

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

17 October 2017

ADDITIONAL PRIMARY PLACES – MALTON**Report of the Corporate Director – Children and Young People’s Service****1.0 PURPOSE OF REPORT**

- 1.2 To seek approval for the publication of statutory notices and proposals on the proposed expansion by 60 places of St Mary’s Roman Catholic Primary School, Malton, as prescribed by the School Organisation Regulations.
- 1.3 To schedule taking a final decision on the proposals at the Executive meeting on 16 January 2018 or, in the event of no objections, by the Executive Member for Schools.
- 1.4 To seek approval for work to continue in parallel to prepare a planning application for the proposed development.

2.0 EXECUTIVE SUMMARY

- 2.1 On 30 September 2014 the Executive Member for Schools was briefed about the rising number of primary age pupils which would create the need for a significant number of additional pupil places over the next few years.
- 2.2 In that report was a two year capital programme (Basic Need Programme 2015-17) aimed at meeting the demand for places in the most effective and efficient way possible. A capital sum of £4.5m was allocated to meet the cost of providing additional places in Malton town in response to new housing including that to be delivered via the Ryedale Local Plan.
- 2.3 The proposal at this time is to increase capacity at St Mary’s Roman Catholic Primary School by 60 places from 150 to 210 places overall. This constitutes a significant enlargement under School Organisation regulations and requires that a statutory process be followed.
- 2.4 This report is supported by a number of appendices as listed below:

Appendix 1: Current Pupil Number Forecasts

Appendix 2: Draft Statutory Notice

Appendix 3: Draft Statutory Proposal

Appendix 4: Equality Impact Assessment

3.0 BACKGROUND

- 3.1 The Ryedale Plan: Local Plan Strategy Development Plan was formally adopted by Ryedale District Council on 5 September 2013 which established the net delivery of at least 3,000 new homes over the period to 2027.
- 3.2 In 2014 Members agreed to the permanent expansion by one additional classroom at both Malton Community Primary School and St Mary’s RC Primary School to meet

initial additional demand for places at those schools. The two primary schools share a site on Highfield Road and with the additional classrooms could accommodate 300 and 150 pupils respectively.

- 3.3 The Governing Body of St Mary's RC Primary School in consultation with CYPS agreed at this time to increase their admission number thereby increasing the supply of primary school places. All agreed that this would not be sustainable without further expansion of facilities.
- 3.4 By March 2015 there were 546 dwellings with planning permission granted, but not yet built, across four main housing sites known as Broughton Road, Westgate, Rainbow Lane and The Showfield. Developer contributions to education infrastructure have been secured on all four of the sites with permission, and various stage payments apply.
- 3.5 A fifth site, known as Castle Howard Road, was also the subject of a planning application. Following successful negotiations the proposal at Castle Howard Road included land for education use. Discussions between the Governing Bodies and Leadership of all local schools led to consensus that the proposed new site should, subject to a school organisation proposal, be used for the relocation and expansion of St Mary's RC Primary School to provide 210 places overall. The subsequent effect of this would have been that Malton CP School could have expanded into the adjacent premises to be vacated by Malton St Mary's. However, the Castle Howard Road development application was rejected by Ryedale District Council which meant alternative options for providing additional places had to be considered.
- 3.6 In the absence of any other suitable site in Malton some further development on the shared site of the two primary schools at Highfield Road became the only available option.
- 3.7 Forecast pupil numbers at the time showed both schools increasing beyond their capacity. Following discussions with the schools and the Diocese of Middlesbrough, it was agreed that proposals for both schools should be developed. A feasibility study has revealed that two proposals are the most cost effective:
- An additional teaching block at Malton St Mary's and internal refurbishment – cost estimate c.£2.6m
 - An additional teaching block and internal remodelling at Malton CP School – cost estimate c.£2m
- 3.8 An option for a whole demolition and rebuild of Malton St Mary's was rejected on the grounds of being cost prohibitive.

