

OFFICER DECISION RECORD (ODR2)

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Date of Decision	30 September 2025
Decision Taker (including Job Title)	Dawn Godfrey Executive Director of Children's Services Kingsbourne Academy, Nantwich
Specific Delegation	<p>This record relates to an officer decision taken under the following authority:</p> <p>At their meeting on 12th July 2021, Children and Families Committee made a resolution "that committee gives approval to provide authority to the Executive Director of Children's Services to:-</p> <p><i>7.1.5. Under the presumption route the local authority is responsible for providing the site for the new school and for delivering the capital programme for building 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 usually in the form of a long lease to the academy proprietor granted upon completion of the build. The local authority is also responsible for meeting the associated capital and pre/post-opening revenue costs.</i></p> <p><i>7.2.6. Revenue funding for schools is provided through the schools' block of the dedicated schools grant.</i></p> <p><i>7.2.7. 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.</i></p> <p>Pre and post opening grants are agreed by the local authority and funded by DSG schools block via the growth fund. At the Children and Families</p>

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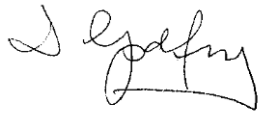
	<p>Committee on 10 February 2025 delegated authority was approved for the DSG Schools Block.</p> <p><i>Provide delegated authority to the Executive Director of Children's Services to use the schools block grant and the mainstream schools additional grant in accordance with relevant guidance during 2025/26.</i></p>
Brief Description of Decision	<p>To award the winning Academy Trust (North West Academy Trust NWAT) with a pre and post opening revenue grant totalling £503,000 (Five Hundred and Three Thousand Pounds) which will be paid in stages as per the agreement.</p>
Reasons for the Decision and alternatives considered	<p>The Kingsley Fields housing development in Nantwich comprises of 1,100 new houses, this development has been identified in the Local Plan, which was adopted in 2017 for the period 2010-2030. This site plan includes a 1 Form Entry Primary School. The Local Plan quoted: "The site known as "Local Plan Site 46 Kingsley Fields" was identified in the strategic development for Nantwich and the immediate surrounding area. As part of a Section 106 agreement, Cheshire East have secured the land required to build the new school.</p> <p>The DfE advice and guidance states that the Free school presumption process is the main route by which local authorities establish new schools to meet the need for additional places, both in terms of basic need and the need for diverse provision within their areas. Local authorities are responsible for determining the specification for the new school and will fund and deliver the site and buildings and work with the approved sponsor to establish the school.</p> <p>The works proposed are for a new one form of entry primary school (210 pupils) including all necessary building and external works, also incorporating facilities for Resource Provision for up to 14 pupils.</p> <p>The proposed increase in primary school places in Nantwich will enable Cheshire East to meet its statutory obligations. As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to ensure a sufficiency</p>

