

Report to Cllr N Jupp, Cabinet Member for Learning and Skills

July 2021

Burgess Hill Northern Arc - New Secondary School - Allocation of Capital Funding for Design Fees

Report by Director of Property and Assets and Director of Education and Skills

Electoral division: Cuckfield and Lucastes

Summary

The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place.

Homes England has secured planning permission for a new 3500 home development on land known as the Northern Arc of Burgess Hill. As part of the overall plan, a site for a new Secondary School has been provided to ensure sufficient secondary school places to serve the development. In addition, a financial contribution of £18m has been secured through a Section 106 Agreement to contribute towards the construction costs of the new school.

All Year 7 places at local Secondary Schools are full for September 2021 and projections indicate a significant shortfall of secondary places in the area in future as the development is built out. A new Secondary School is therefore required to provide for both the increasing population in the area and the additional need generated by the development.

A feasibility study for building the new school has been commissioned through the County Council's Multi-Disciplinary Consultant (MDC), Faithful+Gould Ltd. The school is proposed to open in September 2024; therefore following the conclusion of the feasibility study the detailed design phase will need to follow without delay.

The Secondary School will be designed to deliver against the County Council's commitments as set out in the [Climate Change Strategy](#).

Recommendation

The Cabinet Member for Learning and Skills is asked to approve that £3.215m of Basic Need funds be allocated to enable a design to be progressed and submission of a planning application for a new Secondary School to serve the Burgess Hill Northern Arc and wider locality.

Proposal

1 Background and context

- 1.1 The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place.
- 1.2 Homes England has secured planning permission for a new 3500 home development on land known as the Northern Arc of Burgess Hill. As part of the overall plan, a site for a new Secondary School has been provided to ensure sufficient secondary school places to serve the development. In addition, a financial contribution of £18m has been secured through a Section 106 Agreement to contribute towards the construction costs of the new school. This contribution will not all be received whilst the school is in construction and there will be a requirement to forward fund the S106 contribution with Basic Need funds in the order of £11m, in addition to the County Council contribution to the project in the order of £16.5m.
- 1.3 All Year 7 places at local Secondary Schools are full for September 2021. Projections indicate this demand for secondary school places will continue for the foreseeable future and therefore the County Council needs to plan for the provision of a new secondary school to meet demand from new housing as it arises. In the first instance, there is a requirement for a 6 form entry (6FE) 11-16 Secondary School.
- 1.4 A Free School Bid was submitted to the Department for Education (DfE) by Bohunt Education Trust under the [Wave 14 Programme](#). In February 2021, it was announced that the Bid had been unsuccessful. As all new Schools have to be Academies, it therefore falls upon the County Council to design and construct the new School and undertake an academy presumption process to find an Academy sponsor to run the School once complete.
- 1.5 In June 2021 the Cabinet Member for Learning and Skills approved the commencement of the initial consultation process in order to inform an academy presumption competition to seek expressions of interest from potential sponsors for the new school ([Decision reference LS02 \(21/22\)](#) refers).
- 1.6 A viability study of the new school site was undertaken in 2019 by the MDC and a feasibility study was instructed in March 2021 following confirmation that the Free School bid had been unsuccessful. The full feasibility is now complete with a requirement to move to RIBA Stage 2 (developing the design for the project) without delay in order to meet the programme.
- 1.7 The initial draft programme produced by the MDC indicates a delivery date of September 2024 for the new school. Based on projections for future pupil place requirements in the area, the new school will be needed by 2024 and failure to provide the places in the new school will result in the need for additional temporary capacity to be added to existing secondary schools.

2 Proposal details

- 2.1 It is proposed that capital funds are approved to enable the appointment of the professional team to take forward the full design of the new 900 place Secondary School for 11-16 year olds to meet the need for additional pupil places arising from the Burgess Hill Northern Arc development and wider area.

