

Wards affected:

Abbey South

Strategy Group – 6 July 2020

New Secondary School for Daventry

Economic, Regeneration and Employment Issues

1. Purpose of Report

To seek approval to dispose of land at Eastern Way, Daventry to the Secretary of State for the purposes of providing a new secondary school in Daventry.

2. Advice

<p>That it be RECOMMENDED:</p>	<p>1. The disposal of land at Eastern Way, Daventry to the Secretary of State for the purposes of creating a new secondary school on the basis set out in the report is approved, subject to consideration of any objections to the open space disposal notices and other comments, and to specific consent from the Secretary of State for an under-value disposal if this is required.</p>
<p>That it be RESOLVED:</p>	<p>2. Notice shall be given of the Council’s intention to dispose of the land as in item 1 in accordance with the legal requirements relating to the proposed disposal of open space, and an open invitation be given to comment on the proposed disposal for this purpose. The results of this process to be reported to the Council meeting which considers the recommendations of this Strategy Group meeting.</p>

3. Introduction

The Council’s Corporate Strategic Plan identifies securing the delivery of a third secondary school for Daventry as one of the Council’s priorities. This appears specifically, as Measure B3.2 of the Plan.

The Department for Education provisionally approved a new secondary school for Daventry as part of the free schools programme some years ago. However, difficulties in securing a site caused the Department unforeseen delays. However, recently it has taken a further decision to proceed with the school, having concluded there is still a need for it. It is still finding it challenging to secure a site and therefore LocatED, the Department’s school sites company, approached the Council to explore whether it could assist. A potential site on Council-owned land

has been identified and given the priority attached by the Council to this matter it has been discussed with LocatED and a possible arrangement outlined. This report sets out those proposals.

4. Information

4.1 Background

Despite efforts over many years, the secondary schools in Daventry town have generally achieved results below their peers. There are complex reasons for this, including the presence within accessible distance of grammar schools in Warwickshire, and other good schools in Northamptonshire, which some parents prefer to send their children to. Neither the transfer of both secondary schools in the town to academy status, run by E-Act, nor any of the interventions undertaken appear to have fundamentally changed that position. To state this is not to question the work or good intentions of many teachers, school leaders and others who have worked in those schools, but rather to recognise that there is what appears to be a structural issue at work which is limiting the ability to change the nature of secondary schooling in the town.

This situation was recognised in the 2016 Government consultation *Schools that work for everyone*, which named Daventry town (along with Braintree and Hartlepool) as a place which had “poor levels of access” to “a good [secondary] school”.

In this context the Tove Learning Trust, which is a multi-academy trust which runs among others Sponne School in Towcester, applied to establish a new secondary school in Daventry. That application was successful, but as noted in the introduction the delivery of the new school was then held up by site issues. The current proposal is for a school with 1,050 places.

The most recent data available at the time of writing about the two existing schools is given in Table 1.

	E-Act Parker Academy	Danetre & Southbrook Learning Village (DSLIV)	England average
Students January 2020	1,135	630*	N/A
Last Ofsted rating	Requires improvement	Good	N/A
Progress 8 score	-0.48 (below average)	-0.44 (below average)	-0.03
Entering EBacc (English Baccalaureate)	11%	3%	40%
Not staying in education or entering employment	8%	11%	6%

	E-Act Parker Academy	Danetre & Southbrook Learning Village (DSLIV)	England average
GCSE Grade 5 or above in English and maths	24%	29%	43%
Attainment 8 score	37.0	39.1	46.7

Table 1: Data on existing secondary schools

Note: * Secondary years only.

As shown in Table 1, there were around 1,765 secondary-age young people in the two schools. The number of people attending the Northampton College Daventry Campus is 531, of which round 450 are within the 16-18 age group, making the total secondary age young people educated in the town around 2,200.

The 2018 Office for National Statistics (ONS) mid-year population estimates for Daventry town give 2,502 people between the ages of 11 and 18 i.e. secondary school age (just under 10% of the population). The natural catchment for these schools is wider than the town alone so on a conservative basis one-third of the secondary-age population from the areas¹ around Daventry should be included; this adds a further 759 young people, making the total natural 'audience' for the Daventry schools around 3,250. This analysis indicates that around 1,050 young people who might reasonably be expected to be educated in Daventry are not being.

