

## School Development – What’s in store?

September 2017

In this update RSRP has included comments on

- the current position
- the recent pre-Planning exhibitions (held in July),
- other developments relating to the site
- the Section 10 Consultation,
- School Applications and Admissions,
- Planning Application, and
- Next steps

### Current position

Plans to develop a fourth secondary school are now moving into a critical phase. Having adopted the name Katherine Warington School, the Trust behind the project are now moving into the first of the legally required consultations needed to gain approval to build and open a new school.

This first requirement is for the Trust to hold a Consultation as specified in Section 10 of the Academies Act. Responses to a Section 10 consultation are used by the Secretary of State for Education to give approval, or otherwise, to each new Free School project. It follows a series of events in July 2017 organised by the school promoters, aimed at giving insight to preparations for submission of a Planning Application. The promoters have said they intend to submit a Planning Application in Autumn this year and like any Planning Application, it also requires a formal public consultation (separate from any Section 10 Consultation).

Opening has already been deferred by agreement for one year. With Applications for pupil entry in September 2018 now open, the Trust cannot afford to delay and RSRP understands a Planning Application is likely to be made soon, possibly later this month. Expected key dates are as follows:

|                      |   |
|----------------------|---|
| Monday 4 September   | Section 10 Academies Act Consultation opens         |
| Monday 18 September  | ‘Meet the Trust’ event at Rothamsted (Section 10)   |
| Est. late September  | Planning Application submission                     |
| Sept/Oct             | Planning Application Consultation *                 |
| Saturday 14 October  | Prospective Parents ‘Open Day’                      |
| Monday 16 October    | Section 10 Consultation closes                      |
| 31 October 2017      | 2018 Application process (standard schedule) closes |
| Late 2017/early 2018 | Planning Application Hearing*                       |

Note (\*) – the Planning Application process will depend on a number of factors: these include the Authority who receives the Application, the scale of application, etc. In practice there is generally a minimum of 21 days public consultation; the hearing date will be determined by scheduled meeting dates for the Authority and amount of work required for Officers to undertake expected consultation and assessments.

## **Exhibitions – what they contained**

The exhibitions in July were billed as outlining the work to date on the preparation of a planning application. The content reinforced RSRP's initial view that the exhibitions were premature as insufficient work had been done in respect of impact on the local community.

During the course of the 4 sessions, exhibitors, who came from all partners in the school build – EFA, Kier (lead contractor), HSET (the Trust) and HCC (Hertfordshire County Council) struggled to provide much insight into key topics, more often than not outlining work to be done. No long range views for landscape impact were provided, but it was explained that the intention was to retain all material on site – in essence digging out large areas of the slopes to create large flat areas in higher zones for sports pitches. The Contractors advised that the temporary accommodation – to be provided through adaptation of the proposed sports hall as classrooms for the initial intake – would be contained in a sectioned area that would allow earthworks to take place in parallel, with construction traffic using the proposed Lower Luton Road access during the main construction period. This would see a significant amount of movement of earth from the site of the main building, past the sports hall to proposed sports pitches at the northern end of the site.

Traffic and transport concerns were amplified by the lack of available information. Having declared that a transport assessment was yet to be undertaken (see previous RSRP article), HCC Officers at the exhibitions confirmed that the source information from which a transport assessment would be made had not been prepared. Previous information, prepared at the time of the 2015 Vincent & Gorbing site assessment reports, was considered to be 'out of date' and a revised Needs Assessment was to be prepared for the Transport Assessment.

In the meantime, planners have worked 'blind' with no knowledge of pupils' origin, yet had:

- prepared an assessment of bus and car parking spaces,
- made proposals for separate entrance/exit on the blind hill section of Lower Luton Road
- planned removal of the roundabout (on current junction)
- proposed realignment of Lower Luton Road to create bus stop and access to a light-controlled crossing part-way up the (blind) hill.

