

CABINET
18 NOVEMBER 2021**CONSIDERATION OF SPECIFICATION AND LAND
ACQUISITION FOR NEW SECONDARY SCHOOL**

Relevant Cabinet Member

Councillor Marcus Hart, Cabinet Member with Responsibility for Education

Relevant Chief Officer

Director of Children's Services

Recommendation**1. The Cabinet Member with Responsibility for Education recommends that Cabinet:**

- a) notes the progress made to date on the County Council's delivery of a new Secondary School;
- b) notes the outcome of the engagement survey undertaken in May-June 2021 as outlined in paragraphs 6-10;
- c) endorses the proposal to acquire land by private treaty within the boundary of the site as outlined in appendix 1 necessary to deliver the secondary school proposal and authorises the Strategic Director of Commercial and Change in consultation with the s151 and Monitoring Officers, to acquire the land in accordance with the delegated authorities as set out in paragraphs 31-33 below;
- d) authorises the consultation on the proposed school specification as outlined under paragraphs 25-27 and appendix 2;
- e) authorises the Cabinet Member with Responsibility for Education, in consultation with the Director of Children's services, to approve the specification having regard to any representations made during the consultation period;
- f) recommends that Council increase the Capital Programme by the outline project cost of £44m in order to deliver a new four form entry secondary school; and
- g) authorises the Director of Children's Services in consultation with the Strategic Director of Commercial and Change, the Chief Finance Officer and the Assistant Director for Legal and Governance to undertake all necessary steps to implement the project within the funding envelope agreed including any regulatory consents and contracts required including the completion of a pre-planning public engagement exercise and the preparation and submission of a Planning Application.

Background

2. The Local Authority has a statutory requirement to ensure a sufficiency of school places for all children and young people of statutory school age for their area as outlined in the Education Act 1996 Section 14.
3. In February 2021, Worcestershire County Council Cabinet considered the options for ensuring we are able to meet this duty, alongside the County Council's strategic visions and aims for education provision, over the next five years.
4. A key element of that programme was the agreement to deliver a new Secondary School to be built to address the shortfall in places within the Worcester City Council boundary.
5. Alongside a number of key delegated authorities, Cabinet agreed to consider a full report for a new Secondary School later in 2021 to include approval of capital scheme, school specification, agreement of land purchase subject to planning approval, and to authorise commencement of formal consultation on the proposals. This paper now outlines the outcomes of such delegated authorities and seeks approval of the above.

Pre-publication engagement and specification

6. Delegated authority was given to commence pre-publication engagement with stakeholders on the proposal for a new Secondary School in Worcester City Council boundary.
7. Stakeholders were invited to provide their views in a four week-engagement exercise running from 11 May-11 June 2021. This involved an online survey which was advertised through the website, social media, the local media, and local schools.
8. 595 responses were received to the survey. The majority of respondents were parents or carers (61%), and residents of Worcester or immediate surrounding area (61%). We also had a notable number of responses from previous pupils of Worcester Secondary Schools (18%) and School Staff Members (19%).
9. The full outcome of the results and how these have impacted on the proposal is outlined in **appendix 4** and key points summarised below:
 - a) Respondents were in support of the proposal to deliver a new school, with 58% strongly agreeing and 25% agreeing that a new secondary school is needed for Worcester. A further 9% neither agreed nor disagreed and 3% were unsure. Just 6% either disagreed or strongly disagreed with the proposal.
 - b) The most important factors for respondents were that: students felt safe in and around the school; the school has strong leadership; that students feel their mental health and wellbeing is well supported; and that students make good academic progress.
 - c) Respondents also strongly supported that the school should foster an environment of inclusivity and support, focusing just as much on mental

health and wellbeing and ensuring children are well rounded citizens as much as academic success.

- d) Respondents strongly felt that the school should be located within the local community it will serve and be accessible by active travel routes from opening and that existing congestion within the city should be considered.
- e) The new school should be integrated within its new community, through community use of facilities and by prioritising children living nearby in the admissions criteria.
- f) The new build should take consideration of sustainability and energy efficiency, and use local resources where possible.

10. In total 500 written comments were submitted as part of this survey. The majority of these have also been integrated into the specification. However, a number of respondents proposed specific areas of Worcester where the schools should be located, notable in the North of Worcester (Claines and Fernhill Health areas) which received 37 comments or in the East (Warndon Villages and the Berkeleys) which we received 16 comments. This feedback was considered alongside other factors to determine the recommended site.

