

## **Report – Open**

### **Appendix 1 – Not for Publication**

Appendix 1 contains exempt information pursuant to paragraph 3, of Part 1 of Schedule 12A of the Local Government Act 1972 and is therefore withheld from public inspection.

## **Children and Families Committee**

**15 September 2025**

### **Approval to progress with the proposal for the provision of a new Primary school at Basford East, Shavington**

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**Report of: Dawn Godfrey, Executive Director of Childrens Services**

**Report Reference No: CF/29/25-26**

**Ward(s) Affected: Nantwich South and Stapeley, Shavington,  
Willaston and Rope, Wybunbury, Crewe South and Haslington.**

**For Decision**

### **Purpose of Report**

- 1 The purpose of this report is for the Children and Families Committee to consider and approve the proposal to progress with the free school presumption process to open a new primary school in Basford East, Shavington, including the process of attracting potential sponsors to run the new school.
- 2 For Committee to consider and approve entering into a preconstruction services agreement and delegate authority to the Executive Director of Children's Services to award a preconstruction services contract to facilitate the delivery of a new primary school on the Basford East development site together with any other agreements associated with or ancillary to the contract.

### **Executive Summary**

- 3 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to ensure a sufficiency of school places for children resident in its area and a commitment to allow local children to attend their local school wherever possible.

- 4 The Basford East Development is a strategic site within the Cheshire East Council Local Plan (LPS2) and is expected to have a significant impact on education provision in the local area.
- 5 The data analysis indicates the need for additional school places, Reception to Year 6, as a result of the development at Basford East, Shavington. These 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), with a proposed opening date of September 2028.
- 6 The building will be designed to include the infrastructure and design considerations to increase up to 2 Form of Entry to allow for future expansion if the need arises as a result of additional housing in the local area. The design will be developed to enable the additional capacity of a further form of entry to be added with minimal impact on the existing school, the services and utilities provided will be sufficient to future proof the building and will include a larger hall and other facilities such as offices, staff room and kitchen etc.
- 7 As part of the supporting infrastructure a site for the new primary school has been secured via the phase 1 Section 106 agreement which is large enough to provide up to 2 FE if the future need arises.
- 8 Future housing development schemes in the area include South Cheshire Growth Village (LPS8). As part of the planning process, it is anticipated that the service will request a Section 106 contribution towards the costs for providing additional school places. As detailed in the local plan, 650 houses are expected from this site, which would produce a pupil yield of 188 primary age pupils, 91 secondary age pupils and 8 special educational needs and/ or disabilities (SEND) pupils.
- 9 An expansion at Shavington Academy has been completed to provide an additional 200 places to meet the increasing demand for secondary aged pupils from developments within Shavington, including Basford East the South Cheshire Growth Village.
- 10 This report requests approval to proceed with undertaking the free school presumption process to identify and obtain agreement for a new school sponsor under section 6A of the Education and Inspections Act 2006.

## RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Agree to progress with undertaking the free school presumption process to identify and obtain agreement for a new school sponsor under section 6A of the Education and Inspections Act 2006. This will include undertaking a consultation with the local community, local schools, local councillors, town council and local MP. This is not the formal statutory consultation which sponsors are required to undertake.
2. Note that a further report will be provided to committee with the feedback from the consultation process.
3. Grant approval to enter into contract on a direct award basis with the preferred contractor.
4. Approve entering into a pre-construction services agreement and delegate authority to the Executive Director of Children's Services to award a preconstruction services contract to facilitate the delivery of a new primary school on the Basford East development site together with any other agreements associated with or ancillary to the contract where necessary in consultation with the Executive Director of Resources/S151 Officer, the Governance, Compliance and Monitoring Officer and the Executive Director of Place.
5. Approve the increase in the capital budget required to progress with the new school proposal as set out in the confidential Appendix 1 and request Finance sub-committee to approve the virement of the funds from Basic Need grant to support the scheme. (Appendix 1 is confidential as it contains commercially sensitive information).

