

**Forward Plan reference number: FP/323/03/22**

<b>Report title:</b> Establishment of a new 420-place primary school and co-located 56 place Early Years and Childcare provision in the Limebrook Way housing development, Maldon	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
<b>Date:</b> 24 May 2022	<b>For:</b> Decision
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<b>County Divisions affected:</b> Maldon	

**Confidential Appendix**

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

## 1. Everyone's Essex

1.1 Establishing a new primary school in this area delivers on all four strategic aims identified in Everyone's Essex – Our plan for levelling up the county: 2021-2025. These will include:

- Delivering **infrastructure** to support new homes and communities. The school is in an area of growth and expanding education infrastructure will have the outcome of ensuring that high quality local educational facilities are provided to match new housing.
- Achieving **net-zero**. The new buildings will have a net-zero design, and so will have the outcome of generating renewable energy and using energy efficient construction methods to mitigate their carbon impact. Enabling active travel will also facilitate a reduced reliance on motor travel and its associated carbon impact.
- Enabling **healthy lifestyles**. Providing local school places, along with the measures included to enable and promote active travel, will have the outcome of enabling the inclusion of activity and exercise as part of the journey to and from school.
- Supporting high quality **education outcomes**. With the new provision, the new high quality facilities will have the outcomes of ensuring children are able to learn, and teachers able to teach, in the most conducive environment for success.

1.2 If the recommended option is approved, Essex residents in the Maldon area will benefit from additional, high quality primary provision becoming available in their

area from September 2024, increasing their chances of gaining local places for their children in preferred schools.

- 1.3 Establishment of a new primary school in Maldon represents a capital investment in its local community. It will deliver a modern, high quality learning environment for pupils beginning their formal education, promoting engagement during those vital early years of schooling and thus increasing the likelihood of future prosperity.

## **2 Recommendations**

- 2.1 Agree that a new 420-place primary school and 56 place Early Years and Childcare provision should be established to serve Maldon from September 2024, in order to accommodate population growth at the Limebrook Way housing development.
- 2.2 Agree that the Director, Education issues a specification seeking proposals to establish a free school in the area.
- 2.3 Agree that the Council publicises the fact that it is seeking proposals by sending them to operators of schools in Essex, and by public notice.
- 2.4 Agree that if proposals received do not include the early years provision, Essex County Council will implement an application process to identify an independent early years provider, to deliver the services detailed in the specification from this site and then bring a report to the Cabinet Member to agree the terms of the lease.
- 2.5 Approve the capital budget for construction and associated project fees as profiled in the Confidential Appendix.
- 2.6 Agree to the procurement of the associated building works through a two-stage design and build mini competition using the Essex Construction Framework.
- 2.7 Agree to enter into a Pre-Construction Agreement with the successful contractor following completion of the first stage tender process in the Essex Construction Framework Agreement.
- 2.8 Agree that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
- 2.9 Agree that the Head of Infrastructure Delivery is authorised to award a construction contract to the successful contractor, following the completion of the second stage tender process in the Essex Construction Framework, when he is satisfied that:
  - a. planning permission has been granted;

- b. the construction costs are within the agreed budget and represent value for money and
- c. Arrangements are in place for the end user(s) of the building (including the early years provisions) to be provided with collateral warranties by the principal contractors

### **3 Background and Proposal**

- 3.1 The demand for school places continues to grow within the administrative area of the Council and ECC has a duty to ensure that there are sufficient school places for children living in the County. In executing these responsibilities, ECC also seeks to add value to the educational offer that can be made to parents and carers within a local area, to ensure that learners receive the best possible outcomes from their time in formal education.
- 3.2 The Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).
- 3.3 Like many places across Essex, Maldon is growing as a result of house building activity. Projected pupil numbers, as set out within Essex County Council's latest school place planning document (10 Year Plan - Meeting the demand for school places in Essex, 2021-2030), show a sharp rise over the next few years and as such, these children should ideally be accommodated within local schools.
- 3.4 Should these places not be provided locally then there is a strong possibility that increased car journeys will need to be made outside the local area, in order for parents to secure a preferred primary school placement. However, by including provision that sits directly within the area of demand it is not unreasonable to see this as the more sustainable solution, with children able to walk, cycle or scoot to their local school, reducing congestion and the subsequent impact that that has upon public health. It will also reduce the carbon impact by reducing unnecessary car journeys. Such methods of active travel will be supported by the design and facilities of the school.
- 3.5 The proposed new school is to achieve net-zero carbon design and this supports the strategic aim of Everyone's Essex to create a high-quality environment by reducing carbon emissions.
- 3.6 The proposed new nursery at Limebrook Way is being created to support the needs of the additional housing that is being built in this development. The application considered 1000 new homes which would see the need for up to 90 new childcare places to be created to meet demand from the Limebrook Way development. These places are required in addition to the current early years provision within Maldon West which would not be able to meet this additional demand.

