

Wards Affected

Danesborough and Walton

PROPOSAL TO DELEGATE S106 MONIES FROM THE PARKLANDS DEVELOPMENT, WOBURN SANDS TO SCHOOLS IN CENTRAL BEDFORDSHIRE

Responsible Cabinet Member: Councillor Miles, Cabinet member for Children and School Improvement

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Executive Summary:

The Council is in receipt of £339,670 of s106 funds (£334,331 plus indexation) to mitigate the impact of the Parklands development on the council's duty to ensure sufficient primary school places. The majority of primary school children living in the development attend the most local schools which are in Central Bedfordshire, meaning that the impact has been on these schools and not on schools in Milton Keynes. This paper proposes that the funds are proportionately delegated to the schools concerned and that a legal agreement is made between the relevant parties to ensure that if Parklands residents are no longer given priority for places at these schools, or if the funds are not invested in the two schools as per the terms of the s106, the funds are returned.

1. Recommendation

- 1.1 That the £339,670 allocated for the purposes of primary education in the vicinity of Parklands, Woburn Sands be delegated to Central Bedfordshire Council on behalf of Swallowfield Lower School (five sevenths) and Fulbrook Middle School (two sevenths).
- 1.2 That a suitable legal agreement be secured to ensure that in so far as possible the Parklands continues to be part of the catchment area of Swallowfield Lower and Fulbrook Middle School and the s106 funds be invested in the improvement of the two schools concerned by 13 January 2021, or the monies be returned to Milton Keynes Council.

2. IssuesBackground

- 2.1 Milton Keynes Council is responsible for ensuring that there are sufficient school places for those residents living in Woburn Sands.
- 2.2 Historically children living in Woburn Sands have been educated in Central Bedfordshire schools which are nearer to their home addresses than schools in Milton Keynes. The two schools are Swallowfield Lower School (which educates children from Year R to Year 4) and Fulbrook Middle School (which educates children from Year 5 to Year 8). Swallowfield Lower School is a community school maintained by Central Bedfordshire and Fulbrook Middle

School is an academy. Central Bedfordshire lists Woburn Sands as part of the catchment area for Swallowfield Lower School. Fulbrook Middle School adopted the Central Bedfordshire arrangements when it became an academy and has continued to include the Milton Keynes part of Woburn Sands in the school's catchment.

- 2.3 Colleagues in Central Bedfordshire advise that the numbers of Central Bedfordshire children living in the catchment area of the two schools is very low and they strongly believe that the schools will be able continue to accommodate demand from both Central Bedfordshire and Milton Keynes for the foreseeable future. Of the 59 places offered for children starting school for the first time at Swallowfield Lower School in 2014, nine children were from Central Bedfordshire and 50 were from Milton Keynes. Colleagues at Central Bedfordshire have therefore suggested that it is the impact of Milton Keynes children that continues to make both schools viable.
- 2.4 In September 2006 an agreement was signed under Section 106 of the Town and Country Planning Act 1990 for Phases 1 and 2 of the development of the Nampak site in Woburn Sands, later known as Parklands. In July 2010 a further agreement was signed for phase 3 of the development and in April 2014 phase 4 of the development. Phase 5 of the development is likely to be predominantly flats and phase 6 is for employment only. The main impact of the development has therefore now taken place.
- 2.5 The agreements are as follows:

Phase	Amount	Terms of use	Use
1 and 2	£626,176	For "Education"	Spent on the expansion of Walton High
3	£334,331	"Towards improvements to/and or providing primary educational facilities within the vicinity of the Application Site"	No use as yet
	£360,162	"Towards improvements to/and or providing secondary educational facilities within the vicinity of the Application Site, including but not limited to Walton High"	Spent on the expansion of Walton High
	£85,536	Towards improvements to/and or providing secondary educational facilities within the vicinity of the Application Site,	Spent on the expansion of Walton High

		including but not limited to Walton High”	
4	£210,933.25	For “primary	Not yet received
	£357,929.22	For “secondary”	Not yet received
	£77,636.28	For “post 16”	Not yet received

- 2.6 The council is therefore currently in receipt of the sum of £334,331 plus inflation for use in primary education in the vicinity of the site. Under normal circumstances this funding would be invested in Milton Keynes schools since the duty to ensure sufficient places sits with this council. The funding must be spent by 13 January 2022.
- 2.7 The circumstances for this specific development are, however, very unusual. The direct impact of the development has not been on primary schools in Milton Keynes but instead on Swallowfield Lower School (for years R to 4) and Fulbrook Middle School (for years 5 and 6). Of the 293 children currently on roll at Swallowfield Lower School 72 children live within the Parklands development. Of the 430 children currently on roll at Fulbrook Middle School 39 children live in the development. It is anticipated that similar numbers of children will continue to be admitted to these schools from the development in the future. These schools are also the schools most directly “within the vicinity of the Application site”, since they are across the road from the new development, whereas the nearest Milton Keynes primary school is in Wavendon village approximately 1.5 miles away.
- 2.8 As a result of these circumstances the council has been separately approached by both schools and by Woburn Sands Town Council regarding the use of the £334,331 received for phase 3 of the development. The view of all these parties is that whilst there has been sufficient space at the schools to address the impact of the development this has been to the detriment of some specialist facilities, which have had to be converted in to standard class room space.
- 2.9 Given the position, it would seem to fit the terms of the s106 agreement and be pragmatic to agree that the funds be delegated to the two schools. The main risk involved in such a proposal is that Milton Keynes residents might be disadvantaged at some point in the future should either Central Bedfordshire (for Swallowfield Lower as a community school) or Fulbrook Middle School (as an academy) seek to remove the new development from their catchment area. Whilst this may be unlikely it would be unwise and inappropriate to delegate funds secured to serve the impact of this development without appropriate legal recourse should this occur. It is therefore recommended that the funds be delegated to the schools (Fulbrook directly and Swallowfield via Central Bedfordshire) on condition that appropriate legal agreements be entered into to ensure that such funds were returned to the council if either school no longer prioritised the development as part of the catchment area and/or if the funds are not invested as per the wording of the s106 in the two schools concerned. It is also proposed that the funds be returned to the council if they have not been invested in the two schools one year before 13 January 2022, which is deadline by which the s106 agreement says that they must have been spent.

3 Options

3.1 The options are as follows:

a) Do nothing

This is not recommended as action needs to be taken in order to spend the funds in the timeframe laid out within the terms of the agreement.

b) Determine to use the funds within Milton Keynes primary provision

This is not recommended because the impact of the development has not been on primary provision in Milton Keynes.

c) Agree to delegate the funds to the two schools concerned alongside an appropriate legal agreement to retain the development in the schools' catchment. This would split in proportion to the number of primary year groups each school serves, five sevenths to Swallowfield Lower School and two sevenths to Fulbrook Middle School.

This is the recommended option.

4 Implications

4.1 Policy

Cross boundary working fits with the council's duty to co-operate as outlined in paragraph 16 of the Core Strategy.

4.2 Resources and Risk

Capital

Funds of £339,670 have been secured under the terms of the S106 agreement for improvements to/and or providing primary educational facilities within the vicinity of the Application Site. Under normal circumstances this funding would be invested in Milton Keynes schools since the duty to ensure sufficient places sits with this council, however as Swallowfield Lower and Fulbrook Middle Schools are the schools most directly impacted upon by the development and "within the vicinity of the Application site" it is proposed that funds should be delegated to these schools rather than investing in separate education provision.

Y	Capital	Y	Revenue	Y	Accommodation
N	IT	N	Medium Term Plan	Y	Asset Management

4.3 Carbon and Energy Management

Not relevant

4.4 Legal

There are no legal barriers to disbursing the funds as recommended in this report. Both schools and Central Bedfordshire will be required to enter into legal agreements as mentioned in paragraph 2.8

Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder