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| <b>Cabinet</b>  | <b>Ref No: CAB03<br/>(20/21)</b>  |
| <b>26 May 2020</b>  | <b>Key Decision:<br/>Yes</b>  |
| <b>Woodlands Meed College Site, Burgess Hill - Allocation of Funding for Project Delivery</b> | <b>Part I</b>   |
| <b>Report by Director of Property and Assets and Director of Education and Skills</b>         | <b>Electoral Divisions:<br/>Hassocks and Burgess Hill South Burgess Hill East</b> |

## **Summary**

Woodlands Meed is a Special School and College for 2-19 year olds located in Burgess Hill. This report sets out the potential options and recommendation to improve accommodation for the 15-19 year old pupils who are currently educated at the Woodlands Meed College site in Birchwood Grove Road, Burgess Hill.

Central to the business case is that the current accommodation on the College site is significantly below the provision of area based on the Department for Education's [Building Bulletin 104](#). The modular buildings are at the end of their life and because of the nature of the existing main building and the site it is not possible to achieve the current required space standard through refurbishment and/or extension of the existing buildings.

The previous decision ([ES18 \(18/19\)](#)) to allocate £0.5m funding to enable a costed design to be produced, working closely with the Woodlands Meed Governing Body on a full feasibility for the preferred option. This has highlighted particular challenges in relation to construction access whilst both Woodlands Meed College and Birchwood Grove Primary School are in occupation, due to the fact they share an entrance to their sites.

In addition, a further review of projections for Woodlands Meed has been undertaken, which has confirmed that, in line with the County Council's SEND and Inclusion Strategy, there is no requirement to expand the capacity available at Woodlands Meed College.

Following the outcome of this further work it is proposed that the County Council approves the funds required to rebuild Woodlands Meed College on its current site at its current capacity with the new College teaching block built on the College's existing playing field.

## **West Sussex Plan: Policy Impact and Context**

This proposal is in accordance with the Best Start in Life Policy within the West Sussex Plan. It will ensure access to education meeting the needs of the community.

## **Financial Impact**

The budget will be met from the £20m funds approved in the capital programme in February 2020.

## **Recommendation**

That Cabinet approves:

1. the allocation of £19.5m, bringing the total budget available to £20m to fund the replacement of the Woodlands Meed College building on its existing site and with its existing capacity of 100 places (option 1B as set out in paragraph 2.3);
2. the authorisation of the Director of Property and Assets to commence a procurement process and appoint contractors to fully design and cost the replacement College on the College playing field while the College staff and pupils remains in occupation in the existing accommodation;
3. the submission of applications for full planning permission and statutory consents; and with the Director of Law and Assurance, to enter into such agreements as the completion of the project may require, and
4. that subject to receipt of planning permission and statutory consents, the delegation of the authority to enter into a construction contract with the successful provider to the Director of Property and Assets.

## **PROPOSAL**

### **1. Background and Context**

- 1.1 The County Council's Future West Sussex Plan sets out the corporate priorities and a commitment to give children the best start in life; this includes ensuring that young people are ready for school and ready for work.
- 1.2 In West Sussex there are around 20,000 children and young people with Special Educational Needs and Disability (SEND) receiving support in an early years setting, school or college, with over 5,500 of these having a Statement of Special Educational Needs (SENT) or an Education, Health and Care Plan (EHCP).
- 1.3 Around 31% of West Sussex children and young people with an EHCP are placed in one of the 11 Special Schools across West Sussex. Around 10% of all placements are in Independent and non-maintained Special Schools (INMSS). These placements are usually for those children with significant physical disabilities or where maintained provision is at capacity (mainly for autism or complex social, emotional and mental health needs). These placements in INMSS are costly with an average cost of £44,800 per child, per annum. However, costs can be as high as £150,000 per child, per annum, depending on the needs of the child.
- 1.4 The SEND and Inclusion Strategy 2019-2024 which, along with the accompanying implementation plan, sets out how the County Council will support the inclusion of all children and young people, with a particular focus on those with Special Educational Needs and Disabilities (SEND).

