

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

4 December 2018

Proposal to expand Overdale Community Primary School

1 PURPOSE OF REPORT

- 1.1 To report on the outcome of formal consultation on a proposal to expand Overdale Community Primary School to 420 Places from September 2020.
- 1.2 To recommend that the expansion proposal be approved.

2 EXECUTIVE SUMMARY

- 2.1 The Executive agreed on 16th October to the publication of a statutory proposal to expand Overdale Community Primary School into an expanded building on a new site with a published admission number of 60 from September 2020.
- 2.2 The NYCC funding contribution towards the development of a new site was approved by the Executive in July 2018 and a planning application has been submitted for a scheme which would be completed by June 2020.
- 2.3 The proposed new school site to accommodate this expansion is located on a new housing development under a mile from the existing school site. The need for additional school places is generated by this housing growth.

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for expanding a maintained school. These are detailed in School Organisation regulations¹ and guidance². Under the regulations and guidance, Local Authorities proposing expansions of schools must follow a streamlined statutory process if the proposed enlargement to the premises of the school is permanent and would increase the capacity of the school by more than 30 pupils; and 25% or 200 pupils (whichever is the lesser). As the new school site is within 2 miles of the existing school site, an additional statutory proposal to transfer the school to the new site is not required.
- 3.2 Overdale Community Primary School serves a catchment area in the north of the Town of Eastfield, south of Scarborough, for children aged 3 to 11 years as well as nursery provision.

¹ The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

² DfE, Making significant changes ('prescribed alterations') to maintained schools, Statutory Guidance for Proposers and Decision Makers, October 2018.

3.3 Overdale Community Primary School currently operates as a one form entry school, admitting up to 30 in each year group from Reception to Year 6, with a capacity of 210 pupils. The 2018 admission number for the school was therefore 30. Although Overdale CP School is not currently oversubscribed the projected number of pupils across the school's catchment area is increasing, due to a major new housing development, and this additional capacity is needed to meet expected demand. This proposal would expand the school to accommodate up to 420 pupils, admitting up to 60 children into the reception class each year, and the school would operate as a two form entry school.

3.4 Pupil numbers at Overdale have risen in recent years. The numbers on roll have grown as follows:

2013/14 -	137
2014/15 –	153
2015/16 –	153
2016/17 –	170
2017/18 –	183
2018/19 –	182

Pupil numbers are projected to continue to be high into the future:

2019/20 –	218
2020/21 –	246
2021/22 –	275
2022/23 –	298
2023/24 –	322

3.5 In March 2013 an Outline Application for a development including 1350 dwellings was approved by Scarborough Borough Council within the current catchment area for Overdale C.P. The projected demand for places above is based upon a projected pupil yield from this development as well as the underlying demographic trends. The development has been under construction since 2014 and further phases are expected to be brought forward for detailed planning permission over the planning period. As of April 2018 just over 300 of the 1350 dwellings had been constructed.

3.6 A planning application for the new school site was submitted in July 2018 and will be determined by the County Council in its function as Planning Authority. It will be a delegated decision. At the time of writing the decision has not been taken but it is projected to have been determined by the date that this report will be considered.

3.7 Overdale Community Primary School received its last Ofsted judgement in February 2014 and was judged to be 'Good' in all areas.

4 CONSULTATION UNDERTAKEN AND RESPONSES

Informal Consultation

- 4.1 This proposal has been developed in consultation with the school senior management and governors. The School Organisation regulations and guidance introduced in January 2014 removed the formal requirement to consult before publishing proposals. In this instance however, the planning process has provided another formal opportunity for interested parties to express their views. In addition, the school has notified parents about the proposal and held an engagement session at the School.
- 4.4 On 16th October 2018 the Executive agreed to the publication of statutory proposals for the expansion of Overdale Community Primary School to 420 places. The full statutory proposals and statutory notice are provided at **Appendix 1 and 2**.

Response to the Statutory Proposals

- 4.9 Statutory notices were published on 25th October.
- 4.10 At the point when the representation period closed on 22nd there were no responses other than a supporting statement from the school.
- 4.11 The Headteacher has responded on behalf of the Governing Body and Staff of Overdale Community Primary School to say that they fully support the expansion of the school onto the new site *“are looking forward to having a brand new state of the art building that will allow us to welcome many more children into the school for the surrounding new estate of houses.”*

5. CONCLUSIONS

- 5.1 There is a need to expand the number of school places to meet the LA's statutory duty to ensure a sufficiency of school places. The expansion of Overdale Community Primary School is the logical option as the housing developments creating the increased need for school places falls within their catchment area.
- 5.2 The school leadership is supportive of the proposal and the expansion of a local school judged 'Good' by Ofsted is a sustainable method to deliver additional school places to meet the LA's Statutory duty to ensure sufficient school places.
- 5.2 This project has been a longstanding aspiration in the local community and an outcome that LA Officers have been working towards for a number of years. The lack of response to the consultation is considered likely to be due to the broad support for this proposal and expectation that this change of provision would be carried out to support the expanding settlement.
- 5.3 As the site is within 2 miles of the existing school site a statutory process is not required for the move of site. Furthermore, it should be noted that the new site was chosen partly because it served a geographical centre between the existing

housing and the area of outstanding housing permissions which are being developed to the north of the main settlement of Eastfield.

