

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

**September 2022**

**Allocation of S106 Funding for Bulge Classes at Downlands Community School, Hassocks**

**Report by Mrs L Hunnikin, Education Capital Programme Manager**

**Electoral division: Hassocks and Burgess Hill South**

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**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 secondary school in Mid Sussex, and particularly in Hassocks, due to increasing pupil numbers it is necessary to provide for a bulge class of 30 pupils at Downlands School in September 2022 and September 2023, creating a total of 60 additional places. In order to accommodate this temporary increase in pupil numbers a project will be delivered to invest in teaching and non-teaching areas at the school.

Following completion of the feasibility study, a cost estimate has been provided and an allocation of S106 funding from the Capital Programme is being sought to enable the works to be taken forward. The budget will fund all associated fees and furniture and equipment.

**Recommendation**

The Assistant Director (Property and Assets) is asked to approve the allocation of £2.3m of received S106 contributions to fund the necessary works as set out in paragraph 2.2 of the report to enable the provision of two bulge classes of 30 pupils (60 in total) at Downlands Community School in Hassocks and to procure the delivery of the works in so far as required.

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**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. Downlands Community School provides 1200 secondary aged places for 11 to 16 year olds in Hassocks and surrounding villages.
- 1.3 Due to the projected increase in pupil numbers in the Hassocks area, and the requirement to provide additional secondary school places to meet this need, the Multi-Disciplinary Consultant (MDC) were commissioned to undertake a viability study in early 2022. This explored options for investment in accommodation enabling a bulge class of 30 pupils to be accommodated at Downlands Community School in 2022 and 2023 (60 additional places in total).
- 1.4 Detailed feasibility work, including surveys, is now underway and S106 funds which can only be spent at Downlands Community School are being sought to enable the design to be taken forward and for the project to be implemented following procurement.

## **2 Proposal details**

- 2.1 The building project at Downlands Community School will enable the school to accommodate a bulge class of 30 pupils in September 2022 and September 2023, 60 additional pupils in total. The initial bulge class can be accommodated without capital works but all works will be required for the 2023 bulge to be accommodated.
- 2.2 Works to be taken forward include the following:
  - Provision of a standard double modular classroom unit incorporating pupil toilet provision
  - Remodelling of 2 existing general teaching classrooms as Science and ICT class
  - Additional car parking
- 2.3 Subject to discussion at the County Council's Procurement Panel in the Autumn 2022, it is proposed that a procurement exercise is launched to appoint a contractor to undertake the construction activities 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 are to be 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 current programme for delivery of the project indicates this will be available for September 2023 with works commencing on site in Summer 2023.
- 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 accommodation 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 there are insufficient places for starting secondary school in the area and the Governors of Downlands Community School have agreed to accommodate a bulge of 30 pupils in both 2022 and 2023 subject to the works being undertaken for 2023.
- 3.2 There is an option to permanently increase the capacity of the school but it is envisaged that the new secondary provision at Burgess Hill Northern Arc will meet the need for secondary places in the locality from 2024.

### **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 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 in accordance with the Department for Education's Building Bulletin 103 (BB103).
- 4.3 The details of the proposal have been shared with the local Member representing the Hassocks and Burgess Hill South Division.
- 4.4 The MDC have made pre-application planning enquiries and planning permission will be required.
- 4.5 The Commercial Panel, part of the County Council's internal governance process for assessing procurement proposals, will be consulted on this proposal.

### **5 Finance**

- 5.1 There is provision in the capital programme to progress this project. The table below shows the draw down into the main Capital Programme required is £2.3m to implement the proposal at Downlands Community School in Hassocks.
- 5.2 There is currently £89.94m Section 106 Balance available for Education projects. This reduces to £67.27m after taking into account all S106 funding that is committed but not yet applied / spent in the Capital programme on in flight projects. This further reduces to £64.97m if Downlands is approved.

	<b>£m</b>
WSCC Balance as at August 17 <sup>th</sup> 2022	89.94
Amounts Committed & pending approval	-22.32
Proposed Robert Woodard modulars	-0.35
Downlands	-2.30

<b>Section 106 Available</b>	<b>64.97</b>
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5.3 The £2.3m being requested will be funded from Section 106 contributions received for Downlands Community School. The S106 Agreements name the School so must be used to make improvements / create places for additional pupils at Downlands.

5.4 The table below shows the projected profile of the S106 contribution.

<b>Capital Programme allocation</b>	<b>2022/23 £m</b>	<b>2023/24 £m</b>	<b>Total £m</b>
Downlands Community School	0.5	1.8	2.3

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action</b>
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 to enable delivery for 1 <sup>st</sup> September 2023.
Building regulations approval is required and 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. No allowance for consequential improvements has been included in the cost estimate.
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.
Design development to adhere to WSCC Carbon Strategy	Allowance has been made within the cost estimate.
Existing service capacities unknown. Electrical upgrades may be required to facilitate the modular classrooms	Investigations to be undertaken in design stage.
Changes in Building Regulations in June 2022 affecting design standards	Detail review at Stage 2 with expected cost increases highlighted in cost reports.

End user and stakeholder expectation management	WSCC project sponsor, WSCC project manager & MDC project manager to engage in a joint briefing meeting with end users at initiation of Stage 2 to communicate scope and project deliverables. Project sponsor to confirm in writing scope and quality of finish that is required.
Asbestos and unknown Mechanical & Electrical (M&E) service conditions for internal remodelling of classrooms in main school building	Risk to programme, design & construction costs. In depth surveys required at RIBA 2.

## 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 value of the proposed contract is below the relevant UK Thresholds as referred to in the PCR of £5,336,937 for Works Contracts, therefore, the resulting construction contract will be procured on the Council's e-Sourcing portal In-Tend, as well as the Find a Tender Service in accordance with the Council's Standing Orders on Procurement and Contracts and Legal Services will be instructed in the usual manner.

### 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 changing accommodation. 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