

**Forward Plan reference number:** FP/580/12/19

<b>Report title: Relocation and expansion of Harlowbury Primary School, Harlow</b>	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Paul Crick, Director, Capital Delivery	
<b>Date:</b> 17 March 2020	<b>For:</b> Decision
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<b>County Divisions affected:</b> Harlow East	

### **NOT FOR PUBLICATION**

This report contains a confidential appendix which is exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

## **1. Purpose of Report**

- 1.1 This report asks the Cabinet to agree to approve the award of a contract to Morgan Sindall Group Plc to deliver a new 2FE (420 permanent pupil places) school on a site at Gilden Way in Harlow.

## **2. Recommendations**

- 2.1. Agree that the Director, Capital Delivery may award the contract for construction of the new school once he is satisfied that all the following apply:
- The School has the necessary permission from the Department for Education to expand and relocate
  - A satisfactory planning permission for the new school has been granted
  - A suitable tender has been received which is within the available budget
  - The Academy Trust has either entered into an agreement for lease or has agreed heads of terms for the lease of the new site to them.
- 2.2. Agree to support the relocation and expansion of Harlowbury Primary School to the new school site.

## **3. Summary of issue**

- 3.1. Harlowbury Primary School is a single form of entry academy situated in Watlington Road, Harlow. For education planning purposes it is considered part of the Harlow East area. The new housing development at Gilden Way sits wholly within Harlowbury's catchment area. Due to the size of the housing on Gilden Way and size constraints within the existing school site it is not possible to expand Harlowbury Primary on its current site.

- 3.2. There is significant pupil growth expected in the Harlow East planning group. The table below sets out the forecast deficit in primary school places across the Harlow East planning group (Church Langley Primary, Churchgate CE Primary, Fawbert and Barnard Primary, Harlowbury Primary, Henry Moore Primary, Newhall Primary and Potter Street Primary), as shown in ECC's *10 Year Plan – Meeting the demand for school places in Essex - 2019 to 2028* from 2019 onwards. This need is largely the result of new housing.

	ACADEMIC YEAR									
	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29
Reception Place Forecast	-14	-23	-33	-42	-54	-61	-67	-73	-77	-81

- 3.3. As part of the S106 planning agreement for the Gilden Way development in Harlow, Essex County Council (ECC) has been given ownership of a new site for Educational use which is within the development. This has sufficient space to construct a 3FE primary school. The site is within 300m of the current site of Harlowbury Primary School.
- 3.4. Demand for additional school places already exists in Harlow East, and the relocation and expansion of Harlowbury Primary School would be part of a solution to add capacity within that group when growth requires it.
- 3.5. The proposal is to relocate the School onto a bigger school site on Gilden Way. Once the new school is complete, the old site will be closed and surplus to ECC's education estate. Accordingly ECC has been considering development opportunities for the old site which is subject to a separate decision. The current school buildings are in poor condition and require a significant capital investment to improve them. Relocating the school into a modern learning environment would provide the School with a fit for purpose building.
- 3.6. Even with the relocation and expansion of Harlowbury Primary School, two additional forms of entry in this area may be needed in the longer term. It has not yet been determined how this need will be met but it could be met by expanding Harlowbury to 3FE or it could be met by expanding other schools. The relocation of Harlowbury enables ECC to address the condition of the current school buildings and is considered to be the most efficient way to meet the current need for school places.

### Consultation

- 3.7. Working in partnership with the Templefields Multi Academy Trust, ECC completed a formal consultation on its relocation and expansion proposals for Harlowbury Primary School. The consultation period ran from 2 October 2019 to 13 November 2019. Twenty-one (21) responses were received from the on-line survey, with 95% in favour and 5% against. The only individual who responded to say that they were opposed to the proposal did so on the grounds of being unaware that a consultation was taking place. However, an advert was

placed in a local newspaper at an appropriate time to announce the consultation, and that same advert text was displayed on the Academy's gate for at least a week before the public engagement sessions took place.