- 1.5 The agreed vision is that all children and young people in West Sussex will, irrespective of their learning needs or abilities, gain the skills and confidence to live well in their community. They will be supported and nurtured through an educational system that responds to their circumstances and prepares them for adulthood.
- 1.6 Within the Strategy three priorities have been identified:
- Knowing our children and families well (an inclusive, person centred approach).
  - Meeting the needs of our children and young people through our schools, educational settings and services.
  - Working together towards solutions (collective responsibility).
- 1.7 As part of the new strategy, a review of existing specialist provision has been undertaken. In addition, the number of children with SEND that are educated in placements out of the county as their needs are not able to be met in maintained schools or Academies has also been reviewed.
- 1.8 The [Planning School Places 2020](#) document sets out how the County Council are planning sufficient school places across the county. There is only one Special School serving the Mid Sussex District. This school is Woodlands Meed which caters for 259 planned places for pupils across the 2-19 age range, across two sites. The two sites are Woodlands Meed School (located in Chanctonbury Road) for 2 to 14 year olds and Woodlands Meed College (located in Birchwood Grove Road) for 15 to 19 year olds. Woodlands Meed is a generic Special School meeting the needs of a vast range of SEND. Appendix B shows the location of both sites.
- 1.9 The accommodation on the College site can currently accommodate 100 Key Stages 4 and 5 pupils (age range 15 to 19).
- 1.10 Due to suitability concerns a viability study was undertaken in 2018 and an options appraisal undertaken in 2019 to assess potential options for replacing the College buildings on the existing site. It was a requirement that the new College building design for these potential options would be based on the Department for Education (DfE) Base Line Designs and in accordance with Guidance in Building Bulletin 104 'Area Guidelines for SEND and Alternative Provision'.
- 1.11 Following approval of £0.5m under the previous decision, the procurement of an Architect to take forward the design was successfully completed. Further more detailed options were considered and reviewed which are outlined in 2.3 and included options to provide accommodation for a potential increased number of pupils to be educated on the existing site. Initial comments from Sport England and Planning were requested to inform the preferred option going forward.
- 1.12 Following a detailed review of projected numbers for Woodlands Meed the Director of Education and Skills has confirmed that there is no requirement to expand provision on the College site for Key Stages 4 and above.

- 1.13 To support the Full Business Case, an independent condition and suitability survey was undertaken in December 2019 and January 2020. The summary of this exercise is that the existing permanent structure is sound, although the modular classrooms have come to the end of their useful life and will need replacement. If this rebuilding programme is approved then the maintenance schedule will be reviewed in consultation with the governors to agree on any urgent works that still need to be undertaken.
- 1.14 Most importantly, the survey also identified that there is a significant under provision of area at the College (based on the Department for Education's Building Bulletin 104) of circa 1,259 sqm. There is a deficiency in almost all areas with the exception of storage. This deficiency includes general facilities, classrooms and specialist teaching spaces. Some corridors, doors and access routes are too small and do not meet current guidelines for accessibility. The site fails to provide the necessary levels of inclusion. Significantly, the survey found that these deficiencies could not be remedied by refurbishment and/or extension of the existing building and this led to the rejection of option 4 in para 2.3 below.
- 1.15 The Governors have been fully involved in the project board and design team. A design for the preferred option for re-building the College now needs to be developed further working closely with the Governors. This will include designing the preferred option sufficiently to enable a planning application to be submitted and for the construction of the proposal to be fully costed. The budget being sought is considered sufficient to take forward the delivery of the recommended option and has been prepared in detail by a Quantity Surveyor appointed via the County Council's contract with the Multi-Disciplinary Consultant, Faithful+Gould Ltd.

## **2. Proposal Details**

- 2.1 It is proposed that a procurement exercise is launched to appoint a contractor to complete the necessary design work, including the submission of a planning application, and to construct the replacement College building based on Option 1B in table 2.3 below. This includes extending the commission to the Multi-Disciplinary Consultant up to and including RIBA Stage 7. This would enable the full architectural, structural, civil, mechanical and electrical design to be completed and to provide contract administration, health and safety advice, clerk of works and services in relation to ICT and furniture and equipment for the full delivery of the project. On conclusion of the procurement exercise, it is proposed that approval to award the contract will be delegated to the Director of Property and Assets and will be a further key decision.
- 2.2 Access to the site is very challenging and several options have been identified – none of which are straightforward. After careful consideration it is proposed that construction activities will be via the main entrance which is shared with Birchwood Grove Primary School. Construction would be strictly managed so as to ensure the health and safety of all parties at all times (Appendix C). Alternative construction routes were considered but are not recommended due to complications of land ownership, rights of access and additional cost.

