

**Forward Plan reference number: FP/246/09/23**

<b>Report title:</b> Expansion of Great Bentley Primary School, from September 2024 Final Decision	
<b>Report to:</b> Councillor Tony Ball - Cabinet Member for Education Excellence, Lifelong Learning and Employability	
<b>Report author:</b> Clare Kershaw – Director, Education	
<b>Date:</b> 20 November 2023	<b>For:</b> Decision
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<b>County Divisions affected:</b> Brightlingsea	

**Confidential Appendix**

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

**1. Everyone's Essex**

- 1.1 If the recommended option to expand Great Bentley Primary School (the School) is approved Essex parents will benefit from additional, high quality primary school provision becoming available from September 2024, increasing their chances of gaining local places for their children in preferred schools.
- 1.2 Investing in new, permanent, accommodation at the School will deliver on a range of key commitments set out in Everyone's Essex – Our plan for levelling up the county: 2021-2025. These will include:
  - 1.2.1 Achieving net-zero. The new buildings will have a net-zero design, and so will have the outcome of generating renewable energy and using energy efficient construction methods to mitigate their carbon impact.
  - 1.2.2 Supporting high quality education outcomes. The new high-quality facilities will have the outcomes of ensuring children are able to learn, and teachers able to teach, in the most conducive environment for success.
  - 1.2.3 This proposal would contribute to the strategic aims of creating a good place for children and families to grow, a high-quality environment and creating a strong, inclusive and sustainable economy.

## **2 Recommendations**

- 2.1 Agree to expand Great Bentley Primary School (the “School”), from 210 places (one form of entry, 30 pupils per year group) to 420 places (two forms of entry, 60 pupils per year group) from September 2024 in order to meet the need for primary school places in the locality.
- 2.2 Agree to the procurement of the associated building works for the expansion of the school through a two-stage design and build contract using the Essex Construction Framework 2.
- 2.3 Agree that the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
  - a. A satisfactory planning permission has been granted; and
  - b. The construction costs are within the agreed budget and represent value for money.
- 2.4 Approve the capital budget for construction and associated project fees, as per the profile stated in the Confidential Appendix.

## **3 Background and Proposal**

- 3.1 The 10 Year Plan – Meeting the demand for School Places in Essex, 2023-2032 (the “10 Year Plan”) indicates a sustained need for additional primary school capacity in Great Bentley. Pupil number growth in the area has come about by new housing developments, new families moving in and the popularity of the schools in the area. There are three large housing developments in Great Bentley, a total of nearly 350 new dwellings, under construction or nearing completion which we consider will add to the number of children in the area. The expansion of the School therefore represents a good option to meet this local need.
- 3.2 Essex County Council (ECC) has a duty to ensure that there are sufficient school places for children living in the County. In order to do this, ECC monitors birth rates, new housing developments and patterns of parental preference across school groups. This information is used to forecast pupil numbers and ensure there are sufficient school places across the County.
- 3.3 The following table shows a forecast of the need for Reception places over the next ten years in Brightlingsea/Elmstead Primary Schools Planning Group 3, as shown in the 10 Year Plan 2023 to 2032. The planning group comprises Great Bentley Primary School along with Alresford Primary School, Brightlingsea Primary School, Elmstead Primary School and St. George’s CE Primary School:

Current PAN: 197

Current Capacity: 1,436

Reception Place Forecast

Year	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33
+/-	16	5	2	-6	-13	-20	-26	-31	-36	-41
Alresford Primary, Brightlingsea Primary, Elmstead Primary, Great Bentley Primary, St George's CE Primary										

- 3.4 This forecast for the group of schools suggests that there will be only a very small surplus of Reception places from the 2024 intake onwards, with the pressure on places increasing each year thereafter. The forecasts indicate that the demand for Reception places from 2029 onwards may potentially exceed the 30 additional places proposed at Great Bentley Primary School. Actual pupil numbers will be monitored carefully.
- 3.5 In May 2023 the schools in the group had a total of 1417 children on roll (May 2023 Census). The schools' combined permanent capacity is 1436 places. The 10 Year Plan forecasts that the number of pupils in the schools will exceed this capacity for the foreseeable future, as shown in the table below.

