraints/limitations has been ruled out as a potential expansion.

- 5.4. School Admissions and Transport data was used to gather information on distance to schools and safe walking routes in the Shavington Planning Area. School admissions use a straight-line distance measurement to allocate school places. Eligibility for transport on distance is calculated based on the shortest safe and available walking routes to schools. From this information it has been identified Weston Village Primary School as the only suitable school within two miles safe walking route of the Basford East development.
- 5.5. In table 3; Wynbunbury Delves and The Berkeley Academy are showing surplus places however both are further than the two mile distance from the development and in addition to this there are no safe walking routes from the Basford East development.
- 5.6. The service met with local schools in December 2021 to discuss the proposals included within this paper.

6. Background

- 6.1. In 2017, Cheshire East Council adopted their Local Plan for the period 2010-2030. The site known as “LPS 2 Basford East” was identified in the strategic development for Crewe and the immediate surrounding area. This stated the following:

“LPS 2, 3.i - The provision of a site for a new primary school within the development or financial contribution towards providing educational facilities.”
- 6.2. The Basford East Development is a strategic site within the Cheshire East Council Local Plan for 850 new dwellings with the inclusion of a new primary school. The actual planned number of dwellings is 815 currently.
- 6.3. The development is expected to have a significant impact on education provision in the local area. The Section 106 agreement secured the provision of a new primary school, which included the land and a contribution from the developers for the partial build costs.
- 6.4. Phase 1 Basford East, planning reference 14/4025N, is for a total of 490 dwellings, with a Section 106 contribution of £1.568m towards the build costs of the new school.
- 6.5. Phase 2 Basford East, planning reference 15/1537N, is for a total of 325 dwellings, with a Section 106 contribution of £960,000 towards the build costs of the new school.
- 6.6. There are two further strategic developments sites in the locality, Basford West approved for 370 dwellings and South Cheshire Growth Village 650 dwellings currently awaiting approval.

- 6.6.1.** Basford West, planning reference 13/0336N or P03/1071, is under construction with permission granted for 370 houses. This is anticipated a total yield 130 school age children. 70 Primary age, 56 Secondary age, 4 SEND. There has been a section 106 contribution of £722,363 agreed for the provision of new Primary Places this has been pooled to the expansion of Shavington Primary.
- 6.6.2.** South Cheshire Growth Village is a Local Plan development site, LPS 8. This application is yet to be submitted formally but we anticipate 650 houses. If approved, the expected primary yield will be 124 pupils. 98 secondary age pupil yield expected in addition to 8 SEND pupils.
- 6.7.** Section 106 contributions currently agreed and attributable to the new school are £2.528m.
- 6.8.** As per the Section 106 agreement the land allocated to the school will need to be transferred to the council's ownership in a timely manner in order to comply with the Section 106 agreement.
- 6.9.** In the Section 106 agreement the council has agreed to construct the school. Therefore, it is key that we manage the land transfer process (including the undertaking of all necessary due diligence), start of the free school presumption process and the instruction to build the new school in a timely manner.
- 6.10.** The pupil numbers generated from this site will be consistently monitored as dwellings are built and become occupied. Current forecasts indicate places will be needed from September 2025.
- 6.11.** In the draft Medium-Term Financial Strategy (MTFS) this project has been included titled Shavington Planning Area – New Primary School, with a proposed budget of £5m allocated to this scheme within the Children and Families Capital Programme. This programme will be submitted for approval by Full Council on the 24 February 2022.
- 6.12.** Appendix 1 shows the location of the housing developments, locations of the local schools and the proposed new school.

7. Consultation and Engagement

- 7.1.** In accordance with the free school presumption process departmental advice for local authorities and new school proposers issued by the Department for Education (November 2019) in order to open a new school, the local authority must follow the free school presumption process.
- 7.2.** Before launching the competition to identify the sponsor to run the new school, we will undertake consultation and engagement sessions.

7.3. As part of the consultation and engagement sessions the local authority will undertake the following:

- A formal briefing with local councillors
- A presentation through the Primary Schools Association
- A presentation and meeting with local schools
- Information will be made available on the Cheshire East website and during the representation period notified to key stakeholders including Ward Members, MP, Diocese, and Town Council. Information will also be emailed to all local schools together with a letter for distribution to their staff, governors, and parents.