For robustness, if the same calculations are applied only to young people in the 11-16 age group (schools years 7 to 11) the natural 'audience' for the schools is almost exactly 2,450 and the number in the two existing schools is 1,434, leaving the number of young people in that age range educated elsewhere at around 1,000.

These results are consistent with both anecdotal accounts and previous investigations the Council has undertaken, which found high levels of cross-boundary movements away from Daventry for secondary schooling. Of course, significant housing and therefore population growth is also planned, which will increase the numbers of young people in the town.

The 2019 indices of multiple deprivation education, skills and training domain shows significant concentration of poor outcomes in Daventry town, with the larger part of Southbrook in the top 2% most deprived in England

4.2 Site search

LocatED made a search of potential sites in Daventry for a new secondary school. Apart from the site discussed below, it explored a number of options, including:

¹ Middle layer super output areas. These areas are used for Census reporting and production of population estimates by the ONS.

- a) On the North East Daventry urban extension. This is discussed below.
- b) At the Daventry Sports Club site off Western Avenue. This was explored with the Daventry & District Sports Trust, but ultimately the Trust concluded it could not accommodate a school alongside its sporting facilities.
- c) At Malabar Fields. LocatED could not agree terms and the site is now allocated for the South West Daventry urban extension and the subject of two housing-led planning applications.
- d) Sites within industrial or commercial buildings, or reusing industrial or commercial buildings. None of these were found to be suitable or deliverable. The Council may well also have considered they would not have offered the kind of setting which would have supported educational transformation.

In relation to (a), there is a site provisionally identified for a secondary school in the planning application (DA/2020/0100) for the North East Daventry urban extension, as required by policy D3 of the West Northamptonshire Joint Core Strategy. However, the school site proposed has the potential adversely affect connectivity of the development to Daventry town centre by foot and cycle. It is also affected by high voltage overhead power lines. The timetable for removing these, which LocatED considers to be essential for delivering the school, is not determined and is likely to be some years away. Whilst in theory other locations within the site could be considered, the developers have shown no inclination to consider these. To date, LocatED has also been unable to agree terms with the developers or even to hold meaningful negotiations with them.

These factors combined make it difficult for LocatED to proceed with confidence and obtain the final approvals from the Department for Education to construct the school. Therefore a refusal to dispose of the site is likely to delay, and may prevent, a third secondary school being provided. Of course, these matters are not certain and LocatED might be able to secure suitable terms with the landowners/developers of the North East Daventry urban extension (or perhaps elsewhere). However, the risk remains.

4.3 Proposed site

The proposed site is the Council's land holding off Eastern Way in the centre of Daventry. This is also known as Town Centre Vision Site 3 and was identified for potential partial education use as far back as the Daventry Town Centre Vision 2021 (adopted in 2004). Figure 1 shows initial indicative proposals from LocatED.

It should be stressed these are not finalised plans and should not be taken as definitive. Their only purpose here is to give a general impression of the scale of the proposed facilities. The basic concept of the design is to strengthen the existing cluster of civic buildings (Civic Offices, iCon Centre, Methodist Church) towards the Eastern Way/Lodge Road area, whilst providing good connectivity around the site.

The land hatched in blue between the roads on the left of the plan and the red line boundary may be included in the actual disposal, depending on the development of the scheme design. Other minor adjustments to the red line boundary may also be made.

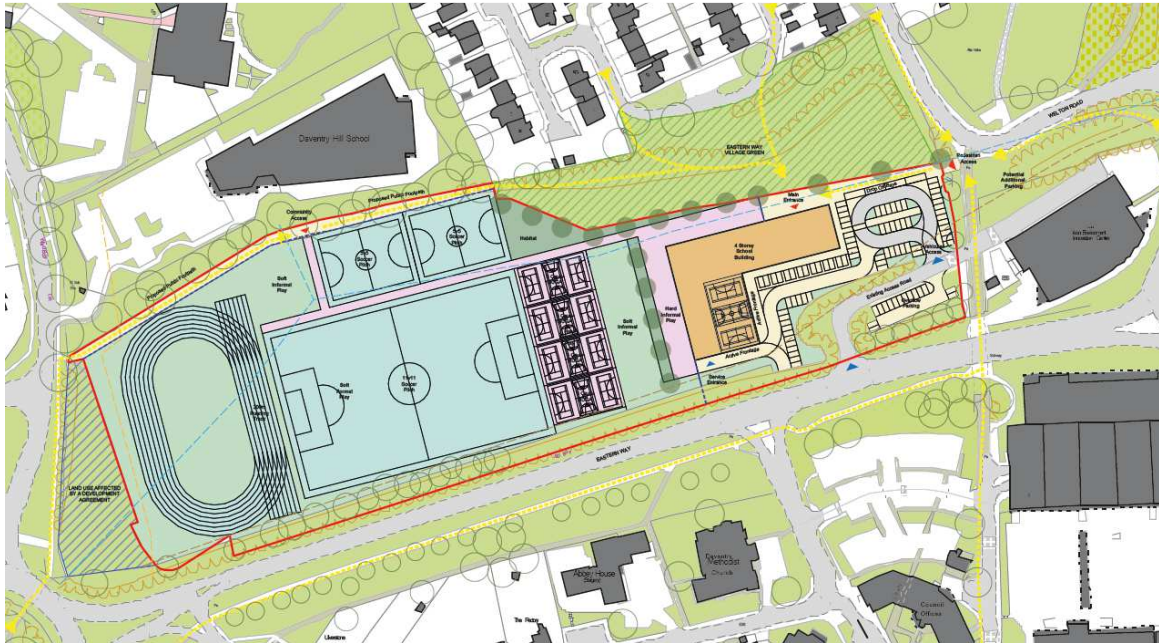


Figure 1: Illustrative layout

The town green immediately south of Falconer's Close would be respected and remain open for public use. A pedestrian route between it and the lower end of Ashby Road would also be retained.

Policy EC3 of the recently adopted Settlements and Countryside Local Plan (SCLP) requires that proposals for site 3 and site 5 be accompanied by a masterplan. This should demonstrate how the site can come forward comprehensively. This would need some additional work, to further develop the indicative masterplan, and extend it to include site 5 and the town green to ensure the proper planning of the area.

4.3 Options

The Council has essentially two options at this time. It could decline to dispose of the site to the Secretary of State, or it could agree to do so.

If the Council declines to dispose of the site, LocatED would need to identify an alternative site for the school. This is likely to result in a delay in delivering the school, and potentially the loss of the opportunity entirely. There are finite funds for new schools, and if the Department for Education finds other ways to expend its budgets or the context changes, the opportunity may be lost.

If the Council agrees to dispose of the site, then it appears terms could be reached which made delivery of the school highly likely. Of course, if the school was constructed the land could not be used for other purposes for, in all probability, many decades. This loss of other opportunities should be weighed in taking the decision. The land is allocated, together with Site 5 (land to the east of this site), in the recently adopted SCLP for residential, office, hotel, leisure, restaurant and health uses.

A possible alternative outcome is that the Council's willingness to provide a site triggers a determination on the part of the developers of the North East Daventry urban extension to secure the school as part of that development. Since that would achieve the same outcomes for the town and surrounding area, that would be equally welcome.

4.4 Potential impacts of a new school

The above options assume, in accordance with Council policy, that delivery of a third secondary school is desirable. It should be noted that the opening of a new school, particularly one perceived (as would be the intention) as offering a new, high quality option has the potential to destabilise the current schools. Ideally the main effect would be, over time, to draw young people to be educated in Daventry who would otherwise have attended schools in other places, whilst raising educational aspiration and attainment across the town. However, it is clearly possible that it may attract pupils who otherwise would have been educated in the other schools in the town. Whilst it is to be hoped that the pressure this applies would result in a general raising of standards, it could also result in a school becoming unviable.

Should an existing school become unviable, it might eventually need to close. Of course this would be sad for those involved, and in such circumstances it is to be hoped that care would be taken of both pupils and staff affected. In such a situation it would be important that the Council took a proactive approach in renewing the affected site.

