

## **SOUTH WEST RUGBY LAND ALLOCATIONS FOR SCHOOLS AND EARLY YEARS EDUCATION**

Prepared by:

**Educational Facilities Management Partnership Ltd (EFM)**

On behalf of:

**DB Symmetry Ltd.; Warwickshire County Council (Property); Gallagher Estates Ltd; Taylor Wimpey UK Ltd; and Richborough Estates (“Consortium”)**

In relation to:

**South West Rugby site allocation under Policy DS8 in the Rugby Borough Council Submission Local Plan, 2017**

### **Infrastructure Requirements**

Following a report submitted by EFM on behalf of the landowners/developers of the South west Rugby (“SWR”) strategic site, Warwickshire County Council’s Department of Education and Learning are in agreement with the ‘Consortium’ that the provision of 4 new primary schools on independent sites (as currently proposed under Policy DS8) may be unsustainable given the current timescales projected for development of up to 5,000 at SWR (as allocated under Policy DS3: Residential). The forecasting model takes account of the entire allocation of 5,000 residential units, whilst acknowledging that not all of the 5000 units will be delivered in the plan period.

Having regard to the development trajectory, it is appropriate that provision is made for 3 x 2 form entry primary schools; two standalone and one as part of the All-through School. In addition, on the All-through School site, additional land is to be provided to allow for potential expansion of the primary school to cater for demand arising within /or beyond the Local Plan period from further housing at SW Rugby up to the 5,000 homes as allocated. Projections for 5,000 homes indicate a primary age 1 year peak of 1,361 pupils (6.48fe) and a five year peak average of 1,315 (6.26fe). The long term primary age pupil number is just over 5fe.

The approach has therefore been updated to provide a preferred solution for Primary school provision on fewer sites but ensuring capacity is available on these sites to allow for sufficient expansion to meet future need. However, the size and location of the ultimate provision will be subject to a future decision as part of the planning process, dependent upon the requirements for school provision being fed into the Infrastructure delivery plan..

At the time of preparing this Statement the agreed preferred solution is for provision of three primary school sites as follows:

- 1) 2fe Primary School with pre-school at Ashlawn Road (consented development)
- 2) 2fe Primary School with pre-school in the Coventry Road (B4642) area (1.84ha)
- 3) 2fe Primary School with pre-school (1.84ha) expandable to 3fe (an additional 0.84ha, total primary school site area 2.68ha) provided as part of an All-through School.

The preferred option for Secondary school provision is a 6fe Secondary School with 250 sixth form places on a site (8.12ha) located to the south of the South West Rugby allocation, towards the south of Cawston Lane. Further co-located land (an additional 2.2ha, total secondary school site area 10.34ha) is to be provided to accommodate a 2fe expansion of the Secondary School plus a further

50 sixth form places to cater for the proposed allocation at Lodge Farm forming a total site area for the All-through school of 13ha.

The Ashlawn Road development has recently been granted planning permission subject to a Section 106 agreement, which includes provision for a new 2fe primary school, initially opening as 1fe and growing to 2fe. This new provision will accommodate some children initially living on the wider South West Rugby allocation.

Based on current housing trajectories the second primary school (located on land off Coventry Road in the northern part of South West Rugby allocation) will need to be open by 893 completions (Year 6 of dwelling completions in the trajectory, circa 2023). To deliver this, the site for the school needs to be available and serviced for construction two years prior (300 completions, Year 2020/2021 of completions in the trajectory) and fully serviced by 750 completions (Year 2022/2023 in the trajectory). Monitoring of completions will be updated annually via monitoring reports by the Local Planning Authority.

The All-through School provision, comprised of the third primary school, with potential expansion space, and the Secondary School provision will need to be open by 1,795 completions (Year 2024/2025 of completions in the trajectory), with a fully serviced site available at 930 completions (Year 2022/2023 of completions in the trajectory). This will allow for the Primary and Secondary elements to be built and open simultaneously. This may need to be adjusted in the Infrastructure Delivery Plan if the trajectory changes which can be assessed through the Authorities monitoring reports.

It is envisaged that all Primary school provision will include Early Years at 26 places per form of entry, likewise the Secondary provision will include Post 16 (250 places at 6fe and 300 places at 8fe).

**Funding education provision**

The funding of education infrastructure provision across the SWR site to serve the pupil demand generated from the SWR allocation itself will be met by applicants having to make a financial contribution based on the mechanism below, which provides a cost per dwelling based on whether or not the applicant has/ has not provided land upon which new school infrastructure is proposed to be located. Existing planning permissions are to remain outside of this arrangement.

