

Report to Cabinet



Date of Meeting	28 th May 2019
Portfolio	Children's Services
Report Author	Fay Davies
Public/Private Document	Public

Site for New Special School

Executive Summary

- 1.1 A bid was submitted from the authority to the DfE for a centrally funded new Special School. The authority has been notified of the successful outcome and the DfE Free School Directorate want to discuss Heads of Term on the proposed disposal of land for the site of the new school.
- 1.2 At a previous meeting of the Informal Cabinet on the 5th Feb 2019 Members of the Cabinet were asked for their views on the short list of possible sites named for the school.
- 1.3 Feedback from Members showed that a new special school on the site of Heywood Sports Village, in an area of currently unused because of sub-surface rubble, was the preferred option.

Recommendation

- 2.1 That Cabinet approves, in principle, to the disposal of a parcel of land at Heywood Sports Village, this would be by way of a 125 year lease, as its preferred option for a new Special Free school, subject to the agreement of Sport England as a statutory consultee on the development process and subject to all necessary due diligence being undertaken to ensure the site is fit for the purpose of a Special Free School.
- 2.2 That Cabinet approves, in principle, to the disposal of the alternative site at Bullough Moor playing fields, by way of a 125 year lease, in the event that Sport England is unwilling to support the site at Heywood Sports Village. This would be subject to all necessary due diligence being undertaken to ensure the site is fit for the purpose of a Special Free School. If this option is chosen members should note that the current community playing fields would also need to be shared with Woodlands Primary School.
- 2.3

2.4 That Cabinet delegates authority to the Assistant Director - Resources (Legal, Governance and Workforce) to carry out the necessary legal due diligence on the preferred site and, if necessary, on the alternative site.

2.5 That Cabinet delegates authority to the Director of Economy to negotiate the Heads of Term for the disposal of the preferred site or, if necessary, the alternative site.

That Cabinet notes that a further report will be submitted once the due diligence exercise has been completed and the proposed Heads of Term have been negotiated.

Reason for Recommendation

- 3.1 A site of approximately 1 to 1.4 Hectares is needed for a Special School Site.
Special Schools in particular need additional parking and direct drop off access to give a door to door service to some of its most vulnerable children.
- 3.2 An initial list of 21 possible sites was drawn up and discussed with Estates and Planning within the council.
- 3.3 A list of 5 sites was presented to informal Cabinet on the 5th February 2019 and Members were asked their views.
- 3.4 Feedback from Members showed that a new special school on the site of Heywood Sports Village, in an area that is currently unused because of sub-surface rubble, and identified in the Playing Pitch Strategy as having the potential to be released for development, was the preferred option.
- 3.5 As a statutory consultee to any planning application on the Heywood Sports Village site, Sport England has been asked for pre-application advice and has concluded that they would have no objection to the release of this land, for a new autism school, subject to mitigation for the loss of the playing field land. An appropriate level of mitigation for any playing field loss will be discussed with Link4Life, the Football Foundation and Sport England, being mindful of issues highlighted within the boroughs Playing Pitch Strategy. The appropriate mitigation will need to be agreed prior to the submission of the planning application and form part of the proposals.
- 3.6 A new Special School, for the 11 to 19 age group, is desperately required as Redwood Special School is full, despite having been extended. Numbers of children having to attend Independent and Non-maintained special schools out of borough is large and rising. Costs for these out of borough placements are a significant and rising portion of the High Needs school budget.

Key Points for Consideration

- 4.1 The government announced the opening of a new bidding round for approximately 30 centrally funded new alternative provision and special schools on the 24th July 2018. Local authorities were asked to put cases together to submit as expressions of interest for the government to then allocate. Rochdale Council had submitted a bid to a previous bidding round which had been unsuccessful. That bid had been developed with consultation with stakeholders and community groups. The current SEND strategy and separate Autism strategy, which has also been developed through stakeholder engagement, also states the council needs additional school capacity for Autistic children in the borough. The school, if approved would provide 75 additional places.
- 4.2 The government special school bidding round closed on the 15th October 2018. The list of authorities that applied is on the government website. On the 16th December 2018 the Education Secretary announced he will “approve all high quality bids in the current round of special and alternative provision free schools applications”.
- 4.3 Rochdale has had formal notification on the success of its application and has been notified that it will be required to start negotiating Heads of Terms with the DfE Free School Directorate with regards to the disposal of the preferred site.
- 4.4 The timeline for the delivery of the new Special school is as follows:-
- October 2018 – Submission of bid by LA to the Department for Education for a new Special School
- March 2019 – Notification of success of Rochdale’s bid
- April 2019 – Pre-application registration opened for academy trusts to notify the DfE of their intention to apply to run the new school
- September 30th 2019 – Deadline for submission of the academy trust application to the DfE to run the new school
- Winter 2019/20 – DfE notification of approved applications
- Pre-Opening phase (Phase 1) – Funding agreement signed by the Secretary of State to the academy trust. Education and Skills Funding Agency (EFSA) confirms suitable site can be delivered in timescales and represents value for money. Provisional opening date agreed.
- Phase 2 (approximately 6 months) - Confirm technical feasibility of site, including planning.
- Phase 3 (approximately 18 months) - Procure construction works and ICT and build school.

Alternatives Considered

- 4.5 Alternative sites were examined and the two sites named above were chosen on the basis these best meet the specific criteria for the school.
- 4.6 Projections of financial costs of out of borough Independent and non-maintained placements show, that without the new school and with the projected pupil populations, the estimated costs of these placements will increase from 8% of the High Needs budget to 20% of the budget within 8 years.

Costs and Budget Summary

- 5.1 If the bid is successful costs for building the new special school will be met from direct funding from the Department for Education.
- 5.2 Costs for commissioning of the new school places will be met through the High Needs Dedicated Schools Grant (DSG).
- 5.3 There will be an opportunity cost associated with using either of the named sites for the school (Bullough Moor playing fields or Heywood Sports Village). This could be loss of rental income or the potential unrealised income from the loss of a capital receipt.

Risk and Policy Implications

- 6.1 The application of pupil place planning arrangements contributes to the Council Business Plan in ensuring an effective allocation process for school admissions. The council has a statutory duty to offer a special school place to any child with an EHCP plan that requires it.
- 6.2 The Council has the power under s123 of the Local Government Act 1972 to dispose of its land in any way it thinks fit, provided that disposal is for the best consideration that can be reasonably obtained.
- 6.3 Consent of the Secretary of State is required if the market value of the land and the consideration accepted is more than £2m. In this instance it is proposed that the lease will be granted at a peppercorn rent with no premium payable. Therefore, if the difference between the value and the consideration accepted (peppercorn rent) falls within the permitted threshold then the land can be disposed under the general consent.
- 6.4 Negotiations in respect of the Heads of Terms will be undertaken with the proviso that it is subject to final Cabinet approval once all the usual due diligence checks and other investigations have been completed and to satisfactory outcome being agreed with the DfE.
- 6.5 There would also be a requirement to alter the use of the land for School purposes. Any new building on either site would have to go through a full planning permission consultation process. Disposal of either site would be conditional upon satisfactory planning permission being obtained.

Consultation

7. The new school building will be required to go through a full planning consultation exercise.

Background Papers	Place of Inspection
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