

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	1 September 2022
<b>Subject:</b>	Summerhill Primary School - S106 contributions and proposal for expansion		
<b>Report of:</b>	Assistant Director Education	<b>Wards Affected:</b>	Park; Sudell;
<b>Portfolio:</b>	Cabinet Member - Education		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### Summary:

When Sefton's Local Plan was adopted in 2017 it was agreed that contributions would be sought from the housing developers of the site at Land East of Maghull to expand Summerhill Primary School to provide additional school places in the Maghull area to meet the increased demand from families who move into the area.

This report provides an update on that project and sets out the next steps which need to be put in place for it to proceed.

### Recommendation(s):

(1) That Cabinet recommends that a supplementary capital estimate in the sum of £3,782,080 be approved by Council to allow Phase 1 of this scheme to be included in the capital programme

(2) That Cabinet notes that in order to complete Phase 1 and commence Phase 2 of the scheme, allocations will need to be made from both current and future Education capital grant allocations. These will be approved in accordance with the Financial Procedure Rules. Current estimates are that £1,140,420 will be required over a three-year period.

(3) That Cabinet approves the publication of the proposal to expand Summerhill Primary so that this can be published during the 2022/23 academic year once Council has agreed the funding.

### Reasons for the Recommendation(s):

The local authority has the power to consider all options including expanding a maintained school following the statutory process detailed in the report.

### Alternative Options Considered and Rejected: (including any Risk Implications)

As part of the development of the Local Plan options were explored and it was determined that Summerhill Primary be identified for expansion.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**  
N/A

**(B) Capital Costs**

Section 106 funding has been secured from the housing developers of the site Land East of Maghull. The contributions secured towards Summerhill Primary will be up to £3,782,080. Sefton’s Projects and Design team are currently working on further development of the project and budget cost estimates. Additional funding will be required to improve the fabric of the existing building, heating system etc. due to the lack of maintenance over the years and the increase in tender costs and high inflation.

Any increases to the cost of the scheme resulting from further development of cost estimates and additional requirements to improve the existing fabric of the building will need to be met from Education capital grant allocations across a three-year period. These will be reported and presented for approval as per the Council’s Financial Procedure Rules.

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> See comments above regarding capital costs.	
<b>Legal Implications:</b> Under section 14 of the Education Act 1996, local authorities have a statutory duty to ensure that there are sufficient school places for primary and secondary education in their area. Where additional places are required, the local authority can propose an enlargement to the capacity of school premises by following the statutory process as set out in the Prescribed Alterations Regulations.	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b>	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	N
Have a negative impact	Y
The Author has undertaken the Climate Emergency training for report authors	Y
The recommendation within this report will have a negative impact on the carbon footprint of Sefton Borough. There are the direct emissions which result from the building of additional teaching accommodation as well as long-term carbon emissions	

from the new buildings.

However, to mitigate some of the impact, the development will also be required to go through the planning system which will also help to minimise the carbon impact of the buildings by applying the nationally required environmental standards. Creating additional school places in the area will also mean that more pupils will be able to attend their local school which will reduce travelling distances and car use.

### **Contribution to the Council's Core Purpose:**

Protect the most vulnerable: The proposal will provide additional school places and ensure that pupils will not have to travel to other areas to attend school.

Facilitate confident and resilient communities: N/A

Commission, broker and provide core services: The proposal will provide additional school places in an area where demand for places is growing due to additional housebuilding.

Place – leadership and influencer: N/A

Drivers of change and reform: N/A

Facilitate sustainable economic prosperity: N/A

Greater income for social investment: N/A

Cleaner Greener: N/A

### **What consultations have taken place on the proposals and when?**

#### **(A) Internal Consultations**

The Director of Corporate Resources and Customer Services (FD.6901/22.) and the Chief Legal and Democratic Officer (LD.5101/22.) have been consulted and any comments have been incorporated into the report.

#### **(B) External Consultations**

Extensive consultation was conducted as part of the Local Plan, but more recently additional consultation has been conducted with parents, governors and staff at the school and Head teachers at other Sefton schools.

### **Implementation Date for the Decision**

Immediately following the Council meeting.

<b>Contact Officer:</b>	Tricia Davies/Tracy McKeating
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Telephone Number:	Tel: 0151 934 3428/3427
Email Address:	Tricia.davies@sefton.gov.uk/tracy.mckeating@sefton.gov.uk

## **Appendices:**

The following appendices are attached to this report:

Appendix A: Public notice and complete proposal for Summerhill Primary School

## **Background Papers:**

Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers, Department for Education, October 2018

[School organisation: local-authority-maintained schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **1. Introduction/Background**

1.1 Following the extensive public consultation process for Sefton's Local Plan it was agreed by Sefton Council that contributions would be sought from the housing developers of the site at Land East of Maghull to expand Summerhill Primary School to provide additional school places in the Maghull area. This is to meet the increased demand from families who move into the area and means that the school would expand from one-form entry (210 places) to a two-form entry school (420 places), (A Local Plan for Sefton, MN3 Land East of Maghull).

