



Name of meeting: Cabinet
Date: 22nd January 2019
Title of report: Proposals to allocate funding from the Learning and Early Support Strategic Priorities section of the Capital Plan for the provision of new pupil places in Huddersfield North.

Purpose of the report To seek Cabinet approval to allocate capital funds to build a new 420 place primary school at Clare Hill, Edgerton, Huddersfield.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes - this will result in capital expenditure significantly in excess of £250k.
Is it in the Council's Forward Plan?	Yes - 20 th August 2018
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Strategic Director and name	Karl Battersby - 10/01/2019
Is it signed off by the Service Director - Finance (S151 Officer)?	Eamonn Croston - 10/01/2019
Is it signed off by the Service Director - Legal, Governance and Commissioning?	Julie Muscroft - 10/01/2019
Cabinet member portfolio	Cllr Graham Turner - Corporate Cllr Masood Ahmed - Learning and Aspiration

Electoral [wards](#) affected: Greenhead and Newsome Wards

Ward councillors consulted: Yes

Public or private: Public with private Appendix B

Has GDPR been considered? There are no GDPR implications arising from this report.

1. Purpose of report.

- 1.1 Following the successful delivery of new build primary schools to provide additional school places to serve Huddersfield North West and South West, this report will inform Members of work undertaken by Officers to develop a new build 420 place (2FE) 4-11 age Primary School, to be known as Brambles Primary Academy, on playing fields at Clare Hill, Edgerton to serve Huddersfield North.
- 1.2 Members will be requested to consider and approve the delivery of the proposed new school building within the capital plan allocation as outlined in this report.

2. Information required to take a decision

(a) Background

- 2.1 Ensuring that there are sufficient school places is a strategic priority for the Council in order to support the very best opportunities for our children and young people. The Local Authority (LA) has a statutory duty to secure sufficient supply of good quality school places, promote high standards of education and ensure fair access to education. As a strategic system leader the LA can only carry out these duties through maintaining existing partnerships and pro-actively developing new partnerships with all local providers to serve the needs of all children and families in the area.
- 2.2 In October 2013 Cabinet authorised officers to develop proposals, through working in partnerships with schools, to inject up to 1260 additional school places across the system to address ongoing and increasing pressures on primary school places arising from expected population growth and housing developments in Huddersfield North, North West and South West.
- 2.3 This requirement for new places was identified by the Council's School Organisation and Planning team and was evidenced in their published document called "Securing Sufficient High Quality Learning and Childcare Places – School Organisation, Planning and Development 2015-18", which provided an analysis of current and future demands for school places across Kirklees at the time.
- 2.4 In June 2016 the first of three new primary schools was completed in the grounds of Royds Hall Community School (which changed its age range from 11-16 to 4-16 to become an all through school), which provided 420 new pupil places for children aged 4-11 years old to serve Huddersfield North West from September 2016.
- 2.5 In September 2016 a second new school known as Beaumont Primary Academy was opened in temporary modular accommodation on the site of Moor End Academy pending a new build school being constructed. This was subsequently completed for occupation from September 2018 and provides

420 additional new pupil places as well as allowing for a reduction of 210 pupils at Oak CE (VC) Primary school in Huddersfield South West.

- 2.6 This report relates to the provision of the permanent building solution for the third new school (which has already opened in temporary accommodation), which will provide an additional 420 pupil places for the Huddersfield North area. The three new schools combined will inject 1260 new primary school places into the system across the Huddersfield area.

(b) The creation of a third new school, to be known as Brambles Primary Academy

- 2.7 On 18th October 2016 Cabinet considered a report in relation to the proposed creation of a new 420 (2FE) primary school to serve North Huddersfield. The following recommendations were approved:

- the selection of Clare Hill Playing Fields as the preferred site for the development and construction of the new school;
- the submission of an outline planning application for the new school in order to establish whether or not the development of a new school on this land was deliverable;
- the continuation of discussions with Greenhead College for the purchase of the land required, with Officers authorised to negotiate and agree a valuation and Heads of Terms for the potential purchase;
- in principle the potential use of some of the Cemetery Road allotments site as part of the overall solution for the new school proposal;
- the allocation of £874k of funds from signed S106 agreements to offset the final cost of this new school building.

- 2.8 On 21st November 2017 outline planning permission was obtained for the development of the new school on Clare Hill Playing Fields. This was subsequently amended through the planning process to reflect the design development of the new school and its site, with final full planning permission being granted on 12th November 2018.

- 2.9 On 21st August 2018 Cabinet approved, following a non-statutory consultation process, the appropriation of part of Cemetery Road allotments from general estates/temporary allotment purposes to education purposes. This decision is currently subject to a Judicial Review challenge from one of the current allotment plot holders, with an initial Court assessment of the JR application due in early 2019. This process does not prevent the construction of the new build school as the allotment land concerned will be used to provide playing field provision and other ancillary uses.