6. FINANCIAL IMPLICATIONS

- 6.1 The County Council has the statutory duty to ensure that sufficient school places are available. It receives capital funding to address this 'basic need'. In addition the County Council has a policy of trying to secure developer contributions for educational provision arising from housing. Further contributions will be sought in respect of any additional new housing developments with an impact on primary school places.
- 5.2 The Basic Need Programme 2018-21 approved by the Executive on 24 July 2018 included a provision to provide an new enlarged Primary School facility to accommodate an expanded Overdale Community Primary School using a combination of basic need capital funding, community S106 and developer contributions.

6 LEGAL IMPLICATIONS

- 6.1 Careful regard has been had to the provisions set out in the School Organisation regulations³ and guidance⁴. The guidance for decision-makers is provided at **Appendix 4**.

7 HUMAN RIGHTS IMPLICATIONS

- 7.1 There are no Human Rights issues in relation to this issue.

8 OTHER IMPLICATIONS

- 8.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached at **Appendix 5**.

9. RECOMMENDATIONS

- 9.1 That the statutory proposal for the expansion of Overdale Community Primary School to 420 places be approved;

Stuart Carlton
Corporate Director – Children and Young People's Service
COUNTY HALL
NORTHALLERTON

Report prepared by Matt George, Strategic Planning Officer.

³ The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

⁴ DfE, Making significant changes ('prescribed alteration') to maintained schools, Statutory Guidance for Proposers and Decision Makers, October 2018.

Appendices

Appendix 1: Statutory proposal for school expansion (enlargement to premises)- Full Proposal Document

Appendix 2: Statutory notice

Appendix 3: Responses to Statutory Notice

Appendix 4: Statutory Guidance, Making Significant changes ('prescribed alteration') to maintained schools

Appendix 5: Equalities Impact Assessment

Background documents

Report to the Executive – 16 October 2018

Action AgreedExecutive Member

Date:

Action RequestedCorporate Director

Date:

APPENDIX 1

Overdale Community Primary School Statutory proposal for school expansion (enlargement to premises) Full Proposal Document

Name and contact details of the Local Authority or governing body publishing the proposal

North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AE.

Name, address and category of the school proposed for expansion

Overdale Community Primary School, Hawthorne Walk, Eastfield, Scarborough, North Yorkshire, YO11 3HW.

Description of alteration and evidence of demand

Overdale Community Primary School serves a catchment area in the north of the Town of Eastfield, south of Scarborough, for children aged 3 to 11 years as well as nursery provision.

In March 2013 an Outline Application for a development including 1350 dwellings was approved by Scarborough Borough Council within the current catchment area for Overdale C.P. The projected demand for places below is based upon a projected pupil yield from this development as well as the underlying demographic trends. The development has been under construction since 2014 and further phases are expected to be brought forward for detailed planning permission over the planning period. As of April 2018 just over 300 of the 1350 dwellings had been built.

Overdale Community Primary School currently operates as a one form entry school, admitting up to 30 in each year group from Reception to Year 6, with a capacity of 210 pupils. The 2018 admission number for the school was therefore 30. Although Overdale is not currently oversubscribed the projected number of pupils across the school's catchment area is increasing and this additional capacity is needed to meet expected demand. This proposal would expand the school to accommodate up to 420 pupils, admitting up to 60 children into the reception class each year, and the school would operate as a two form entry school.

Pupil numbers at Overdale have risen in recent years. The numbers on roll have grown as follows:

2013/14 -	137
2014/15 –	153
2015/16 –	153
2016/17 –	170
2017/18 –	183

2018/19 – 182

Pupil numbers are projected to continue to be high into the future:

2019/20 – 218

2020/21 – 246

2021/22 – 275

2022/23 – 298

2023/24 – 322

Objectives

The proposed expansion is designed to ensure sufficiency of school places in the local area in response to the growth in housing and in accordance with the Local Authority's duty under section 14 of the Education Act 1996. The enlargement is expected to ensure that, as far as possible, the School can continue to accommodate all pupils who reside in the School's catchment area and require a place at the School. Places will continue to be allocated in accordance with the NYCC Admissions Policy for Community and Voluntary Controlled Schools. This expansion will enable sufficiency of places in Eastfield and allow parents to continue to exercise parental choice.

