



EAST LOTHIAN COUNCIL
RESOURCES AND PEOPLE SERVICES
EDUCATION
CONSULTATION REPORT

**REPORT ON THE OUTCOME OF THE CONSULTATION ON THE PROPOSED
CHANGE TO THE PINKIE ST PETER'S AND WALLYFORD PRIMARY SCHOOLS
CATCHMENT AREAS**

February 2017

This Consultation Report has been issued by East Lothian Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

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EAST LoTHIAN COUNCIL

RESOURCES AND PEOPLE SERVICES

EDUCATION

This report has been prepared following consultation on the following proposal:

- The Pinkie St Peter's Primary School catchment area will be altered to include the whole of the land at Levenhall (LDP Proposal MH8, *hereinafter referred to as 'MH8'*) which currently falls across both the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas.

This proposal **directly affected** the following schools:

- Pinkie St Peter's Primary School
- Wallyford Primary School

Having had regard (in particular) to:

- a) Relevant written representations received by the Council (from any person) during the consultation period
- b) Oral representations made to it (by any person) at the public meeting held on 7th December 2016
- c) Oral representations made to it at the public drop-in session
- d) Oral representations made to it at the pupil voice sessions
- e) Education Scotland's report on the proposal

1. INTRODUCTION

1.1 This is a Consultation Report prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal.

1.2 The purpose of this report is to:

- Provide a record of the total number of written responses made during the Statutory Consultation period;
- Provide a summary of the written responses;
- Provide a summary of oral representations made at the public meeting held on 7th December 2016;
- Provide a statement of the Council's response to those written and oral representations;
- Provide the full text of Education Scotland's report and a statement of the Council's response to this report;
- State how the Council reviewed the above proposal following the representations received during the Statutory Consultation period and the report from Education Scotland;
- Provide details of any omission from, or inaccuracy in, the Consultation Proposal Document and state how the Council acted upon it; and
- State how the Council has complied with Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposal.

2. BACKGROUND

2.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area. This duty applies in respect of both the current school population and anticipated pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003. Most importantly, the Education Authority would wish to optimise the educational experience to ensure:

- East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens;
- East Lothian's children have the best start in life and are ready to succeed;
- East Lothian's children experience equality of opportunity within an inclusive educational experience'
- East Lothian's children's care, welfare and personal and social development is central to raising their attainment and achievements; and
- In East Lothian we live healthier, more active and independent lives.

- 2.2 East Lothian Council is committed to raising educational attainment and ensuring that all children and young people have the best opportunities in life. The educational benefits that will arise from this proposal for children affected or likely to be affected are outlined in the Consultation Proposal Document.
- 2.3 The Strategic Development Plan (SDP) for South East Scotland was approved by Scottish Ministers in June 2013. The SDP with its Supplementary Guidance on Housing Land requires the Local Development Plan (LDP) to ensure sufficient housing land is available to deliver 10,050 homes during the period 2009 – 2024 with 6,250 of those homes capable of being delivered across East Lothian in the period to 2019.
- 2.4 In order to accommodate these strategic development requirements for East Lothian, East Lothian Council approved a Proposed LDP 2016 for representation on 6th September 2016. The Proposed LDP sets out East Lothian Council's proposed spatial strategy for East Lothian. As part of this, the land at Levenhall (MH8) is one of the main development proposals in the Musselburgh Cluster which is proposed to be allocated for a housing development of circa 65 homes.
- 2.5 Significant additional education capacity at primary and secondary level will be needed to support all of the new housing development proposed in the Musselburgh cluster. The Council must ensure provision is and can be made for the education of children in its area, and therefore wants to align the future provision of additional education capacity with its proposed development strategy for the area.
- 2.6 The Council must consult on certain changes in arrangements for educating children and young people in its area before it can commit to delivering them including, if required, to make proposed development sites effective. The LDP must be complemented by an educational solution that meets the increase in projected pupil numbers that will be generated from the new housing development. The proposed housing development at Levenhall (MH8) identified in the 2016 Proposed LDP currently falls across both the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas and will require the proposed revision to the catchment areas in order for such development to be delivered.
- 2.7 On 24th February 2015, approval was given by East Lothian Council to undertake consultations relating to the school estate (i.e. schools, catchment areas, locations) as necessary to support the emerging LDP, where there is likely to be a need for new or re-provisioned facilities, without further reference to or approval by Council; and to report back to Council on the outcomes of such consultations in order that the Council can make a decision on any proposed changes.
- 2.8 The proposed revised catchment area for Pinkie St Peter's Primary School will directly affect the following schools and was considered in the Consultation Proposal Document:

- Pinkie St Peter's Primary School
- Wallyford Primary School

3. CONSIDERATIONS

3.1 The main considerations relating to the alteration to Pinkie St Peter's Primary School and Wallyford Primary School catchment areas are fully explained in the Consultation Proposal Document and the main points are highlighted below:

- The need to address early learning & childcare and primary education provision for the Levenhall area (MH8) and create a sustainable school estate for future generations; and
- The increasing pupil populations in the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas.