- 2.10 On 3rd September 2018 the new school, known as Brambles Primary Academy and operated by South Pennines Academies, opened in temporary accommodation located in the grounds of Highfields Adult Day Centre. Further

temporary accommodation will be provided for the September 2019 intake pending construction of the new school building.

(c) The new build school and its site

- 2.11 The new school will be built on a playing field at Clare Hill, Edgerton which is being purchased from Greenhead College. Subject to final legal details being agreed, the purchase will hopefully be completed by the end of January 2019 – please see **Appendix B** for further details. Replacement playing field provision and a second car park will be created on part of the former Cemetery Road Allotments site, which has been appropriated for education purposes for use by the new school.
- 2.12 The design of the new school has been heavily influenced by the two previous new build primary schools completed by the Council at Royds Hall Community School and Beaumont Primary Academy. A simple two storey rectangle building that suits the contours of the site has been designed containing 14 classrooms; a large hall suitable for dining, PE and assemblies; studio with sprung floor and kitchenette for overflow PE, dance, drama and community use; Learning Resource Centre for library and ICT activities; Specialist Learning room for food technology and science activities; a number of small quiet teaching rooms for pupils with Special Educational Needs and small groups plus other non-teaching spaces to support the activities of the school.
- 2.13 Externally, separate Key Stage 1 and 2 play areas will be provided plus a Multi-Use Games Area, alongside appropriate soft play and habitat areas. Direct access to a dedicated playing field for the school is also being created, which will be available for community use. Two car parks, one approached from Cemetery Road and another approached from Cambridge Road, are being provided to address Highways concerns regarding spreading the traffic load generated by the new school across the highways network.
- 2.14 As part of the project, significant Highways improvements to Cemetery Road and Cambridge Road will be undertaken, which will be delivered by the Council's Highways Service. Similarly the public footpath network in the vicinity of the new school will also be repaired and improved. This will ensure that the new school has good pedestrian and vehicular access to the new site.
- 2.15 Attached at **Appendix A** are two indicative visuals illustrating what the new school is expected to look like. A landscape diagram is also included that highlights the external layout of the school site.

(d) The procurement process

- 2.16 A tendering exercise to select a contractor to construct the new school, associated external works, sports pitches, drop off car parking, private access roads and small car park to replace parking lost at the end of Cambridge Road has been undertaken via Lot 4 of the YorBuild2 West Area Contractors' Framework Agreement.

- 2.17 YorBuild2 is a construction framework that has been developed by a consortium of Local Authorities (LAs) to provide efficient access for LAs, Public Sector Bodies and Third Sector organisations across the Yorkshire and Humber region to high quality construction contractors. Full details of the tendering process and the recommended outcome is attached at **Appendix B**.

(e) *Delivery phase programme*

- 2.18 The table below summarises the current anticipated key milestones for the delivery phase of the project:

Activity	Key Milestone Date
Cabinet approval for the capital expenditure required to deliver the new Brambles Primary Academy.	22 nd January 2019
Letter of Acceptance to successful contractor	8 th February 2019
Commencement of construction	26 th March 2019
Completion of construction	23 rd March 2020
Occupation and opening of the new school	Easter 2020

Given the current ongoing Judicial Review, work to convert the area of Cemetery Road Allotments appropriated for education use will not be undertaken until the JR process has been completed and the outcome known.

The Court have informed Legal Services that there is currently a backlog of Judicial Review applications but the position will be closely monitored so as to minimise the risk of any delays.

(f) *Capital Requirements*

- 2.19 Following completion of the tendering process, the total envelope required to deliver this project has been confirmed as **£9.7m**. This includes the construction and fit out of the new school and its associated facilities; all costs relating to the appropriation process and the subsequent creation of new allotments on the lower part of Cemetery Road Allotments site; highways improvements to Cambridge Road and Cemetery Road; purchase of land from Greenhead College; project development costs and all professional fees – both internal to the Council and payable to external bodies such as Architects and Solicitors. A full breakdown is shown in **Appendix B**.
- 2.20 The Council's 2018/19 to 2022/23 Five Year Strategic Capital Plan approved by Council in July 2018 contains financial provision of £10.366m for the new school to serve North Huddersfield. Taking into account £597K of expenditure incurred and paid for in previous financial years, there is a need to allocate £9.103m from the current plan as shown below:

Funding Source	2014/15 to 2017/18	2018/19	2019/20	2020/21	Total (000s)
Section 106		£94K	£1391K		£1485K
Grant	£597K	£500K	£5209K		£6306K
Borrowing			£1580K	£329K	£1909K
Total	£597K	£594K	£8,180K	£329K	£9700K

