

**REPORT OF THE CHAIRMAN, ECONOMIC DEVELOPMENT AND ASSET
MANAGEMENT COMMITTEE****PROVISION OF NEW PRIMARY SCHOOL PLACES IN EAST LEAKE****Purpose of the Report**

1. To seek approval to provide new nursery and primary school places in East Leake to meet demand through the construction of a Temporary Learning Village at Sheepwash Way, East Leake, to open for September 2022; and for the construction of a permanent 1.5 Form of Entry primary school with 26 place nursery at Rempstone Road, East Leake estimated to open in September 2023.
2. To seek approval to vary the Children and Young People's capital programme to include £2.6m of Section 106 contributions that are proposed to part fund this new school project.

Information

3. The Council's pupil place projections illustrate that there will be a growing deficit of primary school places in the East Leake Planning Area from academic year 2022-23.
4. In October 2020, the County Council began the process of selecting a sponsor for a proposed new primary school in East Leake. The documentation that was published stated that the new school would open in September 2022. In July 2021, DfE confirmed that they had selected the Spencer Academy Trust to sponsor the new school and the Trust is now making plans to open Millside Spencer Academy in September 2022.
5. The latest pupil place projections show that for the year 2025 -26 the deficit will be greater than the 210 places, provided by a one form entry school. Given the likely housing delivery trajectory and the associated demand for school places, the new school will be commissioned as a 1 ½ FE (315 place setting) from the outset as described above, in order to secure long term sufficiency and a more cost-effective delivery programme.
6. Due to the identified pupil place pressures in East Leake, the property team has been progressing plans to provide the necessary accommodation in East Leake. An options appraisal was undertaken to review all school sites in East Leake to meet the additional demand. This included Brookside School, Lantern Lane (PFI) and land at Rempstone Road/Sheepwash Way. Brookside School was unsuitable as it has recently been expanded and is at capacity and Lantern Lane has a very constrained site. Based on the option appraisal however, land which had been set aside from two developers in East Leake - land at Sheepwash Way that is being provided by Persimmon, and land to the north of Rempstone Road that is being provided by David Wilson Homes (DWH), was confirmed as the preferred option, as the other sites could not physically accommodate the Council's requirement to meet this demand.

7. The development sites at Sheepwash Way and Rempstone Road respectively are provided by way of two Section 106 Agreements – one for each development site. Both include for land to be acquired by Nottinghamshire County Council for the purpose of delivering one school, but only upon the meeting of three conditions: Condition 1 - Proof that the land is needed for a school; Condition 2 - That the Council obtains planning permission for the school; and Condition 3 - That the Council will have entered a contract with an operator. All three conditions have been met and the legal process of acquiring both sites is underway. The agreements are almost identical in content, and due to their historical nature do not provide certain safeguards in respect of the development of school. Some examples of these are;
- (i) There is no set specification by which the site needs to have been left in order to build the new school;
 - (ii) There is no set requirement for services such as electricity, gas and water to have been delivered to the site;
 - (iii) There is no set requirement for an access road to be provided by the date of opening of the new school; and
 - (iv) Not addressing a third-party piece of land that separates the two sites.
8. Consequently, our standard build process for a primary school has had to be adapted to deal with each of the above scenarios and 'workaround' solutions have had to be applied. Fortunately, we have been able to develop good partnership arrangements with both developers who are supporting us with this project.
9. Due to these complexities and with the demand to provide new places in the area it is intended to use both sites to deliver one temporary school (at Sheepwash Way), that would be Phase 1, and one permanent 1.5FE primary school with 26-place nursery (at Rempstone Road) – that would be Phase 2. Upon completion of the permanent school, the temporary 'learning village' would be removed and the land at Sheepwash Way re-purposed to provide play and recreational areas for the school. Planning permission has been granted for the permanent school building, and the application for the temporary school and associated access road is due to be determined at the December 2021 planning committee meeting.

Total Costs related to meeting Pupil Place Demands in East Leake

10. In order to meet the pupil place demand in East Leake by September 2022 the following costs will need to be met:

Summary of latest estimated cost to meet pupil place demands:

Description	Cost
1.5 FE School and 26 place Nursery	£10.1m
Temporary School	£2.06m
Section 106 Abnormal Costs	£1.46m
Total	£13.62m

11. The lack of detail in the s106 agreement has meant that a number of 'work-around' solutions have had to be applied as part of the build. These include; works to the ground to improve site conditions; delivering services to the new school site; building up site levels through fill so that the new school is located on a reasonably level and tiered site; and the application of an appropriate level of topsoil to enable the construction of the school.
12. These types of S106 agreements are typical of some of those that were signed in and around the period 2015 to 2017. Since this time though the Investment and Growth team has

established a developer contribution team to work in partnership with our District and Borough Councils, and colleagues in Legal Services have prepared a revised form of words which are to be used in all future agreements that require the Council to deliver school accommodation.

Overall Costs

13. The latest overall estimated cost for this development is £13.62m. This comprises £12.16m costs for the provision of the new school places and £1.46m of s106 abnormal costs. The proposals in this document will be entirely funded entirely through a mix of Government Basic Need Funding and s106 allocations which are as follows:

Section 106 Contributions:

Land at Kirk Ley Road (Persimmon):	£1,258,793
Land at Rempstone Road (DWH):	£556,726
Land at Lantern Lane (Gladman):	£780,015
TOTAL:	£2,595,534

14. The balance of £11,024,466 will be funded through the Basic Need programme.

Other Options Considered

15. Do not provide the temporary accommodation. This option was discounted as it would not meet the pupil place planning demands in this area and would result in the Council failing to meet its statutory duty to provide school places.
16. Expand other schools within East Leake - Brookside School has already been expanded to capacity as part of the drive to provide new primary places as a result of recent residential development in East Leake. The Council has provided funding to refurbish and establish two further classrooms on this site. Lantern Lane School is also at capacity and cannot be expanded further.

Reasons for Recommendations

17. The reasons for the recommendations are detailed in the main body of the report at paragraph 5.

Risk

18. This is a project which relies on two separate developers, and the Section 106 Agreements to ensure timely delivery. There also continues to be design and technical risks (as there are with most projects), such as the location of services and the capacity to support the temporary and permanent schools. These are all part of the design process that Arc is undertaking.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

20. Financial implications are discussed in the main body of the report at paragraph 10.

Implications for Service Users

21. The increase in school places will ensure that sufficient primary school places are available in this area.

Implications for Sustainability and the Environment

22. The increase in school places will reduce the need for local children to travel. The temporary and new school buildings will be energy efficient. Considerations to energy conservation include ensuring high insulation levels, air tightness and well considered details to minimise thermal bridging. The use of good natural lighting, sensor-controlled LED lighting, Electric Vehicle charging, mechanical ventilation and heat recovery in winter as well as natural ventilation. Summer comfort will be achieved through passive cooling with high specification glass, landscaping screening and shading as well as natural ventilation. Regarding low carbon solutions the school will help set an example for a fully electric building which will form part of the Council's contribution to the journey towards a zero-carbon future once the grid is eventually decarbonised.

RECOMMENDATIONS

- 1) That approval is given to provide new nursery and primary school places in East Leake to meet demand through the construction of a Temporary Learning Village at Sheepwash Way, East Leake, to open for September 2022; and for the construction of a permanent 1.5 Form of Entry primary school with 26 place nursery at Rempstone Road, East Leake estimated to open in September 2023.
- 2) That approval is given to fund this project in its entirety to ensure that a sufficiency of primary school places are provided in East Leake.
- 3) That approval is given to vary the capital programme to include the £2.6m Section 106 contributions that are proposed to part fund this project.

Matthew Neal

Service Director, Investment & Growth

For any enquiries about this report please contact: Matthew Neal, Service Director, Investment & Growth – Tel: 0115 9773822

Constitutional Comments (LPW 26/10/2021)

23. The recommendations fall within the remit of the Policy Committee by virtue of its terms of reference.

Financial Comments (GB 23/11/2021)

24. The estimated cost of this new school project totals £13.6m. It is proposed that £11.0m of these costs will be funded from the School Places programme which is already approved within the Children and Young People's capital programme. It is also proposed that the remaining £2.6m will be funded from Section 106 contributions which have been successfully

secured by the Authority. In line with the financial regulations, following detailed design of this project, a Latest Estimated Cost report will be reported to Finance Committee.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 17.09.2018: Children and Young People's Committee Report - Commissioning Strategy for Free School Presumption to secure Sponsors.
- 18.09.2019: Policy Committee – New Primary Schools at Bingham and East Leake.
- 18.11.2019: Children and Young People's Committee Report – Schools Capital Programme Progress Report.
- Children and Young People's Committee – Schools Capital Programme Progress Report and 2022/23 Schools Building Improvement Programme.

Electoral Division(s) and Member(s) Affected

- East Leake Cllr Matt Barney
Cllr Reg Adair