4. THE CONSULTATION PROCESS

4.1 The Council has met the minimum requirements set out in the Schools (Consultation) (Scotland) Act 2010 with regards to ensuring the views of all members of the community were listened to and their views are included in this report. The Council believes that this report accurately reflects the views of the community, which have been gathered through a range of engagement events and response mechanisms. It is for members of East Lothian Council to decide to adopt the proposal, withdraw it or seek to consult on another proposal.

4.2 On 24th February 2015, approval was given by East Lothian Council to undertake consultations relating to the school estate (i.e. schools, catchment areas, locations) as necessary to support the emerging LDP, where there is likely to be a need for new or re-provisioned facilities, without further reference to or approval by Council; and to report back to Council on the outcomes of such consultations in order that the Council can make a decision on any proposed changes.

4.3 Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation.

4.4 The Consultation Proposal Document was published on East Lothian Council's website and paper copies distributed on 8th November 2016 to:

- Pinkie St Peter's Primary School
- Wallyford Primary School
- Wallyford Community Centre
- Wallyford Library
- Musselburgh East Community Learning Centre
- Musselburgh Library
- Brunton Hall, Musselburgh

- Almond Park Nursery
 - First Step Community Nursery
 - Fisherrow Community Nursery
 - Honest Toun Nursery
 - Links Nursery
 - Loretto Private Nursery
 - Musselburgh Private Nursery
 - Olivebank Child and Family Centre, and
 - John Muir House, Haddington
- 4.5 The consultation period commenced at 12.00am on **Tuesday 8th November 2016** and lasted until 12.00am on **Wednesday 21st December 2016**, being a period of six weeks, which also included the statutory minimum 30 school days.
- 4.6 The proposal on which consultation took place was to:
- Alter Pinkie St Peter’s Primary School catchment area to include the whole of the land at Levenhall site (MH8) and remove the area of land affected from the revised Wallyford Primary School catchment area, approved by Council on 25th October 2016.
- 4.7 The requirements for consulting on a relevant proposal relating to schools are set out in the Schools (Consultation) (Scotland) Act 2010.
- 4.8 An information leaflet setting out details about the proposal and consultation meetings was issued to the consultees listed in the Consultation Proposal Document. Advice on where the complete Consultation Proposal Document could be obtained was included and was published on East Lothian Council’s Consultation Hub <https://eastlothianconsultations.co.uk/education/pinkiewallyford-catchment>
- 4.9 If requested, copies of the proposal would have been made available in alternative formats or translated for readers whose first language is not English.
- 4.10 A “Frequently Asked Questions” document was also prepared which was available at the same location on East Lothian Council’s Consultation Hub: <https://eastlothianconsultations.co.uk/education/pinkiewallyford-catchment>
- 4.11 An advertisement was placed in the local newspaper on **10th November 2016** and **1st December 2016**. A pre-announcement was also made on the Council’s website and social media posts on the **7th November 2016**. In addition, there were announcements related to the consultation process on East Lothian Council’s website, linked via a Facebook page and Twitter feeds.
- 4.12 The public meeting was held in **Brunton Hall, Musselburgh** on **7th December 2016 at 7.00pm**.

4.13 In addition to specific meetings with statutory consultees, a drop-in session was held in respect of the proposal at the venue below, at which any members of the public and staff were welcome to attend:

Venue	Date	Time
Pinkie St Peter's Primary School	17 November 2016	12:00pm – 5:00pm

4.14 In accordance with statutory requirements, the following persons, including those indirectly affected, were consulted:

- The Parent Councils of Pinkie St Peter's Primary School and Wallyford Primary School;
- The parents of pupils at Pinkie St Peter's Primary School and Wallyford Primary School;
- The parents of any children expected to attend Pinkie St Peter's Primary School and Wallyford Primary School within two years of the date of publication of the proposal paper;
- The pupils at Pinkie St Peter's Primary School and Wallyford Primary School;
- The staff at Pinkie St Peter's Primary School and Wallyford Primary School;
- Musselburgh Area Partnership;
- Musselburgh & Inveresk Community Council;
- Wallyford Community Council.

4.15 The following schools are **directly affected** by the proposal:

- Pinkie St Peter's Primary School
- Wallyford Primary School

4.16 Representations were sought from statutory consultees and the wider public in the following ways:

- An online questionnaire on East Lothian Council's Consultation Hub. The questionnaire asked specific questions and enabled general comments and views to be entered. The Consultation Hub stored all relevant consultation documentation for public viewing;
- Widely distributed paper copies of the same questionnaire, at Council buildings around the Wallyford and Musselburgh area. Sealed boxes were also located at questionnaire distribution points for their return;
- Paper and digital flyers, in addition to the press adverts and Council web and social media announcements linked to the Consultation Hub. These flyers also detailed a specific Education Consultations email inbox, to which any queries could be submitted during the consultation period;
- Flyer distribution to pupils at Pinkie St Peter's Primary School, Levenhall Nursery School and Wallyford Primary and Nursery School. Head Teachers used their

established methods of communication to engage/remind parents about the consultation and the Education Scotland independent evaluation visit.

