

**Forward Plan reference number: FP/347/03/22**

<b>Report title:</b> Establishment of a new 420-place primary school and co-located 56 place Early Years and Childcare provision in the Dry Street housing development, Basildon	
<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> Basildon Westley Heights	

**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This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.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.
- 1.2 This proposal would contribute to the strategic aims of creating a good place for children and families to grow, promoting health and wellbeing for all ages, a high-quality environment and creating a strong, inclusive and sustainable economy.
- 1.3 Delivery of key commitments include delivering infrastructure to support new homes and communities; achieving net-zero, through buildings that will have a net-zero carbon operational design; supporting active travel as part of the built environment of a sustainable, healthy neighbourhood; enabling healthy lifestyles by providing facilities that give focus for the community; supporting high quality education outcomes with facilities that ensure children are able to learn and teachers able to teach in the most conducive environment.
- 1.4 If the recommended option is approved, Essex residents in the Basildon 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.
- 1.5 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. It will support the uptake of more sustainable transport methods as the development of local school places within expanding communities would mean fewer journeys will need to be made beyond them, in

order to access education. There is a greater likelihood that journeys to school will be undertaken using more sustainable modes of transportation (like walking, cycling or scooting, rather than making car journeys). This has the potential to promote healthier neighbourhoods for the future, both environmentally and in terms of physical wellbeing through exercise.

- 1.6 Establishment of a new primary school in Basildon 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 Basildon from September 2024, in order to accommodate population growth at the Dry Street housing development.
- 2.2 Agree that the Director, Education issues an inclusive specification seeking proposals to establish a free school and early years provision 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 If proposals received are not inclusive of 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 a further report will be taken to the Cabinet Member on the successful provider and on 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 the construction contract to the successful contractor for the School and Early Years and Childcare provision 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. the contract provides for collateral warranties to be provided to any tenant/end user of the building (including any operator of the early years provision).

### 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 every child wanting one has access to a school place. 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.

Like many places across Essex, Basildon is growing as a result of house building activity underway in the local area. 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, 2022-2031), show a sharp rise over the next few years and as such, these children should ideally be accommodated within local schools.

- 3.2 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 take their child to school or access early years provision. Including provision that sits directly within the area of demand is more sustainable, with children able to walk, cycle or scoot to their local school, reducing congestion and the subsequent impact that that has upon public health.
- 3.3 There is a growing demand for primary school places within Basildon central and west, 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.

#### 3. Basildon central and west

Current PAN: 1380

Current Capacity: 9685

#### Reception Place Forecast

Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	73	50	42	30	27	17	3	-10	-22	-35
Bardfield Primary, Cherry Tree Primary, Fairhouse Primary, Ghyllgrove Primary, Great Berry Primary, Greensted Infant, Greensted Junior, Janet Duke Primary, Kingswood Primary, Laindon Park Primary, Lee Chapel Primary, Lincewood Primary, Merrylands Primary, Millhouse Primary, Noak Bridge Primary, Phoenix Primary, Ryedene Primary, St Anne Line Catholic Infant, St Anne Line Catholic Junior, St Teresa's Catholic Primary, Vange Primary, Whitmore Primary, Willows Primary										

- 3.4 While this headline forecast indicates a surplus of Reception places remains available from 24/25 to 28/29 there are two important factors to consider, that indicate the new school should be opened for September 2024.

- 3.4.1 Firstly there is a need to plan for a small working surplus of places to ensure that there is reasonable assurance that ECC will be allocate pupils moving into the area a place at a local school. This mitigates the potential need to provide funded home to school transport, reduces the need for additional car journeys, and ensures that healthy active travel remains a realistic option to get to school. Looking at the entire capacity of the schools in the planning group and the number on roll, for the years 24/25 to 28/29 there would be between 0% and 0.8% surplus capacity, which is far lower than the desired level of capacity which is indicated as between 2% and 5%.
- 3.4.2 Secondly, local admissions data and pupil movement patterns show Basildon is an area of significant in-year growth. This can be seen in the need for bulge classes in this planning group, and the fact that allocations to Reception in September 2022 exceed the forecast demand for places, due to inward migration (i.e. general movement into Basildon, not just new pupils in new homes). Recent expansions at schools in the planning group have filled spaces faster than anticipated.
- 3.5 So while forecasts are never 100% accurate, and demand for school places always has the potential to be lower than anticipated, for a number of reasons, in this case indicators are that demand will exceed the forecast and therefore it would be prudent, for reasons set out in 3.4.1 and 3.4.2 to provide additional school places for September 2024.