The new schools will be delivered in line with Government policy. This currently requires all new schools to be Free Schools and Warwickshire County Council will work with colleagues from the Education Skills Funding Agency and the Regional Schools Commissioner to identify Academy Sponsors and the most appropriate mechanism for delivery of the new schools.

An education contribution cost per dwelling calculated as follows:

A=	Education contribution cost per dwelling								
B=	Adjusted education contribution cost per dwelling								
C=	Total school capital cost (excludes land costs and Lodge Farm secondary education capital costs)								
D=	Total number of dwellings (site capacity as per Illustrative Masterplan)								
E=	Land value per hectare (school sites)								
F=	Total land value (school sites)								
G=	Area of applicants' land provided for school site(s) (Ha)								
H=	Number of dwellings on application site (Mechanisms #2 ONLY)								
Based on the applicants specific circumstance, the <b>cost per dwelling</b> is then calculated based one of the following mechanisms:									
Mechanism	Scenario	Formula							
#1	Where no land for education is provided by the applicant	A	=	$\frac{C + F}{D}$					
#2	Where land for education is provided by the applicant	B	=	$\frac{\{(C + F)\} - (\text{capital cost } [A \times H] - \text{land value } [E \times G])}{\{ D \}}$					
<b>H</b>									

Under mechanism #2, where the final value results in a negative figure Warwickshire County Council will reimburse the applicant to the same value with monies secured, as appropriate, via s106 Agreements attributable to other applicants at SW Rugby and also the proposed allocation at

Lodge Farm. It is, however, the responsibility of the developer to provide free that portion of land which relates to the education infrastructure requirements arising from its own development.

In terms of land valuation for school sites, the material consideration is equity and not land value per se. That is, a Consortium Member gifting land for a school (or part thereof) gives up the opportunity to place housing on that land. Equally, a Consortium Member not giving land for a school (or part thereof) gains by being able to develop all developable land for housing. It is agreed that provided that this is the primary consideration, in the event of any disagreement between Consortium Members, the District Valuer or any other mutually agreed expert will arbitrate.

**Securing delivery of land for education**

The preferred location for the provision of new schools at SWR, to serve pupil demands arising from development, are identified on the Draft Illustrative Masterplan at Appendix A. Future iterations of the Draft Illustrative Masterplan will be progressed as part of the Supplementary Planning Document.

The consortium agrees to safeguard reserve ('back-up') school sites to ensure land for schools is available when required at SWR. The amount of land that is safeguarded will accord with the land take requirements noted earlier in this Statement.

A 'back up' school site (on an applicant's site) would only be called-on by the Local Education Authority (WCC) if a preferred school site at SWR has not already been secured when required to meet need arising from the applicant's development. The indicative broad location of 'back -up' school sites is presented at Appendix B; the detailed location will be subject to consideration under the planning process and would need to be confirmed within the applicants s106 Agreement.

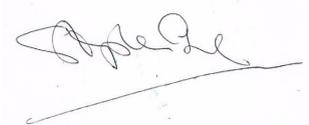
An overview of the County Council's statutory responsibilities under the Education Act are set out at Appendix C.