- In addition to the public meeting, staff at the affected schools were also invited to attend the public drop-in session to discuss the proposal;
- A representative group of pupils from both current catchment schools attended a workshop where they were able to express their views on the proposal;
- All Parent Councils in the Musselburgh Cluster were invited to attend a joint meeting to discuss the proposal.

4.17 This Consultation Report is the Council's response to the issues raised during the consultation period on the Consultation Proposal Document.

4.18 This Consultation Report will be published for a period of three weeks before a final decision is taken by East Lothian Council on 28th March 2017.

5. THE PUBLIC MEETING

5.1 A public meeting was held in Brunton Hall on Wednesday 7th December 2016 which was attended by one member of the community. A full note of the meeting is attached at Appendix 1 which details the questions and issues raised at the meeting. The points raised are addressed within the response to Frequently Asked Questions or within this report.

5.2 Additionally, a drop-in session was arranged during the consultation period, enabling any member of the public and staff to ask questions and discuss the proposal, the consultation process and how they could make representations.

6. RESPONSES TO THE CONSULTATION EXERCISE

6.1 As part of the consultation process, the Council sought the views of a wide range of stakeholders. Information about the consultation was placed in a local newspaper, on the Council's website and at the affected schools, as well as all Musselburgh Partnership Nurseries, libraries and other centres within Wallyford and the Musselburgh area.

6.2 The Council provided stakeholders with a short online or paper questionnaire and also made good arrangements for receiving additional written responses. The Council received five responses to its questionnaire. A clear majority of respondents to the questionnaire (80%) support the proposal. 20% of questionnaire respondents oppose the proposal.

6.3 Although the responses to the questionnaire capture the flavour of opinions regarding the consultation and are all valued, it is important to note that such a small sample size is not statistically significant.

6.4 A summary of all questionnaire responses has been included in Appendix 2. The comments made as part of these questionnaires are also included in Appendix 3, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the response as detailed in paragraph 6.8.

6.5 The Council did not receive any written submissions to its consultation during the consultation period.

6.6 The summary of questionnaire responses categorised by demographic are as follows:

- **Parents of pupils currently at schools:**

Three of the respondents identified themselves as parents of pupils currently at school. A greater proportion agreed with the proposal than disagreed overall with 66.7% supporting the proposal and 33.3% opposing the proposal. There were equal proportions of respondents supporting/opposing the proposal with pupils currently at Pinkie St Peter's Primary School.

- **Parents of future pupils at schools:**

Three of the respondents identified themselves as parents of future pupils. A greater proportion agreed with the proposal than disagreed overall with 66.7% supporting the proposal and 33.3% opposing the proposal. 100% of parents of future pupils at Pinkie St Peter's Primary and Wallyford Primary supported the proposal.

- **Parent respondents (with stage banding of pupils):**

A greater proportion of parents of pupils in pre-school education supported the proposal (75.0%) while there were equal proportions of respondents with pupils in S1-S6 supporting/opposing the proposal (50%/50%). Those parents of pupils who are no longer in education (100%) or are not yet in Education (71.4%) opposed the proposal.

- **Pupils currently attending school:**

There were no respondents within this demographic.

- **Members of Staff:**

There were no respondents within this demographic.

- **"Other" Respondents:**

Only one respondent identified themselves within this demographic. The respondent was in support of the proposal.

- **Catchment of Respondent:**

A greater proportion of respondents from all of the catchment areas supported the proposal than opposed: Pinkie St Peter's Primary (66.7%) and Wallyford Primary (100%) and 'Other School' (100%).

6.7 During the consultation period, Council officers visited Pinkie St Peter's Primary School and Wallyford Primary School providing good opportunities for pupils to discuss their views. Overall, pupils showed support for the proposal. Notes of the pupil voice sessions are included as Appendix 4.

6.8 A number of common themes emerged from the written and oral responses and can be grouped as follows:

- School capacity and Building Condition
- Funding for further expansion of Pinkie St Peter's Primary School
- Additional Teachers & Financial Support
- Safe Routes to School

7. EDUCATION AUTHORITY RESPONSE TO QUESTIONNAIRE AND ORAL REPRESENTATIONS

7.1 School Capacity and Building Condition

7.1.1 Pinkie St Peter's Primary School's pupil planning capacity of 595, based on both planned and committed housing developments in the Pinkie St Peter's Primary School catchment area (as set out in the Proposed LDP 2016), is not projected to be breached until session 2023/24. Pinkie St Peter's Primary School and Levenhall Nursery School facilities and sites will require to be extended to accommodate the projected eligible pre-school and primary-aged pupils that will arise from the planned and committed housing in the proposed revised Pinkie St Peter's Primary School catchment area and the school has potential for some further expansion to accommodate these projected pupils.

7.1.2 The school's capacity will be continually assessed (as is the case with all schools), in comparison to roll projections from the catchment area it provides for, and all new building which occurs within this area. Any requirements to expand capacity are identified in advance, to enable sufficient planning and extension as required. The Council also has control over the rate of house building to ensure all facilities are adequate to meet the needs of the growing population – and expanded to meet these needs if required. Timescales for any expansion will be closely monitored by the Council. If further housing development is approved, it will be subject to the school's capacity to accommodate the projected pupil numbers arising from the proposed housing.