Year	NOR
23/24	1,470
24/25	1,457
25/26	1,449
26/27	1,474
27/28	1,504

- 3.6 There are some temporary places at Alresford and Brightlingsea providing additional capacity for three year groups (bringing total capacity of the schools in the group to 1526 places) but it is preferable to ensure that longer term there is permanent accommodation to meet the additional demand. If the expansion at Great Bentley were to be approved the temporary accommodation could be phased out of use over time.
- 3.7 Information on the number of children who are registered with a GP and who live in the area shows that there are already more children living in the village than available Reception places at the School. It is likely that with the new housing in Great Bentley the pressure on places will increase and will be more acute than at other schools in the group. If no additional places are created this could well mean that some children living in the area would not be able to get a place at one of the local schools.
- 3.8 The number of children registered with a GP will continue to be monitored, as will the actual numbers of pupils in schools. If pressure on school places continues to rise in line with the forecasts a further expansion may be required at another school in the planning group from 2030/31 onwards.

- 3.9 The expected pressure on Reception places and the existing pressure on places across the group shows the need to expand the school in 2024, to provide the additional places that are required.
- 3.10 ECC's proposal to increase the size of the school will ensure that children will be able to access a school place within the planning group. It will provide more places to meet the growing demand in the area and will enable parents to gain a place for their child at a school rated 'Outstanding' by Ofsted (inspected in November 2022). The school is the only primary provision in the planning group over the last five years that has been consistently oversubscribed with first preference applications. It is highly likely that this level of demand will continue in the future, so increasing the size of the school will allow more parents to be offered their first preference school place.
- 3.11 The proposed expansion is strongly supported by the school's senior leadership, and governing body.
- 3.12 The school will grow on a phased basis by admitting up to 30 additional pupils into its Reception Year cohort year-on-year. If the School's accommodation is expanded and the first larger cohort is admitted in September 2024, it could be expected to reach its full capacity of 420 pupils by September 2030.
- 3.13 The expansion of the school is not expected to have any detrimental impact upon other local schools, as it responds to increased demand within the area. Phased growth should ensure no disproportionate impact upon any other school in the area.
- 3.14 Scope of Proposed Building Project
- 3.15 2 A viability study has been carried out at the school and has confirmed that with appropriate new build and modifications to the existing layout, the site is large enough to accommodate the additional pupils. Expanding the School to 420 places will require the construction of a new two storey standalone teaching block providing seven additional classrooms, a studio hall, library and two additional small group rooms. In addition, there would be internal remodelling of the original school building to provide an extra Reception classroom, and externally new scooter and cycle parking, a new multi-use games area and additional staff car parking spaces.
- 3.16 Planning permission for the project, subject to various conditions being met, was granted on 19 July 2023.
- 3.17 Consultation
- 3.18 A public consultation on the proposed expansion was conducted by ECC between 28 April and 10 June 2022. The consultation showed support for the expansion, along with concerns about increased car traffic associated with more children at the School and worries about existing car parking for parents. The outcomes of the consultation were reported to the Cabinet Member

(FP/222/08/23) who agreed to the publication of statutory notices for the expansion.

### **3.19 Publication of Statutory Notices**

3.20 Statutory notices were published on 7 September 2023 for a period of 4 weeks. During this period one response was received. A redacted copy of the response is included as appendix 8.3.

3.21 The response raised concerns about safety issues outside of the School and mentioned the vulnerability of the narrow 'pavement' outside the school and the close proximity of traffic, including the increasing number of large commercial vehicles and heavy construction lorries.

3.22 Similar concerns were raised during the consultation period. The School takes these issues very seriously and is working with the local authority on strategies to help improve access to the School and on keeping children safe on their way to and home from school. The issues were explored thoroughly in the report for the Cabinet Member which asked for permission to publish statutory notices (FP/338/03/22). No new issues have been raised by this response to the statutory notice.

3.23 As there have been no new issues for the Cabinet Member to consider since the initial consultation we continue to recommend that the expansion of the School is approved.