School location

11. Delegated authority was given by Cabinet in February 2021 to the Strategic Director for Economy and Infrastructure in consultation with the Director of Children's Services, Chief Finance Officer and Assistant Director for Legal and Governance (Monitoring Officer) to enter into a form of Memorandum of Understanding and continue and conclude the negotiation of an Option to acquire land to deliver a new Secondary School in the Worcester City District boundary with the intention of presenting this Option for agreement by Cabinet.

12. A detailed assessment of site options has been undertaken which has considered a wide number of factors, notably:

- a) The location of the pupils that this school will serve
- b) The location of existing secondary schools
- c) Access to active travel routes
- d) Impact on highways and traffic congestion
- e) Impact on the local environment and existing communities
- f) The deliverability of a school at the location
- g) Health benefits for students of surrounding areas and amenities
- h) Suitability of the location to support the City in future decades

13. This assessment has considered all available sites either on the market or proposed for development within the Local Plan. A full assessment has been undertaken by consultancy Lloyd Wilson with support from Officers. The outcome of this assessment is outlined in **appendix 5**.

14. The full assessment has concluded that the site at Newtown Road (outlined in **appendix 1**), henceforth referred to as 'The Site' is the recommended site option to deliver a new secondary school for Worcester City.

15. The key reasons for this recommendation are outlined below:

- a) The Site is well located within the community of pupils the school will serve. Predominantly those pupils who are currently located furthest from a catchment school and who are least likely to be offered a place at one of their preferred schools.
- b) The location of The Site is well placed in relation to existing secondary schools and is appropriately placed to meet current housing growth within the City.
- c) The Site is well connected to existing foot and cycle paths, as well as public transport routes.
- d) The Site is well located to alleviate some pressure for places in the North as well as the South of the City.
- e) The Site is located close to green infrastructure which will enable opportunities for integrating this within the build of the school and curriculum, both of which are shown to enhance the learning environment for pupils as per the Worcestershire Health Policy.
- f) This Site provides sufficient space to deliver a 600-place secondary school, as well as capacity to consider further expansion of the school in the future, safeguarding secondary school provision for children in Worcester for decades.
- g) The Site is a greenfield site and the delivery of a school provides opportunities to enhance the existing ecology and habitats on site to benefit both the school population as well as existing habitats.
- h) The community use of sports facilities at a new school at this location will provide closer access to residents to sports facilities in this community.

16. This Site is identified in the adopted South Worcestershire Development Plan (SWDP) (2016) as SWDP 43/15 - Worcester Woods Business Park, Newtown Road and is currently allocated for "B1, B2 employment, Business care home, carpark, motorbike showroom, hospital expansion". The site is currently proposed for reallocation as employment land (SWDP Reallocate 17) in the South Worcestershire Development Plan Review (SWDP Review).

17. Worcestershire County Council are seeking to use part of the land for community purposes. Once the land required within the boundary of The Site has been secured (agreement for sale), by Worcestershire County Council, the land can be partly redesignated for education purposes, though this will follow the current timeline for the SWDP Review. When a planning application be submitted, this will be determined in accordance with the adopted development plan.

18. The Site was most recently considered for a £150m retail park to include a John Lewis, M&S, Sainsbury's, and Next Home & Garden. The application was rejected by Worcester City Council's planning committee in June 2016. The rejection of the application was due to the long-term impact of a commercial park on the retail structure and business of the City. Additionally, local concern was raised about traffic generation, highway implications, parking requirements, potential pollution, loss of green land, impact on hospital traffic/emergency vehicles, encouragement of car use and the visual impact of the application.

19. All of these concerns have been considered against the proposal for a new school, and there are no identified planning reasons in principle at present that would

make a proposal for a new secondary school unacceptable. Some of the key factors in consideration of this site are outlined below:

- a) Proximity to pupils the school will serve
 - i. This site is within walking/cycle distance of the pupils the school will serve, which are those pupils who are currently least likely to receive an offer from one of their preferred schools. This will increase use of active travel routes for schools and enable growth of strong community links as a school that can better serve the community it is within.

- b) Traffic generation and highways implications
 - i. Highways access to the school will be required from Newtown Road, which currently experiences congestion during peak hours. The traffic generation for a school will be significantly lower than that of a retail park, though there could be a higher impact at the start and end of school day if not appropriately managed. Mitigation will be considered as part of detailed design but some of the key principles are included throughout the following.
 - ii. Provision of space for bus drop off and pick up, to take buses away from the main road.
 - iii. A suitable solution for turning right into the school to minimise chance of congestion of cars going East along Newtown Road.
 - iv. The school has been positioned to protect the vast majority of classrooms from road noise from the A4440, with much of the East wing encompassing office and ancillary spaces.
 - v. Appropriate and safe road crossing for cycle / walking.
 - vi. The school will provide bicycle racks and be well connected to the cycle and walking active travel routes for pupils.

- c) Parking requirements
 - i. Parking requirements will be limited.

- d) Potential pollution and impact on ecology
 - i. It is not envisaged that the school will create any pollution. The provision of a school on this site provides an opportunity to integrate the design and teaching with green infrastructure on site.
 - ii. Though it will result in a loss of green land, opportunities exist to increase and enhance beneficial ecology habitats.
 - iii. Full ecological surveys will be undertaken on the site and, where possible, solutions sought for on-site mitigation, and off-site where necessary.
 - iv. The vast majority of hedgerows and trees on the site will be maintained, the design of the school to be adjusted to ensure minimal disturbance.
 - v. The scheme will propose the diversion of Bridleway No WN-569 to the West of the school boundary to run alongside the existing hedgerow on site in order to safeguard a green corridor to enhance wildlife habitats and enable the continued access of residents to the North of the site to the community spaces at the Countryside Centre.

- e) Impact of hospital traffic/emergency vehicles
 - i. Newtown Road is a critical blue light corridor, meaning that an elevated level of consideration will be given to highways solutions that minimise

congestion for vehicles on this road, particularly for cars seeking to turn right into the site.

- f) Visual Impact of the application
- i. The site is surrounded by relatively low-rise buildings, such as the care home and residential houses on Newtown Road. The school will not exceed 3 storeys, responding to the scale and mass of its setting.
 - ii. Building & landscape materials will be selected to respond to the area and site.

20. The full impact assessment for the site can be viewed in full in **appendix 8,9 and 10**.

21. An initial design for the site has been produced by ADP Architects to ensure a new school can be delivered here, taking account of known constraints and the above concerns. This is outlined in **appendix 6**.

22. A number of sites formed the basis of the search, though most could not be deemed to be viable. In particular a number of sites were considered in the North (Blackpole and Claines) as a result of the feedback from the engagement survey. However, no sites in the North of Worcester were able to meet the base requirements for delivery of a new school, either as a result of size, or deliverability. Moreover, since the improvement of the Ofsted rating at Bishop Perowne CE College, we have seen the likelihood of pupils in this part of the City receiving an offer for a preferred school significantly improve, while results for pupils in Warndon and the Berkeleys remain low due to the distance of these pupils from existing schools.

First preference received	2017	2018	2019	2020	2021
Claines CE Primary, Claines	100%	87%	54%	79%	100%
Lyppard Grange Primary, Warndon Villages	93%	72%	60%	80%	59%
Oasis Academy, Warndon	86%	79%	67%	75%	81%

23. The Newtown Road site does come with some challenges in the design and construction of the school, most notably the management of the highways and active travel routes link; and management of the 14m level difference on site. As a result, the proposal for a new school at this site has a higher cost. The anticipated cost of site conditions is outlined in **appendix 3 and 7**.

24. One alternative site was identified that could deliver a new secondary school for Worcester City through negotiation of land purchase, outlined in **appendix 5** The reasons this site is not recommended are outlined below:

- a) The Site at Newtown Road was assessed to be the preferred site in terms of location, connectivity, and proximity to the community it will serve, which are critical in meeting the Council's strategic aims and improving health and wellness of the community.
- b) The alternative site is currently allocated for employment use within the local plan and has an approved planning application to deliver employment use. This is a critical site for the District Council in the delivery of such need which

is expected within the next several years and has been factored into the master plan for the scheme alongside the delivery of 2,500 homes as part of the same application. It is therefore unlikely to be supported by District Planners in the delivery of a new school.

Consultation on the school specification

25. Any new school must be delivered as a free school, which will require an Academy Sponsor. The identification of the sponsor will be undertaken through a fair and open competition process based on a specification based on the Council's expectations for good schools and feedback received from the engagement survey.

26. The draft specification for the school is now recommended for consultation. This specification will shape the requirements for finding the right Academy Trust to operate the school and enable stakeholders to comment on factors such as the location, size, and values of the school. The draft specification is attached as **appendix 2**.

27. It is recommended that this consultation is undertaken 29 November 2021 to 23 January 2022.

Development of design and planning permission

28. The officer project board will work with relevant interested parties to develop a shared development vision with defined outputs. The intention is that the Project Board will appoint professional advisers in support of the preparation of the development vision and specification having regard to procurement methods, land use allocations and design.

29. Planning permission will be required to deliver a new secondary school and the planning process will be undertaken as part of the scheme in order to deliver a new school. A planning application will not be submitted unless it is clear that there is no planning impediment to delivery.

30. Ensuring sufficient due diligence and ensuring the vision and design of a new Secondary School is not a quick process. We will be working towards a new Secondary School opening date of September 2026. It is proposed that phase 1 will deliver a 4FE Secondary school for pupils aged 11-16. The site has potential to deliver future phases of expansion as required up to a maximum of 8 forms of entry (240 children per year group). Therefore, it is proposed that phase 1 will deliver larger core facilities to enable future expansion, the design of the build is proposed to take account of this likely future expansion as outlined in **appendix 6**.

Land to be Acquired

31. In order to deliver the secondary school, third-party land is required.

32. In identifying the land required to deliver the secondary school the County Council has balanced the need to deliver sufficient school provision with attempting to minimise interference with private property interests.

33. In accordance with the delegated authorities approved at Cabinet in February 2021, negotiations to purchase a parcel of land within the site boundary have advanced to the point of reaching Heads of Terms stage which include, inter alia, the price for the land. As the Council needs assurance that they will have exclusivity to the site to enable them to carry out the necessary due diligence and to develop the Heads of Terms into formal contract to purchase the site, conditional upon the grant of planning permission, a six-month Exclusivity Agreement is imminent to be entered into with the owners of the land prior to purchase of the site within this timescale. Cabinet is therefore recommended to approve the necessary delegated authority in accordance with paragraph 1c of this report, to enable Officers to acquire part of the land within the boundary of The Site as outlined in **appendix 1** by private treaty.

Legal, Financial and HR Implications

Finance

34. The estimated combined build cost and land purchase are outlined in **appendix 3**, resulting in a project cost of this scheme of £44m, funded principally from borrowing via the capital programme.

35. Sufficient land will be purchased to enable the delivery of the new secondary school. The site does provide further possible opportunity for non-school provision, for example NHS additional space and lease income, however these opportunities have not been fully explored. The primary purpose for this land purchase is the delivery of education services.

36. The cost of borrowing based on 4 forms of entry could be in the region of £1.5 to £2 million per annum. This additional revenue cost would need to be factored into the Medium-Term Financial Plan for the County Council from 2025 onwards. That is a significant call on the current net revenue budget, and the Medium-Term Financial Plan would need to be updated to fund this investment. At this stage, the level, albeit needing to be considered alongside other pressures, should be capable of being found on a recurring basis as part of the Council's future revenue budget.

37. It is recommended that Cabinet support Council to add the scheme of £44m to deliver a new secondary school for Worcester to the County Council budget.

Legal

38. The County Council will follow DFE (Department For Education) advice and statutory guidance on opening a new school in accordance with the prescribed Free School Presumption Process which will necessarily include, among other things, the requirement on the Local Authority to formally consult (as recommended here) and conduct impact and equality assessments etc.

Human Resources

39. There are no HR implications as a result of the recommendations of this report.

Risk Implications

40. This report outlines the recommendations necessary to ensure a sufficiency of school places for Worcester City. Without such progress, the County Council is at risk of failing in its statutory duty to provide sufficient school places, as outlined in the Education Act 1996 Section 14. The County Council could also be at risk of failing to meet the aims agreed under the Education and Skills Strategy.

41. The acquisition of The Site at this stage is simply about the buying and holding of sites for the development purposes described above. The risks associated with that development, for example adverse ground conditions and planning restrictions, will be explained and mitigated within due process of the project. That does not mean that the acquisition itself is without risks, which can be set out as follows.