4.0 NUMBERS ON ROLL

- 4.1 The pace of house building has not moved as quickly as expected. The Broughton Road development is the only one that is actively being built out at present. Within that development over 242 new dwellings have been completed since 2014, however, pupil numbers and forecast data are not as expected and lower demand for places at Malton CP School has been experienced:

	Capacity	2013/14	2014/15	2015/16	2016/17	2017/18
Malton CP	300	248	255	242	241	239
St Marys	150	104	111	125	138	147
Total rolls		352	366	367	379	386

- 4.2 The latest review of forecast data in September 2017 does not indicate the need to take an expansion decision for Malton CP School at this time. Their five year forecast,

taking account of known housing, is 315 against a capacity of 300. There are still 439 outstanding permissions for Malton but forecast information shows currently there is no expectation of expansion to a two form entry 420 place primary school, as originally discussed, being required at this stage.

- 4.3 However St Mary's RC Primary School serves a wider catchment area due to its denominational status and this has continued to see a rise in pupil numbers over recent years. The school makes places available to all applicants up to their admission number although priority is given to those who satisfy the faith criteria. The school cannot continue to admit current numbers without additional accommodation for 2018/19.
- 4.4 There has not yet been a formal confirmation of the Local Plan proposals for future allocations in Malton and Norton. However expansion of Malton St Mary's would serve demand from both parishes and beyond.

5.0 EXPANSION PROPOSALS

- 5.1 The review of pupil numbers led to an indefinite pause in the development of an expansion proposal for Malton CP at this time. This can be revisited in future should the pupil forecasts change or should additional housing for Malton be allocated through the Local Plan.
- 5.2 Work has therefore focussed on developing the plan to expand Malton St Mary's. The scope of works required to add 60 places is much more significant than simply adding two classrooms. Ancillary space at the school would be inadequate for a school of 210 places given it was originally designed for a 3 classroom school of 90 places.
- 5.3 The Diocese' architects have developed the option which would add a new block with a link corridor to the existing building delivering the additional classrooms, a new school hall and the requisite fit-for-purpose ancillary space for a single form entry 210 place school.
- 5.4 The proposal retains all of the existing main building, avoids large scale decant arrangements often associated with school projects and keeps disruption to a minimum.
- 5.5 Malton St Mary's was judged to be an outstanding school by Ofsted at its last inspection in February 2014. Expansion would be in accordance with the NYCC aim of, wherever possible, only expanding schools which hold a good or outstanding judgement.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The local authority has the statutory duty to ensure that sufficient school places are available. It receives capital funding to address this 'basic need'. The County Council has committed investment of up to £4.5m in the 2015-17 Basic Need Programme to support the provision of additional primary places in Malton. This was approved by the Executive on 30 September 2014.
- 6.2 In addition the County Council has a policy of wherever possible securing developer contributions for educational provision arising from housing. There are agreements already in place for developer contributions towards additional places at all four of the sites with permission. £246k of these contributions were used towards the single classroom expansion at Malton CP School already delivered. The remaining amounts total £1.383m of which £883K is from sites which are currently being built out and £500k from sites with an as yet uncertain start date. Further contributions will be

sought in respect of any additional new housing developments with an impact on primary school places.

- 6.3 The total project cost of delivering suitable facilities for the proposed expansion of St Mary's RC Primary School have been assessed by the recently completed feasibility study at £2.6m. The funding for the scheme will be a combination of Basic Need and developer contributions. This estimate is thought to be a worst case scenario and includes allowance for a number of risk factors at this early stage of the project. The use of developer contributions will be maximised as payments are received thereby reducing the call on Basic Need funding.
- 6.4 Any uncommitted amounts from the original £4.5m approval will be considered as part of the next Basic Need Programme review due to be presented to Members in 2018.

7.0 LEGAL IMPLICATIONS

- 7.1 The statutory process for the expansion of a school on an existing site is covered by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014. Careful regard has been had to these provisions and to the accompanying guidance produced by the Department for Education.

8.0 CONCLUSIONS

- 8.1 There is significant support for the St Mary's RC expansion proposal from both the school and the Diocese.
- 8.2 CYPs Officers are satisfied that the expansion of St Mary's RC Primary School on its existing site provides the best option for providing the additional primary places in the required timescale.

