

WEST NORTHAMPTONSHIRE COUNCIL CABINET

14th September 2021

Cllr Malcolm Longley – Cabinet Member for Finance

Report Title	Disposal of land at Wantage Farm for new secondary school
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List of Appendices

Appendix A – Consultation Document

1. Purpose of Report

- 1.1 This report sets out the results of consultation into a proposed disposal of land at Wantage Farm, Moulton, Northampton for the purposes of a new free secondary school. It considers the results

and seeks authority to enter into an Agreement for Lease (AfL) which would result in grant of a 125-year lease to the academy trust subject to planning permission being granted.

2. Executive Summary

- 2.1 There is a significant need for secondary school places in northern Northampton. Practically, this needs to be addressed through the provision of a new school no later than the 2023/24 academic year (that is, by September 2023). Unless a planning application is made in the near future, and construction work commences next year, it is unlikely a new school will be available in time.
- 2.2 The DfE is willing to fund the £25 million cost of constructing the new school. This is a result of a successful bid by the Northampton School for Boys (NSB) Trust. (For clarity, the school will be coeducational.) Consultation by the trust found strong support for a new school. The new school would be managed by NSB Trust. NSB is an 'Outstanding' school with great vision, values and quality, with appreciation of working within a community
- 2.3 The DfE has evaluated potential sites and concluded this is the most suitable and viable.
- 2.4 Whilst entering into an AfL had previously been approved by NCC, as WNC is a new council fresh consideration and a fresh decision on the matter is required.
- 2.5 As requested by Members at the July Cabinet meeting, a fresh consultation has been carried out. This was designed to ensure Cabinet was fully informed when it took its decision. The results of that consultation are that there is recognition of a need for a new school, but most local people who responded did not feel Wantage Farm was the right site. However, the reasons given, such as traffic, are ones best tested through the planning application process.
- 2.6 The proposed Cabinet decision would in no way impact on the consideration of the proposed planning application. That would provide a forum where issues such as transport and the impacts on the local area would be resolved.

3. Recommendations

- 3.1 That Cabinet authorises the Assistant Director Assets and Environment to enter into an Agreement for Lease which would commit the Council to granting a 125-year lease for the construction, and ongoing use, of the site for new secondary school at Wantage Farm, Moulton, Northampton, as set out in the report.

4. Reason for Recommendations

- 4.1 There is a significant need for secondary school places in northern Northampton. Meeting that need through expansion of existing schools is unlikely to provide sufficient suitable capacity. Therefore a new school is required. The Council has a statutory duty to ensure the provision of sufficient school places for pupils from its area.

- 4.2 The Government via the Department for Education (DfE) and Education & Skills Funding Agency (ESFA) is willing to fund a new free secondary school which will meet that need. This would be operated by the NSB Trust, which operates the 'Outstanding' Northampton School for Boys.
- 4.3 Consideration of options has identified land owned by the Council at Wantage Farm as the most credible site for the new school. No other viable or more suitable sites have been identified, despite examination.
- 4.4 The DfE will only invest in the new school if it has secure title to the land, by way of an AfL which would, if planning permission is granted, result in the grant of a 125-year lease to the academy trust.
- 4.5 The Council has consulted on the proposed disposal. The consultation has identified recognition of the need for a new school, alongside majority opposition to this site. The reasons given by respondents have been carefully considered and none were found that would justify not proceeding. In particular, many objections relate to matters more appropriately tested by the planning system.
- 4.6 If the Council did not enter into the AfL it would still need to provide the school places. This would probably result in the same site being used, but at the Council's cost. This is estimated at £25 million.

5. Report Background

- 5.1 This report deals with matters arising under the life of Northamptonshire County Council (NCC) as local education authority, and since 1st April 2021 WNC (having taken on that role). Where 'Council' is used it refers to either, as appropriate for the time in question.
- 5.2 It has been identified that there is likely to be a shortage of secondary school places in West Northamptonshire in coming years. The consultation document attached to this report as Appendix A sets out a full analysis of the demand for secondary school places in the wider Northampton area in forthcoming academic years. There is a forecast deficit of secondary school places, and the delivery of new housing development will exacerbate this issue.
- 5.3 For the reasons set out in Appendix A it is highly unlikely that WNC will be able to provide sufficient temporary 'bulge' capacity at existing schools in the area after the 2022/23 academic year. This would mean WNC would fail in its statutory obligation of providing a sufficiency of school places from the 2023/24 academic year onwards in the Northampton area.
- 5.4 A free school was approved by the DfE for north of Northampton which would address this as well as assisting with general pressures on secondary places in this area. The approved bid came from the NSB Trust, which operates the 'Outstanding' Northampton School for Boys.