## Background

- 11 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the 'free school presumption') of the Education and Inspections Act 2006 which requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish an academy (free school). Section 6A came into effect on: 1 February 2012 for new mainstream and special schools.
- 12 The free school presumption process for a new primary school at Basford was originally started in December 2021. The service formally

met with Department for Education (DfE) officials to inform them of our intention to commence the free school presumption route for this new school. The service held a briefing session with local members for this area on the 9 December 2021 to discuss the proposals and a briefing session with local school leaders for this area was held on 13 December 2021.

- 13 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. The recommendation was approved and the initial consultation regarding the proposed specifications of the school was undertaken between 25 April 2022 and 22 May 2022. The proposed opening of the new school was originally planned for September 2025.
- 14 A report summarising the feedback received during the consultation was presented to Children and Families Committee on 23 September 2022.
- 15 In April 2023, the Council were informed that the developer, Lane End Developments Construction Ltd had gone into administration. Consequently, the Phase 1 of the development, the site where the new school was due to be situated, was closed, no contractors were on site and all construction was stopped. Children and Families committee were updated on the situation and the scheme for the new school was put on hold.
- 16 The land is owned by Onward Build Limited whom have appointed Lovell Homes to deliver the Basford Phase 1 development. Lovell have now established their site set up and have commenced on site. For information, the Basford Phase 2 development on the other side of David Whitby Way is being delivered by Taylor Wimpey who are progressing with the construction phase.
- 17 The free school presumption had initially started in January 2022 and had progressed to draft specification stage including consultation.
- 18 Due to the length of time since the initial consultation and draft school specification documents officers we have been advised by the DfE to re start the process.
- 19 The Children and Families Capital Programme includes a line identified as Shavington Planning Area – Basford New Primary School which has been included within the MTFs and has a current identified budget of £8,040,000. This budget figure was established prior to the design work developed within the feasibility study.

## **Consultation and Engagement**

- 20 In accordance with DfE “Establishing a new academy: the free school presumption route, Guidance for local authorities and new school proposers (May 2024) in order to open a new school, the local authority must follow the free school presumption process.
- 21 Before relaunching the competition to identify the sponsor to run the new school, we will undertake consultation and engagement sessions. As part of the consultation and engagement sessions the local authority will undertake the following:
- A formal briefing with local councillors
  - A presentation through the Primary Schools Association
  - A presentation and meeting with local schools
- 22 Information will be made available on the Cheshire East website and during the representation period notified to key stakeholders including Ward Members, MP, Diocese, and Town Council. Information will also be emailed to all local schools together with a letter for distribution to their staff, governors, and parents.
- 23 It is proposed that a public drop-in session will be held (venue and dates to be confirmed), with representatives from the local authority in attendance to discuss the proposal and seek views from parents and the local community. Feedback gathered through consultation will be used to help formulate and finalise the local authority’s specification for a new school before its publication inviting expressions of interest from sponsors.
- 24 This is not the formal statutory consultation which sponsors are required to undertake under section 10 of the Academies Act 2010, which takes place during the pre-opening phase i.e., after the sponsor has been selected.
- 25 The DfE free school presumption process for proposing a new school has 9 steps, as set out in table 1, appendix 2. As this programme of work progresses, proposed timelines will be shared to show the suggested milestones achieved.

## **Reasons for Recommendations**

- 26 This recommendation is made on the basis of the pupil forecasts for Weston Primary School (which is the only school within a two mile safe walking route from the Basford East developments) is not a suitable alternative to take in a significant number of additional learners due to

site restrictions. The provision of a new school will ensure that Cheshire East Council meets its statutory duty to ensure that there are sufficient school places in this planning area.