7.4. It is proposed that a public drop-in session will be held at either Shavington Village Hall, Shavington Leisure Centre or Shavington Secondary (venue to be confirmed), with representatives from the local authority in attendance to discuss the proposal and seek views from parents and the local community. Please note that this proposed public drop-in session will be subject to the limitations of COVID restrictions, and dependant on guidance at the time and may be held via an online presentation via Cheshire East Council's website and an online feedback form. Feedback gathered through consultation will be used to help formulate and finalise the local authority's specification for a new school before its publication inviting expressions of interest from sponsors.

7.5. This is not the formal statutory consultation which sponsors are required to undertake under section 10 of the Academies Act 2010, which takes place during the pre-opening phase i.e., after the sponsor has been selected.

7.6. The DfE free school presumption process for proposing a new school has seven stages, as set out below. As this programme of work progresses, proposed timelines will be shared to show the suggested milestones to be achieved.

Stage 1	Notification	Notification to the DfE to trigger the process – this has been completed
Stage 2	Informal Consultation	Consultation of the proposal with local schools, parents, carers, staff, pupils, school governors and trustees, Diocese representatives, local community, and ward members – Minimum of 4 weeks recommended. Feedback received will help formulate the specification for the school and complete the Equality Impact Assessment (EIA)
Stage 3	Draft Specification	Draft specification and EIA submitted to DfE for approval

Stage 4	Formal Specification for the school published (In-line with DfE requirements)	Following DfE approval, LA and DfE publish the specification and invite potential sponsors to submit their applications. Recommended to allow 6-8 weeks but if time allows 12-14 weeks may be more appropriate
Stage 5	Assessment Phase	The decision-maker (usually the LA) assesses/scores the applications, may invite potential sponsors for interview. This process is supported by the DfE regional leads.
Stage 6	Sponsor Approval	The LA submits preferred sponsor to the Regional Schools Commissioner, which is taken to the Headteacher Board for approval.
Stage 7	Implementation, pre-opening.	LA and approved sponsor work together to ensure the school opens as per the specification.

8. Implications

8.1. Legal

- 8.1.1.** The DfE advice and guidance states that the Free School presumption process is the main route by which local authorities establish new schools in order to meet the need for additional places, both in terms of basic need and the need for diverse provision within their areas. Local authorities are responsible for determining the specification for the new school and will fund and deliver the site and buildings and work with the approved sponsor to establish the school.
- 8.1.2.** All new schools established through the presumption process are classified as free schools. This reflects the fact that ‘free school’ is the department’s term for any new provision academy. ‘Academy’ is the legal term for state-funded schools that are independent of local authority control and receive their funding directly from the government. Schools established through the presumption process are not required to use the term ‘free school’ in their name: this follows practice within the department’s free school programme.
- 8.1.3.** The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the ‘free school presumption’) of the Education and Inspections Act 2006 which requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish an academy (free school). Section 6A came into effect on:

- 1 February 2012 for new mainstream and special schools; and
- 1 September 2012 for new AP/alternative provision free schools.

8.1.4. The legislation that relates to this guidance includes:

- *The Education Act 2011 (EA 2011).*
- *The Education and Inspections Act 2006 (EIA 2006).*
- *The Academies Act 2010 (AA 2010).*

8.1.5. Under the presumption route the local authority is responsible for providing the site for the new school and for delivering the capital programme for building the new school. Under the terms of the phase 1 section 106 agreement (14/4025N) the local authority may require the transfer of the site for the provision of the new school to it by giving notice to the owners/developers provided it does so prior to the occupation of the 350th dwelling on that phase. If it does so, it is required to construct the new school on that site as soon as reasonably practicable. Once that school has been constructed, it is the DfE's expectation that the site be made available free or on a peppercorn basis by the local authority usually in the form of a long lease to the academy proprietor. The local authority is also responsible for meeting the associated capital and pre/post-opening revenue costs.

8.1.6. The decision on all new free school proposals lies with the Secretary of State. His approval is required as it is the Secretary of State who will enter into a funding agreement with the sponsor chosen to run the new school.