No mitigation schemes were planned anywhere else: i.e. no change at Station Road/Lower Luton Road junction, no measures for Lower Luton Road pinch points between Batford and Wheathampstead, no mitigation for the likely cut-throughs, rat runs and drop-off areas. Many comments were made about likely impact at a number of locations, amplifying previously made comments, but it is unlikely that further information will be available until the Planning Application.

Some concerns remain about the exhibition organisation. Selectively leafleted to local residents as an Exhibition, without reference to the site, attendees may have been surprised to learn that they were part of public consultation. In RSRP's view the events drew feedback but do not constitute consultation because feedback organisation was not on an open and equal basis to all interested parties. More importantly, the events openly declared that the work (that was being 'consulted' upon) had not, at that time, been undertaken yet.

## **Other Developments**

The Exhibitions timing corresponded to further works commencing in the fields. At first sight these seemed more intrusive, but exhibitors were able to confirm these were investigative works relating to site Archaeology. These works continued beyond the exhibition timetable.

### ***Archaeology***

Archaeological Review is generally required in respect of major developments. Contractors will typically organise a variety of surveys. This usually includes random trench digging/examination, looking for evidence of items of archaeological interest. In the case of the Batford site, the exhibitors advised they were expecting specialist investigators to dig 75 initial trenches, randomly chosen, across the site. RSRP understands this is not untypical for this size of site. Further excavation would occur if there were findings warranting more investigation. However in the case of the Batford site there were previously registered reports (Herts Historical and Environmental Records) indicating evidence of significant archaeological potential. These came from surveys undertaken in 2015, followed up in 2016 and widely reported in local press.

There are duties on developers to have regard to archaeology on any site being developed – RSRP understands that these are, in the first instance, to check for potential and, if found, treat according to archaeological importance. For most sites this would mean care taken not to destroy in first instance, then to investigate, document and preserve according to importance. The level of preservation could range from ensuring that the archaeology is not disturbed by development and remains in situ, through removal and preservation elsewhere to, in very exceptional circumstances, safeguarding in situ. Developers generally seek to investigate and act on the archaeological aspect ahead of formal development as finding archaeology during the course of construction usually slows processes considerably.

Given the recent investigation, and other related archaeological discoveries in the vicinity, a number of exhibition visitors asked about the steps being taken, particularly in the areas already highlighted with potential. Surprisingly, no response identified any special investigation measures being taken in the areas where recent studies had highlighted potential. In practice responses ranged from the dismissive (with senior representatives of the project stating there was ‘no archaeology’ on site), through to promises of a report that would be damning of previous work and, perhaps most bizarre, a put-down from a senior trust member to the effect that the previous work was only that of a PhD student. That last comment was not what would be expected from the head of an educational institute that presumably seeks to promote academic excellence.

All the comments about Archaeology were made when the investigations had only just begun. Perhaps investigations were simply being talked down, perhaps over zealously, because they represented a consideration that they (Trust/Kier/EFA/HCC) didn’t want to make. Ironically, at the end of August, investigative archaeologists have returned to site and a statement issued by Herts County Council indicates this return is because of significant finds. This suggests that the Trust and promoters were more than hasty in their earlier conclusions and that there is confirmatory evidence for the previous 2015/2016 independent work.

## ***Other Developments***

The exhibition materials were published, as advertised, for a set period after the exhibitions concluded and those materials have now been removed from the school's website.

In late August, in line with admissions policies published earlier, the school published an Application form for pupils wishing to enter the school from September 2018.

At the beginning of September 2017, Herts County Council's school place forecasts were unchanged. These were published last summer, based on Schools Census information from January 2016 and continue to show a rapid decline in demand after 2022. RSRP's analysis of school numbers were based these are the reports, along with allocation data for September 2017 (see earlier articles on this website).

## **Section 10 Consultation**

The Section 10 consultation launches 4 September and runs for 6 weeks. Details are scheduled to be published on the school website ([www.kwschool.co.uk](http://www.kwschool.co.uk)), but it is known that a 'public meeting' to discuss the Trust's proposals is planned by the Trust on Monday 18<sup>th</sup> September at Plaza, Rothamsted Research Centre from 4pm to 8pm. The format, and ticketing arrangements, if any, are unknown at this stage.