- 2.3 The table below shows the options considered for rebuilding the College on the existing site.

| <b>Option</b> | <b>Description</b>   | <b>Effect on Capacity</b>                               | <b>Gross Capital Cost</b> |
|---------------|--|---|---------------------------|
| <b>1</b>      | 100 place new build college incorporating a mix of single and two storey elements, fully constructed on the existing playing field on the existing site. Pupils would be decanted to the new build once completed and the existing college would be demolished and associated external works completed. This includes fully costed access and associated works via the main entrance. Construction access would be directly in front of Birchwood Grove Primary with a risk of construction vehicles colliding with the structure.       | No increase – 100 places                                | £20.070m                  |
| <b>1B</b>     | 100 place new build college incorporating a mix of single and two storey elements, fully constructed on the existing playing field on the existing site. Pupils would be decanted to the new build once completed and the existing college would be demolished and associated external works completed. This includes fully costed access and associated works via the main entrance including relocating site access away from the Birchwood Grove Primary structure and involves repositioning of Birchwood Grove bike and bin stores. | No increase – 100 places                                | £20m                      |
| <b>2</b>      | 136 place new build college incorporating a mix of single and two storey elements, fully constructed on the existing playing field. Pupils would be decanted to the new build once completed and the existing college would be demolished and associated external works completed  | Increase of 30 places<br>14 to 19 plus 6 Post 19 places | £21.04m                   |
| <b>3</b>      | 136 place new build college incorporating a mix of single and two storey elements. This option includes for decanting the pupils into temporary accommodation on the school site, demolishing the existing college and building the new college on the existing site.  | Increase of 30 places<br>14 to 19 plus 6 Post 19 places | £25m                      |
| <b>4</b>      | This option includes for the replacement of the existing modular accommodation only to provide similar teaching space and does not provide any remodelling or refurbishment of the main building resulting in continued under provision of space and suitability issues.   | No increase   | £2.26m                    |

## **FACTORS TAKEN INTO ACCOUNT**

### **3. Consultation**

- 3.1 The preferred Option 1B has been chosen following review of the options through WSCC's capital governance arrangements and the detailed review of projected numbers having confirmed that there is no requirement to expand provision.
- 3.2 The Governors have been fully involved in the project board and design team and they will continue to be involved in the full design work required to rebuild the College.
- 3.3 A Project Board has been established to oversee the project with the Director of Property and Assets as Chair and Senior Responsible Officer.
- 3.4 The proposal will be subject to planning permission and this will include consultation with Sport England as a statutory consultee. Initial pre-application advice has been sought from Sport England and will be considered as the design develops.
- 3.5 Consultation with adjacent Birchwood Grove Primary School has been undertaken to discuss the construction route and mitigation measures proposed. Birchwood Grove Primary School have raised practical measures in general and discussions and close working will continue throughout the project. The construction route will be documented within the Contractor's Construction Management Plan and the Development Agreement between WSCC and Woodlands Meed.
- 3.6 A Communications Strategy has been established and it is proposed that, as is good practice, WSCC enter into a consultation period with those who are likely to be affected by this development prior to the submission of the formal planning application. This will include:
  - Governors, parents, pupils and teachers of Woodlands Meed;
  - Governors, parents, pupils and teachers of Birchwood Grove Community Primary School;
  - Householders who share boundaries with the site, Birchwood Grove and Shearing Drive.
  - Householders whose properties will be affected by ingress/egress to the site, Wykeham Way and Ferndale Road.
  - Burgess Hill Town Council
  - Mid Sussex District Council (MSDC)
  - The Member of Parliament

### **4. Project Programme**

- 4.1 Key dates for Option 1B are as follows:

| <b>Option 1B Activities</b>                     | <b>Programme</b> |
|---|------------------|
| Decision on full budget and approval to procure | May 2020         |

|                              |                           |
|------------------------------|---------------------------|
| Design / procure             | May 2020 to November 2021 |
| Construct                    | December 2021 to May 2023 |
| Occupation                   | May 2023                  |
| Demolitions / external works | May 2023 to October 2023  |

