

North Somerset Council

Report to Council

Date of Meeting: 23 February 2021

Subject of Report: Budget approval and award of contract to progress the creation of a new school site to support the expansion of Baytree Special School in Clevedon

Town or Parish: Clevedon

Officer/Member Presenting: Cllr Catherine Gibbons, Executive Member for Children's Services and Lifelong Learning

Key Decision: N/A

Reason: Not an Executive decision.

Recommendations

Subject to the notification of the Secretary of State of application 20/P/0605/R3 and, if successful, a planning decision notice being issued, that the Council:

1. Approve a budget of £14.63 million
2. Approve the award of the contract to Wilmott Dixon Construction Ltd for the construction of the new Baytree Special School in Clevedon for the value of £14,119,582.00 based on Willmott Dixon's final RIBA Stage 4 cost submission, which assumes a start on site of March 2021, as part of the total project delivery budget of £14,630,000.00
3. Delegates to the Executive Member for Finance and Performance, any changes to the above budget and contract value, arising from conditions relating to the planning approval and a later start on site date of September 2021.

1. Summary of Report

- 1.1 Demographic growth and medical advancements are helping more children to survive. This has led to a significant deficit of local places with more children needing to access education in costly out of the district establishments. Local schools are full, and demand continues to rise. The specific rise in the need for places for pupils with the most profound learning and physical disabilities could be met by the expansion of Baytree Special School onto a 2nd site in Clevedon.
- 1.2 Based upon pupil projections the school is required for the Academic year 2022/23. Failure to have school places available would pose a significant risk and financial pressure on the council as well as strain upon the families of children who would

attend the school. Therefore, the council need to be able to mobilise swiftly, upon receipt of the Planning permission. Hence the report being brought to full council now and the request for delegation to the Executive Member on any costs arising from the planning approval or delay to it being issued.

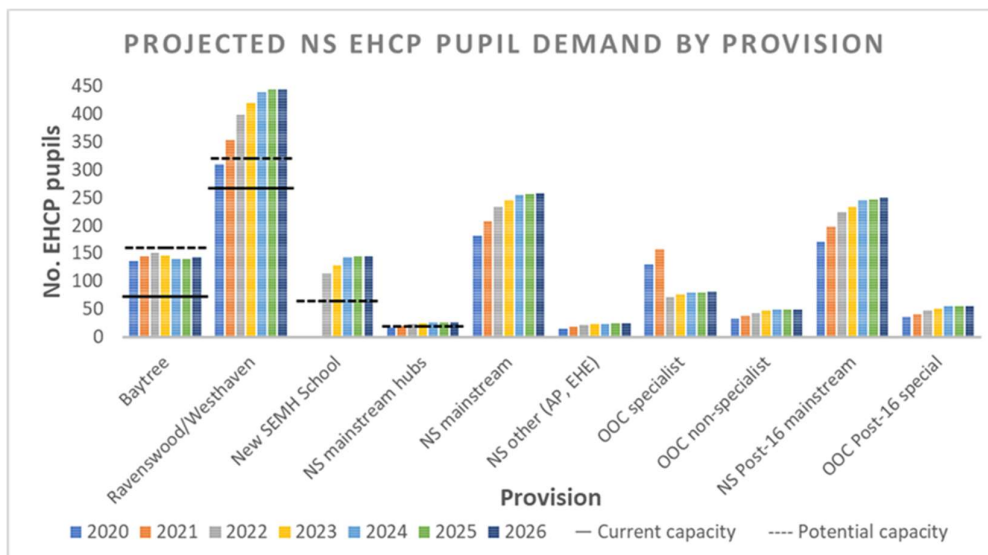
- 1.3 Planning permission was granted by North Somerset's Planning & Regulatory Committee to application 20/P/0605/R3 on 16 September 2020, subject to a referral of the application to the Secretary of State (SoS) due to the site's location in the greenbelt and flood zone 3a. The council are working proactively with the SoS planning department and NSC's planning department on the pre-commencement and wider planning conditions. Any material changes in these conditions would need to be costed in addition to the stage 4 cost plan as would the inflationary increases of a later start date. Subject to these approvals, permission is requested to approve the budget for the scheme and award a contract to Wilmott Dixon Construction Ltd to enable the project to proceed as soon as statutory approvals allow.