- 3.7 There is a growing demand for primary school places within Maldon and Heybridge, the relevant planning group. The ongoing deficit of places in the area over the next ten years is illustrated by the following table should no mitigation be forthcoming. The proposed new school will add 30 places per year initially rising to 60 places per year once the demand rises. The places created by the new school will ensure there is no deficit of primary school places in the local area for the foreseeable future. This includes the demand for places that arise outside of the normal admissions cycle. For example, from families moving into the local area throughout the year.

**. Maldon / Heybridge**

Current PAN: 302

Current Capacity: 2256

**Reception Place Forecast**

Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	14	35	8	-1	-10	-22	-27	-34	-40	-44
All Saints CE Primary, Great Totham Primary, Heybridge Primary, Maldon Primary, St Francis Catholic Primary, Wentworth Primary, Woodham Walter CE Primary										

**3.8 Existing early years provision:**

Provider Type	Funded ?	Sufficiency Capacity	Sufficiency Places Taken	Sufficiency Availability	% Places Taken Total	Waiting List	% Waiting List
Pre-School	FUNDED	31	26	5	83.9%	7	26.9%

- 3.9 The proposal to increase the number of primary school places available by establishing a new two form of entry school will ensure that more local children can access a local school place. It will provide more places to meet the growing demand in the area particularly demand from the new Limebrook Way housing development.
- 3.10 The Limebrook Way housing development in Maldon has planning permission for approximately 1800 homes. A s106 agreement is in place and provides a site for a new primary school and a contribution of £6.691m for the construction of the new school.
- 3.11 The potential impact of a new primary school on other local schools has been taken into account. The demand in the area will be closely monitored and ECC will recommend that the new school opens with a 1FE intake until demand shows the need for 2FE. It is anticipated that the School will grow on a phased basis, as it admits up to 30/60 pupils into its Reception Year cohort year-on-year.
- 3.12 Early Years and Childcare providers offer a range of flexible options for parents, with many offering term-time and part-time places which meet the needs of many families, whilst day nurseries offering extended hours (and possibly a wider age range) may also offer a suitable solution for working families. In addition to early years places, facilities may also look to deliver wrap around and/ or holiday club

care for older children (dependent on local need). It is not expected that the further EY provision proposed in this report would impact on current providers as due to the level of housing, these places are required in addition to the current Early Years and Childcare places offered within the ward.

- 3.13 A consultation on the proposed new school was conducted by ECC between 24 January 2022 and 6 March 2022, with consultation documents being made available online and sent to interested parties via email. Virtual drop in sessions were also offered to interested parties. Responses to the consultation could be made through the organised virtual information sessions and/or via the electronic response form, and by letter or email
- 3.14 A total of 189 responses were received during the consultation period with 162 in favour and 27 not supporting the proposal.
- 3.15 The concerns raised were related to a lack of SEND places in the area (12 responses), parking/traffic issues in the area (10 responses), and the need for a new school as opposed to expanding existing schools in the area (3 responses). The response to these concerns are detailed below.
- 3.16 ECC is currently developing a SEND sufficiency strategy to set out how we intend to fulfil our statutory responsibilities for the delivery of specialist provision across the local area. The strategy will seek to balance the need to ensure that we support mainstream schools to be inclusive and able to offer high-quality provision for children and young people with SEND against the need to have a sufficiency of specialist provision – either through special school places or the development of specialist provision in mainstream schools. The strategy will be informed by recently completed capacity assessments of Essex’s existing special schools, the current profile of the Essex SEND population (including their geographical location) and the future population mapped by our recently developed forecasting tool.
- 3.17 This new primary school is required due to new housing and providing a school on the new development will minimise any increase in motor vehicle movements. The project scope will include the integration with the external walking and cycling network, alternative pedestrian entrances where possible, the provision of distinct cycle and scooter storage facilities, all to further encourage non-car use as modes of transport to getting to school. The Academy sponsor (once selected) and the school staff will be working with ECC on a school travel plan, which can be successful in mitigating any increase in traffic movements. The Academy sponsor will hold its own consultation on the new school once appointed and this will be a further opportunity for interested parties to raise any concerns they may have.
- 3.18 The proposed new school is needed to serve the Limebrook Way housing development. The only other school within reasonable walking distance of the development is Wentworth Primary. Expansion at Wentworth Primary was considered but the school does not sufficient site capacity for the additional 2FE needed. If Wentworth Primary was to expand by 1FE the proposed new school would still be required but as a 1FE school. The Department of Education and

