

OPEN

## **BRIEFING REPORT**

**Children and Families Committee**

**13/11/2023**

**Kingsbourne Academy, Nantwich – 12-month delay for the opening of the new school**

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

**Report Reference No: CF/37/23-24**

### **Purpose of Report**

- 1 The purpose of this report is to provide the Children and Families Committee with an update on the delay to providing the new 1FE (210 places) primary free school, on the Kingsley Fields Development, Nantwich.

### **Executive Summary**

- 2 The new Kingsbourne Academy, on the Kingsley Fields housing development, was due to open for its first class of 30 reception pupils in September 2024, but delays, including transferring the site to the council and increasing costs, have impacted on the building programme. It is anticipated that the construction will now begin in late Spring 2024, with the school opening in September 2025.
- 3 The design for the new school has been created and planning permission was granted on 28 June 2023. The programme to deliver the new school was based on a start on site of July 2023 in order to achieve completion in readiness for the September 2024 reception class intake.
- 4 The decision notice for the planning permission has not yet been issued as a result of a late consultee response from United Utilities which was received in August 2023. Additional information was

requested, and this has now been provided and sent back to United Utilities to review.

- 5 It has been established that a new substation is required to support the school. Due to the proximity of the nearest electricity sub-station being over 300m from the site entrance and the fact that it is operating at near capacity, it was advised that a new sub-station to serve the school would be required. It is anticipated that providing the new substation, an upgrade to the supply infrastructure in the locality and temporary power will cost approx. £443K.
- 6 These additional costs have had a significant impact on the overall budget. The approved budget in the Children and Families Capital Programme is £7.78m, the target cost figure including additional works for temporary power, sub-station and the overall cost increase as a result of the finalised design is £8.612m.
- 7 The transfer of the site into the council ownership cannot be completed until: -
  - the outstanding legal issues have been resolved,
  - the decision notice is issued and
  - the impact of these issues can be calculated and incorporated into the budget and if required, a further report is taken to Children and Families Committee to request the approval of an increase to the budget.
- 8 It is anticipated that we will commence with the build in Spring 2024 to enable the new school to open in readiness for the September 2025 intake.
- 9 The Local Authority as the Strategic Commissioner for school places has a statutory duty (under section 14 of the Education Act 1996) to ensure that there are sufficient school places to meet the demands of its residents in the area.
- 10 Data analysis was undertaken 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 2024. The data analysis has confirmed a small surplus in the Nantwich Town, Nantwich North and Nantwich South planning areas will enable the placement of Reception children who were due to start at the new school in September 2024.

- 11 From the local GP data, we have available, there are potentially 21 pupils in the development that will be of reception class age for September 2024. Of these 21, 5 children have already been included in the Acton Primary forecasts for Sept 2024. There are also forecast to be 17 vacancies for reception places in the Nantwich Primaries. There are also 2 of the local primaries with planned admission numbers (PAN) of 28, if agreed locally, and are needed, these 2 schools could admit over PAN to 30 and this would provide another additional 4 reception places.
- 12 We are working closely with the appointed sponsor of the new school, North West Academies Trust, who are also the trust for Acton, Calveley and potentially Millfields (subject to the approval of the academy order), and they will assist where possible to ensure pupils are placed.
- 13 Local ward members were invited to attend a briefing session on 11 September 2023 where an overview of the issues was provided by the School Organisation Team.
- 14 Information has been published on the council website informing parents and residents of the delay.
- 15 For the 2024 admissions round the new school has not been included as a parental preference option.

## RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Note the 12 – month delay for the opening new school Kingsbourne Academy, Nantwich.

## Background

- 16 As a result of the housing development at Kingsley Fields, Nantwich it was identified the need for additional places would be provided by the establishment of a new 1 Form of Entry (FE) Primary School (with the option for a 30-place nursery), opening in September 2024. Originally the school was to open with 30 place reception class only, this will then build over 7 years to fill the school.
- 17 A report was taken to Children and Families Committee on 10 January 2022 seeking approval to progress with the free school presumption process to open a new primary school in Kingsley Fields, Nantwich. A copy of this report and previous committee

paper from 12 July 2021 can be assessed in the background papers link.