2. Policy

- 2.1 The School Standards and Framework Act 1998 sets out how Local Authorities should exercise their statutory duties to secure primary and secondary education to meet the needs of the population in their area. The Education and Inspection Act 2006 enhanced the role of Local Authorities, making them strategic commissioners of services with a mandate to promote high standards for all and greater choice and diversity.
- 2.2 The Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 requires Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996. Local Authorities must reasonably consider parental representations regarding the provision of schools and respond accordingly, including outlining any proposed action or, where it is considered action is not needed, to explain the reasons for this.
- 2.3 The Education Act 1996 Section 14 provides that in respect of provision in primary and secondary schools, in carrying out their duty to provide sufficient school places for the area, local authorities must have particular regard to the need to secure Special Educational Needs provision for pupils with Special Educational Needs.
- 2.4 Contract Standing Orders require decisions in relation to contract awards of £10m or more to be approved by the Executive.
- 2.5 The contract award value for this project is over £10m. However, approval for delegated authorisation is required from the full Council, as no Commissioning Plan or Procurement Plan sign off has previously been approved. The project has been procured, in compliance with EU regulations, via the SCAPE framework, for which further details are in paragraph 3.6 and section 6 of this report.

3. Details

- 3.1 The LA is statutorily responsible for finding and funding appropriate SEND school places. Place demand is already exceeding local supply – see below.



- 3.2 A planning application to expand Baytree Special School was approved by the Planning & Regulatory Committee at their meeting on 16 September 2020, subject to the receipt of satisfactory air quality assessment report and noise impact assessment, together with a number of pre-commencement conditions being met and the Secretary of State's approval of the application due to the site's location in the greenbelt and flood zone 3a.
- 3.3 Detailed design work has been completed and the Council has received a comprehensive cost plan from Willmott Dixon. This cost plan includes, should a planning decision notice be issued, the implications from the current planning conditions applied to the scheme. Any material changes to the current conditions or new conditions being imposed could result in cost or time increase to the project.
- 3.4 To enable a scheme to be delivered, budget approval is required to allow an award of construction contract to Willmott Dixon Construction Ltd.
- 3.5 Approval now is required so that the school can be constructed in 2021 – 2023 and new school places can be in place by the 2023/24 academic year to avoid significant cost to the council and disruption to the families of the children who would attend the school.
- 3.6 The procurement route for this scheme was assessed and it was deemed that use of the SCAPE National Major Works Framework would be the most appropriate, from a time and cost perspective. The urgent nature of this scheme required prompt feasibility work to assess and select a suitable site to house the new school along with detailed designs required to ensure planning approval was obtained. Procurement options were considered and use of Willmott Dixon Construction Ltd via the SCAPE framework was selected for this urgent feasibility and pre-construction works with authority obtained from decisions CSD58 and CSD63. Following the detailed design work undertaken by Willmott Dixon Construction Ltd and the urgent nature of the scheme, it was decided that continued use of the SCAPE framework and appointment of Willmott Dixon Construction Ltd as the main contractor would be the desired option. This appointment will aim to ensure the Council achieves its

commitment of the delivery of provision for pupils with Severe and Profound Learning Difficulties, within the specified time scales.

4. Consultation

4.1 This project has been the subject of a range of public consultations including School Expansion Public meetings:

- Public meeting held on 7 October 2019
- Public meeting held on 10 October 2019

Details of the plans for the school were sent to the following groups as well as being advertised in the local press and media during a first phase expansion consultation that took place between Thursday 19 September 2019 to Friday 25 October 2019.

- The Regional Schools' Commissioner
- Chairs of Governors and all Headteachers and School Staff
- Early Years Providers
- Unions & Professional Teaching Associations
- Press Office
- Directors of Children Services for Bristol, Somerset, BANES and South Gloucestershire Local Authorities
- Directors of Education, Diocese of Bath & Wells and Diocese of Clifton
- All local Multi-Academy Trust CEOs
- School groups such as Secondary Heads in North Somerset (SHINS), Primary Heads in North Somerset (PHANS), Heads Association of North Somerset (HANS) Special Heads in North Somerset (SENDS), Strategic Schools Forum (SSF), Education Excellence Partnership Board (EPPB)
- All North Somerset Council staff and Cllrs
- Springboard
- North Somerset Parent Carers Working Together
- Dr Liam Fox, MP
- Mr John Penrose, MP
- Clevedon Town Council
- Town and Parish Clerks
- Local Neighbours (hand delivered)

It is not expected that the separate school expansion consultation process will be progressed further until (and subject to) planning permission being granted.

- 4.2 A planning application to create a 2nd site for Baytree Special School was submitted on 29 April 2020 and was subject to the necessary statutory planning application processes. The application received 1,083 letters of objection and 651 letters of support. Individual letters and comments were also received from statutory and non-statutory responders in support of and opposing the scheme. The groups listed in 4.1 above were again advised of its submission outside of the planning process.
- 4.3 All necessary consultations were undertaken as part of the procurement route and the use of the SCAPE National Major Works Framework - see 3.6 above.