- 27 Current forecasts, for Reception to Year 6 and covering the period 2025 to 2029, indicate a shortage of primary school places at Weston Primary School see table 2, appendix 3. These figures are based on the latest information available and were submitted to the Department for Education in July 2025, but they have yet to be formally approved. The figures do include additional pupils anticipated from new housing in the area, including a proportion of pupils from the Basford East development, but doesn't include the desired 2% level of operational surplus, which is intended to facilitate admissions mid-year, some degree of parental choice and reasonable journey times to school, see table 3, appendix 3.
- 28 In addition to this, and following the necessary consultation process, from September 2022 Weston Primary School has reduced their published admission number from 38 to 30. This will have a cumulative effect on reducing the available places in the area by 8 places starting in Reception from September 2022 until 2028 when the reduction will have worked through each year group.
- 29 The establishment of the new primary school will help deliver the council's strategic plans for the provision of school places and ensure there is access to good quality schools within the area, particularly to ensure that the demand from new housing can be met.
- 30 This proposal incorporates elements of the Cheshire East Plan 2025 - 2029 in that it will support all children to have the best start in life and will 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.
- 31 In line with DfE policy we are initiating the Free school presumption, this is the main route by which local authorities bring about the establishment of new schools to meet the need for additional places. Please find attached a copy of the DfE Free School Presumption guidance.
- 32 The local authority is expected to provide the site for the new school and to meet the associated capital costs and is expected to grant the standard DfE model free school lease (not the academy model lease) to the trust on handover of the new school. It is the department's expectation that the site be made available free or on a peppercorn basis by the local authority to the trust.

- 33 The local authority is also expected to meet the associated capital and pre/post-opening revenue costs. Basic need capital funding is provided by the DfE on an un-ringfenced basis, so that local authorities can provide the places that they need, including through new presumption schools. If costs increase between the specification being drafted and the school opening, these should be covered by the local authority; the department will not provide any funding.

### Other Options Considered

- 34 The Council has undertaken a detailed analysis of the named schools in the planning area and concluded that none of the existing schools within the vicinity are suitable to accommodate the children expected to arise from the development at Basford East. The schools included are Weston Village Primary School, Shavington Primary School, The Berkeley Academy, Wybunbury Delves C of E Primary School, and Wistaston Church Lane Academy.
- 35 Please see table 4, appendix 3
- 36 Of the schools on the above table only Weston Village Primary School is within two miles of the furthest point in the development. Weston Primary School is the catchment school for the new development at Basford East but due to site restraints/limitations has been ruled out as a potential expansion.
- 37 School Admissions and Transport data was used to gather information on distance to schools and safe walking routes in the Shavington Planning Area. School admissions use a straight-line distance measurement to allocate school places. Eligibility for transport on distance is calculated based on the shortest safe and available walking routes to schools. From this information it has been identified Weston Village Primary School as the only suitable school within two miles safe walking route of the Basford East development
- 38 In table 4, appendix 3, Wybunbury Delves, Shavington and Wistaston Church Lane are showing surplus places however these schools are further than the two mile distance from the development and in addition to this there are no safe walking routes from the Basford East development, therefore have been discounted.

Option	Impact	Risk
Not increase mainstream provision	This would result in a failure to meet our statutory duties as a commissioner of school places and incur increasing costs transport costs	High

## Implications and Comments

### *Monitoring Officer/Legal/Governance*

- 39 In determining how to meet needs, the local authority may also take into reasonable consideration its own finances and budgetary position and must comply with its related public law duties.
- 40 Proposals to make significant changes in service provision require consultation with the public and those directly affected, including service users, staff and carers and relevant stakeholders.
- 41 The Gunning principles set out the common law principles to be observed when undertaking consultation. R v London Borough of Brent ex parte Gunning [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:
1. Proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers.
  2. There is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
  3. There is adequate time for consideration and response- There must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is widely accepted that twelve-week consultation period is sufficient. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
  4. 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.
- 42 Following the consultation, members will then need to take care account of the views expressed in arriving at their decision. Members must give clear and conscientious consideration to any responses received to the consultation.
- 43 Subject to obtaining all the required approvals, the Property Projects Team have been engaged to manage the development and delivery of this project. The feasibility stage has been completed and instructions given to progress with the /planning submission using consultants from the Construction Related Consultancy Services Framework.



