

Division(s): HENDREDS & HARWELL

**DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN,
EDUCATION AND YOUNG PEOPLE'S SERVICES**

10 JULY 2024

**NEW PRIMARY SCHOOL SERVING THE VALLEY PARK
DEVELOPMENT TO THE WEST OF DIDCOT: REPORT ON
CONSULTATION AND APPROVAL FOR SCHOOL SPECIFICATION**

Report by Director for Children's Services

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to:

- a) **Approve the specification for the new primary school to serve the Valley Park development to the west of Didcot, and for a competitive process to be launched to identify an academy sponsor to run the school.**

Executive Summary

1. Oxfordshire County Council has identified the need to establish a new primary school to serve a permitted new housing development of over 4,000 homes to the west of Didcot. The Section 106 agreement under which the primary school is being delivered by the developers sets a requirement that it opens by the 500th housing occupation. The developers currently advise that they expect the school to be ready to open for September 2026
2. Oxfordshire County Council will not run the new school. The 2011 Education Act requires that all new schools are expected to be academies/free schools. This law means that they are not run by the county council except in exceptional circumstances. Instead, academies are run by independent academy trusts.
3. This report forms part of the approved process in Oxfordshire to identify a sponsor for the new primary school, as detailed below. It seeks approval both for the final education specification, and for the council to embark on a process to identify an academy sponsor to operate the new school.

4. The physical design and construction of the school will be subject to the usual planning permission and capital governance processes, and is not covered in this report.

Background

5. Under section 6A of the Education and Inspections Act 2006 (the 'free school presumption') where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish an academy. Oxfordshire County Council has identified the need to establish a new primary school in the Valley Park development to the west of Didcot.
6. The new school will chiefly serve a permitted new housing development of over 4,000 homes to the west of Didcot, permitted under application P14/V/2873/O. The first phases of development were granted Reserved Matters approval in 2022 and 2023. Population modelling of the development estimated that once fully populated, it would generate approximately 800 additional primary pupils, equivalent to nearly four forms of entry. The actual pupil generation may vary from this based on the speed of delivery of the new houses as well as underlying demographic patterns. To meet the needs of the new residents, the development includes sites for two new primary schools, the first of which is covered by this report. There is no confirmed timescale for the second school at this stage.
7. The Section 106 agreement under which the first primary school is being delivered by the developers sets a requirement that it opens by the 500th housing occupation. The developers currently advise that they expect the school to be ready to open for September 2026.
8. This school forms part of the strategic planning for additional school capacity to meet the expected growth in pupil numbers arising from housing growth in the Didcot area, both permitted and planned in the Vale of White Horse and South Oxfordshire Local Plans. This includes two new special schools and a new secondary school within the NE Didcot development, as well as three primary schools and a secondary school opened in recent years.
9. Oxfordshire County Council's role is to plan for and secure sufficient school places, and find a potential sponsor for the new schools. The Department for Education (DfE) has set out guidance on the Free School Presumption process for establishing new schools, and based on this guidance, Oxfordshire's School Organisation Stakeholder Group has approved the following process:

- i. The county council undertakes a public consultation to decide the academy model to be implemented and finalise the education specification for the new academy, based on the DfE's model specification template, which is then to be approved by the Cabinet Member responsible for Education. The DfE is notified that applications will be sought.
 - ii. The county council invites applications from academy trusts interested in running the school through the county council website, as well as through direct notification of known interested parties and through such mechanisms as facilitated by the DfE.
 - iii. The county council assesses applications against the specification and the criteria in current DfE guidance. This assessment includes a presentation from each bidder to the assessment panel.
 - iv. The county council submits a recommendation and assessments, including scoring of the proposals, to the DfE Regional Director (RD), as representative of the Secretary of State, who then decides on the successful trust.
10. The first stage of this process is to write an educational specification for the new schools to invite bids from potential academy trusts wanting to run it. The public consultation on the draft specification for the new school has now taken place, and details of this consultation are provided below. From this, the specification for the school has been finalised. The purpose of this report is to provide information on the consultation outcome, and seek Cabinet Member approval to move onto the next stage of the process: inviting interested parties to submit applications to run the school, based on the proposed specification at Annex 1.

Proposed specification for the new school

11. The school will be a 3-form entry 2-11 primary, providing 630 primary school places, with a 120-place nursery and a 12-place SEND resource base. The detailed specification is provided in Annex 1.

Next Steps

12. The Cabinet Member is requested to approve the draft specification attached as Annex 1 as the basis for stage (ii) of the academy provider process outlined in paragraph 11 above, the invitation of applications from potential providers. Such applications would be sought from September/October 2024, and assessed, and the Cabinet Member asked to approve a preferred provider for recommendation to the DfE Regional Director for approval by spring 2025.
13. Running in parallel to this process, the developer is working towards submitting a detailed planning application for the school this summer, with approval expected by the autumn. They plan for construction to commence Spring 2025

with practical completion June 2026 and the school opening in September 2026. This timescale is subject to change, should the associated housing development slow down.

Corporate Policies and Priorities

14. The planned new school is necessary to ensure the county council can meet its statutory duty to secure sufficient school places for the growing population of Didcot. It will support the council's vision to provide services that enhance the quality of life and to give every child a good start in life.

Financial Implications

15. The direct financial implication of this report is the cost of the process of seeking expressions of interest, which is planned for and met within the normal CEF budget provision. There are no significant financial implications or risks at this stage.
16. The building costs of the new school will be met by the housing developer through the Section 106 agreement linked to the Valley Park development.

Comments checked by:

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Legal Implications

17. Local authorities must plan for and secure sufficient school places for their area in line with their duties under section 14 of the Education Act 1996
18. The process followed by the council to establish a new school is in line with the non-statutory guidance published by the government which sets out the department's advice and guidance about how the free school presumption process should operate in practice. This guidance applies to all new schools established following the process in section 6A of the Education and Inspections Act 2006, which is known as the 'free school presumption' route. Section 6A requires that, where a local authority identifies a need for a new school in its area, it must seek proposals to establish an academy (free school). The legislation that relates to this guidance includes:
 - the Education Act 2011 (EA 2011)
 - the Education and Inspections Act 2006 (EIA 2006)
 - the Academies Act 2010.

Comments checked by:

Paul Grant, Head of Legal and Deputy Monitoring Officer, Law & Governance (Legal Services), paul.grant@oxfordshire.gov.uk

Staff Implications

19. There are no additional staff implications resulting from this report.

Equality & Inclusion Implications

20. Section 149 of the Equalities Act 2010 imposes a duty on the Council to give due regard to three needs in exercising its functions:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic, and those who do not.
21. Increasing education provision through the building of a new school to serve Didcot will have positive equalities impacts for children, and their families and carers, through providing easier access to school places.

Sustainability Implications

22. The school will be constructed to Net Carbon Zero standards.

Risk Management

23. The delivery timescale of the primary school is dependent on the progress of the associated housing development, and it may become necessary to delay the opening of the school. This risk can be managed through the usual project planning processes for new schools.
23. If the specification proves unattractive to potential sponsors, we may not be able to identify sufficient providers interested in running the school. In cases where an academy provider cannot be identified, the Department for Education expects to be able to assist.

Consultations

24. The public consultation to inform the development of the education specification for the new primary school was conducted by the School Organisation & Planning team between 1 April – 23 May 2024. The purpose of the consultation was:
 - To invite comment on the draft education specification to be used as the basis of identifying an academy sponsor for the new school;

- To act as pre-notification to potential sponsors of the future bidding process.
25. The consultation was publicised through the county council consultations website and invitations to join the consultation were targeted at local councillors, schools, and other stakeholders.
26. 21 respondents submitted comments. Of these the majority took the opportunity to comment on the need for more special education provision, either through the planned SEND Resource Base within the school being larger (3 responses); or through a special school being built instead of or as well as a primary school (9 responses). The delivery of new special schools for the Didcot area is covered by a separate report. The size of the planned Resource Base is in line with those at other Oxfordshire schools, but can be reviewed once the school is operational, if more places are required.
27. Three respondents expressed the view that a new primary school was not needed, one that it might be too large and another that it might be too soon. Although there are currently spare places in some schools in Didcot, the schools surrounding the Valley Park development have very few spare places, and the two primary schools opened to serve the Great Western Park development are significantly over-subscribed. The scale of the Valley Park development (larger than Great Western Park) will require additional primary school capacity, and locating this in the heart of the development will reduce the need to travel and support community cohesion for the new residents. Although the school will be built as a 3-form entry school, it will open up classes gradually to keep pace with local population growth, and minimise the impact on other schools.
28. Five respondents unambiguously supported the need for a new primary school, and in total fifteen responses suggested support, with some qualifications.
29. Other comments included:
- Suggestions about the details of school design.
 - Need for more nursery places in the vicinity.
 - A current shortage of school places to the west of Didcot.

Lisa Lyons
Director for Children's Services

Annex 1: Proposed specification for a new primary school to serve Valley Park, west of Didcot

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