

Report to Mr A Edwards, Assistant Director (Property and Assets)

May 2022

**Additional Budget Requirement to expand Lindfield Primary Academy,
Haywards Heath**

Report by Mrs L Hunnikin, Education Capital Programme Manager

Electoral division: Lindfield and High Weald

Summary

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

Following a review of pupil projections for starting primary school in the Haywards Heath locality and specifically the Lindfield area, it determined that it was necessary to provide for a bulge class of 30 pupils at Lindfield Primary Academy in September 2021. The additional 30 pupils were accommodated in the ICT suite and music room which was temporarily remodelled to accommodate the class. The proposal is to create an additional classroom at the school to provide permanent provision for the additional pupils.

In November 2020 the Cabinet Member for Education and Skills approved the allocation of Section 106 funding for education infrastructure capital projects, including £0.619m for additional primary places in the Haywards Heath locality (decision [ES10 \(20/21\)](#) refers). Since this decision, it has been identified that the need for places is to be met at Lindfield Primary Academy which sits within the Haywards Heath planning area. Following completion of the feasibility study, it has been identified that the project to expand Lindfield Primary Academy will exceed £0.5m requiring an individual key decision.

Therefore, an allocation of S106 funding from the Capital Programme will be sought to enable the works to be taken forward and to make provision for current fluctuations in the market. The budget will fund all associated fees and furniture and equipment

Recommendation

The Assistant Director (Property and Assets) is asked to approve the total allocation of £1m of received S106 contributions to fund the necessary works as set out in paragraph 2.2 of the report to enable suitable provision for accommodating the bulge class of 30 pupils at Lindfield Primary Academy.

Proposal

1 Background and context

- 1.1 The County Council has a statutory duty to ensure there are sufficient primary and secondary school places for all children who need a place. School places need to be available to pupils for the start of each academic year (September), with projects planned and delivered, wherever practicable, by the summer in the relevant year. The Basic Need requirements are reviewed annually to identify the next tranches of projects and to ensure planned projects are still required following reviews of projection data of pupil numbers. The requirements across the county are set out in the annual update of the Planning School Places document.
- 1.2 [The Planning School Places 2022](#) document sets out how the County Council are planning sufficient school places across the county. Planning is split across District and Boroughs with schools working in 24 planning areas. Lindfield Primary Academy provides primary aged places for 4 to 11 year olds in Lindfield and surrounding villages.
- 1.3 In November 2020 the Cabinet Member for Education and Skills approved the allocation of Section 106 funding for education infrastructure capital projects, including additional primary places in the Haywards Heath locality (decision [ES10 \(20/21\)](#) refers). As part of the decision the Cabinet Member also delegated authority to the Director of Property and Assets to undertake a procurement exercise and to enter into contracts for delivery of the projects.
- 1.4 The Multi-Disciplinary Consultant (MDC) were commissioned to undertake feasibility in Spring 2021 to explore options for increasing capacity at Lindfield Primary Academy for a bulge class of 30 in both 2021 and 2022, with a total anticipated increase in places of 60 to meet the need for places in Lindfield and the wider Hayward Heath planning area.
- 1.5 Further detailed feasibility work, including surveys, was undertaken in Autumn 2021 and a procurement exercise undertaken in January 2022 in anticipation of the further bulge class being required for September 2022. Following closure of applications for primary places in January 2022, it became apparent that the 2nd bulge class for 2022 was no longer required and therefore the scope of works is to be reduced to one classroom and associated circulation and WCs and works to external play facilities to increase usable play space to accommodate the 2021 bulge class.
- 1.6 The feasibility study for Lindfield Primary Academy identified that the works required would exceed the £0.619m of available S106 funding available to create additional primary places in the Haywards Heath locality and further S106 monies would need to be allocated to enable this project to proceed.
- 1.7 At the time when decision ES10 (20/21) was taken it was not envisaged that an individual education infrastructure capital project would require an allocation in excess of £0.5m. As the works at Lindfield school will exceed this value, approval to commit the required funds to this project meet the criteria for an individual officer key decision.

2 Proposal details

- 2.1 The building project at Lindfield Primary Academy will enable the school to continue to accommodate the 2021 bulge class of 30 pupils.
- 2.2 Works to be taken forward include the following:

1 additional classroom
Associated circulation and WCs
Additional hard play area formed from remodelling existing unusable external areas

- 2.3 It is proposed that two separate procurement exercises are launched to appoint a contractor to undertake the works to the external play area and to create the classroom as separate contracts. These will be procured as open single stage tenders, advertised on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and Public Contract Regulations 2015 (PCR 2015).
- 2.4 The MDC have been appointed to provide design services; contract administration; health and safety advice and services in relation to ICT and furniture and equipment for the full delivery of the project.
- 2.5 The project is split into two procurements with a requirement for the additional hard play area to be tendered for works to be carried out during the summer holiday period with potential completion before the terms starts in September 2022. The additional classroom will be delivered as soon as possible. Where necessary, the process to award these contracts will be subject to an officer key decision.
- 2.6 The design and tendering exercise will be managed by the MDC and the County Council's Procurement Category Lead for Place.
- 2.7 The additional accommodation and hard play area will be utilised by the school to enable additional pupils to be accommodated to meet the need for places within the locality. The County Council will put in place mechanisms to monitor that the project is achieving the required benefits.