ECC do not generally support the creation of new 1FE schools due to the difficulty in such schools being financially viable both in construction costs and running costs.

- 3.19 The Essex Construction Framework is a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. The framework uses a two-stage mini-competition process to select the successful contractor. Following completion of the first stage of the tender process, a Pre-Construction Agreement is entered into which requires the successful contractor to develop their design and apply for planning permission. A construction contract is then entered into following completion of the second stage of the tender process which requires the submission of the Final Tender Submission from the Contractor.
- 3.20 Contractors on the Essex Construction Framework have been invited to the first stage of the mini competition. These responses will be evaluated using a 60% cost and 40% quality split. Following evaluation of all of the bids received, a Pre-Construction Agreement will be entered into with the successful contractor to enable them to work up their design and start the planning approval process. Once the design has been finalised and planning permission obtained, the successful contractor will be asked to submit a Final Tender.
- 3.21 The Final Tender submission will be assessed, and a construction contract will be awarded subject to the project being within budget, quality criteria being satisfactorily met, and the contractor having achieved planning approval.

## **4 Links to our Strategic Ambitions**

- 4.1 This report links to the following aims in the Essex Vision
- Provide an equal foundation for every child
  - Develop our County sustainably
  - Share prosperity with everyone
- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:
- The School will benefit from a building that includes zero carbon enhancements to the specification, which will contribute to ECC's aspiration to reduce its carbon footprint, working towards its net zero targets. Any reductions saved through cost avoidance could be reinvested into resources that improve the delivery of the curriculum, thereby improving education outcomes for young people.
  - The aspiration to achieve zero carbon in the project specification is consistent with ECCs emerging commitment towards commissioning zero carbon buildings as referenced in the climate change commission report presented to ECC. The proposed Net zero enhancements will consist of PV, LED lighting and Air Source Heat Pumps.

- Building to the 2050 weather file helps mitigate the risks of future overheating, and the use of the weather data files enables designers to test their building models against a variety of weather scenarios and predictions for UK summer temperatures. This means buildings can be designed to be more sustainable and resilient to current and future weather conditions.
- Considerations within the modelling process to avoid overheating and also improve energy efficiency, aligned with the Department for Education (DfE) guidance of a fabric first approach, would include, building orientation, building form, thermal mass of the building fabric, high insulation, increased airtightness, optimising solar gain and natural ventilation.
- Including provision that sits directly within the area of demand will reduce car journeys, reducing congestion and the subsequent impact that that has upon public health and reduce the carbon impact on the environment.

4.3 This report links to the following strategic priorities in 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

## **5 Options**

### **5.1 Option 1 – Agree to approve the proposal to establish a new 420 place primary school and co-located 56 place Early Years and Childcare provision.**

5.1.1 This proposal is part of the overall strategic response to meet the need for additional school places.

5.1.2 ECC's proposal to establish a new primary school is intended to ensure that local children have the opportunity to access a local school and, as the need for these places is driven by local housing within the town, these children will live within walking distance of the School and a safe walking route will exist for them to get there on foot, bicycle or scooter. In addition, ECC has dedicated officers who assist schools in drawing up travel plans, and this resource will be available to the School should it be needed to mitigate the impact of travelling to the site by car.

5.1.3 The outcome of the strategic analysis indicated that the establishment of a new 420 place primary school is a viable option that represented good value for money to the Essex taxpayer. Option 1 is therefore the preferred option.