7.1.3 Before the recent extension and refurbishment works at Pinkie St Peter's Primary School, its overall Condition rating was category 'C'. It has been now reassessed as overall category 'B', with some parts, including the new extension, in category 'A'. The Council has no specific policy to raise any school from a category 'B' to 'A' at this point in time, and capital investment is currently prioritised to retain schools within a category 'B' condition. The latest published information within the Summary Statistics for Schools in Scotland, No: 7-2016 states that 84% of schools in Scotland were in 'A' good or 'B' satisfactory condition as reported in April 2016. The proportion of schools across Scotland reported within each individual condition category is as follows: 26% of schools recorded in category 'A', 58% recorded in category 'B' and 16% recorded in 'C'. The proportion of schools across East Lothian reported within each category as at April 2016 is as follows: 24% in category 'A', 71% in category 'B' and 5% in category 'C'.

7.2 Funding for further expansion of Pinkie St Peter's Primary School

7.2.1 As stated in the Consultation Proposal Document, investment will be required to provide an extension to the early learning & childcare facilities at Levenhall Nursery School and primary school facilities at Pinkie St Peter's Primary School for the proposed revised Pinkie St Peter's Primary School catchment area. Developer contributions will be sought from the developers of relevant sites allocated in the proposed revised Pinkie St Peter's Primary School catchment area to ensure there is sufficient capacity and facilities to provide suitable education to all, which will be the subject of legal agreement with relevant landowners.

7.2.2 The Proposed LDP has established development related impacts on education capacity based on a cumulative assessment of impact and the need for mitigation. The costs for interventions needed to deliver the LDP strategy and sites are identified and apportioned in line with Scottish Government Circular 3/2012.

7.2.3 High level costs (set out in the Proposed LDP Technical Note 14: Draft Developer Contributions Framework) of providing the extension to the planned education capacity for a peak primary roll of 669 and early learning & childcare provision of 90 places at Levenhall Nursery School is estimated to be in the region of £3.3m dependent upon the final overall size of the school.

7.2.4 The overall project cost for the provision of additional education capacity in a school catchment area is divided between the assessed sources of capacity demand in proportion with the percentage of additional impact they each generate as follows:

1. increases in capacity to accommodate projected baseline pupil populations beyond current capacity will be met by the Council;
2. further increases in capacity, beyond the baseline requirement, to accommodate additional pupils arising from committed housing developments (including proposals that have 'minded to grant' status) will be met via

- 'anticipated, gathered or committed' developer contributions (including that which is 'anticipated' from 'minded to grant' proposals);
3. further increases in capacity required to accommodate shortfalls in capacity or accommodation not withstanding any committed capacity increases in association with point 2 above will be met by the Council;
 4. further increases in capacity to accommodate planned housing development without planning permission (not including proposals with 'minded to grant' status) to be met by developer funding from any planned development proposal(s) that does not have planning permission and is therefore still 'eligible' to make a contribution.

Therefore, developer contributions will not be sought to resolve pre-existing deficiencies or shortfalls in accommodation, unrelated to the new proposed housing developments.

7.2.5 School staff and parents will contribute to the proposals to increase capacity of Pinkie St Peter's Primary School as part of its ongoing engagement with stakeholders.

7.3 Additional Teachers & Financial Support

7.3.1 School revenue budgets and staffing complements are set in line with the school roll in accordance with the Devolved School Management (DSM) Policy. The Education Department closely monitors school rolls and plans staff recruitment in response to increases in school rolls. Therefore, East Lothian Council anticipates, the need to recruit will be an incremental process reflecting the year by year increase in the school roll. All teacher vacancies follow the standard East Lothian Council recruitment process.

7.4 Safe Routes to Schools

7.4.1 The proposed housing in the Levenhall site (MH8) is within two miles of Pinkie St Peter's Primary School and its associated secondary school, therefore all primary and secondary aged pupils will be able to walk to school. Officers from Road Services will review the routes to Pinkie St Peter's Primary School from the Levenhall site (MH8) and put in road safety interventions, if appropriate. The Council is currently looking to put in a signalised pedestrian crossing over the A199 for pupils and other improvement works as part of the current Taylor Wimpey development, and hope to obtain a developer contribution for this. It is expected pupils will walk along the path going through the current playing field to Macbeth Moir Road, which will lead to the Taylor Wimpey development.

7.4.2 In the context of the new secondary school and the Proposed LDP 2016, East Lothian Council is undertaking a Transport Appraisal to examine the effect of the cumulative impacts from the housing and economic land allocations in East Lothian on the local and strategic road networks and evaluate the effectiveness of interventions. A range

of measures would be put in place to reduce the risks involved in children and young people travelling to and from school. As part of this, Road Services Officers at East Lothian Council will also be working closely with staff, pupils and the community to establish how best to put in the necessary interventions to ensure there are safer routes to school for the approved new secondary school at Wallyford.

8. EDUCATION SCOTLAND REPORT

8.1 In accordance with the Schools (Consultation) (Scotland) Act 2010, a report was produced by Education Scotland on the educational aspects of the proposal. A full copy of the report can be found in Appendix 5.