- 3.8. In parallel to the above, a consultation was also held in association with the proposed planning application. The consultation period ran from 14 to 28 October, with a public viewing of the proposals on the 16 October. Twenty-four (24) responses were received from both the public consultation and the online consultation, with 95% in favour and 5% against. The individual who responded against the school proposals did not provide a reason as to their objection.
- 3.9 The Project Delivery Timescales are as follows:

<b>Milestone Description</b>	<b>Target Date</b>
Planning Approval (target date)	27 March 2020
Contract Award (subject to conditions being met)	1 July 2020
Start on site (subject to conditions being met)	29 July 2020
Harlowbury Primary submits Business Plan to Regional Schools Commissioner to relocate and expand on new site	April – July 2020
Works complete	August 2021

## 4. Options

- 4.1 **Option 1 – Support the proposal to relocate Harlowbury Primary School to the school site secured on the Gilden Way housing development from September 2021 and support its concurrent expansion to 420 places (recommended option)**
- a. Pursuing the linked proposals described within this report is considered a good fit, as additional places are delivered for Harlow East in a way that addresses issues around the current condition of Harlowbury Primary School's buildings.
  - b. The relocation and expansion of Harlowbury Primary School raises its profile with local parents and allows it to better 'compete' with the newly opened Newhall Primary Academy close by, both in terms of pupil and staff recruitment.
  - c. The relocation and expansion of Harlowbury Primary School forms part of the education capital programme, which is part of ECC's Corporate Plan.
  - d. Both the Academy's senior leadership team and the Templefields Multi Academy Trust strongly support these proposals, and it is agreed by the Academy and its Trust that they will lead on the detailed business case to

be submitted to the Regional Schools Commissioner, between April-July 2020.

- e. If the Regional Schools Commissioner agrees to the relocation and expansion, then this would release the original school site leaving it available for alternative use which is subject to a separate decision.

#### **4.2 Option 2 – establish a 2FE Free School on the Gildea Way housing development and leave Harlowbury Primary School to operate at 1FE on its current Watlington Road site (not recommended)**

- a. ECC's School Organisation Team has explained to the Academy that should the Harlowbury relocation and expansion proposal not be approved by the Regional Schools Commissioner, ECC would need to run a presumption process to seek a new sponsor to operate the new School on Gildea Way.
- b. Depending on the opening size of the new School at Gildea Way this could damage the long term viability of Harlowbury School if parents opted to send their children to the new School rather than to Harlowbury Primary.
- c. The significant capital receipt or alternative investment opportunity from the sale of Harlowbury's Watlington Road site would be lost to ECC under this option, and the poor state of the Academy's current buildings would remain.

#### **4.3 Option 3 – do nothing (not recommended)**

- 4.3.1 Increasing pressure upon primary school places caused by both the Gildea Way and Newhall housing developments mean doing nothing is not an option. ECC has a statutory duty to provide school places, therefore option 3 is not recommended.

### **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. Furniture and equipment of £53,400 will be funded from within the existing furniture and equipment revenue budget funded via the Dedicated Schools Grant.
- 5.1.3. It is not currently considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

