

**GOVERNORS RESPONSE TO CONSULTATION PROCESS RE PROPOSED
EXPANSION OF GREENWAY FIRST AND NURSERY SCHOOL TO 3 FORM ENTRY
DATED 11.02.11**

EXECUTIVE SUMMARY OF THE GOVERNORS POSITION

The main issue is as to the priority that should be given between local school children having local school places and the rights of existing school children and local residents to occupy a safe environment.

Governors are firmly of the view that local school children should be educated within Berkhamsted. However, Governors are also of the view that they cannot support the proposed expansion taking into account the following:-

- *the failure by Hertfordshire County Council to comply with the prescribed Regulations when dealing with the consultation process;*
- *the transport statement from the independent professionals on the impact a proposed expansion to 3 Form Entry will have on the local road network;*
- *the effect of the proposed expansion on the Open Land designation of the site;*
- *the short sightedness of Hertfordshire County Council in its lack of short, medium and long term strategic planning for the education of local children and the failure by Hertfordshire County Council to fully consider any alternatives:*
- *the impact upon the school ethos/standards;*
- *the failure by Hertfordshire County Council to properly consider the implications for management and resourcing of the proposed expansion*

DEFINITIONS

Greenway First and Nursery School – Greenway
Hertfordshire County Council – HCC
Stomor Civil Engineering Consultants - Stomor

Where page numbers appear in italics within the Governors Response these refer to the documents within the Appendix.

CONTENTS

- 1. PROBLEM**
- 2. PROPOSAL**
- 3. ISSUES FACING GREENWAY RELATING TO THE PROPOSED EXPANSION TO THREE FORM ENTRY**
 - 3.1 Traffic/Highways**
 - 3.2 Open Land designation**
 - 3.3 Long term Strategic Planning for Education within Berkhamsted**
 - 3.4 School Ethos/Standards**
- 4. ALTERNATIVES**
- 5. MANAGEMENT/RESOURCING ISSUES**
- 6. CONCLUSION**

APPENDIX

1. PROBLEM

1.1 HCC has determined that there is a shortage of reception class spaces in parts of the County in the immediate future and that this demand is due to increase.

1.2 HCC states that the methods of forecasting and how the rising demand is to be met can be found on its website at www.hertsdirect.org/schoolplaces. HCC states within its website that it has a good record for actively planning school places in line with forecast demand.

1.3 Pupil numbers are forecast taking into account:

- Historic pupil numbers in each school year group
- 0-5 year olds registered with GP's for primary
- Primary pupils moving to secondary schools
- Mobility trends including migration to and from other authorities and the independent sector; and
- Any new housing developments

1.4 County wide 2009/10 is the third year of growth in reception class numbers. This is expected to continue to 2012/13 when there is expected to be a shortage of 57 reception spaces in Berkhamsted. According to the forecasts the trend is set to come to an end in 2013/14 county wide but continue in some local areas. The forecasts are unable to state with any degree of accuracy whether numbers will then increase.

1.5 Due to concerns that we have as to the failure by HCC to deal with the forecasting of places for children in the past (and in particular in 2008/9) we asked HCC for an evaluation of the existing "new" housing developments in the town (see letter dated 13.1.11- *Appendix p.193-5*) and the impact of these developments upon the numbers of school places required. HCC simply referred in its response (see email dated 20.1.11 – *Appendix p.196-200*) to the Meeting the Rising Demand for School Places document (*Appendix p.1-19*) and provided a list of developments that had taken place within the town at some unspecified date (*Appendix p.179-184*). Governors challenged this in their letter on 24.1.11 (*Appendix p.201-204*) and were advised on 2.2.11 (*Appendix p.216-217*) that the document supplied was an extract of the data used in the calculation of the forecast. The evaluation sought was not provided and we have no confidence as to how the rising demand forecast has been calculated. We are very concerned that if HCC proceeds with the proposed expansion and has underestimated by as little as 4 children it will yet again have insufficient capacity within the existing school system in Berkhamsted to provide a reception class place in 2012/13.

1.6 At a meeting of the Greenway Parent Forum on 18.1.11, HCC confirmed that it would provide us with the detail of how the figures were calculated but this has not been received. We have sought this information again on 8.2.11 (*Appendix p.219-220*).

1.7 It is however accepted by us that it is desirable for local school children to go to local schools and that HCC has a statutory duty to meet a demand. We note that having had an

expansion at Greenway to facilitate 2 Form Entry (“FE”) during 2009/2010 it is extremely regrettable that this new need had not been anticipated prior to that expansion project.

2. PROPOSAL

2.1 HCC has proposed within its initial consultation letter dated 10.1.11 (“the initial consultation letter” – *Appendix p.190-192*) that Greenway premises be enlarged to admit another 30 reception class children each year from September 2012 to September 2016 increasing the size of the school from 306 (January 2011) to 345 (September 2012) to 510 (September 2016) including nursery. It would be the only 3 FE First school in the County.

2.2 HCC has also proposed a separate expansion at Westfield First School to 2 FE from September 2011 and a similar consultation letter has been sent out to stakeholders.