8.2 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 7th December 2016 in connection with the Council's proposals;
- consideration of all relevant documentation provided by the Council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Pinkie St Peter's Primary School and Wallyford Primary School, including discussion with relevant consultees.

8.3 The Education Scotland consideration of the proposal is summarised as follows:

- Education Scotland stated that almost all parents, pupils and staff who met with HM Inspectors or responded to the Council's questionnaire supported the proposal.
- Education Scotland stated that stakeholders who met with HM Inspectors, including pupils attending the two affected schools, felt that the council had provided good opportunities for consultation and had listened to their views.
- Education Scotland stated that the proposal offers educational and social benefits allowing all primary-aged children who come to live in the Levenhall housing development to attend the same school and has the potential to reduce traffic congestion in the area and encourage more children to walk to school.
- Education Scotland also stated that the Council should continue to engage with stakeholders in planning the additional phased permanent extension at Pinkie St Peter's Primary School.

8.4 Education Scotland concluded that the Council's proposal to extend the catchment area of Pinkie St Peter's Primary School has clear educational benefits for the young people within this area allowing children who come to live in the planned housing development to attend the same school and develop and sustain friendships. In taking

its proposal forward, the Council should continue to engage with stakeholders as it makes plans for a further extension to Pinkie St Peter's Primary School.

8.5 East Lothian Council's Response to Education Scotland's Report

East Lothian Council welcomes the report from Education Scotland and accepts its findings. The points raised by Education Scotland within the Education Scotland Report were also key themes identified through the consultation process and are addressed in Section 7 of this report.

9. TRANSITION ARRANGEMENTS

9.1 As stated in the Consultation Proposal Document, at present the affected area of land at Levenhall (MH8) contains no properties. If approved, the new catchment and admission arrangements for Pinkie St Peter's Primary School and Wallyford Primary School would become operational with immediate effect.

9.2 Pupils currently attending the Pinkie St Peter's Primary School and Wallyford Primary School will not be significantly affected as the proposed catchment changes will only impact on future intakes once house build commences.

9.3 Parents of eligible pre-school children moving into planned housing in the affected area (MH8) following implementation of the proposal would apply for early learning and childcare provision through the Council's existing Nursery Admissions processes.

9.4 Primary and secondary aged pupils moving into the affected area following implementation will attend Pinkie St Peter's Primary School and its associated secondary school.

10. ALLEGED OMISSIONS OR INACCURACIES

10.1 Section (10) (3) of the Schools (Consultation) (Scotland) Act 2010 also places a requirement on the Council to provide details of any inaccuracy or omission within the Consultation Proposal Document which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.

10.2 There were no inaccuracies or omissions within the Consultation Proposal Document either identified by the Council or raised by consultees during the consultation period.

11. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

11.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

(i) written representations received by the Authority (from any person) during the consultation period,

(ii) oral representations made to it (by any person) at the public meeting,

(iii) Education Scotland's report.

11.2 Following receipt of five questionnaire responses and consideration of oral representations made at a public meeting held during the consultation period, officers reviewed the proposal.

11.3 The feedback from the consultation was considered by relevant officers across a number of Council Services including Education, Finance, Planning, Property and Road Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

11.4 Officers of the Education Authority have listened carefully to the points made at the public meeting and have considered equally carefully the written representations, including the Education Scotland report. Having reviewed the feedback from consultees, officers conclude that the basis of the original proposal remained the best solution to provide appropriate and effective early learning & childcare and primary education provision for the Levenhall area (MH8).

12. LEGAL ISSUES

12.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation.

12.2 The Council is mindful of its duties in respect of equality and the Equality Impact Assessment did not identify that any parent, child or young person would be treated less favourably as a result of this proposal.

12.3 Under the terms of the Schools (Scotland) (Consultation) Act 2010, it is a legal requirement that the Council should not reach any formal decision without having reviewed the relevant proposal having regard, in particular, to:

- a) relevant written representations received from any person during the consultation period;
- b) oral representation made to it by any person at the public meeting held on 7th December 2016;
- c) the Education Scotland report;
- d) preparing a Consultation Report; and
- e) waiting until a period of three weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.

12.4 As it is the intention that this Consultation Report should be published, both electronically and in written form, if required, on 27th February 2017, this meets the

statutory requirement to publish this report more than three weeks before consideration of the proposal by East Lothian Council.

13. PERSONNEL ISSUES

13.1 No personnel issues have been identified with regard to this proposal.

14. ENVIRONMENTAL ISSUES

14.1 The impacts of the proposals are assessed as set out above and the relevant technical and environmental information is published alongside the Proposed LDP. The interim environmental assessments, site assessments and other technical documents for the Main Issues Report and Proposed LDP are available on the Council's website.

15. CONCLUSION

15.1 The Council now has 3 options to consider, namely:

- a) adopt the proposal;
- b) withdraw the proposal and make no alteration to the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas;
- c) undertake a further consultation exercise on a new proposal.

15.2 In withdrawing the proposal, primary-aged children who come to live in the planned housing development at Levenhall would not be able to attend the same school.