However, given the purpose of these schools is to secure the best life chances for the young people of the area, it is suggested that the risk of such an outcome is justified against the opportunity a new school would provide. The potential to retain young people to be educated in the town, and the increase in young people as a result of development, should help make negative outcomes for any of the schools unlikely.

4.5 Proposed terms

The Council's interest in agreeing to dispose of the land to the Secretary of State would be to see a new secondary school delivered. Therefore it is proposed that the following key terms be adopted:

1. The site must only be used for a secondary school and matters ancillary to that for the first 10 years. After that, it may be used for that or any state funded public educational use permitted by the Council (such permission not to be unreasonably withheld or delayed).
2. If the site is not developed as a secondary school within a small number of years following transfer then the Council would have the right to re-purchase the site for the price originally paid.
3. The school must be constructed generally to a design and layout agreed by the Council. (This would include the environmental performance of the building and looking for biodiversity net gain.)
4. There should be public access, where consistent with safety etc., to school facilities such as for sports out of school hours.

5. No contributions towards constructing the school would be sought or accepted by LocatEd / the Secretary of State from planning obligations (Section 106 agreements) or Community Infrastructure Levy (CIL).
6. Appropriate foot and cycle connections, including road crossings, would be provided.

Other provisions would be included as needed to protect the Council's interests. The fifth point would be important to help ensure that this investment of Government funds was genuinely additional to the area and did not result in other infrastructure or the provision of affordable housing being adversely affected.

Of course, the Council's involvement as landowner, former landowner and contractual counterparty would not prejudice or determine its views on the planning application for the school which would be submitted in due course, or on any other planning application.

4.6 Community engagement

The Council's Community Engagement Strategy states that engagement will be undertaken whenever a new policy or service is proposed or where there is a significant change proposed to a policy or service. As noted above, if a decision were to be taken to dispose of this site for a school, it would be contrary to a policy in the SCLP, part of the statutory development plan which the Council has recently adopted.

However, the approach would be means of delivering a key policy priority of the Council, as set out in the Corporate Strategic Plan. Therefore on balance it is considered there is no need for extensive consultation or engagement on the principle of delivering a new school; the only issue is the site. It is proposed (see Legal Implications) to consult on the proposed disposal of open space. That formal process can be combined an open invitation for any comments on the proposed disposal. The outcomes of this process could then be considered at the full Council meeting at which the recommendations from this Strategy Group meeting are considered.

Additionally, Members will recall that work has commenced on a new town centre vision to provide a framework for the development of the town centre, to be agreed as far as possible by all interested parties. As noted in the report to Strategy Group dealing with that matter the development of site 3 would have been of particular scale and significance in this regard. Clearly if the Council took the decision to dispose of the site for a new secondary school it would no longer be meaningful for it to be considered for choices in the new town centre vision. This may have some adverse reputational consequences.

4.7 Local government reorganisation

The need to address educational outcomes in Daventry and the surrounding area will remain whatever structure of local government applies to the area. It is therefore considered that the forthcoming change to unitary local government under the West Northamptonshire Council does not suggest any different course of action should be pursued.

The West Northamptonshire Shadow Executive on 23rd June adopted an Assets, Capital Schemes and Reserves Notification Process. This asks each outgoing council to notify the Shadow Executive if it is proposing to purchase or dispose of assets, enter into new capital schemes with ongoing revenue effects or use reserves in ways not set out in that council's budget. The Shadow Executive, or in cases of urgency the Leader of the Shadow Authority, would consider and if they judged appropriate endorse the proposed action. Only transactions with a value at or above £100k are covered. Such proposals are initially passed to the Interim (or later permanent) Chief Executive of the Shadow Authority and from him to the Shadow Executive.

In accordance with this process by the time this report is considered it will have been provided to the Interim Chief Executive of the West Northamptonshire Shadow Authority. The outcomes of its consideration by the Shadow Authority will be reported to Members at Strategy Group if possible or full Council otherwise.

5. Implications

5.1 Financial – The financial consideration for the disposal is currently under discussion. LocatED's starting point is that the school will be of considerable benefit for the area and that therefore the Council should gift the land. Given the priority the Council attaches to securing a third secondary school this is considered a reasonable approach, provided that the terms in the body of the report are achieved and the Council's professional costs in the transaction are covered.

