

Committee: **Cabinet**

Date: **18 October 2005**

By: **Director of Children's Services**

Title: **The future of primary education in Rye**

Purpose: **To seek the Cabinet's approval to issue Statutory Notices in support of the reorganisation of primary education in Rye.**

RECOMMENDATION

The Cabinet is recommended to:

- i) note the summary of risks associated with the development of a new 1.5 form entry community primary school on part of the playing field of Thomas Peacocke Community College; and**
 - ii) authorise the publication of Statutory Notices to close Tilling Green Infant School and The Freda Gardham Primary School with effect from 31 August 2008 and open a new school, with a current working title of Rye Primary, with effect from 1 September 2008**
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1. Financial Appraisal

1.1 The current capital costs (£6.4m gross) associated with developing the new school are published in the Capital Programme 2005/06 to 2009/10. Attendant costs related to Statutory Notices and the School Organisation Committee (SOC) will be met from the 2005/06 revenue budget. The Cabinet will appreciate that building cost inflation is currently running at 5–7% pa and that delay is likely to create upward pressure on outturn costs. Final costs attributed to this proposal will be a product of the risk factors associated with the project which are detailed in paragraph 2 and will be managed through disciplined project management techniques.

2 Supporting information

The current situation

2.1 On 12 January 2005 the Cabinet approved in principle a proposal for a new 1.5 form entry primary school on the site subject to the satisfactory resolution of certain risk items.

2.2 The key risks relate to:

2.2.1 Access to the school and associated works to the rail network. The road access is dependent on the sale of the adjacent site, and construction of the road by the purchaser. The purchaser has produced a design backed up by traffic modelling around the proposed junction to Ferry Road near the level crossing and this is being checked by officers. Until approved, a planning application for the road to the new school cannot be submitted. There are also concerns that, once the application has been submitted, Network Rail and the Rail Inspectorate will not respond in a timely fashion to give the necessary technical approvals to works to the level crossing and will subsequently delay access to the track network to carry out the necessary works. Delays in gaining planning consent for the road and access to the rail network are on the critical path to the school development proposal. This aspect of the development will require active project management to safeguard our objectives.

2.2.2 Planning consent for the school. The site is outside of the development boundary and a strong case that there are no suitable or available alternative sites will have to be mounted to gain planning consent; and there is a risk of 'call-in' by the Secretary of State whereby the County will not determine the planning application. The siting and design of the building will be sensitive, given the historic setting of Rye.

2.2.3 Flood risk. The site is low-lying and many parts of Rye are subject to flood risk. Consultants are carrying out a flood risk assessment and liaising with the Environment Agency.

2.2.4 The loss and replacement of playing fields at Thomas Peacocke Community College which could impact on the campus "feel" of the development. Discussions are ongoing with the school about how this can be minimised within a reasonable cost envelope.

2.3 The above-mentioned risks will take time to resolve and are making the scheme unusually complex. All necessary steps will be taken, however, to mitigate and manage risk; in particular, officers will be proactive in their dealings with Network Rail.

3 The Children's Services' Case

3.1 Following the consultation ending in December 2004, the case to close Tilling Green Infant and The Freda Gardham Primary schools and open a new primary school on the playing field of Thomas Peacocke Community College was approved in principle by the Cabinet on 12 January 2005. That approval was subject to satisfactory resolution of the outstanding matters referred to elsewhere in this report. Whilst there remain significant uncertainties concerning the risks identified there has been progress. Department for Education and Skills (DfES) guidance is clear that proposals should be published within a reasonable timeframe after conclusion of consultation so that they are informed by up to date feedback. The DfES also considers that consultation should not have concluded more than 12 months before proposals are published. If the Director does not publish before December 2005 it will be necessary to restart the entire consultation process which would be in danger of becoming embroiled in other, broader issues of planning.

3.2 The Director's advice, therefore, is to publish Notices before the end of November 2005 in accordance with the School Standards and Framework Act 1998 and the Education (School Organisation Proposals) (England) Regulations 1999. Also, in view of the operational risks outlined, the Director considers it advisable to delay the effective date of the closure/open process for a year until September 2008. The Notices themselves will provide detail of the new school, among other things in respect of numbers, age range, admissions, location, transfer arrangements from existing schools and community cohesion. No specific notice is required in respect of the Rye Children's Centre which will be an integral part of the campus.

3.3 Officers will continue to work with both schools to manage any additional pressures that this delay may create in either financial or HR terms.

4. Conclusion and Reason for Recommendations

4.1 This worthwhile project is both complex and challenging. The educational case to improve primary provision in Rye has not diminished. The proposal offers the most effective approach to secure sustainable high quality education in modern, fit for purpose buildings that offer benefit to the whole community. However, it is recognised that the delay to the opening of the school will require careful management within the local community. It is recognised that there remain significant risk issues to be managed.

4.2 By proceeding to Statutory Notices before the end of November it will not be necessary to embark on the entire consultation process again.

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