

OPEN

Briefing Report

Children and Families Committee

11 December 2023

Basford East, Shavington – Delay to the opening of the new primary school.

Report of: Deborah Woodcock, Executive Director Children's Services

Report Reference No: CF/35/23-24

Purpose of Report

- 1 The purpose of this report is to provide the Children and Families Committee with an update on the proposed new 1FE (210 places) primary free school which will be located on the Basford East housing development, Shavington.
- 2 This report is not seeking a decision but is to notify Children and Families Committee of the delay to the opening of the new primary school on the Basford East development. The scheme delay is due the housing developer entering into administration.

Executive Summary

- 3 The new school was due to open in September 2025 but due to unforeseen circumstances, beyond the Authority's control, at this stage we anticipate the opening of the school is likely to be delayed until 2026.
- 4 This proposal incorporates elements of the Corporate Plan 2021- 2025 in that it will support all children to have the best start in life, increase opportunities for all children and young adults with additional needs, ensure all children have a high quality, enjoyable education that enables them to achieve their full potential.

- 5 The Basford East Development is a strategic site within the Cheshire East Council Local Plan for 850 new dwellings with the inclusion of a new primary school. The actual planned number of dwellings is 815.
- 6 The development is expected to have a significant impact on education provision in the local area. The developers have entered into a Section 106 planning agreement which has secured the provision of a new primary school, which included the land and a monetary contribution from the developers towards the partial build costs.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Note the delay for the opening new school at Basford East, Shavington.

Background

- 7 The housing development at Basford East is to be provided by the developers in a number of phases. Phase 1 Basford East, planning reference 14/4025N, is for a total of 490 dwellings, with a Section 106 contribution of £1.568m towards the build costs of the new school.
- 8 Phase 2 Basford East, planning reference 15/1537N, is for a total of 325 dwellings, with a Section 106 contribution of £960,000 towards the build costs of the new school.
- 9 As part of our strategic vision and statutory duty under section 14 Education Act 1996 to ensure that there are sufficient places in their area. The increase in new dwellings in the areas has identified the requirement for a new primary school to serve the Shavington planning area. This aligns with our overarching intent that where large housing developments are progressed, families can, wherever possible, attend a local school in the heart of a community which promotes the ability to attend a school within a safe walking distance.
- 10 A report was previously considered by the Children and Families Committee on 10 January 2022 where approval to progress with the free school presumption process to open a new primary school in Basford East, Shavington was sought. For information a copy of that

report and outcome of that meeting can be assessed in the background papers link at the end of this report.

- 11 The site for the new school is located within Phase 1 of the housing development, and work on this site had started with approximately 10 houses under construction but have not been completed.
- 12 Phase 2 of the housing development is at a stage where the services and groundwork are being completed. No houses have been built. This site is owned by Taylor Wimpey so no link to Phase 1.
- 13 In April 2023 the Council were informed that the developer, Lane End Developments Construction Ltd had gone into administration. Consequently, Phase 1 of the development, the site where the new school was due to be situated, has been closed, no contractors are on site and all construction has stopped. The landowner is currently Onward Build Limited.
- 14 No detailed site investigations have been undertaken due to the inaccessibility of the site and the necessary due diligence required cannot be progressed at this stage.
- 15 Due to the issue as detailed section 13 above, data analysis was required to determine the current provision of places in the local schools and to assess the impact on future provision of school places given that the new school was now very unlikely to be completed for September 2025.
- 16 Based on the May 2023 school census, there are currently 4.5% surplus places across the 5 schools within the Shavington Planning Area. However, this is not a consistent percentage for each school and the range is from 16.7% at 1 school to only 1.2% at the school with the lowest surplus capacity. It is also worth noting that in July 247 pupils left the primary schools and current available information indicates 221 new Reception pupils started in September 2023, against a possible 240 places thus maintaining the overall surplus places.
- 17 Using the current 2023 Forecasts the data suggests that the opening of the school could be delayed until 2026 as there are sufficient reception places across the schools to cater for the predicted intake of pupils. However, there may be an issue if any in year applications are received, the provision of the new school would not have alleviated this problem as it would probably have opened with just Reception Class as per the preferred DfE model.

Briefing Information

- 18 This report is not seeking a decision but is to provide an update on the scheme and notify Children and Families Committee of the delay to the opening of the new primary school on the Basford East development. The scheme delay is due the developer going into administration as detailed in section 13 of this report.
- 19 Cheshire East will notify local families of the delay and will issue a notification on the council's school organisation webpage.
- 20 An update in 6 months (June 2024) will be provided to committee.