Of course, the loss of potential earnings from the site in the future have to be recognised; whilst not budgeted for, this represents a prospective if uncertain future income forgone. Members should be satisfied that this loss of this prospective future income is justified against the benefits secured through the third secondary school. A formal valuation is being obtained from external providers, but an indicative value of £5 million for a pure housing scheme may be used for the present. Realistically, if planning policy were followed, a wholly housing scheme is unlikely. Therefore this should mark the upper bound of likely values.

It should also be noted that the proposed terms would mean that the developer housing around Daventry would not be faced with requirements for contributions towards constructing new secondary school places. This in turn may assist with their viability and thus their ability to contribute towards other infrastructure and affordable housing. Alternatively or as well, the Council's CIL programme would not face potential requirements to assist in funding a new secondary school or school places, therefore freeing up resources to fulfil other local needs. Overall, therefore, it can be suggested that the transaction would be financially beneficial for the local communities the Council serves.

5.2 Personnel – Disposing of the site for the school can be accommodated within existing staffing.

5.3 Legal/Constitutional – The Council has the power to dispose of the land under either the general power of competence provided by Section 1 of the Localism Act 2011 or the powers to dispose of land provided by Section 123 of

the Local Government Act 1972 and the Section 233 of the Town and Country Planning Act 1990 (for the part of the site previously determined to be held for planning purposes). In either case, it would be advisable to comply with the requirements of Section 123(2A) and Section 233(4), which require (in essentially identical terms) notices to be placed and an opportunity be given to object to the proposed disposal of open space. Whilst the Council has previously undertaken this process and determined to dispose of the land that was for different purposes. Therefore to avoid any doubt about the legality of the action the process should be undertaken again and the Council objectively consider any objections raised.

The intention, if approved, is to issue the notices following Strategy Group and arrange for a note to be issued before the full Council meeting setting out the objections received, consideration of these and an updated recommendation, which may be to proceed or not to proceed.

Both Section 123 and Section 233 require a disposal such as is proposed here to be for the best financial consideration reasonably obtainable, unless the Secretary of State otherwise consents. The way the legislation is worded means that this requirement also applies to disposals under the general power of competence. In the case of disposals under Section 123 a general consent (the General Disposal Consent (England) 2003) is in place, which authorises disposals at under-values of up to £2 million if the Council considers that the disposal would contribute to the economic, social or environmental well-being of the District or any persons present or resident in the District. Given the anticipated value of the site, specific consent is currently expected to be required.

As it is proposed the Council should have power as contractual counterparty to control (within limits) the layout and design of the school there is potential for the requirements of the Public Contracts Regulations 2015 to apply. In general these require that works are procured through a competitive process. This would not be the case from the point of view of the Council. It is considered that Regulation 12(6), which deals with co-operation between public bodies would mean these rules do not apply, but that is subject to confirmation from legal advisors.

5.4 Environmental – The development of Eastern Way with a new secondary school will naturally have some local environmental impacts. These would be managed through the development control process. There is no reason to believe any appreciable impact on biodiversity would result. Overall, enabling more young people to be educated closer to their homes in Daventry and the surrounding villages should reduce the need for motorised travel and thus make a positive contribution to talking emissions of greenhouse gases. The new buildings would be expected to be constructed to high environmental standards.

5.5 Policy – The proposed disposal would support the achievement of Objective 1 (Improve our Business Economy, Learning and Skills), Priority B1 (Develop Daventry Town), Priority B3 (Facilitate and develop opportunities for employment and learning), Measure B3.2 (Secure third secondary school in Daventry), Priority B4 (The District is recognised as being open for business), Measure B4.1 (Raise the profile of Daventry District (number of items of positive national media coverage)), Objective 3 (Promote Healthy, Safe and Strong Communities and Individuals) and (indirectly) Priority H3 (People have the housing they need).

In terms of planning policy, the site is identified for a range of uses in policy EC3 of the recently adopted Settlements and Countryside Local Plan. The use of the site for a school would conflict with that policy. Other policies of relevance which can be more fully explored when more details are available would include policies ST1 Sustainable Transport, ENV5 Biodiversity, ENV6 Daventry Country Park and Grand Union Canal Link, ENV9 Renewable Energy and Low Carbon Development, EN10 design, CW1 Health and Well-being and PA1 Local Green Space.