- 2.2 The school is to be constructed on land secured for Secondary provision through the signed S106 Agreement. The site is currently in the ownership of Homes England and is to be transferred to the County Council once all requirements within the S106 have been met.
- 2.3 The Secondary School for 11-16 year olds will be designed in accordance with the Department for Education's (DFE's) [Building Bulletin 103](#), County Council Design Guides and meet the requirements set out in the County Council's [Carbon Management Plan](#). This will include all necessary accommodation and external areas to include general classrooms; science and technology labs; performing arts facilities; physical education facilities and staff and administrative accommodation.
- 2.4 Whilst the new School is to be designed and constructed by the County Council, it is proposed that, in accordance with government requirements, the completed school will be transferred to an Academy Trust under a 125 year lease following completion of an Academy Presumption process and Sponsor appointment.
- 2.5 The County Council's MDC will be appointed for all professional services to design and manage the project.
- 2.6 It is anticipated that the new School will be ready for occupation in September 2024 and will open to Year 7 pupils only in the first year, filling year on year with all year groups running by September 2028.

3 Other options considered (and reasons for not proposing)

- 3.1 There is an option to do nothing but this will not provide sufficient pupil places for the growing demand in the area and means the County Council would not be meeting its statutory duty.

4 Consultation, engagement and advice

- 4.1 The Education Capital Programme Board, Assets Hub and Capital and Assets Board (the Council's internal governance process for capital projects) has considered and supports the proposal and comments from the Board have been incorporated into the final proposal and recommendations. No material changes have been made to the proposal or the recommendations since consideration by the Board.
- 4.2 This project will be subject to full planning permission to be sought from the Local Planning Authority, Mid Sussex District Council. Outline planning consent for the new Secondary School has been granted.

5 Finance

- 5.1 It is proposed that the £3.215m being requested to progress the design will be funded from the Schools Basic Need allocation within the approved capital programme. £18m S106 funds are also secured towards building the new Secondary School but will not be received by the County Council until construction of the housing development on land at the Northern Arc is underway.

5.2 There is provision in the capital programme to progress this project. The table below shows the additional draw down into the main Capital Programme required is £3.215m to finance the design from RIBA Stages 2 to 7 for the Burgess Hill Northern Arc Secondary School.

	Schools Basic Need required
21/22	1.215
22/23	1
23/24	1
Total	3.215

5.3 The table below shows the amount of Basic Need approved in the capital programme and the amount being requested. The amount available after approval of this decision is £46.771m. This takes into account all recent approvals, the existing liability in the approved section of the Capital Programme and amounts used in 20/21 financing Capital expenditure.

	Total unallocated £m
Basic Need as per Capital programme 2021/22 to 2025/26	50.055
Net Changes since Capital Programme approval	-0.069
Burgess Hill Northern Arc	-3.215
Basic Need remaining 2021/22 to 2025/26	46.771

6 Risk implications and mitigations

Risk	Impact	Mitigating Action
Creating a Carbon neutral design	Increases cost of scheme	Only employ cost effective Carbon measures and ensure the MDC clearly shows the cost
Inflation	Increases cost of scheme	Do not over design school floor area, or place floor area at the bottom of BB103 requirements rather than the top or middle.
S106 not all received by the time the scheme has been built	Scheme requires forward funding of Basic Need	Manage the overall cost of the scheme, collect s106 contributions as soon as possible.

7 Policy alignment and compliance

7.1 This proposal aligns with [Our Council Plan](#), helping people and communities to fulfil their potential and keeping people safe from vulnerable situations.

7.2 Legal Implications

7.2.1. The school site has been secured by way of a S106 Agreement and will be transferred to WSCC once the conditions within the S106 Agreement are met.

7.2.2. The professional services will be undertaken by WSCC's MDC. The MDC were procured following a compliant and competitive tender procedure in 2018 and the services required are within the scope of the MDC contract.

7.3 Equality Duty and Human Rights Assessment

7.3.1. 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 suitable school places for those with protected characteristics and will improve physical access to sites.

7.3.2. 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 will be taken into consideration. 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 children of school age.

7.4 Climate Change

A key objective of this proposal is to achieve Nearly Zero or Operational Carbon Net Zero in the building design, as well as incorporating other design principles such as biodiversity net gain and sustainable drainage systems throughout the site. This will be captured through Passivhaus accreditation.

7.5 Crime and Disorder – None

7.6 Public Health – None

7.7 Social Value

The contractor appointment will reflect the County Council's duty under the Public Services (Social Value) Act 2012.

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Background papers

None