- 2.21 The new school will be predominately funded through Basic Need government grant provided to create additional new school places. Section 106 contributions generated through housing developments across North Huddersfield and received to date (January 2019) will be used to offset £1.485m of the project cost, with the remaining shortfall of £1.909m being provided by Council prudential borrowing. The associated costs of borrowing are factored into the Council's treasury management revenue budget provision.
- 2.22 In order to minimise the impact on the Council's Medium Term Financial Plan, government capital grant and Section 106 monies will be applied first to fund in year expenditure wherever possible in order to delay the point at which borrowing is required.
- 2.23 In total there is £1.884m of Section 106 monies relating to housing developments at (a) Crosland Road (b) Peat Pond Farm (c) Cowrakes/ Weatherhill Road and (d) Ainley Top / Yew Tree Road / Burn Road that can be used for this project, of which £1.485m has been received to date. If the remaining funds are received during the lifetime of this project these will be used to offset Council prudential borrowing for this project.

(g) Revenue implications

- 2.24 Numbers in the new primary provision will build up over the course of seven years. An initial intake of 19 pupils started in modular accommodation in September 2018, with a further 60 expected in September 2019 and then each subsequent year until September 2024 when the 420 place provision should be approaching full capacity.
- 2.25 Revenue funding for schools is provided by the Government through the Dedicated Schools Grant (DSG) and passed directly to schools, using a locally agreed formula which allocates most funding according to the age and number of pupils at each school. As the school would fill up over time, additional "start-up" revenue costs for the primary provision would be provided by the DSG. The cost of the modular accommodation is also being borne by the DSG. Overall, there would be no revenue cost to the Council as the DSG would bear the cost of the "start-up" and ongoing revenue requirements.

3. Implications for the Council

Working with people

- 3.1 Consultation events were held during the development of the new school with local residents and stakeholders. Particular concerns were identified by

allotment holders impacted by the appropriation of part of the Cemetery Road allotments site to education use, thereby requiring the displacement of 14 plot holders. Officers have engaged with the allotment holders regarding the selection process for their new plots and their particular individual requirements in order to try and alleviate their concerns. However, although officers have worked closely with the allotment holders, the decision made on 21st August 2018 by Cabinet to appropriate the land currently forming part of the Cemetery Road allotments is currently subject to a Judicial Review application by one of the plot holders and this is presently with the Court for consideration.

Working with partners

- 3.2 The new Brambles Primary School will be an academy that forms part of South Pennine Academies. This partner organisation was selected from a presumption competition overseen by the Council's Learning and Early Support Service, with input from the Regional Schools Commissioner and the Department for Education. Representatives of South Pennine Academies have had input into the design of the new school and have actively attended numerous meetings in relation to the development of the new school.

Place based working

- 3.3 The proposal for a new school for North Huddersfield was developed in partnership with local schools through a number of engagement meetings facilitated by the Council's School Organisation and Planning team. Local Ward members for Newsome and Greenhead were also engaged at an early stage regarding site selection. A number of consultation events with local residents and stakeholders were undertaken during the development of the project in relation to the new school and the impact on the Cemetery Road allotments.

Improving outcomes for children

- 3.4 The new school will be a light, airy and spacious building providing state of the art facilities that will encourage and inspire children to learn and develop. It will have its own fenced grounds, which will contain all the external facilities needed to stimulate young minds, and will have access to its own playing fields to encourage active involvement in sports and health / well-being activities. The school is set in an environment of trees, playing fields and allotments which will encourage children to explore their natural environment as part of the school's commitment to the Forest Schools programme.

- 3.5 *Other implications*

The financial and legal implications have been covered in other sections of this report. There are no Human Resources implications arising from this report.

4. Consultees and their opinions

- 4.1 There has been engagement with school leaders over a period of time, in particular with schools from the North Huddersfield area. Discussions have

covered the site selection process and the mechanism through which a new school can be created. Whilst it is difficult to achieve a consensus of opinion across a group of schools, there is a general level of acceptance and support for the need for additional places.

- 4.2 The Local Ward Members for Greenhead and Newsome have been briefed on various occasions during the course of the development of this project. Ward Members have previously expressed strong support for the need for the new school and have acknowledged the community benefits that could arise from a new school through the provision of much needed additional school places, potential links to the allotments and the national Food for Life programme and better use of the playing fields for community use. Concerns regarding the impact on allotment holders have been addressed through planning conditions related to this aspect of the development.
- 4.3 The Council's Executive Team, Leadership Management Team and Portfolio Holders have been briefed extensively during the course of the development of this project and have strongly supported it.
- 4.4 The new school has been subject to two full planning processes (outline and reserved matters) and a non-statutory process relating to the appropriation of part of Cemetery Road Allotments and all have been granted final permission. An application for a Judicial Review is currently being considered by the Court in relation to the appropriation decision taken by Cabinet on 21st August 2018.