8.1.7. The Secretary of State will consider any recommendation on the choice of a proposer made by the local authority. However, in some cases the Secretary of State may have additional information about the capacity, capability, or the academic track record of a proposer which he will consider when making his decision. In reaching his decision the Secretary of State will also have regard to quality and the diversity of the existing local provision, the ability of the proposed sponsor to redress social disadvantage, as well as to improve educational standards in an area.

8.1.8. The Secretary of State's decision is normally delegated to the Regional Schools Commissioner (RSC) for the area in which the school will be located.

8.2. Finance

8.2.1. In the draft Medium-Term Financial Strategy (MTFS 2022-26) this project has been included titled Shavington Planning Area – New Primary School, with a proposed budget of £5m allocated to this scheme within the Children and Families Capital Programme with £2.5m currently approved

in the 2021-25 MTFS. This programme will be submitted for approval by Full Council on the 24 February 2022.

- 8.2.2.** The proposed new school is currently funded via Section 106 contributions and Basic Need Grant. Section 106 education funding contributions are those agreed with new housing developers specifically to fund the additional pupil places needed due to new housing development this is received in stages over many years.
- 8.2.3.** The funding profile is as follows:
- £2.528 million - Section 106 contributions agreed from Basford East Developments.
 - £2.472 million - Basic Need Grant
- 8.2.4.** As stated above the project will be funded by agreed Section 106 contributions and Basic Need Grant, if further contributions are agreed for additional housing the Basic Need will be replenished as the Section 106 contributions are received.
- 8.2.5.** At this stage a provisional budget of £5 million is inclusive of all professional and statutory fees has been allocated to the project. Design development will be commissioned to identify more accurately the costs of implementation of a 1 FE primary school with the necessary infrastructure etc for a 2 FE primary school in line with BB103 requirements and the DfE's standardised design principles.
- 8.2.6.** Revenue funding for schools is provided through the schools' block of the dedicated school's grant.
- 8.2.7.** The new and growing school will be funded through the schools funding formula in place at the time and in line with the relevant minimum per pupil funding levels.
- 8.2.8.** Consideration will need to be given as to how a growing school is treated in terms of the number of the pupils the Council's receives funding for and expectations at the school in terms of year group sizes / timing.
- 8.2.9.** If a local growth fund is still in operation, the school may qualify for a payment in recognition of pupil growth but that will have to be judged against the basis for core funding rather than October to October census changes.
- 8.2.10.** The school will be expected to set a balanced budget within the funding provided and considering any other funding sources such as pupil premium.

8.3. Policy

- 8.3.1.** The provision of the new school will support the Council in meeting its statutory duty to provide sufficient school places.
- 8.3.2.** The Local Authority will determine the published admission number (PAN) from pupils for year groups Reception to Year 6, in line with the statutory timescales set out in the School Admissions Code (2021). The total capacity of the school will be 210 primary aged pupils initially (with the option for a 30 place nursery provision for pupils aged 2 to 4). Standard PAN will be 30 per year group. The new school may open in stages, this will be agreed following appointment of the sponsor. The preferred option would be that the admissions arrangements were broadly in line with the Local Authority Admissions Arrangements for Community and Voluntary Controlled Schools. The local authority would propose a preferred catchment area considering catchment areas for neighbouring schools, impact on admissions to both primary and secondary schools and transport. Any admissions arrangements would be implemented under the appropriate process and consultation under the School Admissions Code. If the sponsor had alternative preferred oversubscription criteria (for example to allow consistency with other schools in the same Trust) the local authority would be willing to work with the sponsor but the expectation would be that the criteria would serve to meet the needs of the local families so the local authority may object to criteria that conflicted with this purpose.

8.4. Equality

- 8.4.1.** An Equality Impact Assessment will be completed for this proposal.
- 8.4.2.** As part of the planning process for a new school the local authority must undertake an assessment of the impact of the proposal both with existing educational institutions locally and in terms of impact on groups of pupils from an equality's perspective.
- 8.4.3.** For the Secretary of State to meet his duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010, local authorities should provide the Secretary of State with a copy of their assessment.