15.3 Education Scotland has identified that the proposal would lead to clear educational benefits for children. This includes helping to promote a greater sense of community in the new development, encouraging children to develop and maintain friendships both in school and at home, as well as encouraging children to walk to school.

15.4 If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Consultation Proposal Document would materialise.

15.5 The key messages deriving from the consultation period are as follows:

- A clear majority of respondents to the questionnaire (80%) support the proposal. 20% of questionnaire respondents oppose the proposal.
- During the consultation period, Council officers visited Pinkie St Peter's Primary School and Wallyford Primary School, providing good opportunities for pupils to discuss their views. Overall, pupils showed support for the proposal.

16. RECOMMENDATIONS

16.1 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most suitable option and it is recommended that the Council approves the following:

- To alter Pinkie St Peter's Primary School catchment area to include the whole of the land at Levenhall site (MH8) and remove the area of land affected from the revised Wallyford Primary School catchment area, approved by Council on 25th October 2016.
- The new catchment and admission arrangements for Pinkie St Peter's Primary School and Wallyford Primary School would become operational with immediate effect.

Fiona Robertson
Head of Education
February 2017

Appendix 1: Note of Public Meeting, 7th December 2016

STATUTORY PUBLIC CONSULTATION MEETING

PROPOSED CHANGE TO THE PINKIE ST PETER'S PRIMARY AND WALLYFORD PRIMARY SCHOOL CATCHMENT AREAS

**WEDNESDAY 7th DECEMBER 2016
BRUNTON HALL, MUSSELBURGH**

PRESENT:

Chris Webb, Independent Adviser - Chair of Meeting
Fiona Robertson, Head of Education
Richard Parker, Business Manager
David Gilmour, Web Officer
David Scott, Quality Improvement Officer
Rob Lewis, Senior Information Officer
Pauline Smith, Principal Officer (Information and Research)
Katy Johnstone, Graduate Intern
Andy Stewart, Principal Planner (Policy & Projects)
Grant Talac, Transportation Planning Officer
Alistair Brown, Education Scotland
One member of the public

Chris Webb introduced himself and outlined the purpose of this evening's meeting.

Fiona Robertson informed the member of the public of the Council officers present and confirmed they would be able to answer any questions. She also reiterated that this evening's meeting was being held to discuss the following proposal:

- To alter Pinkie St Peter's Primary School catchment area to include the whole of the land at Levenhall site (MH8, circa 65 homes) and remove the area of land affected from the revised Wallyford Primary School catchment area, approved by Council on 25th October 2016.

Fiona then went on to explain the background of the consultation:

- The Strategic Development Plan for South East Scotland (SDP) was approved by Scottish Ministers in June 2013.
- The SDP with its Supplementary Guidance on Housing Land requires the Local Development Plan (LDP) to ensure sufficient housing land is available to deliver 10,050 homes during the period 2009-2024 with 6,250 of those homes capable of being delivered across East Lothian in the period to 2019.
- To accommodate these strategic development requirements, East Lothian Council approved a Proposed LDP 2016 for representation on 6th September 2016.
- On 24th February 2015, approval was given by East Lothian Council to undertake consultations relating to the school estate (schools, catchment areas, locations) as necessary to support the emerging LDP.

- A greater proportion of the proposed Levenhall site (MH8, a total of circa 65 homes) sits within the existing Pinkie St Peter's Primary School catchment area than within the Wallyford Primary School catchment area.
- It is proposed to alter the catchment area of Pinkie St Peter's Primary School around the whole of the site boundary of the proposed Levenhall allocation (MH8)
- The affected area currently contains no residential properties.

Fiona outlined the catchment school map:

- Section A refers to Pinkie St Peter's current catchment area
- Section B refers to Wallyford Primary School's current catchment area
- Section C refers the area proposing to move to Wallyford's catchment.

Fiona then explained the Education Provision required for the new development.

To accommodate the projected pupil population from the whole of the Levenhall site (MH8, circa 65 homes), the Council proposes to provide education capacity as follows:

- Additional eligible pre-school and primary school capacity will be provided at Pinkie St Peter's Primary School and Levenhall Nursery, in accordance with the Council's proposed strategy for the delivery of additional pre-school and primary school education capacity in the Musselburgh area.
- Additional secondary school capacity will be provided at the proposed new secondary education provision, in accordance with the Council's proposed strategy for the delivery of additional secondary school education capacity in the Musselburgh area.

Fiona discussed the projected population at Pinkie St Peter's Primary School as a result of the house build and catchment change:

- Taking into account the projected pupils from new housing with consent and those that will arise from the proposed 2016 LDP (including site MH8 at Levenhall), the projected peak roll = 669.
- Pinkie St Peter's Primary School will require additional phased permanent extension to accommodate this projected peak roll.

Fiona explained the proposed change to the Pinkie St Peter's and Wallyford Primary catchment areas will have educational benefits through:

Ensuring all primary aged children from the Levenhall site (MH8) will be able to attend the same school (Pinkie St Peter's). This will provide the opportunity for those children to develop and sustain strong relationships both at school and at home.