Signed

Signed



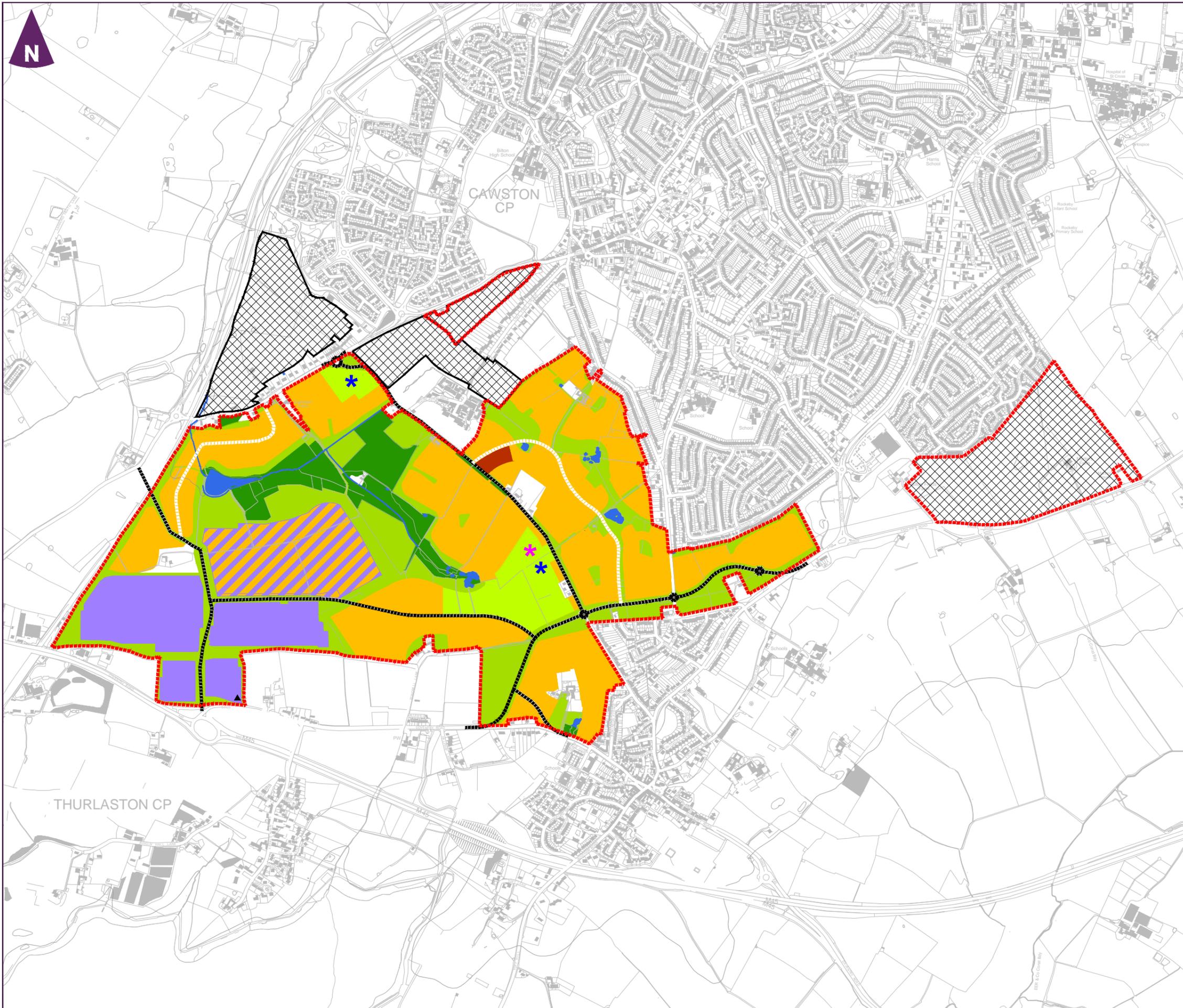
John Edwards  
For Warwickshire County Council

