

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Children's Young People and Education Executive Member for Growth and Development
LEAD OFFICERS:	Director of Children's Services and Education Director of Growth and Development
DATE:	12 th March 2020

PORTFOLIO/S AFFECTED:	Children's Young People and Education Growth and Development
WARD/S AFFECTED:	Billinge and Beardwood, Blackburn South East, Darwen East, Darwen South
KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

SUBJECT: Creation of new school places to meet the demand of pupil growth from planned housing developments across Blackburn with Darwen.

1. EXECUTIVE SUMMARY

Blackburn with Darwen Council is seeking to expand the provision of early years and primary school places to meet demographic pressures and to accommodate anticipated pupil growth and demand from the development of new homes.

2. RECOMMENDATIONS

That the Executive Board:

Approves:

1. an increase in the pupil capacity at Lammack Community Primary School from 490 to 630 to meet the anticipated demand in pupil growth from the planned housing developments in North Blackburn.
2. an increase in the primary school pupil capacity in Darwen in principle to meet the anticipated demand in pupil growth from the planned housing developments in Darwen, subject to final sign off of the s106 funding agreements and the outcome of ongoing consultations with diocesan bodies and relevant schools to confirm the most appropriate school site.
3. the proposal to co-locate Longshaw Nursery School with Longshaw Infant School, increasing the numbers of children that the nursery can accommodate to meet the anticipated demand in pupil growth from the planned housing developments in Blackburn South, with the final funding package to be confirmed as referenced in the report.

3. BACKGROUND

With a population of approximately 149,000, Blackburn with Darwen has grown by 7.5% since 2001, with much of the growth concentrated between 2001–2011. Since 2011, the Borough has seen a small decline in birth rates, however the increase in migration has ensured that the overall population has remained relatively stable.

The Council has experienced significant growth in the last 3 years including 900 new homes and 5000 new jobs.

New housing is primarily concentrated into 4 key growth zones with sites now delivering housing and more programmed to commence over the coming years. The anticipated housing yield for each of the areas is as below.

- o North Blackburn –900 new homes
- o West Blackburn –2400 new homes
- o Darwen East –1000 new homes
- o South East Blackburn –1200 new homes

As part of the Local Plan, the Council is required to consider the impact of housing growth on the demand for school places, and where required the Council is expected to create new school places to meet this demand. For education, Section 106 contributions can be requested from developers to support with providing new school places where they are needed as a result of new development.

When assessing the demand for school places, an area is deemed to have sufficient capacity of places if there is a surplus capacity of 10% of school places. If an area has greater than 10% of its school places unfilled, then this is likely to have a negative impact on schools in the area being able to financially sustain. Anything less than 10% of surplus capacity suggests that an area would not be able to manage in year variations including internal and external migration and or population changes due to housing growth.

1: Blackburn North

Plans in excess of 900 homes. Analysis of school places has identified the need for an additional 140 primary school places by September 2021 due to the planned housing developments with an estimated cost of £1.55m to be funded through s106 contributions.

Proposal to increase capacity at Lammack Community Primary School from 490 places (70 per year group) to 630 places (90 per year group) reflects the projected need and is the most feasible option based on the availability of land and site constraints.

2: Darwen East

Plans in excess of 1000 homes across the Darwen East corridor. Analysis of school places has identified the need for an additional 210 primary school places by September 2023 due to the planned housing developments with an estimated cost of £3.25m funded through s106 contributions.

Proposals to increase primary schools capacity at a primary school in Darwen are being progressed subject to consultations with diocesan bodies and the relevant schools as to the most appropriate site given feasibility based on the availability of land and site constraints and proximity to the planned housing growth. A further report from the Executive Member for Children's Services, Young People and Education will confirm the site.

3: Blackburn South East

Longshaw Nursery School operates currently as a separate entity to the closely located Infant School. The current operation is financially unsustainable due to the legal staffing requirements of operating a standalone Nursery School and high value costs associated to this. The Nursery School is also in a declining state of repair and requires significant capital investment. Early Years provision in the local area is just meeting the current demand. There will be increased demand in light of proposals to develop housing in the Fishmoor, Blackamoor and Haslingden Road areas.

Relocating the Nursery School to the same site as the Infant School and federating the 2 provisions will allow for an increase in pupil numbers for 2, 3 & 4 year olds alongside supporting the provision to be financially viable by benefitting from shared costs. It is expected that the estimated cost of £1.50m

will be funded through a combination of Section 106 developer contributions and education capital funding with timescales for delivery to be confirmed in a future update.