Fiona reiterated she wants to see new communities develop with current communities and not in isolation, as part of the wider community of Musselburgh.

Fiona explained the timeline for the proposal.

1. After this formal consultation, Education Scotland will submit their report on the catchment change proposal.
2. East Lothian Council will then complete their final report, which will be available for public view via ELC website for 3 weeks.
3. After the 3 weeks, the report will then be submitted for full Council approval.
4. If approved, catchment boundaries will be changed with immediate effect.

Chris Webb invited questions from the member of the public present:

The member of public present asked for a date with regard to the projected timetable.

Fiona R reiterated, based on the outcome of the consultation, if approved, the catchment area will change with immediate effect. This would be roughly March 2017.

After looking at papers regarding recent developments at Pinkie St Peter's Primary School are there plans to improve Pinkie St Peter's Primary School from a Category B building to Category A?

Fiona R informed the member of public Category A and B buildings are able to provide an education provision to meet the needs of the children in the school. However, she will request a colleague from Property provides a full response to this question through the Consultation Report.

David Scott spoke about upgrading in the current building as part of the recent expansion. The current condition rating is taken from the April 2016 School Estates Survey, but reflects the position for the previous academic session. There have been a number of upgrades in the school since the 2015-2016 rating was submitted to the Scottish Government.

When will the work take place? Latest development to Pinkie St Peter's Primary School was delayed, or impression to parents, of work not being completed in time.

David Scott confirmed that there is capacity within the school until 2022 and that education would not be compromised for any children. In terms of build spec and design, obviously we want to make sure that it's the specification that we've requested. So delays may well be, but at no point will it impact the children's education.

After the recent work, Fiona Robertson visited Pinkie St Peter's to see the school and make sure provision was appropriate for the children. The same protocol will be held for future developments.

What impact will there be regarding a safe walking route to school.

Grant Talac confirmed ELC are currently looking to put in a signalised pedestrian crossing for pupils and other improvement works as part of the Taylor Wimpey development, and hope to obtain a developers contribution for this. It is expected pupils will walk along the path going through the current playing field to Macbeth Moir Road, which will lead to the Taylor Wimpey development.

Would this be the main contribution, or would the developers contribute to school as well?

Grant Talac explained the Section 75 agreement, which allows ELC to put in a crossing, or request the developer puts a crossing in over A199.

Fiona R confirmed a contribution would be sought from developers for any additional new classes required to accommodate new pupils arising from the housing developments.

Andy Stewart confirmed a full impact assessment would be carried out on this and all other developments within the Proposed LDP not only for Education but also in relation to transportation, roads, community facilities and other relevant infrastructure and recommendations made to the developers for any additional infrastructure, new facilities or other interventions required in association with the development of new housing sites. Developer contributions will be required for the delivery of key interventions identified on a proportionate and pro rata basis as appropriate.

Chris Webb brought the meeting to a close and thanked member of public for attending.

He acknowledged the huge effort from staff over 4 consultations and how ELC staff have shown their dedication to provide the best Education possible for all children. Huge thank you to all involved.

Appendix 2:

This is a summary of each category of respondent, in relation to the extent to which they agree/disagree. Please Note: A respondent can identify as more than one category - therefore the totals in the tables below do not add up to the total number of responses received via questionnaire (5)

Q - To what extent do you agree or disagree with the proposal to alter the catchment boundaries of the Pinkie St Peter's and Wallyford Primary school catchment areas?

Table 1

All responses:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
	2	2			1	5		80.0%	20.0%

Table 2

Parent of Pupil at:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	1	1			1	3		66.7%	33.3%
Pinkie St Peter's Primary		1			1	2		50.0%	50.0%
Wallyford Primary									
Other School	1					1		100.0%	0.0%

Table 3

Parent of Future Pupil at:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	1	1			1	3		66.70%	33.30%
Pinkie St Peter's Primary	1	1				2		100.00%	0.00%
Wallyford Primary		1				1		100.00%	0.00%
Other School					1	1		0.00%	100.00%

Table 4/

Table 4

"Other" Category	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
All "Other" Categories	1					1		100.0%	0.0%

Table 5

Parent of Pupil Aged:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	2	2			1	5		80.0%	20.0%
Not yet in Education					1	1		0.0%	100.0%
Pre-school Education (3-5 year old)	1	2			1	4		75.0%	25.0%
P1 - P3									
P4 - P7									
S1 - S6	1				1	2		50.0%	50.0%
No longer in school Education					1	1		0.0%	100.0%

Table 6

Catchment	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	2	2			1	5		80.00%	20.00%
Pinkie St Peter's Primary	1	1			1	3		66.70%	33.30%
Wallyford Primary		1				1		100.00%	0.00%
Other School	1					1		100.00%	0.00%

Appendix 3 Comments from Questionnaire responses

Of the 5 questionnaire responses, 1 declined permission to publish their comments. However, their representations have been taken account of and responded to in this Consultation Report. The summary of comments below, were made from the remaining 4 responses who gave permission to share their comments.