- 5.5 As is normal, the ESFA then conducted a site search for land on which to construct the school. This site search included various pieces of land owned by the Council, including its strategic development land at Wantage Farm. This site was found to be the most suitable by the DfE and it has accordingly undertaken feasibility work prior to submitting a planning application.
- 5.6 Wantage Farm had been retained by the Council on the basis that there was medium to long term development potential, although it is currently not allocated for development. Any proposals for the site would need to follow a suitable planning process and would be subject to the consultation and assessment that are associated with that process.
- 5.7 Given the level of due diligence that needed to be completed on the site, the Council granted a licence to the DfE allowing it to undertake surveys and ground investigation works to assess the viability of the site and to inform their possible future planning application.
- 5.8 Given the level of cost involved, the DfE required the Council to enter into an AfL committing the Council to granting a 125-year lease to the academy trust once planning permission had been obtained and the building constructed. The AfL was approved by an NCC Cabinet Member decision in March 2021 but there was insufficient time prior to vesting day for this decision to be implemented. A new decision was therefore required.
- 5.9 At Cabinet in July 2021 Members requested that further public consultation take place before a decision was taken on the disposal. The nature of, and responses to, that consultation are set out in section 7.4 below. In summary, whilst there is clearly local opposition to the scheme, it is far from universal. More importantly, none of the reasons given for opposing this site for the new school are considered sufficient to over-ride the need to provide school spaces, or are matters properly resolved through the planning process.
- 5.10 Authority is therefore sought to enter into an AfL with the DfE for a new 125-year lease on the site for the provision of a new secondary school as set out in this report. While the lease would be conditional on the delivery of the secondary school, by entering in to such an agreement WNC would be committed to granting the 125-year lease once the various conditions are met. The lease would be at a peppercorn (no rent or premium charged).

6. Issues and Choices

- 6.1 As identified above, there will be a shortage of secondary school places in Northampton in future years. On this basis, the Council previously offered some of its development land to secure the investment from the DfE in the new school. While WNC could take the decision not to offer the land, by doing so it would likely lose the investment in the school and would be at significant risk of failing to meet its statutory obligation to provide enough secondary school places.
- 6.2 While various sites were considered by the DfE, the Wantage Farm site was deemed to be the most suitable and viable.
- 6.3 By making the proposed decision, WNC would agree to grant a 125-year lease on the relevant part of this site and would no longer be able to generate any future development proceeds from

it. As discussed earlier, the site is not currently allocated for development and therefore the future planning status cannot be determined with any degree of certainty at this stage.

- 6.4 The site in question extends to around 10ha (24 acres) and was last used for agricultural purposes. It is not currently possible to accurately assess the future development potential of the site, not least as ground conditions, highway implications, and acceptable site densities are unknown. However, if the site were to secure residential planning permission, then it is possible that site could command a value of around £10 million. There is significant risk attached to this assumption at present. It may however be considered a reasonable upper bound.
- 6.5 This potential loss of financial receipt needs to be considered against the £25 million estimated build cost of the secondary school which would have to be funded by WNC if the current proposal was not to proceed. Additionally, when considering sites for new secondary schools it is likely that WNC would have needed to look at land within its own portfolio before approaching the market. It is therefore likely that if WNC needed to build the secondary school itself, that Wantage Farm would have been identified as the most viable solution. Alternatively, the Council would have to purchase land, at cost.
- 6.6 Even if an alternative site in the vicinity of Northampton was available and purchased, the nature of the area means that many of the same concerns raised about this proposed development would also arise.
- 6.7 Therefore it is considered that none of the concerns raised by residents or other stakeholders would justify not proceeding with the proposed AfL.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 As discussed in more detail at 6.4 and 6.5 above, the site was being held as a future strategic development site but is not currently designated for development. While WNC would be giving up future development land, its potential, and the timescale for any development is unknown. By not moving forward, WNC would not have sufficient school places and may need to wholly fund an alternative solution.
- 7.1.2 The Council could develop a new school on the land but would have to fund the total cost. This proposal secures investment from the DfE to construct the new school. Having to fund the construction of a new school would require the Council to source around £25m of capital funding which it currently has not budgeted for. It would also still lose the land value or pay to purchase alternative land.

7.2 Legal

- 7.2.1 While WNC is not under a statutory obligation to transfer or grant a lease of the site, the proposed agreement for lease is necessary to secure the agreement of DfE to make the investment and construct the school on the site.

7.2.2 Under Section 123(2) of the Local Government Act 1972 the Council cannot dispose of land by freehold or leasehold of more than seven years' duration at less than the best consideration reasonably obtainable (called in this report "best price") without the consent of the Secretary of State. Consent for disposals at up to £2m million less than best price is given by the General Disposal Consent (England) 2003 if the Council considers the disposal would benefit the social, economic or environmental well-being of the area. In this case, it would clearly be reasonable for the Council to consider that the disposal would benefit the social well-being of the area by enabling young people to have secondary education readily available to them. If it is concluded that the under-value exceeds the £2m permitted by the General Consent specific consent would be sought.

7.3 Risk

7.3.1 If the Council enters into the agreement for lease the risks of delivery would lie with the DfE. It would have to obtain planning permission and other consents, procure a building contractor and manage the process to completion. There is therefore little risk to the Council from entering into the AfL.

7.3.2 As highlighted previously, the principal risk surrounds not making the decision to enter into the AfL. Without this commitment, the DfE would not proceed with the investment and WNC would be at risk of not being able to fulfil its statutory obligation to provide sufficient school places. In addition to this, WNC would be left with a requirement to fund the development of the new school at an estimated cost of £25m which it has currently not budgeted for.

7.4 Consultation

7.4.1 As requested at July Cabinet, a period of consultation on the proposal to dispose of the Wantage Farm site to the Department of Education (DfE) for the provision of a new secondary free school to serve Northampton was conducted between 4th August and 3rd September 2021.

7.4.2 The consultation used the following approaches to allow stakeholders to respond:

Consultees	Contact Mechanism
Local MPs, ward councillors and parish councils	Direct email
All residents of Moulton Parish, Overstone Parish, and Moulton Leys and Southfields estates (5,020 dwellings)	Direct mail-out to all residences located within these areas
All other stakeholders	Press releases and promoted via WNC social media channels

7.4.3 In each case people could respond with an email, letter or by completing an online questionnaire.

7.4.4 The consultation document on this subject is provided as Appendix A to this report. The document provided details relating to:

- The current and historical demand for school places in the wider Northampton area.

- An examination of why existing schools within the area cannot be extended further.
- The future demand for school places in the wider Northampton area.
- The future impact of new housing development on the demand for secondary school places.
- Details relating to alternative sites for a new secondary school that have been explored.
- Details relating to the central government delivered free school programme.

7.5 Analysis

7.5.1 At the point the period of consultation concluded on 3rd September 2021, 688 responses had been received, broken down as follows:

- 660 online questionnaires
- 34 written responses by emails or letter
- 18 comments on the Council’s social media channels, of which 3 resulted in further replies.

7.5.2 The number of responses received to this consultation represents a response rate of 13.7% of the 5,020 dwellings contacted directly, although some responses will have been from people other than those residents.

7.5.3 The stakeholders that responded to the online consultation and their interest are categorised within the table below. Stakeholders were able to state more than one category of interest, so the figures contained exceed the total number of respondents.

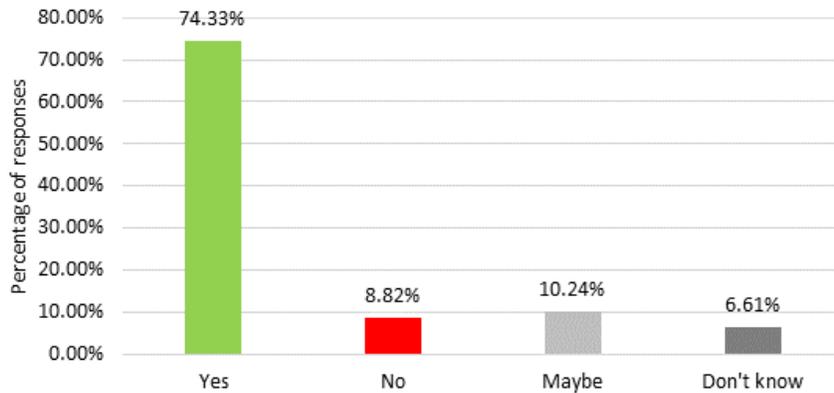
	Number of responses	Percentage of respondents
A local resident	527	80.0%
A parent / guardian of a secondary school pupil	181	27.5%
A young person currently of school age	16	2.4%
A provider of services to secondary schools	3	0.5%
A voluntary, community/charitable organisation	5	0.8%
A West Northamptonshire Councillor	2	0.3%
A town or parish councillor / council	9	1.4%
An educational professional	49	7.4%
Community / residents’ organisation	1	0.2%
Other	16	2.4%