8.5. Human Resources

- 8.5.1.** There are no additional human resource implications for the council.
- 8.5.2.** Any new establishment will open as a free school and HR responsibility will be with the successful sponsor which arise as part of the project.

8.6. Risk Management

- 8.6.1.** The proposed new school has been identified to address a basic need requirement for primary school places within Shavington because of a new housing development. Provision of this new school will ensure that the council meets its statutory duty to provide sufficient school places within two miles and within a safe walking route.
- 8.6.2.** If additional places are not provided in Shavington, parents of Cheshire East children who are resident in the Shavington area may be unable to secure places at their local school and may be required to travel over two miles to alternative Cheshire East schools requiring transport assistance.
- 8.6.3.** Should the proposal be approved, the building of the new school will be subject to the necessary planning permissions. As the required building would be deemed to be land within the development allocated for education this would not be a change of use that requires consent from the Secretary of State for Education under section 77 of the School Standards and Framework Act and approval from the school.
- 8.6.4.** Legal has advised that the Assets team will seek a title report in respect of the land which has been allocated by the developer and that it would be prudent for searches, surveys, and investigations to be carried out so as to ascertain the availability of necessary services and access to be required at the site prior to acceptance of the transfer.
- 8.6.5.** All the building works will be planned carefully, and contractors will work with the project team to ensure that works are scheduled to keep disruption to a minimum for residents on the development.

8.7. Rural Communities

- 8.7.1.** There are no direct implications for rural communities. A new school within a new housing development will assist with reducing traffic around rural areas as the children from this development can attend their local school rather than travelling by car.
- 8.7.2.** The new school will provide the required places for the pupils from the development, limiting the impact on smaller rural schools and enabling such schools to retain their rural character and not have to expand.

8.8. Children and Young People/Cared for Children

- 8.8.1.** Shavington is an area that has consistently experienced several 'in year' applications from families moving into Cheshire East.
- 8.8.2.** Providing additional places at this new school will help ensure that local children, including cared for children, can be offered a place at their local school.

8.8.3. A number of schools, for example, Shavington Primary Academy and Weston Village Primary School have been oversubscribed at the Reception intake. This means that places may not be available for families moving into the Shavington area particularly where there is a sibling group. This may limit the ability to meet parental preference for their local school. Places cannot be reserved for families moving into the area and Infant Class Size Regulations mean that Reception, Year 1, and Year 2 classes are generally limited to 30 and so there is no flexibility to admit over this except in very limited circumstances. As a result, some children may need to attend schools outside the immediate Shavington area. An increase in capacity in the Shavington area would provide more places for families moving into the area particularly outside the usual admissions rounds and reduce pressure on families in managing their child's journey to school and help them settle into their local community.

8.9. Public Health

8.9.1. There are no direct implications for public health.

8.10. Climate Change

8.10.1. The new build school would need to comply with the Government's targets of nearly zero carbon as outlined within the Building Regulations and the council's own currently approved policies of achieving an BREEAM excellent accreditation or equivalent to achieve carbon neutral targets.

8.10.2. Providing additional places at this local school will enable Cheshire East children, resident in the Shavington area and more so the new housing development, the ability to secure a place at their local school thus reducing the need to travel outside of the area which will reduce energy consumption and enabling pupils to walk to school promoting a healthy lifestyle.

8.10.3. Cheshire East Council are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.

8.10.4. It is noted that the funding is for a capital project and not for the ongoing running costs. Therefore, as part of the detailed design process, the design team are exploring how the building could be designed to minimise future running costs.

8.10.5. Systems that save on energy consumption will be considered, particularly for electricity, with absence detection being the preferred lighting strategy.

8.10.6. The building should be zoned for heating so when individual buildings or sections of buildings are opened for community use for example, the school can heat just that area.

8.10.7. Savings on water consumption will also be considered with WRAS (Water Regulations Advisory Scheme) certified.

Access to Information	
Contact Officer:	Joanne Prophet School Organisation and Capital Manager Joanne.prophet@cheshireeast.gov.uk
Appendices:	Appendix 1 – Local Area Plan
Background Papers:	DfE Free School Presumption Process Policy November 2019 DfE Guidance – Schools Admissions Code DfE Guidance – Disposal or change of use of playing field and school land DfE Guidance BB103