

## **Modification of the Section 106 Agreement at Chase Farm (2023/0468)**

### **Further Statement of Nottinghamshire County Council - October 2023**

Nottinghamshire County Council has applied to vary the planning obligation related to education facilities generated by the development of Chase Farm, Gedling, in order to enable developer contributions to support secondary education facilities.

This further statement seeks to respond to the issues raised by Councillors on Gedling Borough Council's Planning Committee at its meeting of 6 September 2023.

This statement focusses on:

- forecast housing growth within Carlton and the impact of additional housing on the need for a new primary school at the Chase Farm development,
- the role of the DfE and the advice that it has given regarding the decision to commission a new school presumption,
- the project for which developer funding is being sought to expand secondary education facilities at Carlton Academy.

#### **1. Housing Growth**

The pupil projection data which is produced by the County Council is inclusive of demand for school places which are anticipated to arise from new housing development during the projection period, 2022/23-2026/27.

The demand which is included in the dataset is based upon those sites which are identified as housing commitments by the Borough Council in its Housing Land Supply.

The average five-year projection presented in Table 2 of the County Council's Planning Statement (reproduced below) is inclusive of the remainder of the housing, which is planned at the site "Land at Chase Farm", with the exception of 346 dwellings which are planned to be built after the projection period (2026/27+).

The number of pupils anticipated to arise from these residual dwellings (i.e., 73 pupils) will be accommodated within local schools, assuming forecast trends continue, and would not be sufficient to sustain a new one form entry primary school.

Table 2 – Carlton Primary Planning Area Average Five Year Projection by School

Planning area	DFE no.	School	LA / academy	District	Net Capacity	Average 5 Year Projection	Pupils from housing commitments, 5 yrs	Surplus / Deficit Places
Carlton	3018	All Hallows C of E Primary School	LA	GEDLING	150	203	3	-56
Carlton	2699	Burton Joyce Primary School	Academy	GEDLING	315	286	27	+2
Carlton	2227	Carlton Infant Academy	Academy	GEDLING	200	155	7	+38
Carlton	2226	Carlton Junior Academy	Academy	GEDLING	240	220	9	+11
Carlton	2024	Haddon Primary and Nursery School	Academy	GEDLING	210	156	105	-51
Carlton	2033	Netherfield Primary School	Academy	GEDLING	420	344	101	-25
Carlton	2234	Parkdale Primary School	Academy	GEDLING	420	409	7	+4
Carlton	2239	Phoenix Infant and Nursery	LA	GEDLING	180	118	1	+61
Carlton	2236	Porchester Junior School	Academy	GEDLING	180	172	3	+5
Carlton	2238	Priory Junior School	LA	GEDLING	233	225	1	+7
Carlton	2044	Rivendell Primary	Academy	GEDLING	210	71	0	+139
Carlton	3690	Sacred Heart Catholic Academy	Academy	GEDLING	210	212	0	-2
Carlton	3352	St John's C of E Primary School	LA	GEDLING	210	197	0	+13
Carlton	2237	Standhill Infant School	LA	GEDLING	135	131	1	+3
Carlton	2911	Stanhope Primary and Nursery	LA	GEDLING	417	305	1	+111
Carlton	2244	Willow Farm Primary School	Academy	GEDLING	210	211	2	-3
Carlton	1008	PLANNING AREA TOTAL		GEDLING	3940	3415	268	+257

It is acknowledged that further sites may come forward for development within the pupil planning area which may increase demand for school places during the projection period.

The additional sites which have been identified by the Borough Council as being potentially developable include: the site of the former Sherwood E-ACT Academy, the site which was reserved for a primary school at Chase Farm, and Land at Mapperley Plains which has conditional permission, subject to completion of a S106 Agreement (2019/0764). The anticipated number of dwellings and associated pupil projection for each site is detailed below.

Potential Housing Developments	Anticipated Dwellings	Primary Pupils
Sherwood E-ACT Academy	125	26
Primary School Land at Chase Farm	30	6
Land at Mapperley Plains	46	10
<b>Total</b>	<b>201</b>	<b>42</b>

Collectively, the additional sites would yield 42 primary pupils which could be accommodated within the forecast surplus capacity identified in the County Council's Planning Statement.

Furthermore, it is clear from the surplus number of places which are forecast at the present time, as detailed in the table above, that there is scope to accommodate the demand from many more dwellings within the Carlton primary planning area, should there be an indication that demand could rise further as a result of the Borough Council's forthcoming Strategic Housing Land Availability Assessment and revised Five Year Housing Supply Statements to be published later in October.