Of the 660 responses to the consultation, 659 responded to this question.

7.5.4 The consultation document and online questionnaire focussed on a number of key themes and questions, these are identified and the responses received to each question/theme are detailed below.

Q. Do you agree with our assessment that there is a need for more secondary school PLACES in Northampton?

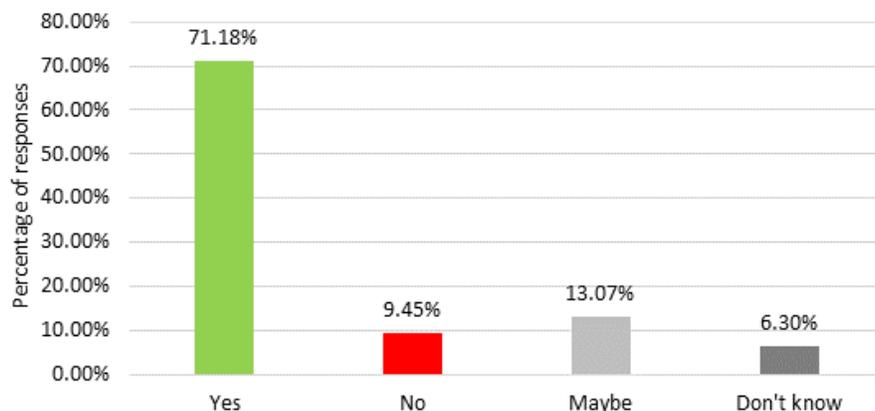
Of the 660 responses to the online consultation, 635 responded to this question.



	Number of responses	Percentage of responses
Yes	472	74.3%
No	56	8.8%
Maybe	65	10.2%
Don't know	42	6.6%
Total	635	100.0%

Q. We think that a new secondary school is needed in Northampton. Do you agree that a new secondary SCHOOL is needed in Northampton?

Of the 660 responses to the online consultation, 635 responded to this question.

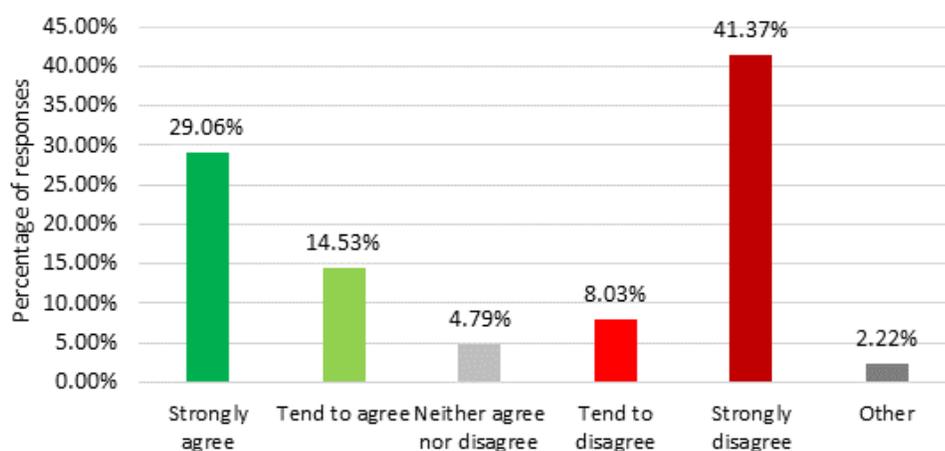


	Number of responses	Percentage of responses
Yes	452	71.2%

	Number of responses	Percentage of responses
No	60	9.5%
Maybe	83	13.1%
Don't know	40	6.3%
Total	635	100.0%

Q. Assuming that a new secondary school is needed in Northampton, to what extent do you agree or disagree that the proposed site of Thorpeville, Moulton is suitable?