2.3 The proposal for Greenway revolves around the provision of a further 6 classrooms which will be system or volumetric built off site and then constructed on site

- to ensure the minimum disruption to staff/children; and
- to attempt to achieve cost savings bearing in mind the 21 expansions taking place throughout the County and HCC’s budget of £82million.

2.4 Whilst the process to be followed was briefly referred to within the initial consultation letter, we sought within our letter dated 13.1.11 (*Appendix p.193-195*) the specific policy/procedure/guidelines under which HCC was undertaking the consultation process to include the guidelines that would be used by the Education Panel when reaching their decision on 15.3.11. In an email dated 20.1.11 (*Appendix p.196-200*), HCC referred us to a website www.dcsf.gov.uk/schoolorg/guidance.cfm?id=5. We unsuccessfully spent a lot of time attempting to find anything of use on this website and requested in our letter dated 24.1.11 (*Appendix p.201-204*) that the relevant paperwork be provided particularly bearing in mind our volunteer status. On 2.2.11 HCC provided “Expanding a Maintained Mainstream School by Enlargement..... A Guide for Local Authorities and Governing Bodies” – “the Guide” (*Appendix p.22-52*) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 -“the Regulations” (*Appendix 53-85*). It is a pity that these documents could not have been provided at the outset.

2.5 The Guide (s12) provides that statutory proposals are required for a proposed enlargement of school premises which increases the capacity of the school by both more than 30 pupils and by 25% or 200 pupils (whichever is the lesser – *Appendix p.25*)

2.5.1 The Regulations provide at Schedule 4 Part 1 s.1 that “an enlargement” of the premises of a school includes “...(a) the proposed enlargement and (b) any enlargements made in the 5 years preceding the date when the new enlargement will be made....”.

2.5.2 The Regulations provide at Schedule 5 Part 1 s.5 that where the enlargement falls within s.1 of Schedule 1, the proposals **must** include

“(a)details of the current capacity of the school and where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

(b) Details of the current numbers of pupils admitted to the school in each relevant age group, and where this is different, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented”.

2.5.3 We do not accept that HCC has published proposals in accordance with the Regulations. The initial consultation letter makes no reference to the current capacity of the school or of the proposed capacity other than it will be increasing from 2 Form to 3 FE. The proposals do not make clear that the school is not at capacity after last year’s expansion project or as to when it will be at capacity. As such we challenge HCC as to the validity of the proposals; particularly as some parents told us that they thought that, having read the initial consultation letter, the school would simply have one more class added to it. There has been no clear explanation from HCC in its initial consultation letter that, taking into account last year’s expansion at Greenway, HCC is proposing that the school double in size.

2.6 On 2.2.11 it was suggested by HCC that in fact Greenway might also be required to take a further 30 pre-school/nursery children from September 2011 as there is a likelihood of a number of local private day care nurseries closing and HCC deems that the current classroom space at the school is sufficient. This would have taken the school to 540 children in 2016. We understand that following a meeting on 4.2.11 it is no longer proposed that the school take 30 pre-school children but that there is still a possibility that the school may be required to take an additional 30 nursery children.

2.7 The Guide (p11) (*Appendix p.28A*) provides that the Secretary of State requires those bringing forward proposals to consult all interested parties and that in doing so they should (amongst other things) “...Provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted....”

2.7.1 We do not accept that HCC has been forthcoming with regard to information/documentation requested and would refer to our exchange of correspondence in this respect and in particular our letters to HCC dated 13.1.11, 24.1.11, 31.1.11, 3.2.11 and 8.2.11 and HCC’s responses dated 20.1.11, 27.1.11 and 2.2.11 – *Appendix p.193-220*). We will draw reference to various specific areas of concern within this response and in particular challenge whether consultation has been adequate (p20 of the Guide - *Appendix p.33*).

2.8 The Guide (p11) (*Appendix p.28A*) also provides that the Regulations s.27 (1) (d) require proposers to consult a number of interested parties including “....the governing body, teachers and other staff of any other school that may be affected” Regulation s.27 91) (h) (ii) also provides that HCC should consult with” the bishop of a diocese of the Roman Catholic Church “if the proposals are likely to affect a school which has a religious character.

2.8.1 We do not accept that HCC has consulted properly with St Thomas More RC School who share the same site as Greenway and whose children and staff will be directly affected by the proposed doubling of Greenway’s size. We confirmed at our meeting with HCC on 12.1.11 that we would speak with the Head at St Thomas More RC School out of courtesy. We challenge whether HCC has formally consulted the school or contacted the relevant bishop bearing in mind the faith school status of St Thomas More.

2.8.2 Regulation s27 (1) (e) provides that “.....families of pupils at any other school that may be affected by the proposals....” should be consulted.

2.8.3 We do not accept that HCC has consulted properly amongst the parents of St Thomas More RC School particularly in circumstances where it is suggesting that the start times between the two schools should be staggered significantly.

2.8.4 Pursuant to Regulation s 27 (1) (f) we have seen no evidence that HCC has consulted any of the trade unions representing the Greenway staff.

2.8.5 Pursuant to Regulation s 27 (1) (j) we have seen no evidence that HCC has consulted the appropriate Member of Parliament.

2.8.6 Pursuant to Regulation s 27 (1) (l) we have seen no evidence that HCC has consulted the Early Years Development and Child Care Partnership team as clearly the proposed expansion would affect the early years provision.