Implications and Comments

Monitoring Officer/Legal

- 21 The Council when making decisions need to ensure that the resultant decision is made reasonably and in accordance with the Wednesbury Principles.
- 22 Delaying the scheme will enable any outstanding issues to be fully resolved before the Council commits funding to the construction of the building. It will provide the landowners with sufficient time to find new contractors to develop the site, sell the properties and secure sufficient funds to enable the landowner to meet its obligations under the s106 agreements which it currently would not be able to do.

Section 151 Officer/Finance

- 23 The Council approved an £8.0m budget for the new primary school at Basford in the MTFS 2023/24 on the 22 February 2023. The scheme was to be funded by the Section 106 developer contributions and Basic Need Grant.
- 24 There were two S106's agreements that were to fund the scheme, Phase 1 Basford East, planning reference 14/4025N, is for a total of 490 dwellings, with a Section 106 contribution of £1.568m towards the build costs of the new school.
- 25 Phase 2 Basford East, planning reference 15/1537N, is for a total of 325 dwellings, with a Section 106 contribution of £960,000 towards the build costs of the new school. In total £2,528,000.
- 26 As the developer for Phase 1 has now gone into administration the S106 funding of £1.568m will now not be received, there is a possibility if the land is sold to a viable company that they would take on the obligations of the S106 and pay the sum to the Council, but there are no guarantees at this stage.

- 27 As the scheme has been delayed there is a likelihood that construction costs will have increased by the time the scheme commences again and therefore if there is a requirement for an increase in the £8.0m budget, funding will have to be found within the existing Children & Families approved capital programme, which would have to include any shortfall in S106 funding.
- 28 This could lead to the scheme being deemed no longer affordable and alternative options to increase capacity in existing schools may have to be considered to keep the Council within their existing budget envelope.
- 29 Further checks on the financial standing of the landowner Onward Build Limited would be advisable also before recommencing the project.

Policy

- 29 Local authorities are under a statutory duty to ensure sufficiency of school places in their area (Section 14 of the Education Act 1996) and, the percentage of parents receiving one of their three preferences has remained very strong. On National Offer Day 2023 98.9% of Cheshire East residents received an offer of a Reception place for a preference school and 93.6% received an offer of their first preference school. Following Offer Day these percentages will have increased where places had been declined and we were able to offer a higher preference.

Equality, Diversity and Inclusion

- 30 Equality Impact Assessments are completed informally and formally to determine the varying needs of learners and their families to be able to access schools. Such factors are built into all stages of the progression of a scheme.
- 31 The Equality Impact Assessment has been completed and is available on the website.

Human Resources

- 32 There are no human resources implications for Cheshire East Council.

Risk Management

- 33 If there is a shortage of places for Cheshire East children resident in the Shavington and Weston areas who have been unsuccessful at securing a place at their preferred local school the alternative Cheshire East

school offered may be more than 2 miles away in which case transport costs may be incurred by the local authority.

- 34 Inflation – Whilst it is recognised that the overall inflation rate has been certain material costs due to global supply issues and increased manufacturing costs are still showing significant increase and these will impact on the overall costs.
- 35 Force Majeure – The global Covid pandemic has identified that there can be some risks that on impact cannot be mitigated against and will inevitably cause some delay, disruption, and any additional costs.
- 36 Pupil places for the area will be closely monitored and if necessary additional short-term options including temporary accommodation may need to be considered.
- 37 There is a risk management plan in place and this will continue to be monitored as part of the Project Management of this scheme.

Rural Communities

- 38 There are no direct implications for rural communities although providing sufficient places in rural schools will ensure that pupils can stay in their local community.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 39 Providing sufficient school places for all children and young people resident in our area is a statutory duty.

Public Health

- 40 There are no direct implications for public health, however providing sufficient places in their local community could improve the child's social and emotional wellbeing.
- 41 By providing local school places the distances which some children may have to travel to attend school should be reduced thus reduce congestion on the roads and therefore reduce emissions improving the air quality and making a better environment to live in.

Climate Change

- 42 Providing additional school places will enable Cheshire East children the ability to secure a place at their local school thus reducing the need to travel outside of the area which will reduce energy consumption.

- 43 Cheshire East Council are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.
- 44 Cheshire East Council is committed to being carbon neutral by 2025 and our capital build schemes are required to align with this expectation.

Access to Information	
Contact Officer:	Claire Williamson - Director of Strong Start, Family Help and Integration and SEND. Joanne Prophet – School Organisation and Capital Manager.
Appendices:	N/A
Background Papers:	3c. School capital organisation - Basford new school proposal - Copy.pdf (cheshireeast.gov.uk) Microsoft Word - Committee paper – Basford East Update following Consultation CLT version (cheshireeast.gov.uk)