### **5.2 Option 2 – Do nothing**

5.2.1 The option to do nothing is not practicable. This report identifies a growing need for primary school places within Maldon, and Essex County Council is under a legal duty to make sure that a school place is available for each child within its administrative area that requires one. Not providing sufficient local school places, would lead to children having to travel much further to access a school place. While we cannot be certain of the amount of pupils that would be eligible for funded home to school transport, at the current average cost of provision the cost to the council could potentially grow to £1.14m per year. If even a quarter of pupils needing to travel further to find a school place were eligible for home to school transport, this would equate to an annual revenue cost of up to £285,431. Accordingly, taking no action is not the recommended option.

### **5.3 Option 3 – Expand an existing primary school**

5.3.1 The only primary school within a reasonable distance of the Limebrook Way housing development is Wentworth Primary School. This school does not have sufficient site area to expand by the required size (two forms of entry) to meet the demand for school places from the development. If the school was expanded by one form of entry (30 places per year) this would still leave one form entry of demand.

5.3.2 Accordingly, expanding an existing primary school is not the recommended option.

## **6 Issues for consideration**

### **6.1 Financial implications**

#### Capital

6.1.1 Please see the confidential financial appendix for capital financial information.

#### Revenue

6.1.2 A pre-opening budget of £150,000 will be provided from the Growth Fund to pay for costs incurred before the new school becomes a legal entity and has pupils on roll, as set out in the ECC Growth Fund Policy. This is to ensure that the school can undertake all necessary work and appoint staff in preparation for opening.

6.1.3 School revenue budgets are funded from the Dedicated Schools Grant (DSG) and are based on pupil numbers in the October prior to the start of the financial year. For new academies, in the first year of operation the LA confirms a funding allocation based on estimated numbers across the year groups that will open in the first year of operation. The DfE allows basic need growth to be funded by the Essex Formula for Funding Schools and the difference between estimated pupils and the October Census is added to the number on roll which will generate additional funding in an academic year to ensure the school has sufficient



resources to provide the required number of classes. At the end of the approved growth period the school will be funded on actual pupil numbers.

6.1.4 £258,000 will be allocated from the Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

6.1.5 It is not considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

6.1.6 There are no staff transfer issues as the academy will be new provision. Staffing for the new school will be decided by the sponsor and will be funded by the academy budget via the Education and Skills Funding Agency. There will be no staffing implications for ECC staff, apart from funding from the Growth Fund, which is part of the DSG, for pre-opening resource costs within the start-up grant.

6.1.7 ECC is required to make provision in its Growth Fund, which is part of DSG, to support increases in pupil numbers relating to basic need.

6.1.8 The inclusion of an early years provision will be funded by section 106 contribution, the building will be leased to the provider and generate an income for Essex County Council.

## **6.2 Legal implications**

6.2.1 ECC has a statutory duty to commission supply of school places. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.

6.2.2 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A 'the academy or free school presumption' into the Education and Inspections Act 2006. Where a local authority identifies the need for a new school in its area it must invite proposals to establish an academy/free school and to specify a date by which proposals must be submitted to the local authority. In July 2015 this duty was renamed 'the Free School presumption' by the Department for Education, although this makes no difference in practice and the law has not changed.

6.2.3 ECC will evaluate the responses received and send all bids and the Council's comments to the Secretary of State. The Secretary of State will enter into a funding agreement with the approved academy proprietor of his choice, having considered all proposals and the views of the local authority.

6.2.4 ECC will be required to grant a lease/sub-lease of the land to the proprietor of the academy.

6.2.5 The building works will be procured by ECC using an existing framework agreement which will comply with the Public Contracts Regulations 2015. Contractors experienced in working on projects of this type will be used.

6.2.6 The premises to be provided will need to meet the statutory requirements of the Education (School Premises) Regulations 1999 and the feasibility studies and the final programme will ensure that this happens.

## **7 Equality and Diversity Considerations**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8 List of Appendices**

8.1 Appendix 1 – Confidential Appendix

8.2 Appendix 2 – Equality Impact Assessment

## **9 List of Background papers**

9.1 Consultation document

9.2 10 Year Plan - Meeting the demand for school places in Essex, 2022-2031