## 5. Financial (revenue and capital) and Resource Implications

- 5.1 The Capital Programme, approved at County Council in February 2020, contains an allocation of £20m for Woodlands Meed. This report seeks approval to utilise that allocation for rebuilding the Woodlands Meed College building and provide external areas including play areas and car parking on the current site.
- 5.2 The cost per place is £200,000 per place created based on the budget sought. The gross cost per sqm of £6,222 is deemed to be high. The cost per place is at least 6 times the place of an average secondary school place in some of the options and nearly 9 times the average primary expansion in terms of cost per place. There are various benchmarking figures for Special schools; the average of the last 3 years EBDOG<sup>1</sup> Benchmark suggests a cost of around £80,000 per place for Special School places. AECOM benchmark suggests for a 120 place special school for ambulant pupils is in a range of £13m to £15m, adjusted for inflation and the number of pupils the range is £16m to £18m. At £200,000 per place and £20m cost this budget clearly exceeds these 2 benchmarks even allowing for inflation and the contingencies mentioned below when compared to the EBDOG Benchmarks.
- 5.3 The project does include significant levels of contingency; £2.2m contingency and £2.8m for inflation. If these are not fully used the benchmarking costs come down but the project is still more expensive than other benchmarks and very expensive compared to Primary and Secondary expansions and rebuild unit costs as well as Special School rebuilds and expansions.
- 5.4 It should however be noted that the project at Woodlands Meed includes the following which are not fully included within the Benchmark figures:
- abnormal additional costs for construction access
  - additional factors impacting on costs are the restricted site area which dictates the construction methods and lengthens the build period,
  - restrictions on contractors' vehicles accessing the site due to the two schools' operations, the constructors' operations having to respect the immediately adjacent College's 100 EHCP pupils as well as the 420 primary school pupils at Birchwood Grove, and access to the site is through a residential area
  - significant changes in site levels
  - current budget requested includes significant contingencies etc
- 5.5 Mainstream Primary and Secondary projects will always be less expensive per place because classrooms accommodate up to 30 pupils whilst Special Schools organise in much smaller groups.

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<sup>1</sup> This is a national Local Authority Officers Group – Education Building and Development Officers Group

- 5.6 The table below summarises the anticipated profiled spend of the capital funds requested.

| Source              | Capital Implications |              |              |               |               |
|---------------------|----------------------|--------------|--------------|---------------|---------------|
|                     | 19/20<br>£m          | 20/21<br>£m  | 21/22<br>£m  | 22/23<br>£m   | Total<br>£m   |
| Corporate borrowing | 0                    | 1.558        | 6.600        | 11.342        | 19.500        |
| <b>Total</b>        | <b>0</b>             | <b>1.558</b> | <b>6.600</b> | <b>11.342</b> | <b>19.500</b> |

- 5.7 The table below shows the annual revenue Capital Financing Costs associated with the 5 Options if wholly funded from Corporate Borrowing.

|           | Capital Costs<br>£m | Annual Revenue Capital Financing<br>Costs<br>£m |
|-----------|---------------------|---|
| Option 1  | 20.070              | 0.737   |
| Option 1B | 20.000              | 0.737   |
| Option 2  | 21.040              | 0.776   |
| Option 3  | 25.000              | 0.922   |
| Option 4  | 2.360               | 0.087   |

### Assumptions

Interest Rate is 2.73%

Borrowing Costs are over 50 years

Capital Financing costs represent principal sum and interest

All of the pay backs calculated above assume to Capital Receipt is applied and the project is 100% funded through Corporate Borrowing.

- 5.8 Payback periods are shown in the table below with Option 1B paying back in 78 years because the Capital Costs are high and there is no additional capacity created compared to options 2 & 3 therefore the financial savings are lower. The shortest payback is 12 years for Option 4 the refurbishment option but this option does not resolve the shortfalls in accommodation.

|           | Capital<br>Costs<br>£m | Total Capital Costs<br>including borrowing costs<br>£m | Pay Back<br>Years<br>£m |
|-----------|------------------------|--|-------------------------|
| Option 1  | 20.070                 | 37.025   | 78                      |
| Option 1B | 20.000                 | 36.896   | 78                      |
| Option 2  | 21.040                 | 38.815   | 15                      |
| Option 3  | 25.000                 | 46.12  | 34                      |
| Option 4  | 2.360                  | 4.353  | 12                      |

## 6. Legal Implications

- 6.1 Being a Special School/College, the rebuilding of Woodlands Meed College will be publicly scrutinised and therefore there needs to be a clear communications and consultation policy so that stakeholder expectations can be adequately managed. This is mitigated to a significant extent by the creation of a Project Board, chaired by the Council's Director of Property and Assets. However, the

terms of reference for the Project Board will be carefully drafted so that the decision-making process is clear to all parties.