#### Existing early years provision

Provider Type	Funded ?	Sufficiency Capacity	Sufficiency Places Taken	Sufficiency Availability	% Places Taken Total	Waiting List	% Waiting List
Pre-School	FUNDED	27	27	0	100.0%	9	33.3%
Day Nursery	FUNDED	116	112	4	96.6%	30	26.8%
Childminder	FUNDED	12	12	0	100.0%	0	0.0%

- 3.6 It is proposed to increase the number of primary school places available by establishing a 2 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.
- 3.7 The closest schools within reasonable walking distance of the Dry Street development are Lee Chapel Primary and Kingswood Primary. Expansion at both of these schools was considered but neither school has sufficient site capacity for the additional 2FE needed. Additionally, Lee Chapel Primary is already a 4FE school and ECC would not recommend creating a 6FE primary school. If either of these schools were 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 support the creation of new 1FE schools due to the difficulty in such schools being financially viable both in construction costs and running costs
- 3.8 The Dry Street housing development in Basildon has planning permission for approximately 725 homes. A S106 agreement is in place and provides a site for

a new primary school and a contribution of £3.892m for the construction of the new school.

- 3.9 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 one form of entry until demand shows the need for two. It is anticipated that the School will grow on a phased basis, as it admits up to 60 pupils into its Reception Year.
- 3.10 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.
- 3.11 A consultation on the proposed new school was conducted by ECC between 31 January 2022 and 13 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.
- 3.12 A total of 123 responses to the online survey were received during the consultation period with 112 in favour and 11 not supporting the proposal. The concerns raised were related to parking/traffic issues in the area. The response to the concerns is detailed below.
- 3.13 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.
- 3.14 The closest schools within reasonable walking distance of the Dry Street development are Lee Chapel Primary and Kingswood Primary. Expansion at both of these schools was considered but neither school has sufficient site capacity for the additional 2FE needed. Additionally, Lee Chapel Primary is already a 4FE school and ECC would not recommend creating a 6FE primary school. If either of these schools were 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 support the creation of new 1FE schools due to the difficulty in such schools being financially viable both in construction costs and running costs.

- 3.15 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.
- 3.16 Contractors on the Essex Construction Framework have been invited to the first stage of the mini competition. These responses will be evaluated using a 50% cost and 50% 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.
- 3.17 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.

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

- 3.18 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
- 3.19 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 ECC's 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.

3.20 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

## **4 Options**

### **4.1 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.**

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

4.1.2 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 well 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.

4.1.3 The outcome of the strategic analysis indicated that the establishment of a new 420 place primary school with co-located 56 place early years provision, is a viable option that represented good value for money to the Essex taxpayer.

Option 1 is therefore the preferred option.

### **4.2 Option 2 – Expand an existing local school**

4.2.1 The closest schools within reasonable walking distance of the development are Lee Chapel Primary and Kingswood Primary.

4.2.2 Expansion at both of these schools was considered. Lee Chapel Primary is already a 4FE school and ECC would not recommend creating a larger primary school, and there is not sufficient site capacity to expand the school for the additional 2FE needed.

4.2.3 Kingswood Primary does not have sufficient site capacity for the additional 2FE needed.

4.2.4 If either of these schools were 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 support the creation of new 1FE schools, as discussed in this report.

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

### **4.3 Option 3 – Do nothing**

4.3.1 The option to do nothing is not practicable. This report identifies a growing need for primary school places within Basildon, 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. This option to do nothing will also have a detrimental impact on the Essex County Council's 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.

Accordingly, taking no action is not the recommended option.

## **5 Issues for consideration**

### **5.1 Financial implications**

#### Capital

5.1.1 Please see the confidential financial appendix for capital financial information

#### Revenue

5.1.2 A pre-opening budget of £150,000 will be provided from the Growth Fund (part of the Schools Block within the Dedicated Schools Grant) and there is sufficient funding 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.

5.1.3 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.

5.1.4 Furniture and equipment will be funded from within the existing furniture and equipment revenue budget funded via the DSG.

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

5.1.6 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.

5.1.7 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.

5.1.8 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.

## **5.2 Legal implications**

5.2.1 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.

5.2.2 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 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.

5.2.3 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.

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

5.2.5 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.

5.2.6 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.

### **5.3 Equality and Diversity Considerations**

5.3.1 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.

5.3.2 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).

5.3.3 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.

## **6 List of Appendices**

6.1 Appendix 1 – Confidential Appendix

6.2 Appendix 2 – Equality Impact Assessment

## **7 List of Background papers**

7.1 Consultation document

7.2 Consultation letter to parents

7.3 Ten Year Plan - Meeting the demand for school places in Essex, 2022-2031