2.8.7 In addition, Regulation s.27(1) (m) provides that HCC should consult “...any other interested party...”. We do not accept that HCC has consulted appropriately amongst local residents particularly bearing in mind the content of the transport statement and will challenge whether this regulation has been met. HCC appears to have only sent the initial consultation letter to all houses in Crossways and to those properties whose boundaries touch the school site.

2.9 The Guide (p15) (*Appendix p.30A*) provides that “Where proposals are interdependent (linked) they should be identified as ‘related’ either by being published in a single notice or the link to the other proposals made clear in each notice”.

2.9.1 We take the view that the consultation with regard expansion to 3 FE is inevitably linked to an expansion of capacity in the early years provision of the school and would strongly argue that no proper consideration has been given to the effect of two such major “new” expansions in a very short period of time particularly when Greenway is still dealing with last year’s expansion to allow the school to go to 2 FE. This fact has not been made clear in the initial consultation letter. We also believe that if the expansion of nursery provision is to proceed the proper consultation process has not been followed.

2.9.2 We note that the Meeting the Rising Demand for School Places document (p15) (*Appendix 1-19*) states that consideration needs to be given to early years provision and in particular that it does “...require careful thought and good design”. We do not accept that this is being achieved in relation to Greenway.

3. ISSUES FACING GREENWAY RELATING TO THE PROPOSED EXPANSION TO THREE FORM ENTRY

The Guide (p22) (*Appendix p.34*) refers to the fact that all proposals should be considered on their individual merits

3.1 Traffic/Highways

3.1.1 The Guide (p22) (*Appendix p.34*) refers to the fact that the decision makers **must** have regard to statutory guidance from the Secretary of State when they take a decision on proposals. The Guide (p36) (*Appendix p.36*) refers to the fact that decision makers **should** satisfy themselves when determining whether or not the expansion should go ahead "...that accessibility planning has properly been taken into account". Governors challenge whether HCC has dealt with this issue adequately.

3.1.2 Immediately prior to sending its initial consultation letter, HCC produced a high level traffic assessment from Stomor which stated that the "Traffic conditions in the vicinity of the site appeared to be very manageable...." and that a parking and turning facility would be recommended on site in order to accommodate the anticipated increase in traffic.

3.1.3 On 8.12.10 at a meeting, we expressed concern to HCC about the high level traffic assessment. Whilst we had not had sight of it we were aware that some of the data had been obtained by Stomor on a day where there was a great deal of snow and there were roadworks on one of the approach roads to the school (Crossways) preventing parking along part of it. We expressed concern that this high level traffic assessment might be used in documents in the consultation or subsequent processes but were assured that it was a more detailed transport statement that had been commissioned by HCC that would be taken into account. HCC advised that we should be comforted by the fact that the transport statement would be prepared by independent professionals who might not come down in favour of the proposed expansion. We received the undated high level accessibility assessment on 4.1.11 – *Appendix p.87-90*.

3.1.4 HCC advised us at a meeting on 6.1.11 that there had been a planning appraisal (*Appendix p.175-178*) undertaken and on sight of this Governors were very concerned to note there was reference to the high level traffic assessment and in particular that the traffic in the area was manageable.

3.1.5 Governors sought the detailed transport statement in their letter dated 13.1.11 (*Appendix p.193-195*) and this was provided by HCC on 20.1.11 (*Appendix 91-171*). It appears to conclude that there is no capacity within the existing highway network to accommodate the likely increase in parked vehicles associated with expansion unless there is a turning and parking facility on site. We noted in our letter dated 24.1.11 (*Appendix 201-204*) by way of preliminary observation that the report was based on flawed/inaccurate data in as much as it had been prepared on the basis that Greenway would expand to 3 FE **and** 90 nursery places and on the basis that the school had 6 classes – it has 9 classes plus 2 nursery classes. It also referred to a completely different school in the appendices! We were advised on 27.1.11 at a meeting that the report presented a "worst case scenario".

3.1.6 We considered the transport statement and prepared a detailed comment dated 31.1.11 (*Appendix p.172-174*) challenging some of the information but noting and supporting the conclusions having noted in particular that at no point in the transport statement does it refer to a “worst case scenario”.

3.1.7 The following comments have been drawn from the transport statement and are referred to by reference to the paragraph numbers within it:

- 5.3.1 – “...an increase in pupils to reach the school’s existing capacity of 2FE could generate an additional 12 vehicles arriving at the site. Expansion to 3FE could generate up to 44 and 51 additional vehicles arriving at the site....”. 17 additional staff cars were anticipated.
- 5.3.2 – “...existing traffic generation generally uses up the majority of the available space in surrounding roads with added congestion generated by schools associated with St Thomas More..”
- 5.3.3 – “The increase in parking demand associated with a 3 FE school is likely to lead to significant congestion adjacent to the school....we do not recommend that expansion occurs without provision of a facility within the site to accommodate the additional vehicles expected following expansion”
- 5.5.10 – “We do not consider that there is capacity within the existing highway network to accommodate the likely increase in vehicles associated with expansion”
- 6.13 “....there is very little capacity for additional parking on the adjacent road network without serious impact on highway safety in the vicinity of the school”
- 6.14 “.....We do not consider that there is sufficient space within the road network surrounding the school site to accommodate the predicted increase in vehicles trying to park for drop off or pick up at the school following expansion... we recommend that on site drop off facility should be provided within the school site”
- 6.18 “....we recommend that provision of a parking and turning facility within the site will be necessary to facilitate any expansion of the school with improved pedestrian facilities”
- 6.19”...If sufficient space cannot be made available within the site to accommodate a facility as described we would consider that expansion of the school to 3 FE may not be feasible in traffic terms”
- 6.24 “...we do not consider that there is capacity within the existing highway network to accommodate the likely increase in parked vehicles associated with expansion”.
- 6.25 “....we do not consider it feasible to implement expansion of the school to 3 FE without provision of a turning and parking facility”.

3.1.8 In addition the planning appraisal document (*Appendix p.175-178*) provided on 20.1.11 by HCC at our request states at 6.2 that “The school site may have potential for expansion from a 2FE first school to a 3 FE first school subject to a parking and circulation facility being provided on site”.

3.1.9 On 27.1.11 HCC had advised us at a meeting that there was no budget for a turning and parking facility. We queried within our letter dated 31.1.11 (*Appendix p.209-215*) how HCC envisaged getting planning permission in light of this statement and in light of policy 51 referred to in HCC's planning appraisal document which refers to the fact that the acceptability of all development proposals would need to be assessed in highway and traffic terms. We have yet to receive a written response to this query.

3.1.10 Even if there were budget available to facilitate a turning and parking facility and the issues with the open land designation/Sport England could be resolved (see 3.2 below) we would whole heartedly reject any attempt to deprive the pupils of access to the green hill field (particularly when the parents have invested heavily in a gazebo and new outdoor play equipment) by placing a turning and parking facility upon it. HCC has clearly failed to consider the safety implications of a parking and turning facility on the school site involving very young children who have to be taken to the door of the class. It should be stressed that very young children are not "dropped off" but taken to and collected from the door of the class.

3.1.11 On 2.2.11 HCC suggested at a meeting with us that in fact the transport statement provides that if various mitigating factors are taken into account then the numbers of cars on the road will decrease and no parking and turning facility would be needed (HCC had previously asserted that this facility would not be funded). This is not accepted by us as a correct reading of the transport statement. We accept that the transport statement does refer to various steps that might be taken to reduce traffic (as set out below) but cannot see at any point in the transport statement where Stomor report that if these mitigating factors were undertaken the anticipated increase in traffic as a result of any expansion would be negated and the status quo (where the road network is at saturation point) be maintained.

- 5.3.5 Staggered start times between Greenway and St Thomas More and as between KS1 and KS2 were suggested as a method of providing additional parking on the road network and within the on site facility.

We have pointed out that this would not necessarily be a solution as many families have pupils in both Key Stages. In addition, 80% mothers at Greenway work and therefore need to leave their children at school and get to work quickly. There has not yet been a meeting with the Head at St Thomas More to explore the implications of a change in start/close times.

- 5.4.10 & 6.20 – 21 Recommendations were also made to make the surrounding roads safer by adding double yellow lines to the existing single yellow lines along Greenway and for crossing facilities to be improved.

We have pointed out that that this may make the roads less easy to park on but it will simply push the problem of congestion on the roads yet further away from the school. It should be noted that the Town Council has recently surveyed the Town's residents in the centre of Berkhamsted with regard whether or not residents parking zones with a parking period of two hours between Monday and Friday may be appropriate to ease the parking situation within the centre of the Town. Whilst those roads surveyed are not immediately adjacent to the school some such as Shrublands Avenue are used by parents to facilitate getting their children to school. The effect of creating

such parking zones may be to push parking towards the school and would affect the feasibility of the park and stride schemes advocated by HCC (see 5.5). We have considered the results of the survey which are on the Town Council website. We do not think that this has been considered by HCC.

- 5.5 Recommendations were made as to the review of Greenway's school travel plan by encouraging park and stride schemes and a walking bus. At the meeting on 2.2.11 HCC indicated that it would be prepared to resource the upgrading of Greenway's Travel Plan albeit that it is not clear what support would be given or as to its impact.

We pointed out that a park and stride scheme requires co-operation from eg Sportspace and Majestic Wine which to date has not been forthcoming and in any event is inappropriate for many of the very young children who would not be able to cope with the walk up the hill. If residents' parking is to come into force then some of the "free" car parking spaces may well be occupied by those unable to park in the residents parking zone areas as they do at present.

We have also pointed out that a walking bus had similar problems with regard young children and the hilly terrain and largely depended upon the co-operation of parents giving up their time to run it. The walking bus that used to operate only did so on a Wednesday and has ceased due to lack of a parent leader to organise it.

3.1.12 We noted that the report also states that it cannot be predicted where pupils will originate from and clearly they may come from a wider catchment area than at present which will lead to more traffic.

3.1.13 We do not share HCC's interpretation of what the transport statement says and in particular note Stomor's conclusions at 6.26 of their report where they simply encourage regular review of the school travel plan. We note that at no point in the transport statement do the independent professional's conclude that an "upgrade" of the school travel plan will automatically result in no additional cars coming onto the surrounding roads. Whilst not wishing to appear defeatist it is not accepted by us that where the local road network is already at saturation point (when the school is not yet at full capacity for 2 FE) the prospect of the status quo being maintained by the school in undertaking the mitigating factors referred to by Stomor is highly unlikely once the school is at 3 FE and the school is almost double its current size.

3.1.14 On 2.2.11 we met with Crawford Simpkins from the Traffic Management Team at Herts Police and refer to his letter dated 3.2.11 (*Appendix p.188-189*) expressing his concern as to the proposals made by HCC. He also noted that double yellow lines are not a solution unless they are enforced and that he was certain there would be no funding for such enforcement. Further that both types of turning circle proposed would lead to traffic jams.

3.1.15 We understand that HCC will be meeting with the Safer Routes to School Team but are unaware of whether this has taken place or as to what assistance (if any) they would be able to give.

3.2 Open Land Designation

3.2.1 The planning appraisal document (*Appendix p.175-178*) refers to the fact that the school site is designated Open Land and that proposals for a significant enlargement of the school buildings might conflict with the designation.

3.2.2 The planning appraisal document recommends a preliminary planning report. We requested this (along with the infrastructure surveys) in our letter dated 24.1.11 and have yet to receive it.

3.2.3 Planning Policy 116 referred to within the HCC planning appraisal document provides that open land forming part of the urban structure will be protected from building and other inappropriate development by applying the provisions of Policy 9.

3.2.4 Planning Policy 9 referred to within the HCC planning appraisal document provides that "... in open land areas the primary planning purpose is to maintain the generally open character; uses which are open in character and serve education, leisure or nature conservation purposes will be retained and encouraged; land may be used for essential utility services if no other location is available....".

3.2.5 Clearly there would appear to be an issue with the Open Land designation of the site and we are unclear as to whether this will be an issue at the planning stage

3.2.6 In theory, there are three spaces around the school where development could take place and we refer to the map of the site (*Appendix p.86*):

- The Playing Fields to the right of the access road– although owned by HCC, Sport England will not allow them to be used other than for pitches
- The old swimming pool area – this had been filled in with rubble from last year's classroom expansion and covered with top soil and had been earmarked for an outdoor classroom area. These plans have had to be put on hold to the detriment of the school's pupils.
- The "Hill" Playing Field to the left of the access road – this is an area adjacent to the playground that the children use throughout the year during classes and during playtimes getting particular enjoyment from rolling down the hill during the summer and sliding down in the snow. In addition an area on the hill field has been developed with a gazebo and as an outdoor adventure play area by parents at a cost of approximately £25,000

3.2.7 HCC has provided two options with regard the expansion which would provide the following:

- Option 1

A new block of classrooms on the old swimming pool site

A turning and parking facility for 45 cars on the hill field

Improvements to the playing fields (seeding and drainage)

A football pitch on the rest of the hill field

Community use of the school outside of school hours

Staff Parking for 42 cars

- Option 2

A new block of classrooms on the hill field

A turning and parking facility for 45 cars on the hill field

Staff Parking for 42 cars

3.2.8 As stated at 3.1.9, there is no HCC funding for a parking and turning facility and we would have real concerns as to the health and safety implications of such a facility in a school with young children where there is currently very limited vehicle access (there is no vehicle access at all for parents) during the school day.

3.2.9 HCC has discussed the possibility of simply having a turning facility on site. We met with James Ottery (Health and Safety (Education) Team Manager) from HCC in November 2009 who emphasised the importance of vehicle and pedestrian segregation. Currently we are very concerned that the proposals will actually allow vehicles onto the site as a result of a turning facility (at the very least) being built which will be in use at a time when parents/carers are taking their children to and from class at the start and end of the day.

3.2.10 Leaving aside the traffic concerns, we would totally oppose the development of Option 2 as this would decimate the green space area that the children currently enjoy.

3.2.11 We have been advised that in light of the fact that under Option 1 development would take place on the swimming pool site and would impact on the playing fields, Sport England requires the compensatory measures referred to above for Option 1 to proceed. We are unclear as to how Sport England can request an additional football pitch on the hill field site when that area of land is not currently marked out for a pitch. We have sought minutes of the meeting HCC has had with Sport England in their letter dated 31.1.11 but that has yet to materialise.

3.2.12 We have a number of concerns about Option 1 not least that it would appear that Sport England is dictating what should happen to space that is not currently under their remit.

3.2.13 In any event we have had no explanation from HCC as to how any development can take place on either the playing fields or the hill field where the land has been designated open land and where the primary planning purpose is to "...maintain the generally open character". We note that under the planning policy "...uses which are open in character and serve educationwill be retained and encouraged....". We have had no explanation as to how the planning authorities will deal with this. We have noted that land can be used for "essential utility services if no other location is available" but are unclear as to what this would be and would in any event challenge whether or not there is another location available within the town (see 4.6 below).

3.2.14 We have noted within the Town Council's response to the Draft Core Strategy approved on 6.12.10 that there was clear reference to an infrastructure deficit within the Town and ".....particularly in terms of public/community open spaces, traffic and parking"

3.3 Long Term Strategic Planning for Education within Berkhamsted

3.3.1 The Local Plan was adopted in 2004. The Council is in the process of preparing a new development framework for the Borough of Dacorum and as such has produced a Draft Core Strategy for incorporation into the new development framework. We understand that further drafts of the Core Strategy should await the publication and adoption of the Government's new Localism Bill. We understand that the Draft Core Strategy appears to provide for two new primary age schools in the Town with the comment that it would be wise to have one 2 FE school in the north west and another to the south east.

3.3.2 It is understood that there may well be development of areas of housing in the Town over the next 10-20 years. A figure of some 750 new houses has been referred to by the Town Council in their response to the Emerging Core Strategy and in their response to the Draft Core Strategy which will require the provision of infrastructure to support the increased population.

3.3.3 The Meeting the Rising Demand for School Places document (p7) (*Appendix p1-19*) states that temporary expansions are used by HCC to manage transitional problems or in areas where the future demand for places is unclear. Within all the circumstances we would challenge why temporary solutions have not been considered by HCC.

3.3.3.1 We note from the Town Council's response to the Draft Core Strategy that in areas of limited opportunity such as Berkhamsted development should be supported in terms of meeting the demands of population stability and that "...s106 funds should not be used to fund existing infrastructure deficits – only to fund infrastructure required by the new development."

In our letter dated 31.1.11 (*Appendix p.209-215*) we sought details of the s106 agreement relating to the Stag Lane development as we had been advised by HCC previously that the allocation of £4870 for first schools had yet to be spent and would be targeted at increasing school places (see HCC email dated 27.1.11 – *Appendix 205-208*). We queried whether there had been a breach of the s106 agreement and sought specific evidence that HCC was entitled to use these monies for increasing the numbers of school places available. We were advised by HCC on 2.2.11 that it had answered our queries in the email dated 27.1.11 – *Appendix p.205-208*. We believe that there may have been a breach of the s106 agreement and challenge HCC in this respect.

3.3.4 We do understand that HCC has an immediate problem to address namely the need to educate those additional forecasted reception age children who do not have school places in September 2011 and 2012. However, if the proposed expansion proceeds Greenway and Westfield will very nearly be at capacity for reception class places (3 spare places according to HCC's forecast figures) in 2012/13. There appears to have been no thought as to what will happen at this stage should there be further children in need of reception class places and we would suggest that now is actually the right time to address what appears to be a continuing issue not least in the light of the various proposed developments within the Town.

We note that the Town has been in this situation before in the very recent past and are concerned that HCC is not addressing the more fundamental and ongoing issues revolving around the long term strategic planning for the future education of the Town's children.

3.3.5 We are aware that there are currently concerns as to the capacity of the Middle schools to cope with the existing numbers of children. Whilst it is accepted that the children starting in reception in September 2011 & 2012 will not be in need of middle school places for a few years, on any reckoning there will be an increased need shortly due to Greenway reaching 2 FE capacity in 2014. We understand that Bridgewater Middle School has been advised that it may need to increase to 5 FE within 5 years due to the rising birth rate.

3.3.6 It is also noted that with the withdrawal of funding for transport to faith schools there may be more pupils from St Thomas More RC School who will want to take up places at the Middle Schools in the Town as opposed to paying to travel to JFK in Hemel Hempstead.

3.3.7 In particular we challenge HCC as to why there has been no active consideration of the merits of the two tier system against the three tier system. In brief it would seem that there is space at Ashlyns to expand; pupils from Years 7 and 8 from the middle schools could be educated there; space would then be released in the middle schools with a view to maybe their becoming primary schools and the existing first schools becoming junior/ infant schools. No explanation has been given as to why a temporary solution to the immediate problem should not be considered whilst the long term issues are debated.

3.4 School Ethos

3.4.1 The Meeting the Rising Demand for School Places document (p15) (*Appendix p.1-19*) provides that "For primary schools, the ideal size is two forms of entry – 60 pupils in each year group.....Schools of this size work well educationally....."

3.4.2 The Guide (p23) (*Appendix p.34A*) provides that the decision makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision and will lead to improved attainment for children.

3.4.3 Within our letter dated 24.1.11 (*Appendix p.201-204*) we sought confirmation of whether or not any assessment had been made of the impact upon younger children of 3FE first schools as inevitably such schools are larger than a 2FE primary school. HCC did not answer the question in the email dated 27.1.11 (*Appendix p.205-208*) other than to report that there are no 3 FE first schools in the County. HCC has not indicated whether it is aware of any such schools elsewhere in the country. We repeated our question in our letter dated 31.1.11 (*Appendix p209-215*) and were advised on 2.2.11 (*Appendix p216-217*) that the question had already been answered!

3.4.4 We note in the Berkhamsted Gazette on 9.2.11 that there is a comment that if the school were to expand to 3FE it would be larger than 97% of all primary schools in the country. We have real concerns that if the proposed expansion proceeds, a "super" first school would be created within the Town which would lead to an imbalance amongst the other First schools.

3.4.5 If Greenway were to expand, we believe that the character and family ethos of the school would be impacted. HCC does not propose to expand the hall (even though the

school is to double in size) and therefore the opportunity for the whole school to meet together for eg Assembly will be lost. When the children present a production to parents they may be unable to do this as a whole Year or a whole Key Stage due to space constraints which again would be a pity. HCC is not proposing to expand the Staff Room and so again the opportunities for all the staff to meet together informally will be lost. We are worried as to the impact such a large school would have upon very young children and upon the current high standards achieved.

3.4.6 We have not been persuaded that as HCC says the proposed expansion offers “good value for money”, that it would actually be in the best interests of the children at Greenway.

3.4.7 We have sought views from parents at the school and met with the Greenway Parent Forum which has raised a number of issues particularly focusing on concerns revolving around the education of young children in such a large environment. The responses have already been forwarded to HCC.

4. ALTERNATIVES

4.1 On 6.1.11, we were advised by HCC that it had undertaken a detailed analysis of the options open to it in Berkhamsted for expansion. In the initial consultation letter (*Appendix p.190-192*) HCC referred to the fact that it had undertaken a “detailed feasibility exercise”. Governors sought this in their letters dated 13.1.11 (*Appendix p193-195*) and 24.1.11 (*Appendix p.201-204*). Governors had hoped that this document would provide an explanation as to why a new school could not be built now with temporary classrooms supplied in the interim or as to the less attractive option of **temporary** use of surplus space in schools in Tring /Aldbury/ Hemel where there appear to be surplus spaces (see Meeting the Rising Demand for School Spaces document and Update– *Appendix p.1-21*) along with all options considered by HCC to include a cost analysis of each one of them.

4.2 On 27.1.11 HCC provided a wholly unsatisfactory undated document headed “Berkhamsted (sic): Evaluation of Options: The Four Tests” - *Appendix p.185*. On 2.2.11 a further document was provided by HCC in response to our queries headed “Dacorum Primary Schools: Expansion Potential – Berkhamsted” dated 15.10.10 – *Appendix p.186-187*). We are unclear as to whether this is the “detailed feasibility exercise” referred to within HCC’s initial consultation letter – *Appendix p190-192*.

4.3 We have noted from this latter document that the comments against Greenway refer to “Site too small and no adjoining land to allow expansion to 2 FE primary school apart from acquiring land currently part of adjoining St Thomas More RC Primary School. But site has potential for expansion to 3FE first school”.

4.3.1 This statement appears to be contradictory as a 2 FE primary school would have 420 children plus nursery and a 3 FE First school would have 450 children plus nursery. As such on HCC’s own analysis the site is too small for a 2 FE primary school let alone a 3FE first school.

4.3.2 We note that the document also gives a “green dot” to traffic issues at Greenway which appears to contradict the message given by Stomor within their transport statement.

4.4 We have noted that the document refers to Bridgewater possibly having sufficient space to accommodate a 2FE first or primary school with the existing school "...but difficulties may mean that it cannot accommodate an additional school on the site. Potential if existing site no longer required by middle school....." We do not understand this comment.

4.5 We have asked what HCC's Plan B amounts to if there is no space in Berkhamsted and have been advised that children will be sent to the schools closest to them that have space. We have asked HCC to confirm whether they have considered any alternatives in our letters dated 24.1.11 (*Appendix p.201-204*) and 31.1.11 (*Appendix p.209-215*) and have received no response other than that in HCC's email dated 27.1.11 (*Appendix p205-208*) which provided that "...the allocation process would allocate pupils in line with the allocation rules".

4.6 We are concerned that there appears to have been

- no consideration given to the impact of the children of both Greenway and St Thomas More RC schools if there are staggered start times eg lesson disruption; different playtimes; and extended pedestrian traffic around and through both school sites.
- no consideration of what will happen if the proposed expansion at Greenway proceeds and then a new first/primary school is built in line with the Draft Core Strategy– will parents prefer to move their children to a new smaller school thus leaving a surplus of spaces at the big "super" school at Greenway?
- no cost analysis of building a new school as against providing additions to Greenway (and Westfield). Land has been identified at Bridgewater and there is no analysis of why it is cheaper to build at Greenway as opposed to building from scratch at Bridgewater.
- no cost analysis of providing temporary solutions at Greenway (or Westfield) pending a view being taken on the long term strategic direction of educational facilities within the Town.
- no cost analysis of investing in existing buildings in the Town as opposed to providing new classrooms eg the Gable Hall site adjacent to Victoria C of E School.
- no consideration of whether any of the private schools within the town have falling numbers and may need to relocate in which case buildings may become available for use eg what is happening at Egerton Rothesay?
- no cost analysis of sending local pupils to schools where there are surplus places in Tring, Aldbury or Hemel (see Meeting the Rising Demand for School Places document – *Appendix p 1-19*) pending a permanent solution being determined.

5. MANAGEMENT RESOURCING ISSUES

5.1 Generally we have a very real concern as to the colossal amount of time that is being required of us and in particular the Headteacher by HCC in considering this proposal. We

understand that since January 2011 the Head has spent the majority of her working day dealing with issues arising from this proposed expansion or from ongoing issues relating to last year's expansion and has been unable to undertake many of the duties that Governors and parents expect of her in terms of the general running of the school. Whilst the Head has a senior leadership team it is insufficient to cope with the very considerable demands being placed upon her time. Governors are concerned that if the proposed expansion goes ahead that the Head's time will be spent in dealing with this as opposed to running the school and ensuring standards are maintained.

5.2 Enquiries have been made as to whether or not there is any financial assistance to support the Head at this time and we have been advised that there is a sum of £20,000 available from March 2011. In our view this is wholly inadequate as if the expansion is to proceed funding would be needed **now** for investment in:

- Resourcing external agencies to assist with forward budget planning
- Resourcing external agencies to assist with forward management planning issues
- The senior leadership team
- The secretarial team
- The site manager role

5.3 We have been advised that the sum of £20,000 only is to be paid. This is in our view insufficient.

5.4 Governors are attempting to support the school in the consultation process but are having to spend very considerable numbers of hours doing so for which we are not paid. We would simply comment that the Government requires people to volunteer as Governors but the demand placed upon them is unreasonable.

6. CONCLUSION

6.1 In conclusion we fully support the view that there should be local school places for local school children. However we are concerned that the detail of the forecast has not been provided to us and, particularly bearing in mind the inaccurate predictions of the past have no confidence that HCC has forecast the position accurately. We are concerned that even if the forecast is accurate there is very little scope for error and schools will have no extra space should the forecast be incorrect as has happened in the past. We have noted that Westfield is currently taking a class of extra children as a result of previous inaccuracies within predictions.

6.2 We have considered the proposal at length and in particular in conjunction with the relevant Guidelines and legislation and do not accept that the appropriate processes have been followed by HCC in the initial consultation process not least with regard the publishing and provision of information and the apparent failure to consult a number of relevant interested parties. Whilst we do understand and sympathise with the predicament that HCC

finds itself in we feel that it would be imprudent to rush into an expansion without full and considered thought being given to the process.

6.3 We have considered the transport statement and discussed this at length with HCC. We differ upon the interpretation of the statement and in particular as to the professionals conclusions as to the state of the roads surrounding the school and as to how this situation can be alleviated. We simply do not accept that the roads surrounding the school are at anything other than saturation point at present. We note that a turning and parking facility recommended by the professionals is not to be funded by HCC. Even if the monies could be found, a turning and parking facility (and at the very least a turning facility) would have major health and safety implications which do not seem to have been considered by HCC leaving aside the issue of it being placed upon Open Land.

6.4 We are very concerned that facing a clear problem HCC is reacting to this by suggesting the implementation of an immediate solution. We take the view that this is short sighted and that it would be appropriate for HCC to be more proactive in managing the education issues facing the Town's children in the short and long term by undertaking a proper review of the Town's three tier system as against a possible two tier system whilst considering an interim solution to the immediate issue.

6.5 We are unclear as to whether or not we have seen the "detailed feasibility exercise" undertaken by HCC prior to making the proposals for expansion. What is clear is that very little analysis seems to have taken place in the documents presented to us other than of a very broad nature. The details and in particular the cost analysis of the options both temporary and permanent do not seem to have been considered. We accept that this information may be incorporated within documents of which we have not had sight - we have of course been repeatedly asking HCC for these without success.

6.6 We are immensely concerned as to the impact the proposed expansion is having upon the Head, staff and Governors in terms of time spent attempting to consider a proposal which appears very uncertain. Leaving aside the issue faced by Schools Planning as to lack of school reception places in the Town, we cannot help but feel that even if the proposals get through the consultation stage and thereafter through the service of statutory notices etc there is every possibility that the proposal may fail at the planning stage. In all the circumstances we would suggest that rather than a very great deal of time and money being spent on a proposal that in our view may very well fail, proper time should be given to looking at a short term temporary solution pending consideration of the long term outlook for the education of the Town's children.

APPENDIX

Information/Documents considered

www.hertsdirect.org/schoolplaces

www.dcsf.gov.uk/schoolorg/guidance.cfm?id=5.

www.berkhamsted.gov.uk – Town Council website

1-19	Meeting the Rising Demand for School Places
20-21	Meeting the Rising Demand for School Places 2010 Update
22-52	Expanding a Maintained Mainstream School by Enlargement..... A Guide for Local Authorities and Governing Bodies
53-85	The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.
86	Plan of Greenway
87-90	Stomor High Level Traffic Assessment - undated
91-171	Stomor Transport Statement – December 2010 (but containing observations from January 2011)
172-174	Governors Comments upon Traffic Statement dated 31.1.11
175-178	Planning Appraisal Report- undated
179-184	List of developments within the Town – undated
185	4 Tests document
186-187	Document headed Dacorum Primary Schools Expansion Potential – Berkhamsted - undated
188-189	Letter from Crawford Simpkins dated 03.02.11

Correspondence

190-192	Letter HCC to Stakeholders dated 10.1.11
193-195	Letter Governors to HCC dated 13.1.11
196-200	Email HCC to Governors dated 20.1.11
201-204	Letter Governors to HCC dated 24.1.11
205-208	Email HCC to Governors dated 27.1.11
209-215	Letter Governors to HCC dated 31.1.11
216-217	Note HCC dated 02.02.11
218	Letter Governors to HCC dated 03.02.11
219-220	Letter Governors to HCC dated 08.02.11