- Value for Money/Valuation (risk level: low): There are several ways to value land depending, to some extent, on what the parties intend to do with it. This can range from a market rate (e.g., £/acre) to an investment based upon income (e.g. from existing tenants) or a residual valuation where the likely finished value of a development is discounted by the costs of getting there – this is the most appropriate method for valuing land for development when a scheme can be reasonably envisaged e.g. an office or factory. The County Council's professional advisers will have provided their opinions on the most appropriate valuation method and the results of that any valuation will reflect the quality of the title to the land provided by the County Council's legal advisers which must be a good and mortgageable title.
- Risk in Current Market (risk level: Medium): Cabinet needs to be aware that valuations at this time are caveated in relation to uncertainty about future market conditions and, in particular, whether the changes seen to patterns of behaviour during the current pandemic will affect land prices. The current project cost estimates are based on current predictions around materials costs and inflation. At present these are therefore estimates and further work would be undertaken on purchase around site condition and tender of build which means there is a risk of change. To help manage that risk from the outset a prudent inflation rate and contingency has been applied to the estimated construction cost based on what we know today. There are several factors that could change those estimates, up and down, and clearly site condition, inflation and highways are key but at this stage it is not practicable to determine the impact these could have, as such the risk is mitigated to medium subject to the purchase of the land and further work. If that were to change which, as with any project at this stage, there is always a higher likelihood and should the impact become higher we would need to assess options to mitigate as far as possible a higher risk through procurement and construction strategies, and we will uptake those charged with governance on the ongoing costs and funding as part of the project and budget monitoring.
- Risk of need (risk level: Low): There is a risk to the need for additional secondary school places. Four out of five secondary schools currently in Worcester City are Academies, meaning they can undertake accommodation expansions and school changes without approval from the Local Authority (though large-scale changes must be approved by the DfE), meaning there is a risk to an oversupply of places should any school choose to increase the

number of places at their school. This risk is low due to site constraints at all schools meaning expansion is unfeasible and known planned housing.

- **Affordability/Revenue (risk level: Medium):** The cost of holding land for the period until the site is developed will be marginal (initial purchase) and then phased linked to the contract. However, the total cost of £44m whilst being partially offset by s106 monies will require external borrowing to fund. Whilst saving proposals to fund this still need to be identified, the need for much of the borrowing is 3-5 years off and that allows through the Medium-Term Financial Plan for savings to be identified to fund the cost of any borrowing. At present the level of funding per annum to be identified (£1.5-2 million p.a.) equates to about 8-10% of an average year pressure found over the last five years. As such knowing the scale of the challenge now allows for time to identify how this will be funded and mitigate the risk.
- **Development Viability (risk level: Low):** Scheme failure where no viable scheme can be developed is a risk that needs to be contemplated at this stage. In such a situation, the County Council would need to bear any loss in value of the land, the costs of servicing any debt until that decision was made and the costs associated with the initial purchase of the land and up to the point of disposal. Mitigation here could be the procurement of specialist advice on disposal at the time which could include, for example, the partitioning and sale of the land in parts. Alternatively, it would be possible to consider alternative schemes for this site.
- **Timeliness of delivery (risk level: High):** Due to the timescales needed to deliver a new secondary school for the City, short term mitigations to meet the sufficiency duty for the City will be required.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

A full Equality and Public Health, Data Protection, and Sustainability Impact Assessment has been carried out in respect of the recommendations.

This identified potential negative impact for: Environmental Sustainability and Equality & Public Health.

The potential negative impact relates to:

- Greenhouse Gas Emissions impacted by the construction process.
- Increased use consumption of electricity, heating fuels and water and production of waste as this is a new building.
- Impact on the natural environment as the build is proposed for a greenfield site
- Impact of procuring materials.
- Physical health due to risk of harm during construction, impact on Newtown Road which is a critical blue light route, and proximity of the proposed location to a Fast-food outlet.

Notwithstanding the potential negative impact, the recommended course of action can be justified because: All potential negative impacts can be mitigated for and reduced as

part of the planning, procurement, and construction process through established techniques. Moreover, the potential positive impact on all the impacted areas outweighs the potential negative impacts following mitigation.

The mitigating actions have been identified throughout the joint impact assessments in **appendix 8, 9 and 10**. Relevant findings will contribute to future service commissioning.

Supporting Information

- Appendix 1: Newtown Road (“The Site”) Red Line Boundary plan
- Appendix 2: Proposed Worcester City Secondary School Specification
- Appendix 3: Finance Summary (EXEMPT)
- Appendix 4: WCSS Engagement Results
- Appendix 5: LWP Report on Site Selection (EXEMPT)
- Appendix 6: ADP Design Report (EXEMPT)
- Appendix 7: Worcester School High Level Cost and Programme (EXEMPT)
- Appendix 8: Data Protection JIA
- Appendix 9: Environmental Sustainability JIA
- Appendix 10: Equality and Public Health JIA

Contact Points

County Council Contact Points
County Council: 01905 763763

Specific Contact Points for this report
Sarah Wilkins, Director of Education

Background Papers

In the opinion of the proper officer (in this case the Director of Children’s Services) the following are the background papers relating to the subject matter of this report:

Cabinet report February 2021: [Agenda for Cabinet on Thursday, 4th February 2021, 10.00 am - Worcestershire County Council \(modern.gov.co.uk\)](#)