- 18 The Kingsley Fields development Nantwich is a strategic site within the Cheshire East Council Local Plan for 1,100 new dwellings, although the actual number of planned dwellings is currently only 999. The site also included provision of a new primary school.
- 19 The development is expected to have a significant impact on education provision in the local area. The Section 106 agreement for the development secured the provision of a new primary school, which included the land and a contribution from the developers for the partial build costs.
- 20 Kingsley Fields, Nantwich, planning reference 13/2471N, has an agreed Section 106 contribution of £2.27m towards the build costs of the new primary school. There are three developers, David Wilson Homes, Taylor Wimpey and Redrow collaboratively developing the site. The school site is located on the Redrow land.
- 21 As part of our strategic vision and statutory duty a need for a new primary school has been identified to serve the Nantwich Town 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.
- 22 The proposal includes a 14-place resourced provision for Special Educational Needs and Disabilities (SEND) children. The specialism is Social Emotional Mental Health (SEMH) and Autistic Spectrum Disorder (ASD). There has also been consideration made if a nursery provision needs to be built in the future.
- 23 Following the committee's approval to proceed with the free school presumption process, transfer of the land into council ownership and design development work was commissioned through the Estates Property Projects Team for feasibility and survey work on the proposed site. Site investigations have been undertaken and all due diligence completed in preparation for the land to transfer into Cheshire East ownership. The design for the new school has been created and planning permission granted on 28 June 2023. The programme to deliver the new school was based on a start on site of July 2023. Planning application reference 23/0376N and gives further details of the approved design.

## **Briefing Information**

- 24 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 in Nantwich that scheme of one year due programme delays, rising costs and the legal challenge to the developers regarding the requirement for the provision of a serviced site.

## **Implications**

### **Monitoring Officer/Legal**

- 25 The Council has a fiduciary duty to the residents of Cheshire East to spend its funds in an appropriate manner, therefore before the Council takes the ownership of the land it is necessary for any outstanding issues to be resolved, a decision to delay the project appears to be a reasonable option to take.
- 26 The Council has a statutory duty under section 14 of the Education Act 1996 to ensure that there are sufficient school places in its area.

### **Section 151 Officer/Finance**

- 27 This uplift for the Kingsley Field Scheme at £7.780m was included in the MTFS and was approved by Council in February 2023.
- 28 The revised target cost figure including additional works for temporary power, sub-station and the overall cost increase as a result of the finalised design is currently £8.612m.
- 29 The approved £7.78m figure is fully funded. Additional funding requirements could be met from unallocated Basic Need Grant, but this would be subject to further approval once the issues regarding the site have been resolved. This would also mean the unallocated Basic Need Grant if transferred to this project would not be available to fund other projects if they required further funding or a new higher priority project that required funding may not be able to go ahead.
- 30 Given the current financial climate the Council is facing by delaying the project, may give the Council time to re-evaluate the scope of the project and see if costs can be reduced further.

## **Policy**

- 31 Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996) and over the last 5 years, the percentage of parents receiving one of their three preferences has remained very strong and above the national average Cheshire East have been above national average for 4 of

the last 5 years, in 2022 National Average was 98.4% and Cheshire East was 98.34%.

### ***Equality, Diversity and Inclusion***

- 32 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.
- 33 The Equality Impact Assessment has been completed and is available on the website.

### ***Human Resources***

- 34 There are no human resources implications for Cheshire east Council.

### ***Risk Management***

- 35 If additional places beyond the forecast figures are required for Cheshire East children who are resident in the Nantwich area are unable to secure places at their local school and may be required to travel over 2 miles to alternative Cheshire East schools requiring transport assistance.
- 36 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.
- 37 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.
- 38 Further delays to the scheme beyond those proposed could have an impact on place planning in the area and additional short-term options including temporary accommodation would need to be considered.
- 39 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***

- 40 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)***

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

***Public Health***

- 42 *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.*
- 43 *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***

- 44 Providing additional school places will enable Cheshire East children the ability to secure at place at their local school thus reducing the need to travel outside of the area which will reduce energy consumption.
- 45 Cheshire East Council are very aware of their environmental education and stewardship role and are very interested in promoting sustainability in general.
- 46 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  <a href="mailto:Claire.williamson@cheshireeast.gov.uk">Claire.williamson@cheshireeast.gov.uk</a>
Appendices:	n/a

Background Papers:	<ol style="list-style-type: none"><li data-bbox="576 197 1369 275">1. <a href="#">School Capital Organisation - 1. Kingsley Fields New School Proposal.pdf (cheshireeast.gov.uk)</a></li><li data-bbox="576 275 1369 398">2. <a href="#">Microsoft Word - Committee paper - Kingsley Field Update following Consultation CLT version (cheshireeast.gov.uk)</a></li><li data-bbox="576 398 1270 439">3. <a href="#">Covering report.pdf (cheshireeast.gov.uk)</a></li></ol>
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