## **4. Links to our Strategic Ambitions**

4.1. This report links to the following aims in the Essex Vision:

- Provide an equal foundation for every child
- Develop our County sustainably
- Share prosperity with everyone.

4.2. Approving the recommendations in this report will have the following impact towards the council's ambition to be net carbon neutral by 2030:

- The School will benefit from a highly energy efficient new building which is also designed to mitigate the risks of future overheating due to climate change.
- The performance of the building is aligned with the Department for Education (DfE) guidance and internal temperature and ventilation would be maintained passively without mechanical cooling, along with renewable energy provided through solar panels (photovoltaics) to reduce the amount of electricity supplied by the grid.

4.3. This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

## **5. Options**

### **5.1 Option 1 – Agree to expand the school (recommended option)**

5.2 This proposal is part of the overall strategic response to meet the need for additional school places across the county.

5.3 ECC's proposal to expand the School is intended to ensure that local children have the opportunity to access a local school. Additional Reception places will provide headroom in future admission years where forecasts suggest there will be a very close match between supply and demand and will therefore contribute to providing sufficient places should the size of the cohort increase over time due to inward migration. The school is popular and oversubscribed and is rated "Outstanding" by Ofsted. Expanding the School will enable more parents to gain a place for their child at a popular, high performing school. The strategic analysis indicated that expanding the school is a viable option that represented good value for money to the Essex taxpayer.

5.4 There was one response within the statutory notice period, which was against the proposals.

5.5 On balance it is considered desirable to expand the School for the educational benefits this will bring. The school already has good facilities for its existing pupils but the expansion will add a state-of-the-art teaching block and a new multi-use games area for the children to use. As it fills up over time there be greater opportunities for pupils as additional teaching staff will bring wider expertise and experience in addition to the outstanding education already provided by the school. The school's governing body considers that expanding the school should lead to these outcomes.

5.6 Option 1 is therefore the preferred option.

### **5.7 Option 2 – Do nothing**

5.8 The option to do nothing would prevent the expansion of the School. There is a need to increase pupil places and the proposed expansion of the School is a solution to meet the continued increase in demand for school places in the Planning Group and in particular in Great Bentley. Expanding the School would allow ECC to meet its statutory duty to provide a school place for every child.

5.9 Should additional places not be delivered for September 2024 there is a risk that children will be without school places in their local area, that longer journeys will need to be made between home and school in order to find alternative schools with spaces and that in an increased number of cases parental preference will not be satisfied.

## **6 Issues for consideration**

### **6.1 Financial implications**

6.1.1 Please see the Confidential Appendix for details of the financial implications of this decision.

6.1.2 The total capital cost is included in the current and future years' capital programme and the revenue implications are included in the Medium-Term Resource Strategy (MTRS). A contingency of 5% has been included to cover any risks identified.

### **6.2 Legal implications**

6.2.1 Great Bentley Primary School is a Community school. The regulations governing this expansion proposal are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, which requires a local authority to publish a statutory proposal where it proposes to increase pupil numbers in a community school.

6.2.2 The process for publishing statutory proposals for maintained schools is set out in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

6.2.3 Statutory notices were published on 7 September 2023, for a four-week period. One response was received during this time. The Council is satisfied that the statutory process is sound and compliant with all procedural requirements.

6.2.4 The building works will be procured by the Council using an existing framework agreement, which will comply with the Public Contracts Regulations 2015.

## **7 Equality and Diversity Considerations**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).



- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8 List of Appendices**

- 8.1 Appendix 1 – Equality Impact Analysis
- 8.2 Confidential financial appendix
- 8.3 Responses to statutory notice

## **9 List of Background papers**

- 9.1 Statutory Notice

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b> 17/11/2023
<b>Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability</b>	

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Executive Director for Children, Families and Education</b>  <b>Clare Kershaw on behalf of Helen Lincoln</b>	17/11/2023
<b>Executive Director, Corporate Services (S151 Officer)</b>  <b>Daniel Tooke on behalf of Nicole Wood</b>	07/11/2023
<b>Director, Legal and Assurance (Monitoring Officer)</b>  <b>Susan Moussa on behalf of Paul Turner</b>	26/10/2023