5. Financial Implications

- 5.1 The Council has a strategic duty to secure sufficient SEND places for its residents. It fulfils this role by commissioning places from schools and academies.
- 5.2 The cost of the new school has been submitted as a result of the RIBA Stage 4 design-stage process. Willmott Dixon Construction Ltd have demonstrated a high level of market tested package pricing based on 3 quotations or more.
- 5.3 Costs have increased since RIBA Stage 3, by £920,926.59, excluding NSC direct costs, due to design development, particularly to the ground works, which have also increased the proposed construction programme duration and, therefore, preliminaries costs. Additional design fees and surveys, as well as additional enabling works, have also been introduced due to planning conditions.
- 5.4 An overview of the overall cost movement from Stage 3 to Stage 4 can be found within the appendices.
- 5.5 The estimated inflationary increase to the project costs of starting in September, are outlined in section 9.2. Officers will be working closely with the contractor on how this impact can be reduced, such as early orders being place, upon receipt of final planning approval.
- 5.6 The implications of not having these additional school places for the academic year 2022/23 will be considered as part of the Children's Services school place planning processes and discussed with parents and carers as part of regular Education, Health and Care Plan pupil reviews. Deficits in places will be reported to members as part the scheduled updates to the CYPS Policy & Scrutiny School Organisation Steering Group.

Costs

- 5.4 To date the scheme has cost £935,467 with £1m secured from 2019/20 Basic Need payments as approved by Council on 18 February 2020. (Cost Code KCE256 - £1m approved for feasibility DSCSD63-19/20).
- 5.5 The Cost Plan for this project is attached within the appendices and summarised in table 1.1. below. We are not at this stage increasing the cost plan, and therefore overall budget, until all avenues for mitigation of inflationary pressures have been exhausted.

Table 1.1. Summary Cost Plan

Cost Summary

Facilitating, Building & External Works	£9.508m
Preliminaries, Overheads & Profit	£1.805m
Building Works Estimate	£11.313m
Fees & Other Costs	£1.134m
Risks	£0.526m
Inflation	£0.181m
Contractor's NCF Fee	£0.436m
WDC Total of Prices	£13.590m
Client Direct Costs	£1.040m
WDC Total of Prices	£14.630m
Total £/m2 of GIA	£4,316

Funding

5.5 Funding for the full costs, including the £1m above, is as follows:

Cash Flow Profile		2018/19	2019/20	2020/21	2021/22	Total
Funding Sources	Previous Funding Prior to 2018/19					
Basic Need	£ 345,539					£ 345,539
Basic Need		£ 3,600,000	£ 9,337,877			£ 12,937,877
Weston Airfield Phase 2 s106			500,000			£ 500,000
s106 (XCE309) - Linden Road Clevedon secondary		£ 23,178				£ 23,178
s106(XCE505) - Harbour Road, Portishead		£ 18,721				£ 18,721
Special Provisions Fund 2020/21 allocation				804,685		£ 804,685
	£ 345,539	£ 3,641,899	£ 9,837,877	£ 804,685	£ -	£ 14,630,000

6. Legal Powers and Implications

- 6.1 The National Planning Policy Framework (NPPF) advises local planning authorities to take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of communities. Council's should give great weight to the need to create, expand or alter schools to widen choice in education (para 94).
- 6.2 North Somerset Council should have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on Planning for Schools Development (2011) which sets out the government's commitment to support the development of state-funded schools and their delivery.
- 6.3 Local authorities have a statutory duty to provide sufficient schools for pupils receiving primary and secondary education up to the age of 19. They must also secure sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.
- 6.4 The appointment of a main contractor for the construction of the new Baytree Special Educational Needs School in Clevedon is required under EU Procurement Regulations.
- 6.5 The use of the SCAPE National Frameworks are fully EU compliant and enable an efficient route to market. Scape Group is a public sector organisation dedicated to the creation of efficiency and social value via the built environment. SCAPE offers a range of OJEU compliant frameworks, procurement services and innovative design solutions that are available to any public body in the United Kingdom.
- 6.6 Willmott Dixon are the appointed framework partner for SCAPE's Major Works England and Northern Ireland framework for project values between £2 million - £20 million in capital value.