5. Next steps and timelines

- 5.1 Subject to approval of the recommendations in sections 5 and 6 below, officers will proceed to let the construction contract for the provision of the new school and its associated facilities and finalise the land purchase (which will occur before the building contract is let). Further temporary accommodation will be provided for the September 2019 intake and the school will be supported to move into its new build accommodation at Easter 2020.
- 5.2 Officers from Capital Delivery and Legal Services will deal with the consequences of the current Judicial Review application and will report back to Cabinet in due course should there be any impact on the new school project.

6. Officer Recommendations and Reasons

Based on the content of this report, Officers make the following recommendations to Cabinet. Members are asked to:

- (a) Approve an overall capital allocation of **£9.7m** from the Council's Capital Plan for the project as defined in this report to create a new 420 place primary school building and associated facilities at Clare Hill, Edgerton to serve Huddersfield North;

- (b) Approve the proposed mix of government grant, Section 106 monies and prudential borrowing as detailed in sections 2.20-2.23 of this report and **Appendix B**;
- (c) Note the information contained in **Appendix B** which details the name of the successful contractor and the agreed contract price, which has been determined through a competitive tender exercise in accordance with the Council's Financial and Contract Procedure Rules;
- (d) Delegate authority to the Service Director – Legal, Governance and Commissioning in consultation with the Service Director – Commercial, Regulatory and Operational Services to finalise and enact all contractual agreements in relation to the building contract and the land purchase.

Officers make these recommendations as the provision of a new primary school to serve North Huddersfield will enable the Council to meet its statutory duty to provide high quality school places in areas where there is a Basic Need for additional provision. The new school has full planning permission in place and has been subject to a fully compliant procurement process.

7. Cabinet Portfolio Holders Recommendation

We are committed to improving the quality of education in our primary schools to give every child the best possible start and ensuring that all children have access to sufficient high quality school places.

Following the opening of Brambles Primary Academy in September 2018 in temporary accommodation to address a shortfall of school places in the Huddersfield North area, it is acknowledged that in order to meet the Council's statutory duties an investment of capital is required to create permanent high quality new build accommodation that will meet the needs of pupils, staff and the local community.

This new school represents the final phase of a delivery plan that has created 1260 additional primary school places for Huddersfield, following on from the excellent facilities already provided at Royds Hall Community School (2016) and Beaumont Primary Academy (2018).

The new school will be a fantastic educational facility with access to excellent internal and external spaces including dedicated playing fields that will stimulate young minds, provide a great start in life and support the health and well-being of the children that will be educated in this school for generations to come.

Regrettably, there is insufficient Government grant to meet the full cost of the new school provision therefore prudential borrowing as identified in the Council's Strategic Capital Investment Plan and accounted for in the Medium Term Financial Plan will be provided to meet the shortfall in funding. This highlights the Council's commitment to ensuring that high quality school places are available for Kirklees residents.

The Portfolio Holders for Corporate and Learning and Aspiration recommends that Cabinet:

- (a) Approve an overall capital allocation of **£9.7m** from the Council's Capital Plan for the project as defined in this report to create a new 420 place primary school building and associated facilities at Clare Hill, Edgerton to serve Huddersfield North;
- (b) Approve the proposed mix of government grant, Section 106 monies and prudential borrowing as detailed in sections 2.20-2.23 of this report and **Appendix B**;
- (c) Note the information contained in **Appendix B** which details the name of the successful contractor and the agreed contract price, which has been determined through a competitive tender exercise in accordance with the Council's Financial and Contract Procedure Rules;
- (d) Delegate authority to the Service Director – Legal, Governance and Commissioning in consultation with the Service Director – Commercial, Regulatory and Operational Services to finalise and enact all contractual agreements in relation to the building contract and the land purchase.

8. Contact Officer

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9. Background papers and History of Decisions

The following background papers are relevant to this report:

- Cabinet report dated 18th October 2016 which approved the principle of building a new primary school for North Huddersfield on the Clare Hill site and part of the associated Cemetery Road Allotments site;
- Cabinet report dated 21st August 2018 which approved the appropriation of part of Cemetery Road Allotments from general estates / temporary allotments purposes to education purposes.

10. Service Director Responsible

Joanne Bartholomew – Service Director – Commercial, Regulatory and Operational Services - Tel: 01484 221000 – Email: joanne.bartholomew@kirklees.gov.uk

Jo-Anne Sanders – Service Director – Learning and Early Support – Tel: 01484 221000 – Email: Jo-Anne.Sanders@kirklees.gov.uk

11. Attachments

Appendix 1 Images of the new build school and the grounds layout

Appendix 2 **This is a private appendix to this report containing commercial information relating to the tender process outcome for the construction contract arising from this report.**