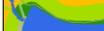


Stephen Clyne, EFM  
For the Consortium

Date: 24/01/2018

# APPENDIX A

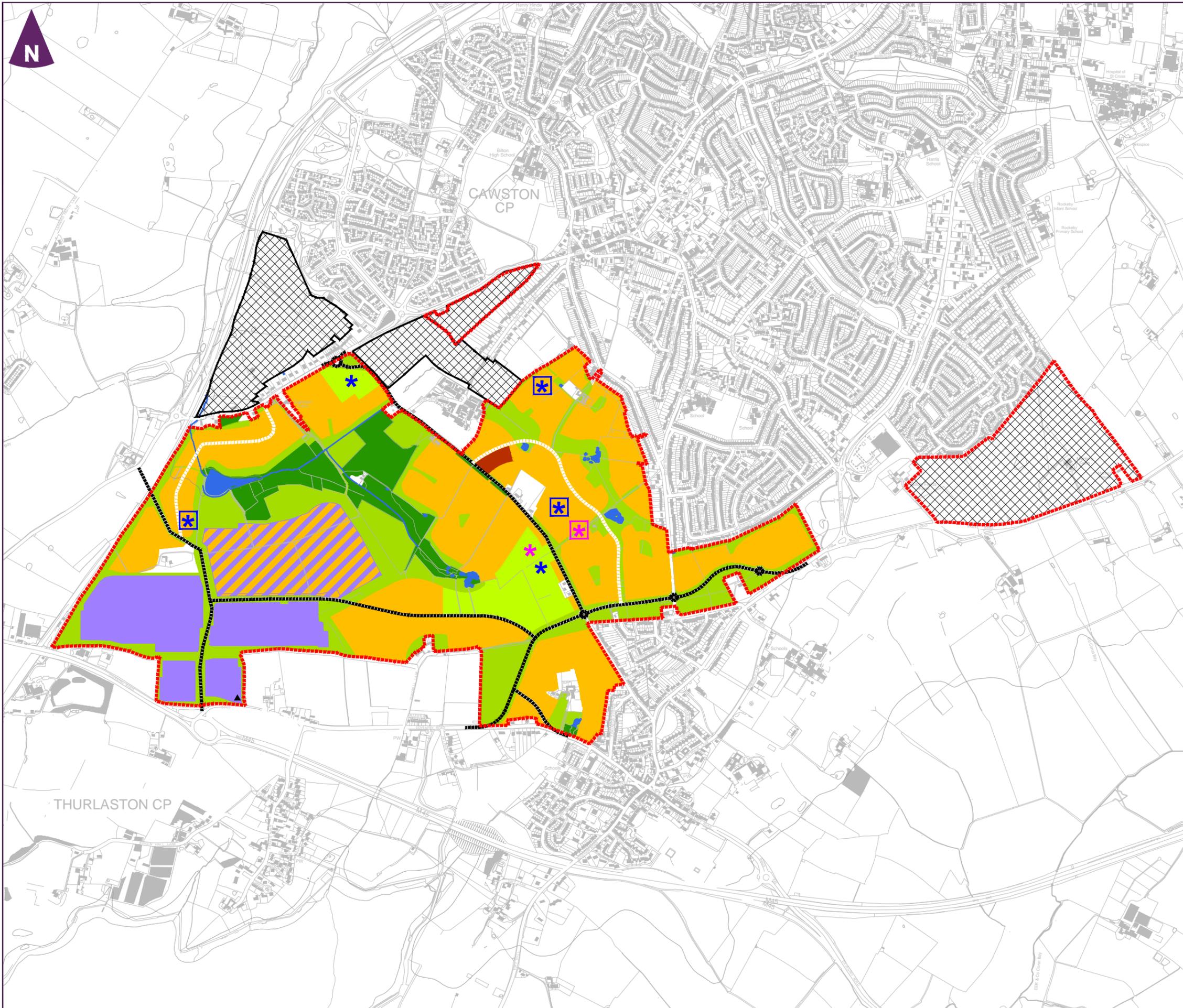


- Key**
-  Policy DS8 Allocation Boundary
  -  Existing Urban Area
  -  Consented Application Sites
  -  Residential Development
  -  District Centre
  -  Employment Development
  -  Safeguarded Land for Future Residential or Employment Uses
  -  Safeguarded Site for Fire Station
  -  Spine Road Network
  -  Main Estate Road
  -  Primary School
  -  Secondary School
  -  Open Space
  -  Existing Woodland
  -  Existing Water Bodies

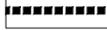


**Indicative Framework Masterplan**

## APPENDIX B



**Key**

-  Policy DS8 Allocation Boundary
-  Existing Urban Area
-  Consented Application Sites
-  Residential Development
-  District Centre
-  Employment Development
-  Safeguarded Land for Future Residential or Employment Uses
-  Safeguarded Site for Fire Station
-  Spine Road Network
-  Main Estate Road
-  Primary School
-  Secondary School
-  Open Space
-  Existing Woodland
-  Existing Water Bodies

**Reserve school sites**

-  Primary schools
-  Secondary schools



South West Rugby



**Indicative Framework Masterplan  
(including indicative locations of  
reserve school sites)**

## APPENDIX C

## **Education Place Provision Background**

The County Council has a statutory responsibility under the Education Act 1996 to secure a school place to all of its school-age resident children.

This responsibility still remains despite the recent direction of government policy towards giving schools more autonomy. As a result, all schools, including Academies and Free Schools, are considered equally in the County

The consequences of the County Council not meeting this duty are serious and could involve considerable financial costs to the Authority and/or the intervention of the Education Secretary of State.

Where it is considered that the Authority is in breach of its legal duty to secure sufficient school places, affected persons (e.g. parents) could pursue Judicial Review proceedings in the High Court. Apart from the cost implications of the Court ordering the Authority to comply with their statutory duty under section 14 of the Education Act 1996 to provide sufficient school places, the Authority would normally have to pay the legal costs of the parents as well as its own legal costs.

Parents can appeal to Independent Admission Appeal Panels if the admissions authority refuses a child admission to a school. If the shortage of places leads to Independent Appeal Panels upholding more appeals, this could lead to already oversubscribed schools having to admit even more pupils. If Panels uphold infant class size appeals, the admission authority will normally be required to take measures for the following year to ensure that the class falls within the infant class size limit, for example, by providing a new teacher or a new classroom. The potential cost implications could be significant.