	<p>of school places for children resident in its area and a commitment to allow local children to attend their local school wherever possible.</p> <p>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 (210 primary pupils) expected to arise from the development at Kingsley Fields. Full details of this analysis are included in the report to Children and Families Committee of 12 July 2021 (Agenda Item 4).</p> <p>On the 12 July 2021, Children's and Families Committee gave approval for the Service to proceed with the free school presumption process which included undertaking a pre-launch consultation, in accordance with the Department for Education process. The 5-week consultation period ran from the 6 October 2021 to 10 November 2021 and a Public Drop-in session was held on 19 October 2021. Also, the service was given permission by the committee to proceed with the transfer of the proposed school site into the Council ownership.</p> <p>On 10 January 2022, Children and Families Committee received the report which provided an update to the report of 12 July 2021. It was resolved:</p> <ol style="list-style-type: none"> 1. That the committee receives and notes the summary of the feedback received following the 5-week informal representation period which is a required stage in the DfE Free School Presumption process to allow the opening of a new primary school in Nantwich. 2. That the committee supports the progression of the prescribed free school process in the generation and submission of the draft specification (stage 3) to the DfE <p>On 14 February 2022, Children and Families Committee made a resolution "that committee gives approval to provide authority to the Executive Director of Children's Services to award a construction contract for the provision of a new one</p>
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	<p>form entry primary school in Nantwich, inclusive of any other agreements associated with or ancillary to the contract.”</p> <p>At their meeting on 13 February 2023, the Children and Families Committee:</p> <ol style="list-style-type: none"> 1. Notes the progress of the free school presumption process in the identification of the preferred sponsor trust following formal applications and interviews and notes that the final decision is determined by the DfE Regional Director in association with the Secretary of State. 2. Notes that the School Organisation team, working alongside the DfE representatives has adhered to the Free School Presumption Departmental advice (DfE November 2019) and that, following the necessary process, has put forward the local authority’s preferred sponsor to run the new primary school at Kingsley Fields, Nantwich. <p>Following a further appraisal by the DfE, North West Academies Trust were selected as the preferred sponsor for the new school.</p> <p>The planning application for the project (application 23/0376N) was presented to and approved by the Southern Area Planning Committee on 28 June 2023. The decision notice was issued on 11/10/2023 and a variation was issued on 2 May 2024 (24/0422N).</p> <p>Following a tender process, pre-construction design work was undertaken by Conlon Construction Ltd. This was completed in June 2023. However, due to delays in planning permission and the need to make legal representation to the site owner over site servicing issues, a decision was taken by the Executive Director of Childrens Services to delay the opening of the new school until September 2025 and this was presented to Children and Families Committee on 13 November 2023.</p> <p>Following the receipt of an updated Target Cost from Conlon Construction Ltd. approval is now sought to formally appoint them to undertake the</p>
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	<p>construction of the new primary school with a view to overall completion for the commencement of the 2026-27 academic year.</p> <p>The overall capital budget for the scheme is £9.061m as approved by Children and Families Committee at their meeting on 3 June 2024. This is inclusive of construction costs, design development expenditure committed to date, and an allowance for furniture, fittings and equipment.</p> <p>The project is included within the MTFs Children and Families Capital Programme under “Nantwich Planning Area (Primary)” as presented to Council on 26 February 2025.</p> <p>Government publications Establishing a new academy: the free school presumption route and Schools operational guide: 2025 to 2026 state that the local authority is expected to meet the revenue Pre and Post opening which are funded by the DSG schools block growth fund.</p>
Member consultation and interests declared	Members were consulted through reports to Children and Families Committee and local ward members notified of the planning application. No interests were declared.
Significant Decision	NO
Legal Implications	<p>I approve and endorse this ODR on the following basis:</p> <ul style="list-style-type: none"> • It complies with the Council’s constitution; • Is entered into further to the appropriate delegation; • the award of the grant is made pursuant to the terms of grant agreement which has been reviewed and approved by Legal. <p>Adrian Leslie - Lawyer Contracts & Procurement Team</p> <p>adrian.Leslie@cheshireeast.gov.uk</p> <p>30/9/25</p>

Financial Implications	<p>The DSG schools block allocation includes an amount for the growth fund. The amount provided is based on the increase of pupil numbers by comparing October census data to the previous October data. A further £0.077m is provided for a new school opening when recognised in the census return. The criteria for the growth fund is approved by schools forum each year. Pre and post opening grants are included as part of the criteria.</p> <p>The 2025/26 Growth Fund allocation was £0.757m and there is a surplus of £0.265m. However, over the last two years the growth fund payments have marginally exceeded the in-year allocation. This is due to the increased pupil rate is slowing.</p> <p>The grants to the new school amount to £503,000 and will be paid in stages over seven year.</p> <p>There is a risk that the growth fund that we receive may not cover the cost of the current growth fund criteria. The allocation of growth fund is difficult to predict as it is dependent on birth rates, increased housing and parents choices of where children study. We are monitoring this at the Funding Working Group, a sub group of the Schools Forum.</p>
Confidential/Exempt Information	N/A
Background Papers	<p>Reports to Children and Families Committee 12 July 2021, 10 January 2022, 14 February 2022 and 13 February 2023 and 13 November 2023.</p> <p>The budget uplift was approved by Children and Families Committee at their meeting on 3 June 2024.</p> <p><i>Children and Families Capital Programme – Capital schemes (including new, named and amended schemes and School Condition Programme)</i></p> <p>Schools Funding Formula and Early Years Funding Formula 2025/26 report at 10 February 2025 Children and Families Committee.</p>

A handwritten signature in black ink, appearing to read 'J. Galfrey'.

Signed

30.9.25

Dated