### **2. Section 106 Funding**

2.1 The Sefton Local Plan was adopted in April 2017. This allocated housing land for over 11,000 new homes to 2030. During the preparation of the Local Plan, officers in the education and planning departments worked closely to ensure that the implications of the new housing on schools was explored and policies in place to mitigate any impact. It was determined that one school, Summerhill Primary in Maghull, be specifically identified for expansion, and in other areas a contribution towards local primary school expansion be secured so that a preferred primary school for expansion could be identified at a later date.

2.2 By far the largest housing allocation in the Sefton Local Plan is at Land East of Maghull, which is an 85-hectare site that could accommodate a minimum of 1,400 homes. Due to the number of homes that are planned for this location, it was decided that the nearby Summerhill Primary would have to be expanded to create a 2-form entry school to accommodate the anticipated additional primary school children. This was set out in Local Plan policy MN3 part 3 and adopted as Council Policy (full Council 20 April 2017).

2.3 At a meeting of the Planning Committee on 17 March 2021, it was resolved to approve two planning applications on the land East of Maghull allocation for a combined number of 1,700 homes. Each of these approvals was subject to the signing of a Section 106 planning obligation that, amongst other things secures a financial contribution towards the expansion of Summerhill Primary. The

contributions secured towards Summerhill from these two applications will be up to £3,782,080.

- 2.4 Development of the southern part of the site is much more progressed and is likely to be on site this Summer. The expedited trigger point for payment of the S106 funding is on planning approval of the school extension. Otherwise, payment is in five stages and is linked to completion of homes, specifically on completion of 300<sup>th</sup>, 400<sup>th</sup>, 500<sup>th</sup>, 600<sup>th</sup> and 700<sup>th</sup> home. The north part of the site only has outline planning approval and will need a further approval for details (layout etc.). However, the agreement does trigger a payment if the school extension is permitted with 50% (950k+) within 30 working days and 50% (950k) within 18 months. Otherwise, this will also be paid in five stages linked to completion of homes as above. It would be desirable to get planning approval for the school extension in place as this would trigger early payment of the S106 contribution.
- 2.5 In order for the project to proceed a supplementary capital estimate requires approval by Council to include the scheme in the capital programme.

### **3. Statutory Process to expand the school**

- 3.1 The Council is also required to follow a statutory process including publication of a statutory notice and formal consultation period to significantly enlarge the premises of a school as set out in the Department for Education guidance as this is classed as a 'prescribed alteration' to the school. Cabinet is the decision-maker for such proposals. The decision on whether to proceed must be made within two months of the end of the formal consultation period. The guidance also states that a proposal cannot be approved conditionally upon funding being made available so the funding would need to be in place prior to this decision being made.
- 3.2 Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.

The proposal was subject to public consultation as part of the process for Sefton's Local Plan. The Head of Education also wrote to parents, staff and governors of Summerhill Primary and Head teachers at other Sefton schools on 23<sup>rd</sup> September 2021 to inform them of the progress on the project and the statutory process required. At that time, the funding agreements were still waiting to be signed.

Two replies were received. One was an email from an individual who was against the housing developments taking place on Green belt land and concerned about the impact on climate change and the environment. Northway Primary also contacted the Head of Education to confirm their interest in expanding their school. This proposal could be considered in future but would depend on additional funding being made available.

The statutory process is shown in the table below:

Stage	Description	Timescale	Comments
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Stage 1	Publication (statutory proposal/notice)		Must be published in the local newspaper and on the Sefton website
Stage 2	Representation (formal consultation)	Must be 4 weeks from date of publication	As set out in 'Prescribed Alterations' regulations
Stage 3	Decision (by Cabinet)	LA should decide proposal within two months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

- 3.3 A copy of the draft public notice and complete proposal is attached to this report at Appendix A, and it is suggested that this should be published as early as possible during the 2022/23 academic year. This will allow time for Council to approve the funding for the project and avoid the school holiday period to ensure transparency so that all interested parties can access the proposals.

#### **4. Proposal to expand Summerhill Primary School**

- 4.1 Summerhill Primary School would expand from a one-form entry (210 places) to a two-form entry (420 places). The admission number of the school would be increased from 30 to 60 with effect from September 2024 and then the pupil numbers would increase gradually as the new admission number moves through the school year by year.
- 4.2 A project brief has been prepared and presented to the headteacher and governors at the school. Sefton's Projects and Design team are currently working on further development of the project and budget cost estimates. Surveys need to be conducted during the school holidays to develop the scheme design for further consultation with stakeholders.
- 4.3 The initial proposal for the project is a two phased approach. Phase 1 is to construct the seven classroom block and Phase 2 to modify the existing school area. Phase 1 is planned to complete in July 2024, this will allow places to become available from September 2024 and some of the classrooms/functions to be moved into the new block and release the areas for Phase 2 work and improvement to existing building. Additional funding will be required over and above the S106 contribution to improve the existing fabric of the building, heating system etc. due to the lack of maintenance to the existing school building over the years and the increase in tender costs and high inflation.