Policy D3 of the West Northamptonshire Joint Core Strategy identifies the need for a secondary school site on the Daventry North East Urban extension. Other policies may also be relevant when more details of the scheme are known.

As noted above, the site is allocated for a range of uses in the SCLP. These uses are intended to help support the vitality of the town centre by providing additional activity and facilities to draw people into the town. Housing should have helped to increase footfall in the town centre. Whilst there will still be some scope to provide these on Site 5, clearly the scale would be reduced, and the overall masterplan referred to above would be necessary to identify what can be achieved.

The local plan allocation includes land to the south of Eastern Way, which was taken out of a Green Link designation (in the former saved policies) to facilitate its development to achieve improved urban design by providing an active frontage to Eastern Way. Given the nature of the proposal it is likely that this could only be achieved for a very small stretch to the north of Eastern Way (assuming the bulk of the school building was moved further south). However, the Council may take the view that partially retaining the green character of the link, at least on the southern side, is an acceptable outcome.

The National Planning Policy Framework (NPPF, paragraph 94) states that “It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools through ... decisions on applications...”

The national *Policy statement – planning for schools development*, which sits alongside the NPPF, sets out at greater length the Government’s approach. This includes statements that:

- “There should be a presumption in favour of the development of state-funded schools...”
- “Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.”

- “Local authorities should make full use of their planning powers to support state-funded schools applications....”

Given the designation in the S&CLP, any future application for a school would be contrary to development plan policy. As Members will be aware applications are determined in accordance the development plan unless material considerations indicate otherwise. Whilst the weighing of these matters will be the role of the planning authority, it is considered that the provisions of the NPPF and the Policy statement on planning for schools development, taking with the context in Daventry, provides such material considerations.

Consideration would also need to be given the proposed tree policy, should Council adopt the policy proposed elsewhere on this meeting’s agenda.

The Economic Development Strategy identifies the aim to create mixed use developments on the town centre vision sites that provide opportunities to live, work and play. This would not be realisable in the form envisaged if the school were to come forward.

The use of the Eastern Way site for a school does mean it would not deliver any housing. However, it should mean that the land in the North-East Daventry urban extension which was proposed for school use can be used for housing. Therefore overall housing provision required by the Core Strategy and Settlements & Countryside Local Plan should not be adversely affected.

5.6 ICT – No new or modified Council ICT would be required to carry out the proposed transaction.

5.7 Crime and Disorder – The disposal of the site to allow the creation of a new secondary school is unlikely of itself to have any material effect on crime or disorder. Specific design issues with the current draft plan, notably what appears to be a narrow pathway on the northern side of the site, are being taken up with LocatED.

5.8 Human Rights – The proposed disposal would not adversely affect any of the Convention rights.

5.9 Equalities – the proposed disposal may be regarded as differentially favouring young people, and thereby involving indirect discrimination on grounds of age. However, such indirect discrimination (and indeed direct discrimination in the case of age) is permissible as a proportionate means of achieving a legitimate aim. In this case the aim includes provision of good quality education for the young people of the area, and indirectly, supporting the delivery of new housing.

5.10 Health and Wellbeing – The disposal to allow the creation of a new secondary school in Daventry should increase the positive choices for young people and their families, lead to better educational outcomes and support activity in Daventry town centre.

6. Conclusions

The Council has attached a high priority to securing the delivery of a third secondary school in Daventry, to help overcome the entrenched difficulties in securing high levels of attainment in the town's schools. Whilst the use of the Eastern Way site for this purpose does mean it cannot be used for any other substantive purpose (which may enhance the viability of the town centre), and removes a possible source of future income to the Council, it is suggested that it is the best way of securing the outcome the Council is seeking. It is therefore recommended that a disposal on the terms set out in the report is approved. This advice is, however, subject to consideration to be given to any objections to the open space disposal notices.

Simon Bowers
Executive Director (Business)

Background papers:

None.

Previous minutes:

None.

Contact Officer: Simon Bowers

Extension: 2435

File reference: A1065