COMMENT
Children have to go to school somewhere and as long as the school is given financial support, extra teachers etc to take on another catchment area then there should be no issue and as long as the school is big enough for the amount of children that is predicted to attend when the houses are built. Hopefully this has been well thought out so in a few years nobody is regretting the decision if the schools grades and attainment drop.
With the current build at Pinkie Farm, there are limited places at Pinkie St Peters as it is, even with the addition of the new classrooms. Will the council be allocating more funds for what will be necessary further expansion of the primary school?
I agree the boundaries need to be extended but only if there is space in existing schools or plans to extend

Appendix 4 – Pupil Voice Interviews

The Pupil Voice Interviews were a structured workshop session with a representative group of pupils from the school. The following are summaries of the discussions and questions/answers.

PUPIL VOICE

PINKIE ST PETER'S PRIMARY SCHOOL

P1 –P7 PUPIL REPRESENTATIVES

17th November 2016

David Scott and Katy Johnstone met with a group of pupils. David Scott described the proposal and then there was a group discussion around the following questions, the responses are listed below.

Why do you think we're changing the catchment?

Wallyford Primary is getting too full

No friends to play with if only one person on a street goes to a different school than everyone else

Wallyford's school is going to be a big school

What do you think of children coming to your school?

We would meet more friends and have more people to play with

People in Wallyford should go to Wallyford should go to that school, keep friends together

How would you welcome new pupils?

Make them feel they don't have to worry

Have good people around them

Make friends

Make them feel welcome

Play with new friends

Support people – in the playground have people there to help them

Tell your friends to include anyone they see feeling down – would be mean to leave someone on their own

Opportunities for new friends

Make sure that boys speak to girls and vice versa, don't ignore someone because you're a boy and they're a girl, everyone should speak to everyone

Any issues?

If there are loads of people coming, what if there is no space

Overall

No problems with new children coming in, would make new friends

PUPIL VOICE

WALLYFORD PRIMARY SCHOOL P1 –P7 PUPIL REPRESENTATIVES

22nd November 2016

David Scott and Katy Johnstone met with a group of pupils. David Scott described the proposal and then there was a group discussion around the following questions, the responses are listed below.

What do you think of the idea?

Good plan. Don't want to have two friends split between schools

If you leave it the way it is, there could be friendship separations

If you were at Pinkie, how would you welcome the new children?

Welcome them to your friendship groups

Talk to them

Include them as be their friends

Talk to them; make them come out their shell

Include them for class opinions

Appendix 5: Education Scotland Report

Report by Education Scotland addressing educational aspects of the proposal by East Lothian Council to alter the catchment areas of Pinkie St Peter's Primary School and Wallyford Primary School.

1. Introduction

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of East Lothian Council's proposal to alter the catchment areas of Pinkie St Peter's Primary School and Wallyford Primary School. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 7 December 2016 in connection with the council's proposals;

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Pinkie St Peter's Primary School and Wallyford Primary School, including discussion with relevant consultees.

2. Consultation Process

2.1 East Lothian Council undertook the consultation on its proposal(s) with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The consultation process ran from 8 November 2016 to 20 December 2016. During this period the council held a public meeting at Brunton Hall, Musselburgh which was attended by one parent. Statutory consultees, including Parent Councils of the schools directly involved and Wallyford and Musselburgh and Inveresk Community Councils, were informed of the consultation in writing. Consultation documentation was published on East Lothian Council's website and copies were available for public consultation at several venues during the consultation period, including the schools concerned. A proforma questionnaire and an email address were made available for responses. The council received five responses. Four of these responses indicated support for the proposal. Stakeholders who met with HM Inspectors, including pupils attending the two affected schools, felt that the council had provided good opportunities for consultation and had listened to their views.

3. Educational Aspects of Proposal

3.1 East Lothian Council's proposal to extend the catchment area of Pinkie St Peter's Primary School to include the whole of the planned Levenhall housing development offers educational and social benefits to the children who will come to reside in that area. The site of the housing development currently has no residential properties. The proposal will allow all primary-aged children who will come to live in the Levenhall housing development to attend the same school and this will help them to develop and sustain friendships both in school and at home.

3.2 The Levenhall site is located closer to Pinkie St Peter's Primary School than to Wallyford Primary School and the proposal has the potential to reduce traffic congestion in the area and to encourage more children to walk to school.

3.3 The council acknowledges that it will need to provide an additional phased permanent extension at Pinkie St Peter's Primary School to accommodate the increased roll resulting from its proposal. In taking the proposal forward, the council should continue to engage with all stakeholders in planning this extension.

3.4 Almost all parents, pupils and staff who met with HM Inspectors or responded to the council's questionnaire support the proposal.

4. Summary

East Lothian Council's proposal to extend the catchment area of Pinkie St Peter's Primary School has clear educational benefits. It will allow all children who come to live in the planned housing development at Levenhall to attend the same school. This will help to promote a greater sense of community in the new development and will encourage children to develop and maintain friendships with their neighbours. The proposal has the potential for encouraging children to walk to school and to reduce possible traffic congestion in the area. The council should continue to engage with stakeholders as it makes plans for a further extension to Pinkie St Peter's Primary School.

**HM Inspectors
Education Scotland
January 2017**