Complaints can also be made to the Local Government Ombudsman. The Ombudsman might recommend payments to be made to parents who complain (in recognition of injustice suffered) if their child does not have a school place due to maladministration by the Authority.

Even when a place can be found, if it is not close enough to home – i.e. within a 2 mile walk for primary-age pupils up to the age of 8 years and within a 3 mile walk for those that have attained the age of 8 years and all secondary age pupils – the local authority is liable for the cost of transporting the child to and from school each day for the length of time they are at the school.

## **General School Place Planning Assumptions**

The County Council will adhere to all relevant legislation at the time schools are delivered, e.g. class restriction limits at Key Stage 1, i.e. no more than 30 pupils to a teacher.

Under the Childcare Act 2006, the LA has a statutory duty to secure sufficient childcare and free Early Years provision for eligible young children. The County Council will assume that new primary schools will be built in such a way to enable the provision of pre-school and / or wraparound care even if this is operated by a third party.

All schools will be built in phases to ensure that we guard against over-provision of places. This approach will also ensure that restrictions on the pooling of contributions will not be contravened.

When considering secondary school provision the County Council will have regard to recent legislation around Raising the Participation Age, which did not raise the school leaving age beyond 16 but requires 17 and 18 year olds to continue in some form of education or training either at a school or elsewhere.

There is significant pressure on special schools with increasing numbers of pupils having to be placed out of county at considerable cost to the local authority. There will continue to be a need to increase the level of Special Education Needs and Disability (SEND) provision in the County with additional places at special schools and the development of resourced provision on mainstream school sites. Any new development will be asked to make a financial contribution towards this provision.

Although the County Council retains the statutory duty to ensure a sufficient supply of school places, it is the Regional Schools Commissioner who ultimately determines new Academy school providers and the enlargement of existing Academy schools. Whilst the County Council will propose/endorse proposals under the Local Authority Free School presumption, the Regional Schools Commissioner has the ability to exercise the Secretary of State's right to put a proposer of his/her own choice in place.

### **Requirements for Contributions**

A contribution towards increased education facilities is sought when the predicted impact of a new housing development creates a shortfall in provision.

This is assessed by looking at current capacity and forecast demand using birth data from the health authorities, the school census and data on parental preferences and housing numbers. Where the additional pupil numbers brought to the area may be partly accommodated, the level of contribution requested would be adjusted accordingly. The additional demand, net of any spare capacity that might be available, informs the request for contributions. Any funding for new school places from central government is adjusted downwards to reflect the scale of developer funded places on a number of places provided basis and thus avoiding any double funding.

Whilst excessive surplus is a problem, so too is the lack of a certain level of surplus places to allow for flexibility in the system to meet parental preference, enable in-year transfers and help families moving to an area find a place for each of their children at the same school. The aspirational target for Warwickshire is for the supply of places to exceed demand by approximately 4% with as even a spread across an area as possible. Therefore, maintaining this level of surplus will also be considered when looking at current capacity and the impact of housing development in an area.

WCC has a statutory duty to meet parental preference wherever possible under Section 86(2) of the School Standards and Framework Act (1998). Whilst Warwickshire generally operates priority areas (sometimes referred to as catchment areas) we are unable to force families to choose a particular school for their children. Priority areas are simply a mechanism to determine who should be offered places at a school in the event that they are oversubscribed. It is, however, often the case that there is a complex pattern of movement between priority areas that sees no one school take all of its pupils from its own priority area.

It is the County Council's view that development should mitigate impacts that arise as a direct result of the new development by providing capacity locally but effectively increasing the overall capacity of an area and that displacing pupils from one full school to a less full school is, too, a component of the mitigation.

The County Council has worked closely with the Consortium to look at options for mitigating the impact of the proposed development at South West Rugby (SWR) and a preferred solution to the provision of new education infrastructure has been identified which supports projected growth and allows flexibility for further expansion of places should they be required in the future. Discussions have considered the entire site and the projected growth both within and beyond the Local Plan period.

Projected growth has been based on existing pupil yield indicators. However, WCC recognise that these could change in the future, hence flexibility having been built into the solutions considered.

Jointly we have identified preferred school sites as well as reserve sites as a fallback position should development come forward in a different pattern to the one currently proposed.

Steps have been taken and contributions, both land and financial, will be collected to ensure that growth at South West Rugby is mitigated through the provision of new schools in the area.

**END**