4. KEY ISSUES & RISKS

Executive Board approval is required to confirm the individual projects on the Education capital programme and commence all necessary statutory consultations and further feasibilities in 2020/21.

Section 106 funding to be secured to fund primary school places growth at Lammack Community Primary School (£1.55m) and in Darwen (estimated at c. £3.25m). The future Education capital programme will have to consider any additional funding requirements should the scale of the works exceed the requested s106 contributions.

The Council will be required to cash flow the developments until all the Section 106 funding is received by the Council. This is because Section 106 funding is paid by developers in instalments as a development progresses and therefore there is a risk that should developments stall or not be completed then funding will not be received by the Council. These risks are managed as far as possible via the Growth and Planning teams engaging with developers to ensure scheme delivery and completion are planned to reduce the risk to the Council.

The Council is required to spend the Section 106 developer contributions within the timescales agreed by each Section 106 legal agreement (usually within 5 or 10 years) on the agreed project. If the spending deadline is not met, or any other criteria within the legal agreement is not complied with, there is also the risk that the Council would be requested to return the relevant contribution to the developer.

The proposed projects for Lammack Community Primary School and in Darwen, once confirmed, will need careful planning in collaboration with highways and planning to dispel potential for local concerns about traffic management and parking.

To relocate Longshaw Nursery, some of the land that was the former care home will be required to create a widened highway, turning circle and additional parking.

It is anticipated that the land released from the proposed demolition of Longshaw Nursery School will be made available for housing development.

5. POLICY IMPLICATIONS

Completion of the school projects will assist in ensuring delivery of housing and infrastructure strategies set out in the Council's adopted Core Strategy and Local Plan Part 2.

6. FINANCIAL IMPLICATIONS

The total amount of Section 106 to be allocated to the North Blackburn and Darwen schemes is £4,800,000 split across the schemes as follows:

North Blackburn	£1,550,000
Darwen	£3,250,000
Total	£4,800,000

Of this amount, £3,050,000 is currently secured within signed agreements with the remaining £1,750,000 agreed and awaiting developer signature.

These contributions become due once specific milestones are reached within each development and have been cash flowed over the next three years based on the current expected development schedules. There will be a requirement for the Council to 'cash flow' the capital expenditure as the timing of the Section 106 payments may not follow exactly the capital expenditure profile of the projects.

Any capital expenditure requirement in addition to the Section 106 sums available would need to be funded through the Council's Education capital programme.

There are no Section 106 contributions currently agreed in relation to the Blackburn South East Scheme (Longshaw Nursery). A contribution through a Section 106 will be requested from future housing schemes to cover the proposed expansion of nursery places. The remaining balance will need to be prioritised and funded by the Council's Education capital programme. The funding proposals will be confirmed in a future report.

7. LEGAL IMPLICATIONS

The Council, as a local education authority has a statutory duty to ensure that there are enough places for all children to attend good schools.

Section 14 of the Education Act 1996 places a general duty on all local authorities to secure sufficient school places are available within its area for children of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to actively plan to remedy any shortfall. Section 111 of the Local Government Act 1972, includes the power to do anything ancillary to, incidental to, or conducive to the discharge of any of its statutory functions. The recommendations within this report are in accordance with these powers.

However, section 3 of the Education Act 1996 places a statutory duty on the local authorities to secure that efficient primary and secondary education are available to meet the needs of the population of their area. It is clear that without a strategy to increase the provision within the Borough over the next few years, the Council may fall into breach of its statutory duty.

The Education and Inspections Act 2006 also gives local authorities a strategic role as commissioners, of school places and includes duties to consider parental representation, diversity and choice, duties in relation to high standards and the fulfilment of every child's educational potential and fair access to educational opportunity.

8. RESOURCE IMPLICATIONS

Projects will be managed by the Children's, Young People and Education, and Growth and Development Department. There will be a requirement for support from other Council departments including:

- Planning
- Highways
- Commissioning and Procurement
- Finance
- Legal

Any works procured will be in accordance with the Contracts Procedure Rules as written in the Councils Constitution.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

A report has been commissioned from an independent specialist in pupil place planning to affirm the Councils analysis of pupil places and support applications for s106 funding.

Feasibility work has been undertaken to assess the most suitable existing schools for expansion within the defined areas of need for new pupil places.

The report will be shared with representatives of the schools forum.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1
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DATE:	21 January 2020
BACKGROUND PAPER:	