Of the 660 responses to the online consultation, 585 responded to this question. Please note 'Other' includes: Don't know (6 responses), I have no opinion (4) and Not applicable (3).



	Number of responses	Percentages of responses
Strongly agree	170	29.1%
Tend to agree	85	14.5%
Neither agree/disagree	28	4.8%
Tend to disagree	47	8.0%
Strongly disagree	242	41.4%
Other	13	2.2%
Total	585	100.0%

7.5.5 Responses received to the consultation clearly emphasise that respondents agreed with WNC's assessment that an increased number of school places are required to serve Northampton (74%) and also that there was a need for a new secondary school in the town (71%).

7.5.6 However, responses in respect of questions relating to whether or not stakeholders believed Wantage Farm to be the right location for a new school were mixed. 49% of respondents 'tended' or 'strongly' disagreed that Wantage Farm was a suitable site for a new secondary school, whilst just under 44% of respondent 'tended' or 'strongly' agreed that that the site was suitable.

7.5.7 The online questionnaire itself generated a total of 935 comments. Whilst some respondents expressed their support many raised objections, as summarised in section 7.6.

7.5.8 The 34 written responses in the form of letters and emails are not included in the numerical analysis above. Of these, 29 expressed general opposition and 5 expressed general support. The vast majority of concerns were regarding traffic congestion and road safety. These was followed by concerns over the impact on the local environment and wildlife. Several respondents also proposed alternative sites.

7.5.9 As noted above, the Council's social media channels generated 18 comments, from which 3 comments posted resulted in further replies. Comments received (again, not included in the numerical analysis above) mostly mirrored those made by other respondents.

7.6 **Consideration of objections**

7.6.1 The objections and other comments received fall into a small number of themes. These are summarised here, and comments made in relation to each theme.

7.6.2 **Highways, volume of traffic and congestion issues**

The substance to these objections can be summarised as follows:

- a) Volume of traffic in local area/impact upon the 'old A43'.
- b) The new school would increase traffic through Moulton village which is already congested at peak times.
- c) The village already experiences heavy traffic volumes due to the existing education provisions located within it.
- d) Increased traffic control measures would be required to allow any students attending the school from the Overstone Leys development to safely walk to school.

Each of the issues listed above would be tested through the planning application process, which would include assessment of traffic impacts and test whether or not the road network in the area could accommodate the number of journeys that are likely to be generated by the proposed school. Planning permission would not be granted until testing exercises of the local road network have been conducted and it has been shown that the local network could satisfactorily accommodate the journeys.

Specifically on item (d), there does not appear to be any reason that additional crossings of the 'new' A43 could not be provided, if it was established these were required.

Under the proposed terms, if planning permission was not obtained the lease would not be granted. The Council would then be free to decide what to use the site for. Of course, that all local residents and any other interested stakeholders will have the ability to respond to and inform the planning process by responding to that consultation once it has been launched.

Concerns were also raised by several people about the potential impact of the school on public footpaths DD2 and DD16, which effectively form the boundary of the site. It is intended these are retained or, if preferable, relocated to the far side of the field boundaries. The view from the footpaths would of course change, but their essential function would remain.

7.6.3 **Loss of green space and environmental issues**

The substance of these objections can be summarised as follows:

- a) Building on this site would mean the loss of the only green space in Moulton.
- b) Impact upon dog walkers that utilise the site or the adjoining Crowfield nature reserve.
- c) Impact upon new and existing wild and plant life at Crowfield nature reserve.
- d) Increased pollution.

In considering these issues it should be noted that there is no lawful access to the site for walking or public recreation. Some informal use has developed, but it is not intended this would continue in any event. For clarity, the Crowfield nature reserve is not part of the proposed school site.

Each of the issues listed above would be tested through the planning application process, which would include assessment and testing of the environmental impact of the proposed new school. Any planning permission could include planning conditions to require measures be taken that would mitigate the environmental impact the school would have. If on balance the view was that the adverse environmental impacts would be too great, then planning would not be granted.

Under the proposed terms, if planning permission was not obtained the lease would not be granted. The Council would then be free to decide what to use the site for.