The most recent Ofsted inspection of the school was undertaken in 2014 with the following outcomes:

Overall effectiveness – Good

Achievement of pupils – Good

Quality of teaching – Good

Behaviour and safety of pupils – Good

Leadership and management – Good

Effect on other schools, academies and educational institutions within the area

No significant impact on any other local schools, academies or educational institutions is anticipated.

Project costs and funding

The Basic Need Programme 2018-21 approved by the Executive on 24 July 2018 included funding for an expansion of Overdale Community Primary School using basic need capital funding supplemented by developer contributions.

The tender process has not yet commenced so cost confirmation will not be available for some time.

Implementation

The construction project is expected to be completed during 2020. The increased
Published
Admission Number of 60 would be effective from September 2020.

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall,

Northallerton, DL7 8AE by
5pm on **22nd November 2018.**

APPENDIX 2



Proposed Enlargement at Overdale Community Primary School

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 Overdale Community Primary School, Hawthorne Walk, Eastfield, Scarborough, North Yorkshire, YO11 3HW from 1 September 2020.

The proposal is to permanently expand Overdale Community Primary School in Scarborough through using a site at Ashmead Square Eastfield, Scarborough YO11 3EY. The expanded school will continue to provide for pupils aged 3-11. 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 210 and the proposed capacity will be 420. The current number of pupils registered at the school is 182. The current admission number for the school is 30 and the proposed admission number will be 60 effective from September 2020.

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 22 November 2018.

Signed:

Barry Khan, Assistant Chief Executive
Legal and Democratic Services

Date:

25 October 2018

APPENDIX 3

Responses to Consultation

There was a single response to the consultation from the school leadership and governors which stated:

'The staff and Governors of Overdale Community Primary School are thrilled to be moving to the 'new' Overdale school site at Middle Deepdale. We are looking forward to having a brand new state of the art building that will allow us to welcome many more children into the school for the surrounding new estate of houses.'



Equality Impact Assessment (EIA): evidencing paying due regard to protected characteristics July 2013

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	Children and Young People's Service
Lead Officer and contact details	Andrew Dixon
Names and roles of other people involved in	Matt George
How will you pay due regard? e.g. working group, individual officer	Individual Officer
When did the due regard process start?	January 2018
Sign off by Assistant Director (or equivalent)	Judith Kirk

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?)

To permanently expand Overdale Community Primary School by 210 places to provide a total capacity of 420 places

Section 2. Why is this being proposed? (e.g. to save money, meet increased demand, do things in a better way.)

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.

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

Overdale Community Primary School currently operates as a one form entry school, admitting up to 30 in each year group from Reception to Year 6, with a capacity of 210 pupils. This proposal would expand the school to accommodate up to 420 pupils, admitting up to 60 children into the reception class each year, and the school would operate as a two form entry school.

Section 4. What impact will this proposal have on council resources (budgets)?

Cost neutral? N
Increased cost?
Y Reduced cost?
N

Please explain briefly why this will be the result.

The Basic Need Programme 2018-21 approved by the Executive on 24 July 2018

included an expansion of Overdale Community Primary School using basic need capital funding.

Section 5. Will this proposal affect people with protected characteristics	No impact	Make things better	Make things worse	Why will it have this effect? State any evidence you have for your thinking.
Age	X			
Disability		X		The classrooms created during the building project will be fully accessible for pupils and staff with
Sex (Gender)	X			
Race	X			
Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			
Section 6. Would this proposal affect people for the	No impact	Make things better	Make things worse	Why will it have this effect? Give any evidence you have.
Live in a rural area	X			
Have a low income	X			

Section 7. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men?) State where this is likely to happen and explain what you think the effect will be and why giving any evidence you have.

Not applicable

Section 8. Only complete this section if the proposal will make things worse for some people. Remember that we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us.

Can we change our proposal to reduce or remove these adverse impacts?

Can we achieve our aim in another way which will not make things worse for people?

If we need to achieve our aim and can't remove or reduce the adverse impacts get advice from legal services. Summarise the advice here. Make sure the advice is passed on to decision makers if the proposal proceeds.

Section 9. If the proposal is implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

The School will continue to engage with parents and local residents to gain their views.

Section 10. List any actions you need to take which have been identified in this EIA

Action	Lead	By when	Progress
Not applicable			

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.