



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

13 October 2022

Report of the Executive Director of Children's Services

New Primary School at New House Farm
(Cabinet Member for Education)

1. Divisions Affected

Etwall and Repton

2. Key Decision

This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant, having regard to the budget for the service or function concerned (this is currently defined as £500,000)

Purpose

- 2.1 This is to advise Cabinet on the provision of a new primary school at the New House Farm housing development adjacent to Mickleover but within the County boundary and to request authority to allocate and transfer Section 106 developer funding to the Department for Education (DfE) currently held and in the future, as it is received, under the terms of a Section 151 letter which is a formal agreement between the DfE and the Council, signed by the Director of Finance or his delegated representative.

3. Information and Analysis

- 3.1 Under the South Derbyshire District Council Local Plan, there is significant housing growth to the south of Mickleover adjacent to the Derby City and Derbyshire border but falling on the County side. The housing is to be built in phases, the first of which generated Section 106 developer funding for Etwall Primary School. The expansion work carried out and currently under way will take the school to its maximum number given the size of the site. The subsequent additional pupils will be educated in a new primary school for 210 pupils based on an intake of 30 per year, on the development site.
- 3.2 New schools which are invariably academies are either established through a council lead (known as the presumption route) or directly with DfE through a free school wave which allows Multi Academy Trusts (MATs) to make an application to the DfE. In this case, the Derby Diocesan Academies Trust (DDAT) were successful in their application under the Wave 13 Free School programme. Prior to the application, the Council had liaised with DDAT to provide the basic need data on expected pupils at this known development site. Under Wave 13, the DfE will construct the school and carry the financial risk on construction costs. The Council however has to take possession of the land provided under the Section 106 developer agreement and lease it on to DDAT under a standard 125 year academy lease.
- 3.3 The Council has been able to secure the following funding towards the new school.

	Site	Amount held £	Amount due (not including indexation) £
9/2015/0768	Ladybank Road, Mickleover	626,723.22	0
9/2017/1191	Egginton Road and north of Jacksons Lane, Etwall Common	0	113,990.10
9/2017/0349	New House	1,281,756.76	2,400,000

	Farm (1,100)		
DMPA/2021/0203	New House Farm (56)	0	223,295.67
Totals		1,908,479.98	2,737,285.77

- 3.4 The DfE will fund the new school but a Section 151 letter signed by the Director of Finance is in place for all the Section 106 contributions to be paid to the DfE once the amounts are received by the Council from the developer. That ensures that the terms of the various Section 106 agreements are complied with even if the expenditure takes place ahead of the payments received which is in line with capital projects undertaken by the Council.

4. Consultation

- 4.1 As the new school will be an academy, DDAT will be responsible for carrying out a consultation prior to opening, that will cover capacity, organisation and the admissions criteria, the outcome of which will be incorporated into the Education Funding Skills Agency funding agreement. The admissions policy for the school will be in line with the Admissions Code and be published on the school website.

5. Alternative Options Considered

- 5.1 The development is currently in the normal area of Etwall Primary School however the site is insufficient to provide the expansion required by this development. In addition, in planning terms, the school will become the focus of the new community and therefore no further options were considered.

6. Implications

- 6.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

7. Background Papers

- The background papers are held in the Development Section, Children's Services and include the related Section 106 agreements and the Section 151 letter.

8. Appendices

8.1 Appendix 1 – Implications

9. Recommendation(s)

That Cabinet:

- a) Notes the establishment of a new primary school at New House Farm to be delivered by the DfE
- b) Approves the payment of a total of £1,908,479.98 in Section 106 funds to the DfE
- c) Agrees that future Section 106 funds as detailed in the report, received by the Council, can be paid to the DfE on receipt from the developer in accordance with the Section 151 letter.

10. Reasons for Recommendation(s)

- 10.1 The new primary school will meet the Council's statutory duty to provide sufficient pupils in the county.
- 10.2 The funding of £1,908,479.96 is held by the Council and is required to be paid to the DfE as soon as possible.
- 10.3 In accordance with the Section 151 letter, future payments will be invoiced by the DfE and this decision will allow those payments to be made without further need for Cabinet approval which would be burdensome for Cabinet and cause delays in payments to the DfE

11. Is it necessary to waive the call in period?

- 11.1 No

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Implications

Financial

- 1.1 The Council has received a total of £1,908,479.96 in respect of Section 106 contributions identified in the section 3.3 of the report. In accordance with the respective Section 106 agreements, the funds will be allocated to the new primary school at New House Farm.
- 1.2 The remaining funds identified in section 3.3 of the report, which will be subject to indexation payments, will be received in the forthcoming years as dictated by the triggers detailed in the Section 106 agreements, all of which name the new primary school at New House Farm as the purpose of the funding. Once received, these funds will be transferred to the DfE against invoices issued by them.

Legal

- 2.1 The establishment of the new school will be in line with the DfE guidance which in this case will be through agreement between DDAT and the DfE.
- 2.2 The funds will be allocated in line with the Section 106 developer agreements.

Human Resources

- 3.1 None

Information Technology

- 4.1 None

Equalities Impact

- 5.1 No impact

Corporate objectives and priorities for change

- 6.1 The provision of a new school built to current guidelines will meet with the council's priority to ensure high quality school places to improve outcomes.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 The DfE builds school which are carbon neutral and that ties with the council's agenda on climate change.