4.4 Current budget estimates received for the project are as follows:

	£
Main works	3,728,500
External works	225,000
Other costs	462,500
Fees	507,500
Budget Total	4,923,500

The estimate for the improvements to the existing building are subject to survey. The budget estimate will be regularly reviewed at each stage of the project.

4.5. The increase to the cost of the scheme resulting from further development of cost estimates and additional requirements to improve the existing fabric of the building will need to be met from Education capital grant allocations, which will be reported and presented for approval as per the Council's Financial Procedure Rules (FPRs). The Council receives capital grant allocations from central government for schools' condition and new pupil places. The Summerhill scheme will need to be prioritised when these funds are allocated to individual schemes in line with the FPRs. It is likely that additional costs would be spread over three years. Based on the current estimate of scheme costs, there will be a requirement for £1,141,420 of additional resources. However, there is already a current commitment for a rewire at the site which has been deferred due to these plans, at a cost of approximately £320,000. Therefore, based on current estimated costs, additional allocations of £821,420 would need to be approved.

4.6 As mentioned in Section 2.4 above it is likely that payment of the S106 contributions will be received in stages over the life of the project although planning approval for the school extension will trigger early payment.

## **5. Pupil Places and pupil numbers**

5.1 Sefton is divided into planning areas for purposes of pupil place planning. Schools in Maghull and the neighbouring areas of Aintree, Lydiate and Melling are part of the Maghull and Aintree planning area. These schools had the following numbers on roll as at the January 2022 School Census.

**Number on roll 20<sup>th</sup> January 2022**

School	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
Aintree Davenhill	60	61	61	61	61	61	60	425
Hudson Primary	30	30	29	31	30	25	30	205
Northway Primary	45	45	46	45	45	46	44	316
Summerhill Primary	30	30	31	31	30	30	27	209
Green Park Primary	28	30	31	33	31	30	28	211
Melling Primary	30	32	30	32	30	32	28	214
Lydiate Primary	28	37	22	29	36	40	40	232
St Andrew's CE	29	33	32	30	30	61	61	276
St Thomas CE	29	32	30	31	30	30	31	213
St George's Catholic	23	33	28	30	28	29	30	201
St Gregory's Catholic	32	31	31	30	30	30	28	212
Holy Rosary Catholic	60	62	58	62	61	60	60	423
St John Bosco Catholic	30	31	30	30	30	31	30	212
<b>Total</b>	454	487	459	475	472	505	497	3349

### Empty Places 20<sup>th</sup> January 2022

School	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
Aintree Davenhill	0	0	0	0	0	0	0	0
Hudson Primary	0	0	1	0	0	5	0	6
Northway Primary	0	0	0	0	0	0	1	1
Summerhill Primary	0	0	0	0	0	0	3	3
Green Park Primary	2	0	0	0	0	0	2	4
Melling Primary	0	0	0	0	0	0	2	2
Lydiate Primary	17	8	23	16	9	5	5	83
St Andrew's CE	1	0	0	0	0	0	0	1
St Thomas CE	1	0	0	0	0	0	0	1
St George's Catholic	7	0	2	0	2	1	0	12
St Gregory's Catholic	0	0	0	0	0	0	2	2
Holy Rosary Catholic	0	0	2	0	0	0	0	2
St John Bosco Catholic	0	0	0	0	0	0	0	0
<b>Total</b>	28	8	28	16	11	11	15	117

Many of the schools in the Maghull area are already oversubscribed in most year groups and others have few places available.



## 6. Pupil Projections

- 6.1 The number of primary places in Maghull is currently reducing due to schools reducing their admission numbers (St Andrew's CE Primary academy reduced their PAN from 60 to 30 five years ago and Lydiate Primary originally reduced from 50 to 45 and will be reducing from 45 to 30 from September 2022).

### **Maghull and Aintree pupil projections including housing developments**

#### **Places in Maghull & Aintree Planning Area**

Year	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
2020/21	480	480	480	480	510	510	510	3450
2021/22	480	480	480	480	480	510	510	3420
2022/23	465	480	480	480	480	480	510	3375
2023/24	465	465	480	480	480	480	480	3330
2024/25	465	465	465	480	480	480	480	3315
2025/26	465	465	465	465	480	480	480	3300

#### **Pupil projections Maghull & Aintree Planning Area**

The following projections were submitted as part of the School Capacity collection (SCAP 2021) to the DFE but have been updated to include actual figures for 2021/22 and projected yield from all planned housing developments in the area rather than just projects with planning approval.

Year	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
2020/21*	481	452	473	467	499	498	458	3328
2021/22*	454	487	459	475	472	505	497	3349
2022/23	443	465	494	464	484	468	503	3320
2023/24	506	447	465	498	462	477	469	3324
2024/25	475	510	446	467	495	455	478	3327
2025/26	474	479	509	449	465	489	456	3321

\*actual figures (January 2021 and 2022)

Housebuilding in the Maghull and Aintree area is set to continue for many years and according to recent figures received from the Planning Department 2,426 homes are planned to be built between 2021/22 and 2035/36. Based on current figures (17.5 primary pupils per one hundred homes) this could result in an additional pupil yield of 425 primary pupils over the next 15 years.