7.6.4 **Location**

The substance to these objections can be summarised as follows:

- a) Brownfield sites in other locations should be considered, such as former middle school sites or the 'Old Station Yard' Brixworth.
- b) The school is being built in Moulton, a village that is already served by a primary, secondary and further education provision.
- c) There has been too much development in Moulton already.

A significant number of alternative sites have been considered for the location of a new secondary school within the wider Northampton area by both the Council and the Department for Education, none of which were identified as being either viable at or more viable than the proposed site at Wantage Farm. There are no remaining Northampton middle school sites available for this use (the last remaining site was Parklands Middle School, which has been sold). Brixworth is not a location that could practically or sustainably serve to meet demand from both an area of basic need demand (Northampton town), and nor is it in the immediate vicinity of large scale new housing development. None of the sites suggested in consultation responses were viable alternatives to the land at Wantage Farm.

Whilst it is acknowledged that there are other education provisions located in close proximity to the proposed new school site, this is not an uncommon situation in growing areas. There are other areas around Northampton with a larger number of provisions that are co-located. For example, St Gregory's and The Arbours Primary Schools, Weston Favell Academy and Northampton College are all located within 800m of each other. In any event, the mere number of educational institutions in proximity is not material. What matters is whether they would meet demand (and it is the view of WNC school place planning and of the DfE that this site would) and whether they would create unacceptable traffic or other environmental issues (which is a matter the planning process will establish).

The development of Moulton has followed from the need for housing in the area of Northampton. The provision of a school at this location might be considered beneficial in that regard, as it would prevent this site coming forward for housing and retain a large area of open land between Moulton and the adjacent parts of Northampton.

7.7 Consultation conclusions

- 7.7.1 Further consultation was requested by Members with a view to canvassing the opinion of local residents and all other interested stakeholders on the proposal to make the Wantage Farm site available to the DfE for the provision of a new secondary school, to ensure that a fully informed decision was able to be made in respect of this proposal.
- 7.7.2 The need for new secondary capacity in the area to be addressed through the provision of a new secondary school is clear and was supported by the response received to the consultation (over two-thirds agreement that a new school is required).
- 7.7.3 This need is also supported by the approval of the free school submitted by the Northampton School for Boys Charitable Trust by the DfE under the Wave 14 free schools programme. One of the key criteria for approval of a Wave 14 free school bid was that it would serve an area need for school places.
- 7.7.4 Objections to the proposal received as part of the consultation centre on one of a small number of themes, namely highways, congestion and volume of traffic concerns, loss of green space and environmental concerns and that the Wantage Farm site is not the right location for the school.
- 7.7.5 Each of these themes of objection would be considered as part of the planning application process to which all interested stakeholders would be able to respond and make their views known. The planning application process would consider objections and may result, as it judged to reflect the planning balance, a decision to approve or reject, and if approval is given conditions may be imposed to manage any adverse impacts.
- 7.7.6 It is therefore recommended that Cabinet approve this proposal to make the Wantage Farm site available to the DfE on 125-year lease, with AfL containing a condition that the grant of lease would be dependent on planning approval being granted. The AfL would also contain other relevant provisions to protect the parties' interests. Minor changes to the boundary may be made if necessary to enable the development or protect the Council's interests.

7.8 Consideration by Overview and Scrutiny

7.8.1 None.

7.9 Climate Impact

7.9.1 Locating sufficient school capacity in Northampton should help reduce the need for motorised travel, particularly over long distances.

7.10 Community Impact

7.10.1 By agreeing to this recommendation WNC would be able to support the provision of additional school places in Northampton to meet the projected demand. This would ensure that WNC would be able to offer secondary education places to the local community.

7.10.2 The provision of a new secondary school that would provide sufficient secondary school places in the wider Northampton area would have a positive community impact upon the school-age population of this area and their families. The responses received during the consultation make it clear that the provision of a new secondary school on the Wantage Farm site is perceived by some to be a negative impact. However, on balance it is considered the impact would be positive.

7.11 Communications

7.11.1 As noted above, the Council has directly communicating with residents and stakeholders about the proposed disposal. Once a decision is taken residents and stakeholders would be informed of the position. If the decision is to approve entering into the AfL, it would be explained that the Council would consult on a planning application, leading in due course to a planning decision. If planning permission is granted the Council would work alongside the DfE/ESFA and the Trust to explain the programme of work leading to the opening of the school.

8. Background Papers

8.1 Cabinet Report – July 2021 Cabinet Meeting