3 Other options considered (and reasons for not proposing)

- 3.1 There is an option to do nothing but the bulge class accommodated in 2021 is in a temporary classroom formed from the ICT and music accommodation. This was agreed as a short term solution and a permanent solution is required to accommodate the 30 additional children together with additional play area to ensure sufficient area is provided.

4 Consultation, engagement and advice

- 4.1 The 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 The University of Brighton Academy Trust, Headteacher and Governors have been fully involved in the design and support the proposals. They will continue to be involved as the design work continues.
- 4.3 The details of the proposal have been shared with the local Member representing the Lindfield and High Weald Division.

- 4.4 The MDC have made pre-application planning enquiries and the WSCC planning team have confirmed that planning permission is required for the construction of the classroom and hard play area.
- 4.5 The Commercial Panel, part of the County Council's internal governance process for assessing procurement proposals, has been consulted on this proposal.
- 4.6 The Cabinet Member for Learning and Skills has been updated on the need for additional permanent accommodation to be provided at Lindfield Primary Academy to enable more appropriate provision for the bulge class and the proposed use of S106 funding to enable the project to proceed.

5 Finance

- 5.1 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 £0.381m to implement the proposal at Lindfield Primary Academy. This is in addition to the £0.619m already approved for Haywards Heath Primary Places as part of the Section 106 funded Education Infrastructure Programme.
- 5.2 The total £1m being requested will be funded from Section 106 contributions received for primary places in the Haywards Heath planning area.
- 5.3 The total gross budget of £1m will be funded from received S106 contributions which must be spent on works which align with the conditions of the relevant S106 Agreements .
- 5.4 The table below shows the projected profile of the S106 contribution.

Capital Programme allocation	2021/22 £m	2022/23 £m	Total £m
Lindfield Primary Academy	0.00	1.00	1.00

6 Risk implications and mitigations

Risk	Mitigating Action
Insufficient allowance in capital programme to award the contract tender to the contractor.	This report is seeking funds estimated as being required at this stage. There are some issues in the construction industry relating to inflation of materials. Contingencies have been included within the budget sought.
Contractor's ability to deliver this project on time and to budget.	The County Council's Capital Delivery Team and MDC Project Manager will work closely with the contractor and school to drive forward a programme with the potential to deliver playground modifications by September 2022 and the

	additional classroom as soon as possible thereafter.
Building regulations and planning approval is required but refused	The MDC to review and check the building control requirements and to ensure that the building regulations approval application meets the building control requirements. Pre-application planning advice has been sought; the MDC to ensure that the planning application meets the planning requirements.
Current volatile marketplace for supplies and securing contractors. Delay to programme and unavailable materials to deliver to programme	This will be monitored throughout the project and in particular when entering into the tender process..

7 Policy alignment and compliance

7.1 [Our Council Plan](#) sets out the corporate priorities and includes a commitment to help people and communities to fulfil their potential. This proposal will provide appropriate accommodation and equipment to meet the need for places in the area.

7.2 Legal Implications

The County Council's MDC has been appointed to undertake the design work required which is now well underway. The MDC was competitively procured from the Crown Commercial Framework reference RM3741. The instruction of the MDC to provide technical consultancy advice for the design of the works at Lindfield Primary Academy is compliant with public contract regulations PCR 2015 and the Council's Standing Orders.

The resulting construction contracts will be procured via an open single stage tender on the Council's e-Sourcing portal In-Tend, as well as Contracts Finder in accordance with the Council's Standing Orders on Procurement and Contracts and PCR 2015 as applicable and Legal Services will be instructed in the usual manner.

The proposal is subject to

1. WSCC obtaining planning permission and building regulations approval before commencing the works
2. WSCC if necessary obtaining Section 77 Consent from the DfE pursuant to Section 77 of the School Standards Framework Act 1998 if the classroom is being constructed on playing field land
3. WSCC and the University of Brighton Academy Trust negotiating, agreeing and entering into a Development Agreement which will set the terms under which WSCC will appoint the building contractor and professional team, how WSCC will enter the Academy Trust land, and how WSCC will pay for and deliver the works for the Academy Trust. The Development Agreement will also cover how the Academy Trust will allow WSCC to carry out the works on the Academy Trust land.

7.3 Equality Duty and Human Rights Assessment

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.

7.4 Climate Change

The County Council's Design Guides have been adhered to in relation to the design of the additional classroom. The Design Guides have recently been updated to ensure school building designs are in line with the County Council's [Climate Change Strategy](#).

7.5 Crime and Disorder - None

7.6 Public Health – None

7.7 Social Value - Not applicable for this specific proposal.

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Background papers

None