9.0 PROPOSED TIMESCALES

- 9.1 The following is an indicative timeline for the expansion proposal should it receive approval to proceed:

Feasibility and sketch design work	June to September 2017
Member decision to publish statutory proposals and notices	17 October 2017
Publication of statutory proposals	1 November 2017
Representation period	1 November to 29 November 2017
Determination of the proposal to expand and enlarge the school by the local authority	16 January 2018
Planning Approval, Detailed Design and Procurement	October 2017 to June 2018
Construction	Summer 2018
New places available	2018/19

10.0 RECOMMENDATIONS

It is recommended that the Executive:

- a) approve the publication of statutory notices for the expansion of St Mary's RC Primary School, Malton, up to 210 places as prescribed by the School Organisation Regulations with a final determination to be made by Executive on 16 January 2018 or by the Executive Member for Schools in the event of no objections.
- b) approve the continuation of design work in parallel to prepare a planning application for the proposed development.
- c) note that implementation of this proposal is conditional upon the grant of planning permission by 30 June 2018.

Stuart Carlton
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE
COUNTY HALL
NORTHALLERTON
3 August 2017

Author of report Andrew Dixon, Strategic Planning Manager

Background Document – Report to Executive Members 23 December 2014

Appendix 1: Current Pupil Number Forecasts
Appendix 2: Draft Statutory Notice
Appendix 3: Draft Statutory Proposal
Appendix 4: Equality Impact Assessment

Appendix 1 - Pupil number forecast

**Pupil forecast
excluding housing
impact**

Forecast based on May 2017 NOR							
Establishment - Primary School	Capacity	Number on roll May 2017	17/18	18/19	19/20	20/21	21/22
Malton Community Primary School	294	247	244	241	249	244	243
St. Mary's Roman Catholic Primary School, Malton	150	140	148	157	167	176	173

**Pupil forecast
including housing
impact**

Forecast based on May 2017 NOR							
Establishment - Primary School	Capacity	Number on roll May 2017	17/18	18/19	19/20	20/21	21/22
Malton Community Primary School	294	247	244	256	279	289	303
St. Mary's Roman Catholic Primary School, Malton	150	140	148	163	179	194	207



Proposed Enlargement at St Mary's Roman Catholic Primary School, Malton

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that North Yorkshire County Council intends to make a prescribed alteration to St Mary's Roman Catholic Primary School, Highfield Road, Malton, North Yorkshire, YO17 7DB from 1 September 2018.

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two additional classrooms and ancillary space to include a hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

Implementation of this proposal is conditional upon the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 June 2018.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at www.northyorks.gov.uk.

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 29 November 2017.

Signed:
Date: 1 November 2017

Barry Khan
Assistant Chief Executive,
Legal and Democratic Services

School and Local Authority Details

School: St Mary's Roman Catholic Primary School, Malton
Highfield Road
Malton
North Yorkshire
YO17 7DB

Local Authority: North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AE

Description of alteration and evidence of demand

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two additional classrooms and ancillary space to include a hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

St Mary's RC Primary School serves a wider catchment area due to its denominational status and has continued to see a rise in pupil numbers in recent years. Forecast data predicts an increase in numbers to 176 by 2020/21 from its current number on roll of 150 based on birth rates alone. In addition there are 439 outstanding permissions which could generate an additional 110 pupils in Malton. There has not yet been a formal determination of the Local Plan proposals for future housing allocations in Malton and Norton. However, expansion of St Mary's RC Primary School would serve from both parishes and beyond.

Objectives

(Including how the proposal would increase educational standards and parental choice)

Malton St Mary's was judged to be an outstanding school by Ofsted at its last inspection in February 2014 and as such is a popular choice for parents. Expansion would be in accordance with the NYCC aim of, wherever possible, only expanding schools which hold a good or outstanding judgement. However, the school was originally designed as a three classroom school of 90 places. The expansion would therefore address the need for ancillary space to support both existing and future pupil numbers.