- 44 Committee approval is required before we can enter into a contractual agreement with the Contractor, however, the intention is to have the formal documentation in place to move forward quickly.
- 45 The report contains a confidential appendix that is classed as exempt information under paragraph 3 of the exempt information categories contained in paragraph 24 of the Access to Information Procedure Rules contained in the Council's Constitution dated December 2024 at Chapter 3 part 2 and contains information relating to the financial and business affairs of any particular person (including the authority holding that information). The information is commercially sensitive relating to the construction costs of the project. The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time.

#### *Section 151 Officer/Finance*

- 46 Funding for Children and Families capital programme is through a range of routes with the main ones relating to the use of the 'Basic Need' grant along with agreed Section 106 developer funding for education to mitigate the need for additional school places due to the impact of new housing. In addition to this external DFE grant has been allocated that supports SEN/High Needs schemes including provision of additional places.
- 47 The Council approved an £8.040m budget for the new primary school at Basford in the Medium-Term Financial Strategy (MTFS) 2025-26 on the 26 February 2025. The scheme is identified in the MTFS and Children and Families Capital programme as Shavington planning area – Basford New Primary School and is to be funded by a combination of Section 106 developer contributions and Basic Need Grant.
- 48 This £8.040m budget figure is currently made up with the following funding: -
- Basic Need grant funding – £5,512,000
  - Section 106 developer contributions – £2,528,000
- 49 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.
- 50 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.

- 51 In addition to the agreed contributions detailed above, the planning application 22/1447N approved by strategic planning committee will provide an additional contribution once the S106 agreement has been signed. This element can be used to support the additional 2 FE infrastructure costs.
- 52 Revenue funding for schools is provided through the schools' block of the dedicated schools grant (DSG).
- 53 The new and growing school will be funded through the schools funding formula in place at the time and in line with the relevant minimum per pupil funding levels.

#### *Human Resources*

- 54 There are no additional human resource implications for the council.
- 55 Any new establishment will open as a free school and HR responsibility will be with the successful sponsor which arise as part of the project.

#### *Risk Management*

- 56 The proposed new school has been identified to address a basic need requirement for primary school places within Shavington because of a new housing development. Provision of this new school will ensure that the council meets its statutory duty to provide sufficient school places within two miles and within a safe walking route.
- 57 If additional places are not provided in Shavington, parents of Cheshire East children who are resident in the Shavington area may be unable to secure places at their local school and may be required to travel over two miles to alternative Cheshire East schools requiring transport assistance.
- 58 Should the proposal be approved, the building of the new school will be subject to the necessary planning and building regulation approvals. As the required building would be deemed to be land within the development allocated for education this would not be a change of use that requires consent from the Secretary of State for Education under section 77 of the School Standards and Framework Act and approval from the school.
- 59 A project of this size is subject to considerable risk including challenges associated with the land transfer, cost (a budget cost may not fully reflect the target cost and which may require value engineering), programme deliverability, impact on families on Basford development and the potential for home to school transport if the school is not

delivered on time, speed of residential development (may require the need to add capacity up to 2FE whilst building the 1FE, impact on other local schools.

- 60 All subsequent negotiation over the land transfer and document drafting / agreement will be managed by the Councils Estates and Legal Services teams.
- 61 All the building works will be planned carefully, and contractors will work with the project team to ensure that works are scheduled to keep disruption to a minimum for residents on the development.
- 62 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.
- 63 There is a risk management plan in place, and this will continue to be monitored as part of the Project Management of this scheme.

#### *Impact on other Committees*

- 64 Not applicable at this stage.

