

DERBYSHIRE COUNTY COUNCIL**CABINET****11 September 2019****Report of the Executive Director for Children's Services****CHILDREN'S SERVICES CAPITAL PROGRAMME 2018-19 –
S106 PROJECT ALLOCATIONS AND FURTHER ALLOCATIONS PAPER 1 –
(YOUNG PEOPLE)****1. Purpose of Report**

To inform Cabinet of a capital project at Dunston Primary and Nursery Academy and seek approval for the allocation of Children's Services Capital funding to allow the project to proceed ahead of the receipt of S106 developer funding.

2. Information and Analysis

There is significant housing development within the normal area of Dunston Primary and Nursery Academy as follows:

Planning Reference	Location	Number of Dwellings	Primary Pupil Yield	S106 Contribution
CHE/16/00016/OUT	Land West of Dunston Lane, Chesterfield	300	60	£481,980
CHE/15/00116/OUT	Cammac Coal, Dunston Road, Chesterfield	99	20	£157,244 (plus indexation)

To accommodate the additional pupils, Cavendish Learning Trust which is the multi academy trust operating Dunston Primary and Nursery Academy has developed a scheme which includes a 160m² extension to create 2 additional multi -purpose teaching spaces, the re-provision of WCs, additional storage and a dual purpose corridor/learning space. The project will also include the re-modelling of existing accommodation to improve nursery and reception accommodation, enhance safeguarding at the entrance and increase storage

and staff facilities. The total cost of the project will be £672,542. The project will result in an increase in net capacity of 45 and an increase in planned admission number from 40 – 45 which satisfies the terms of the S106 agreements. The project will be undertaken by the Trust and the funding will be secured by a legal agreement between the Authority and the Trust. On 11 October 2018, Cabinet approved the allocation of £481,980 to the expansion project at Dunston Primary (Minute number 251/18) however as the project has been designed, the scope and cost has increased and the second element of S106 will be required to fund it. Whilst there is a S106 legal agreement in place to secure the contribution from the Cammac Coal site, the funding is not due to be paid to the Authority until 2020/2021. The purpose of this report is therefore to fund the balance on the project of £190,562 from 18/19 basic need allocation with the S106 contributions (which will be increased by RPI by the time of payment) being used to refund the basic need fund in due course.

3. Financial Considerations

The financial consideration are explained in Section 2 of the report. There is a legal agreement in place in support of the £481,980 already held by the Authority and a further agreement will be required to support the second sum of £190,562.

In the Cabinet report of 11 July 2019, the balance of the Children's Services Capital fund was detailed as £5,196,357. If the requested allocation is made, the balance of the fund will be £5,005,795.

4. Social Value Considerations

This funding is to ensure that there is sufficient capacity at all the schools involved. The schools will have the option to deliver the projects themselves under their own financial regulations. Where the projects are delivered by County Property, this will be done under its usual procedures.

5. Legal Considerations

Local Authorities have a duty to ensure sufficient school places and to work with Academies to ensure that these places are delivered. The S106 agreements name Dunston Primary and Nursery Academy as the recipient of the education contributions. A legal agreement will be put in place to ensure that the Academy complies with the terms of the various S106 agreements and indemnifies the Authority in respect of any claim from a developer.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, human rights, human resources, property and transport considerations.

7. Key Decision Yes

8. Call-in

Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report? No

9. Background Papers

These are held on file in the Children's Services Development Section.

10. Officer Recommendation

It is recommended that Cabinet:-

approves the allocation of £190,562 basic need funding to support the project at Dunston Primary and Nursery Academy in anticipation of further S106 funding.

**Jane Parfremment
Executive Director for Children's Services**