## 2. Department for Education

The County Council's Planning Statement states that the County Council cannot undermine the sustainability of existing schools and any proposal to develop a new school would be susceptible to resistance from local schools and potentially the Department for Education (DfE).

The Borough Council has asked for evidence from the Department for Education that a new primary school would not be supported in circumstances where there is a sufficiency of school places.

The County Council has contacted the DfE in response to the Borough Council's request. The DfE has confirmed (Appendix 1) that authority to establish a new primary school belongs to the Secretary of State (in practice the DfE Regional Director), rather than the County Council, but is based on forecast need being established and a "free school presumption" process being initiated by the Local Authority. This is when the local authority based on evidence of need, begins a consultation on proposals for a new school and seeks an Academy Trust Sponsor to manage the proposed school.

In making decisions regarding the need for a new school, the County Council should balance its duty to provide sufficient school places with ensuring there is not an over-supply of places, which could make existing schools unviable. A pre-requisite for approval of a new school is a free school presumption process as described above. In accordance with the advice given, the County Council is not able to commission a new presumption process for a primary school at Chase Farm, as it is considered that this would endanger the viability of other schools.

In response to the recent enquiry the DfE has written (emphasis added) :

*"Local authorities have a statutory duty (section 14 of the Education Act 1996) to ensure there are sufficient school places in their area. Where they identify the need for a new school, section 6A of the Education and Inspections Act 2006, requires them to first seek proposals for a new free school (academy). The final decision does however rest with the Secretary of State (normally delegated to the relevant Regional Director) regarding with whom they will enter into a funding agreement. The Regional Director will therefore consider all of the evidence provided as well as any other relevant matters of which he or she is aware before making a decision regarding the sponsor. **In making decisions around the need for a presumption school, local authorities need to balance their duty to provide sufficient school places with ensuring there is not an over-supply of places, which could make existing schools unviable**" - Pupil Place Planning Advisor East Midlands, Department for Education*

The annual forecast of pupil places across the planning area was presented in Table 1 of the County Council's Planning Statement and confirms an over-supply of places each year. This information has been shared with the Pupil Place Planning Advisor at the DfE whose response is set out in Appendix 1.

Table 1 – Carlton Primary Planning Area projections 2022/23 to 2026/27

School Name	Planning Area	PAN			Net ca	Proj Yea	School years						Whole school projection	
		FZ	IJ				R	1	2	3	4	5	6	TOT
Planning area summary	Carlton	615	120	4000	2022-23	501	512	535	550	502	523	533	3656	+344
Planning area summary	Carlton	615	120	4000	2023-24	523	503	520	539	555	515	532	3687	+313
Planning area summary	Carlton	615	120	4000	2024-25	499	524	507	522	538	567	521	3678	+322
Planning area summary	Carlton	615	120	4000	2025-26	505	499	528	526	521	549	574	3702	+298
Planning area summary	Carlton	615	120	4000	2026-27	513	507	505	545	528	534	556	3688	+312

### 3. Secondary Education

The County Council maintains that its proposal to modify the S106 Agreement would preserve the planning obligation and enable developer funding to continue to be invested into local education infrastructure within Carlton.

In light of the circumstances described above, there is no prospect of the County Council being able to use the developer funding to deliver a primary school and therefore it can no longer serve a useful purpose in this regard.

However, it can continue to serve a useful purpose by being used to expand the provision of secondary education places. The County Council supported the Carlton Academy to deliver 300 additional places in 2020 and is presently working with Carlton-le-Willows to deliver another 450 places by 2024. The proposed expansion of the Carlton Academy is additional to these projects and would enable the school to admit a further 150 pupils. The Carlton Academy has designed a scheme and is wishing to commence as soon as practically possible but can only do so with the assurance that the funding from Land at Chase Farm is available.

A letter has been submitted to Gedling BC officers from the Regional Director of the Redhill Trust who manage Carlton Academy in support of this application and is also appended to this submission as Appendix 2.

### 4. Conclusion

It is hoped that this submission covers the substantive outstanding issues raised by the Gedling PC Planning Committee members at the September Committee meeting and that officers will continue to recommend approval of the application to vary the terms of the Chase Farm S106 obligation to enable developer contributions to support secondary education provision serving the development.