## **5.2. Legal implications**

- 5.2.1. ECC has a statutory duty to secure sufficient school provision under section 14 of the Education Act 1996.
- 5.2.2. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 5.2.3. Since the School will not be a party to the construction contract it will be necessary for the contractor to provide collateral warranties to the School as the user of the building and the School will need to enter into an agreement with ECC to secure access to premises.
- 5.2.4. ECC has a duty, during the design and construction of the new school, to take such steps as reasonable to avoid substantial disadvantage to a disabled person. The duty to make reasonable adjustment is triggered when there is a substantial disadvantage. The duty requires the School, once in occupation, to take positive steps to ensure that disabled pupils can fully participate in the education provided by the School. The duty is an anticipatory one, owed to pupils in general. Thought should be given in advance of what disabled pupils may require and what adjustments may need to be made for them.
- 5.2.5. A mini competition was undertaken using the Essex Construction Framework, a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. ECC sought bids under a two-stage mini competition for a contractor to design and build the new 420-place primary school on the Gildea Way Educational Site.
- 5.2.6. The first stage of the mini competition was evaluated on 50% Price and 50% Quality split. ECC received 3 responses to the mini competition. Morgan Sindall Construction & Infrastructure Ltd (Morgan Sindall) scored the highest with 86.6%. The second highest scoring bid scored 79.8% and the third contractor scored 77.4%. As Morgan Sindall scored the highest and meets ECC's requirements they entered into a Pre-Construction Agreement with ECC to develop the design and achieve planning permission, this will result in the submission of their Final Tender.
- 5.2.7. The Final Tender submission will be assessed and will be recommended for approval by ECC, subject to the project being within budget, quality criteria being satisfactorily met, and having achieved planning approval. It will then be proposed that ECC enters into the final contract with Morgan Sindall Construction through the usual ECC governance procedures.

## **6. Equality and Diversity implications**

- 6.1. The Public Sector Equality Duty applies to ECC 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.
- 6.2. 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).
- 6.3. The equality impact assessment which has been carried out indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **7. Highways Issues**

### **Impact of Construction Traffic**

- 7.1. There are a number of significant highways schemes ongoing and planned in Harlow. The additional construction traffic associated with the relocation and expansion of Harlowbury Primary School must be considered and planned in a way to minimise traffic congestion.
- 7.2. In this case, the current works on Edinburgh Way and the planned works on Junction 7A of the M11 have been considered as they are local to the new school location.
- 7.3. Construction works for the new school are planned to commence in July 2020.
- 7.4. The Edinburgh Way works are to be completed by July 2020, and therefore the construction traffic for the new school will commence after a significant reduction in congestion in that area of Harlow as road restrictions are removed from Edinburgh Way.
- 7.5. The Junction 7A works are due to commence in July 2020 and would be local to the proposed school development. Initial Junction 7A works are going to be low impact and would not see significant levels of construction traffic or traffic restrictions in place during the period the new school is built until August 2021.
- 7.6. The impact of construction of the new school buildings on the local highways network will not be disproportionate or conflated with the impact of the works to the local highway network. The construction traffic associated with the new

school will be managed in accordance with planning requirements, and to minimise the impact on the road network where practical.

- 7.7. The Planning application for Harlowbury Primary School relocation is currently under consideration by the county planning authority. The application contains details of the construction access plan to ensure that construction related movements are carefully controlled. The amount of construction traffic for a school building of 2000m<sup>2</sup> is broadly equivalent in scale to the construction of 20 family sized homes (at 100-120m<sup>2</sup> each). In comparison, the Gilden way development will comprise over 1,1000 homes being built at over 100 homes per year.

### **Travel to School**

- 7.8. The proposed setting and need for the new school on the Gilden Way development was included as part of the master plan for the development, in the context of the highways network which would support the development and travel to and from the school.
- 7.9. On this particular development, the developer has proposed foot and cycle links from the south and west (to the new and existing housing developments) to ensure that there is the ability for parents to access the school without using a car.
- 7.10. ECC has noted the design of the estate, with the proposed network of paths through the development, and have identified how this could be enhanced by a pedestrian access at the south west corner of the school, connecting to the local network of paths. The sum of £20,000 is included in the budget for this project to deliver these works in addition to the standard school accommodation brief, which will ensure good linkage to the wider pedestrian and cycle network.
- 7.11. The school has developed a school travel plan to demonstrate how they will be positively encouraging sustainable methods of travel to and from school. As is the case of all new schools built by ECC, cycle and scooter storage are being provided to enable maximum car free travel to school.

## **8. List of appendices**

- 8.1. Appendix A – Equality Impact Assessment  
8.2. Confidential Appendix

## **9. List of Background papers**

Harlowbury consultation document.