The effect on other schools

(Including academies and educational institutions within the area)

St Mary's RC Primary School shares a site with Malton CP School and an earlier initial proposal saw the expansion of both schools. At the time forecast pupil numbers showed both schools increasing beyond their capacity. A recent review of data has shown pupil numbers are not as expected and a lower demand for places at Malton CP School has been experienced. Efforts have therefore been focussed on the expansion of St Mary's RC at this time.

St Mary's RC is the only denominational school within the Malton and Norton area and the impact on other educational establishments is expected to be minimal.

Project Costs

(Indication of how these will be met, including how long term value for money will be achieved)

The total project cost of delivering suitable facilities for the proposed expansion of St Mary's RC Primary School have been assessed by the recently completed feasibility study at £2.6m. The funding for the scheme will be a combination of Basic Need and developer contributions. This estimate is thought to be a worst case scenario and includes allowance for a number of risk factors at this early stage of the project. The use of developer contributions will be maximised as payments are received thereby reducing the call on Basic Need funding.

Implementation

(Any proposed stages for implementation?)

The following is an indicative timeline for the expansion proposal should it receive approval to proceed:

Feasibility and sketch design work	June to September 2017
Member decision to publish statutory proposals and notices	17 October 2017
Publication of statutory proposals	1 November 2017
Representation period	1 November to 29 November 2017

Determination of the proposal to expand and enlarge the school by the local authority	16 January 2018
Planning Approval, Detailed Design and Procurement	October 2017 to June 2018
Construction	Summer 2018
New places available	2018/19

Implementation will be conditional on the grant of planning approval by 30 June 2018.

Statement explaining the procedure for responses: support, objections and comments

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 29 November 2017.

There is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, however, during the representation period the Diocese and Governing Body will be consulting on the proposal to ensure all relevant considerations are taken into account.

Local community and interested parties will also have the opportunity to comment on the proposals during the planning process.

Appendix 4: Equality Impact Assessment

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Proposal to significantly expand St Mary's Roman Catholic Primary School, Malton

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	John Lee, Strategic Planning Officer, CYPS, County Hall
Names and roles of other people involved in carrying out the EIA	Julia Temple, Strategic Planning Officer, CYPS, County Hall
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Discussions have taken place with local School leaders and the Diocese over a number of years. The formal process will

	commence on
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Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two classrooms and the requisite ancillary spaces including a new school hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council is under a statutory duty to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote fulfilment of every child's educational potential. St Mary's RC Primary School serves a wider catchment area due to its denominational status and this has continued to see a rise in pupil numbers over recent years. The school cannot continue to admit current numbers without additional accommodation for 2018/19.

Section 3. What will change? What will be different for customers and/or staff?

It is proposed that from September 2018 St Mary's RC Primary School, Malton will increase its capacity to be able to accommodate up to 210 pupils.

Implementation of the proposal will be conditional upon the grant of planning approval by 30 June 2018.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

There is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, however, during the representation period the Diocese and Governing Body will be

consulting on the proposal to ensure all relevant considerations are taken into account.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Cost neutral

Please explain briefly why this will be the result.

The building project will be funded through a combination of developer contributions and education grants specifically directed at creating additional school places.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			.
Disability	x			Pupils – The school is mainstream offering universal provision. Expertise will be utilised from the County Council to provide appropriate SEN support.
Sex (Gender)	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief		x		The local authority will be able to meet the demand for denominational school places in Malton and the wider area.
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	x			No impact
...have a low income?	x			No impact anticipated

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

St Mary's RC Primary School in Malton is a Roman Catholic school, the proposed expansion will ensure additional places are available to meet demand for primary places of that religion/faith. Places are also available at the school , up to the admission number, for any other children after priority has been given to applications satisfying the Catholic faith criteria.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
It is anticipated there would be no identifiable impact on specific groups as a result of the project	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Monitoring will be carried out through the County Council's Education and Skills Team and through Ofsted inspections.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The purpose of the decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner.