

GIFT FUNDING ARRANGEMENTS FOR NANAKSAR FREE SCHOOL FROM THE EDUCATION FUNDING AGENCY

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	James Rodger – Residents Services
Papers with report	None

1. HEADLINE INFORMATION

Purpose of report	<p>This report considers a proposed offer of a gift from the Education Funding Agency (who act on behalf of proposed new free schools) in accordance with the provisions of Section 93 of the Local Government Act 2003. The gift is required to assist in meeting the Council’s reasonable and justifiable costs associated with the discharge of its planning function; in particular it would be used to fund services of an independent transport consultancy to review a Transport Assessment. The Transport Assessment will include complex data and highway modelling for the proposed interim and full planning applications due to be submitted in April 2013 and May 2013 respectively for Nanaksar Sikh Faith Primary School, Springfield Road, Hayes.</p> <p>This will ensure additional resources are dedicated consistent with the importance of this project to the local community and the wider area. It is recommended that the gift be accepted.</p>
Contribution to our plans and strategies	The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.
Financial Cost	The offer of £15,000 gift funding (£10,000 initial and an additional £5,000 to cover the review of any addendum assessments) from the Education Funding Agency will cover the costs of an independent transport consultant to evaluate the Transport Assessment. This will provide additional resources to the Council to enable it to carry out its statutory planning functions.
Relevant Policy Overview Committee	Residents’ and Environmental Services
Ward(s) affected	Townfield and surrounding wards

2. RECOMMENDATION

That Cabinet accepts the offer of a gift from Education Funding Agency in accordance with the provisions of Section 93 of the Local Government Act 2003.

INFORMATION

Reasons for recommendation

It has been a long standing practice of the Council to request that developers pay for the cost of independent assessment of financial appraisals that are used to determine what level of affordable housing an applicant can provide. The Education Funding Agency is proposing to submit two planning applications, one application for an interim temporary proposal (circa 120 pupils) which they hope will be lodged in April 2013 (proposed to be operational for September 2013) and a second application seeking permission for a permanent school proposal (840 pupils with all forms of entry) to be lodged in May 2013 (proposed to be operational for September 2014). Both applications will include complex transport assessments. Officers have only very recently been approached for pre-application advice. Officers have highlighted that the timescales proposed are very tight (in particular for the interim temporary proposal) and that to assist the Council in meeting the tight timescales it would be advantageous to involve external highway consultants.

Agreement has been reached with the Education Funding Agency that they will gift fund the appointment of an external transport consultant to review the transport appraisals. This will involve all the technical aspects of the data/modelling in the transport assessments being looked by the appointed consultant who will advise if they consider the transport aspects of the proposals are acceptable and make recommendations. It is considered essential that the transport aspects of the planning applications are considered in detail and the use of a consultant will assist the Council in this regard. It will also enable the planning applications to be determined without unnecessary delay.

It is therefore considered appropriate that the Council should accept an offer of gift funding to contribute towards the reasonable and justifiable costs of carrying out the above identified planning functions.

Alternative options considered / risk management

- I. Refuse the gift from the Education Funding Agency. This is not considered to be in the best interests of local communities or the Council.
- II. Request changes to the proposed gift funding from developer. It should be noted that the gift relates to likely actual costs, hence this is also not considered to be a viable option.

Comments of Policy Overview Committee(s)

None at this stage.

3. SUPPORTING INFORMATION

- 3.1 The Nanaksar Sikh Faith Primary School is located on Springfield Road, Hayes in Townfield Ward close to the Borough boundary. To the north, Springfield Road meets with Uxbridge Road at a signal controlled junction, to the west of which is the signal controlled Ossie Garvin Roundabout located over The Parkway A312. The Parkway is part of the Transport for London road network.
- 3.2 The Education Funding Agency is the Department of Education's delivery agency for funding and compliance. They support the delivery of building and maintenance programmes for schools, academies, Free Schools and sixth-form colleges.
- 3.3. The Education Funding Agency is proposing to submit two planning applications, one for an interim temporary proposal (circa 120 pupils) and the other for a permanent school proposal (840 pupils).
- 3.4 The Council's Highway Engineer has prepared a brief to employ consultants and to illustrate the complex nature of the transport assessment work to be reviewed. The consultant would be required to review the following matters (which it should be stressed is not a complete list of the matters to be considered):
- Extent of the study area;
 - Existing and future school catchment areas and mode of travel;
 - Traffic modeling to be submitted by the applicant;
 - Validity and suitability of trip rate data utilised;
 - Acceptability of assumptions regarding trip generation;
 - Assignment of development trips on the highway network;
 - Traffic growth over time;
 - Suitability of the modeling scenarios in terms of the network and development peaks;
 - Assumptions and conclusions of the impact of development traffic flows on the adjacent links and at key links and junctions within the affected area;
 - Assumptions regarding committed highway and development proposals that could affect local traffic conditions;
 - Validity of the input and output data and the conclusions of the Transport Assessment that the proposals can be adequately accommodated without unacceptable detriment on the highway network;
 - Proposed site and access layout;

- Acceptability of expected saturations levels, reserve capacity, delays etc and at junctions;
 - Safety review of the proposals;
 - Level of parking provision and justification;
 - On street parking demand and capacity;
 - PERS audit, pedestrian routes and linkages;
 - Impact of the development on existing public transport services;
 - Travel plan including measures and robustness.
- 3.5 In order to meet the reasonable and justifiable costs to Council and to ensure that dedicated resources are provided to ensure the best outcomes for the project, it is considered appropriate that the Council should accept an offer of gift funding of £15,000 from the Education Funding Agency. The gift funding would be strictly ring-fenced to ensure that it is spent in accordance with the terms of the gift, on the planning functions associated with the Nanaksar Sikh Faith Primary School.
- 3.6 Whilst the acceptance of a gift cannot in any way influence the outcome of the planning applications, in this case it will assist with considering the acceptability of the applicant's proposals from the transport viewpoint, particularly given the tight timescales and the complexity of the subject matter. It should also be noted that this is a high profile application which the Council would wish to ensure is rigorously scrutinised.
- 3.7 The Council has recently accepted gift funding in relation to various planning delivery agreements and planning initiatives, including the proposals from:
- Bride Hall Developments Ltd for Morrisons superstore, retail units a hotel and housing at Land Adjacent to Hillingdon Station & Swallow Inn Long Lane Hillingdon;
 - Spenhill Developments Ltd for a superstore, retail units, hotel and housing on the former Master Brewer Hotel Site, Hillingdon Circus; and
 - For various aspects of the NATS development.
- 3.8 Should comments be received by the Local Planning Authority from third parties such as Resident Associations relating to the validity of the Transport Assessment, which are relevant to considering the transport impacts of the proposal, Council officers will require that such matters are also considered by the appointed consultant. In this regard the consultant will be required to not just consider the submitted Transport Assessment but any relevant third party comments arising from the consultation process that relate to the Transport Assessment.
- 3.9 Standard procurement rules will be followed and officers wish to be given full authority to appoint the chosen consultants. Officers consider that the gift funding should cover the cost of evaluating the Transport Assessment.
- 3.10 The Cabinet is recommended to accept gift funding of up to £15,000. If funding is not provided externally by the developer then these on-going costs will need to be met from existing Council resources.

Financial Implications

The offer of £15,000 gift funding from the Department for Education will cover the costs of independent transport consultancy services to evaluate the Transport Assessment of the proposed planning applications discussed above. This will provide additional resources to the Council to enable it to carry out the services outlined in the report and thus achieve a better quality of planning outcomes for residents and the local community.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

It is considered that the use of the specialist transport consultancy will both assist the Council in evaluating the transport aspect of the proposals but also help provide an evidence base to interest third parties to identify that the Council has rigorously considered the transport implications of the development proposals. In this regard, there are not considered to be any negative impacts on residents, service users and communities of accepting the gift funding.

Consultation Carried Out or Required

None

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance concurs with the financial implications set out above, noting that the use of gift funding will enable the Council to expedite planning work on this development and provide a central point of contact for stakeholders.

Legal

Section 139 of the Local Government Act 1972 empowers the Council to accept gifts for the purpose of discharging any of their functions. This would include accepting a gift to enable the Council to discharge its planning functions. However, the nature of the transaction in this case is more akin to a payment for the provision of services and therefore Section 139 of the 1972 Act should not be relied upon.

The Council also has powers under Section 93 of the Local Government Act 2003 to charge a person for providing a service provided that the Council is not obliged to provide that service in any event. This report indicates that the service to be provided to the Department for Education would expedite the planning application; that it goes over and above what the Council would be statutorily required to provide in handling planning applications and giving application advice. The amount charged should not exceed the cost of providing the service. Officers have indicated in this report that the entirety of the monies from the Education Funding Agency will be used to engage the services of the transport consultant.

The Council's constitution states that Cabinet shall be responsible for fixing of fees and charges for Council services which would include the one-off bespoke services that are described in this report.

Corporate Landlord

Support the recommendations in this report.

Relevant Service Groups

No other service groups are directly impacted by the recommendation.

6. BACKGROUND PAPERS

NIL