A small number of residents have received a direct mailshot about this consultation including a copy of the response form. The form suggests that an online version will be available for completion. In its printed form the ***obligatory consultation question is Q5*** asking whether the Trust and the Secretary of State for Education should enter into a funding agreement. This is the required question and is presented as a Yes or No option.

At first viewing there is no option of submitting a qualified answer so RSRP are advising that if you intend responding you should first review the published back up information (when it becomes available), attend the Rothamsted meeting to clarify any points you are unsure of and/or send any questions you may have to the email address suggested to get clarification before responding.

If you have ANY doubts that cannot be resolved prior to the deadline, RSRP is currently recommending that you respond with a 'No' response and use the Comments section to identify your outstanding concerns – this is because the layout suggests that responses will only be counted as 'yes or no' to the key question.

RSRP will review the material supplied by the Trust and will analyse and comment further once more is known.

## Admissions

The Trust has indicated that it intends operating the school with a first intake in September 2018. In order to do so the Trust needs to have an application process in place and running in parallel with the standard admissions for the same academic year. As there is no guarantee of places being available, the Trust cannot use the standard application process so there is a separate application form which is supplementary to the standard 4 choices available on the County scheme.

In practice HCC Admissions are administering the scheme and it is RSRP understanding that parents who apply through both schemes may receive two offers. RSRP respects individual parents' choice on school application but would recommend that prospective applicants undertake visits to ALL schools of interest and use these visits to address concerns they have about every school. We particularly recommend visiting the KW open day which is scheduled for Saturday 14<sup>th</sup> October (closing date for all applications is 31 October). We suggest that if genuinely interested you ask

- how the school will be organised in its first year,
- what facilities will be in use and
- what other work will be going on 'around' the temporary accommodation to prepare the school for the following year.

*We also suggest that you get a clear understanding of arrangements should the school's temporary facilities not be ready for September 2018 start.* RSRP understand the schedule is very tight and it is unlikely that a planning application will have been heard by October 31, or that construction work will have started by 1 March 2018 (Allocation day) even if Planning is successful at first application. This is simply a consequence of the scale of the works and the time required for such projects.

As with any choice we would not recommend including an application to a school unless you wish, or at least are prepared for, your child to attend the school from September 2018.

## Planning Application

The Trust has indicated that a Planning Application should be submitted in Autumn 2017. This is an obligatory process and brings with it a formal consultation process and an examination process. The nature and timing of elements of the process will vary with individual circumstances, but it is RSRP's current understanding that the planning application will be submitted to Hertfordshire County Council and not to St Albans District Council. St Albans is the Local Planning Authority and would generally hear applications, however some types of application may go to County under certain conditions. Both parties are governed by the same legal conditions when considering Planning and therefore should treat any objections under the same rules.

The process requires more formal notification, such as Press notices, posted planning notices and mailing to directly affected neighbours. However the response time is potentially shorter than (say) a Section 10 consultation. Previous similar Free School projects have held their section 10 and taken feedback through to the Planning application. It is unlikely that there will be sufficient time to do this for Katherine Warrington School. It is not known if any further events will be held either before or alongside a Planning Application to enable questions, or capture input from interested parties.

## Next Steps

***RSRP will analyse material*** that is put into the public domain and continue to provide relevant evidence-based work for residents and stakeholders to consider. In the immediate future we will follow developments with both Section 10 and any Town Planning Application. We will continue to question any aspect that has material bearing on this case, and seek to hold those in public office or spending public money accountable.

RSRP is increasingly concerned following the exhibitions and the collective effort the school's promoters (EFA, HSET and HCC, along with their Contractors) to dismiss the presence of archaeology before their investigations had even begun. This replicates HCC approach when presenting the initial case. It suggests that the same ethos has been adopted by the Trust, who appear to be undertaking all the processing of the Section 10 Consultation responses.