#### *Policy*

- 65 The provision of the new school will support the Council in meeting its statutory duty to provide sufficient school places.
- 66 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 in line with the national average Cheshire East have been above national average for 3 of the last 5 years, in 2025 National Average was 98.3% and Cheshire East was 98.9%.
- 67 The Local Authority will determine the published admission number (PAN) from pupils for year groups Reception to Year 6, in line with the statutory timescales set out in the School Admissions Code (2021). The total capacity of the school will be 210 primary aged pupils initially (with the option for a 30 place nursery provision). Standard PAN initially will be 30 per year group.
- 68 The new school may open in stages; this will be agreed following appointment of the sponsor. The preferred option would be that the admissions arrangements were broadly in line with the Local Authority Admissions Arrangements for Community and Voluntary Controlled Schools. The local authority would propose a preferred catchment area

considering catchment areas for neighbouring schools, impact on admissions to both primary and secondary schools and transport.

- 69 Any admissions arrangements would be implemented under the appropriate process and consultation under the School Admissions Code. If the sponsor had alternative preferred oversubscription criteria (for example to allow consistency with other schools in the same Trust) the local authority would be willing to work with the sponsor but the expectation would be that the criteria would serve to meet the needs of the local families so the local authority may object to criteria that conflicted with this purpose.

### *Equality, Diversity, and Inclusion*

- 70 A detailed Equality Impact Assessment will be completed and submitted as part of Step 2, Impact, and equalities assessment, of the DfE Free School Presumption process.

### *Other Implications*

#### *Rural Communities*

- 71 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)*

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

### *Public Health*

- 73 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.
- 74 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*

- 75 The council has set stretching targets to achieve carbon neutrality both for its own operations and for the wider borough. As one measure to facilitate these targets the council has adopted measures to reduce

carbon from buildings by adopting a Cheshire East low carbon build standard for new build and refurbished buildings.

- 76 It will be necessary to review how pupils will travel to the new school and for all efforts to be made to facilitate sustainable solutions with priority given to active travel and public transport to minimise private car.

#### Consultation

<b>Name of Consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
<i>Statutory Officer (or deputy):</i>			
Ashley Hughes	Executive Director of Resources/S151 Officer	27/08/25	28/08/25
Kevin o'Keefe	Director of Law and Governance (Monitoring Officer)	28/08/25	29/08/25
<i>Legal and Finance</i>			
Adrian Leslie/Mandy Withington	Principal Lawyer Procurement and Contracts/Principal Lawyer (Commercial Property and Projects)	07/08/25	11/08/25
Helen Donald	Capital Accountant	09/07/25	01/08/25
Ralf Kemp/ Emma Williams	Head of Environmental Services/ Carbon Manager	01/08/25	08/08/25
<i>Other Consultees:</i>			

**Executive****Directors/Directors/**

Phil Cresswell	Executive Director of Place	13/08/25	15/08/25
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**Access to Information**

Contact Officer:	<p>Claire Williamson - Director of Strong Start, Family Help and Integration</p> <p>Claire.williamson@cheshireeast.gov.uk</p> <p>Joanne Prophet – School Organisation and Capital Manager</p> <p>Joanne.prophet@cheshireeast.gov.uk</p>
Appendices:	<p>Appendix 1 – Exempt information – Children and Families committee – Basford Report</p> <p>Appendix 2 – New School Basford – Table 1</p> <p>Appendix 3 – New School Basford – Data tables</p>
Background Papers:	<p>1. Children and Families Committee – Basford East Primary School Postponement of scheme – 11 December 2023</p> <p><a href="https://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=963&amp;MID=10097#AI70865">https://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=963&amp;MID=10097#AI70865</a></p> <p>2. Children and Families Committee – Capital Programme – 07 April 2025</p> <p><a href="https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s123805/Capital%20Programme%20Update%20April%2007042025.pdf">https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s123805/Capital%20Programme%20Update%20April%2007042025.pdf</a></p> <p>3. DfE guidance on establishing new schools through the free school presumption route</p> <p><a href="https://assets.publishing.service.gov.uk/media/663dfcab993111924d9d324a/Free_school_presumption_guidance.pdf">https://assets.publishing.service.gov.uk/media/663dfcab993111924d9d324a/Free_school_presumption_guidance.pdf</a></p>