- 6.2 The contract costs of rebuilding the college will be over the OJEU threshold for works contracts of £4,733,252 and therefore the contractor will need to be procured in full compliance with the Public Contracts Regulations 2015 (as well as Council standing orders).
- 6.3 Woodlands Meed College and Birchwood Grove Primary will need to be consulted throughout the project as well as local landowners and WSCC as Highways Authority. It may be sensible to retain a specific officer to manage all stakeholders' expectations and this is being explored.
- 6.4 It is not known what the specific impact of Covid-19 on this building project will be but, given the timeframes stated above, with the tender not commencing until next year, it is hoped that the current restrictions will have lifted by early 2021 which will assist the tender process and commencement of the works.
- 6.5 Sport England will be a statutory consultee as part of the planning application. However, in accordance with good practice there has been early engagement to ensure that any concerns are addressed early and where practicable built into the overall design.
- 6.6 WSCC will need to apply for and obtain both planning permission and Building Regulations Approval for the construction.
- 6.7 On the basis that the construction will occur on school playing field land the prior and separate consent of both Sport England and the DfE (Sec 77 of the SSFA 1998) to the disposal of school playing field land will be required.
- 6.8 WSCC will need to secure adequate access arrangements with neighbouring land owners which may require the grant of easements to WSCC
- 6.9 WSCC will need to enter into a development agreement with the school governors to contractually record what WSCC will build for the school governors, how they will build it and the demolition of the existing buildings.

## **7. Risk Assessment Implications and Mitigations**

- 7.1 The County Council is under a statutory duty to secure safe and sufficient education provision within the area. This project will ensure that the County Council meets its statutory duty to provide sufficient Special School places in the locality and to meet its statutory responsibility with regard to the provision of school places in safe and properly maintained buildings.
- 7.2 Delivery of the rebuilding project will be subject to receipt of full planning permission. The allocation of funds to complete the preparation of a formal design will enable the design to be used in the submission of the planning application.
- 7.3 A summary of key risks in relation to project delivery are highlighted below. The full risk register is attached at Appendix A.

- Specific impact of Covid-19 is not yet known
- Sport England will not provide firm agreement until they are issued the final design proposals for option 1B.
- The Secretary of State for Education's consent is required for a change of use of playing field land. The application is to be submitted by the Governors.
- After detailed design, Highways may object to the proposals due to construction traffic.
- Impact on Woodlands Meed College and Birchwood Grove Primary throughout construction phase.
- Objections from local residents during the planning consultation phase results in planning approval delay or failure, also programme delay or project cancellation may lead to abortive or additional fees.
- Delays in completing WSCC approval and Gateway processes result in programme delays.
- Stakeholder management and expectation.

## **8. Other Options Considered**

- 8.1 Five options to improve the College accommodation on the existing site were considered and assessed as part of the options appraisal work and are detailed in 2.3 above.

## **9. Equality and Human Rights Assessment**

- 9.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it. This proposal will ensure those with protected characteristic have school places near to their home.
- 9.2 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life such as a need to travel further to an appropriate school has been taken into consideration and this proposal will provide high quality Special School places close to home. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as school places will be available in the local area for all children of school age.

## **10. Social Value and Sustainability Assessment**

- 10.1 Sustainability considerations will be fully imbedded in the design of the new building as it develops and will support the County Council's goals in relation to combatting climate change.
- 10.2 The contractor appointment will reflect the County Council's duty under the Public Services (Social Value) Act 2012.

## **11. Crime and Disorder Reduction Assessment**

11.1 None

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### **Appendices**

Appendix A – Risk Register – to follow  
Appendix B – Site Plan of School and College Sites  
Appendix C – Construction Access

**Background Papers** - None