7. Climate Change and Environmental Implications

- 7.1 The Council is committed to becoming carbon neutral by 2030. Reducing the journey lengths of pupils attending special schools and offering local provision will assist with this commitment
- 7.2 An energy efficient approach has been carried throughout all aspects of the scheme's design and passive design has been utilised to minimise both energy usage and running costs. A three-tier approach has been adopted. Firstly, building loads have been reduced through effective fabric design that go above and beyond the U-values and air tightness values stated within 2013 Part L2A 2 of the Building Regulations and those recommended within the National Calculation Methodology Non-Domestic Modelling Guide. Secondly, installed building services systems have been designed to maximise their efficiencies so that resources are not wasted. Finally, 15% regulated energy via renewable technologies has been incorporated.

8. Risk Management

- 8.1 The risks in seeking Planning Permission for a site for a school that had not been previously allocated in the Local Plan and is located in the Green Belt, together with

its proximity to the M5 slip road, with outstanding Secretary of State approval and conditions in relation to needing to provide assurances in relation to the potential impacts on air quality and acoustics, are considerable. The known local opposition to the proposals continues with the risk of a Judicial Review request to the recent P&R committee decision to approve the planning application to build the expansion to the school. The Town and Village Green appeal period has now expired.

- 8.2 The budget identified to deliver the 2nd site for Baytree Special School assumes a nil site cost and delivery by September 2022. The site allocation and unsuccessful TVG application should now mitigate the need to purchase a new site and the cost and time delays associated with this. The Very Special Circumstances planning approval determination decision was based on a review of 528 sites and the substantial benefits of the SEND provision that was considered to justify the development in the Green Belt.
- 8.3 The consultation to expand the school (phases 2 and 3) is not yet complete. Having planning permission and a budget to build the school will enable a public notice to be published and a 2nd stage consultation to take place. A final decision will need to be considered by the Executive in the summer 2021. The bodies legally able to appeal the Executive's decision are the school's governing body and the local Dioceses. There is a risk the expansion may not be approved by the Executive.
- 8.4 The project has a full project risk register, which has informed the design development to date and the contingency levels within the project budget for future risks.
- 8.5 The Council has a strong record of delivering school place provision on time and within budget. The Council works to the principle of delivering and offering local places. To not progress the scheme could result in adverse publicity should pupils with the most profound SEND needs not be able to attend a local school.
- 8.6 The following risks have been identified and mitigating actions proposed as summarised below:

Risk	Impacts	Mitigation
Planning: Notification of Secretary of State.	Delay to start on site until September 2021 due to impact of bird nesting season.	
Planning Local: Approval subject to the receipt of satisfactory air quality and noise impact assessment reports.	Delay to start on site until September 2021 due to impact of bird nesting season.	Liaison with the Planning Authority. Detailed review of criteria / specific requirements followed by timely submission of reports.
Legal Challenge to the Planning Decision.	Delay to start on site.	Ensure a robust process has been followed

	Works starting and stopping, resulting in a delay to programme and increased cost.	
Nesting Bird Season: between 01 March and 31 August.	Delay to start on site until September 2021.	Vegetation and tree clearance operations will generally take place outside the bird nesting season.
Site access not possible: land transfers not completed in line with a September 2021 start on site.	Delay to programme.	Ongoing negotiation with landowners. Allowance with contingency risk profile and inflationary estimates within this report
Delays caused by Appropriation and Public Open Space consultation.	Delay to programme.	Ongoing local consultation. Allowance with contingency risk profile and inflationary estimates within this report
Building Not Ready for Required 2022 - 2023 academic year opening.	Children educated out of the district.	This will be kept under constant review with the Willmott Dixon and reports taken by Education Colleagues on the alternative provision
Covid-19.	Delay to programme. Increased cost.	This will be kept under constant review with the Willmott Dixon.

9. Cost Implications of Delayed Start to Works' Commencement

- 9.1 The Construction industry is currently experiencing challenging times resulting from the economic effects of both Brexit and Covid-19. This has resulted in a volatile market with the supply chain becoming increasingly restrictive and selective. Contractors are experiencing pressures from the uncertainty regarding the inconsistent supply of products and the availability of their supply chain and labour. The economic effects of a delayed start to the project are difficult to determine due to the market volatility. The Royal Institute of Chartered Surveyors (R.I.C.S.) publishes Tender Price Indices which project the likely effect of market conditions on construction costs. The indices issued by the R.I.C.S. as of January 2021 indicate a likely 2.45% rise in tender prices if the start date is delayed to September - December 2021. These indices are based on the UK national construction market, and are not project specific, and do not consider any impact of the existing volatility on Willmott Dixon's supply chain partners/ materials/ staff costs.

- 9.2 The application is still being considered by the SoS, therefore a start on site prior to nesting seasons would not be possible. The following table provides the possible increased costs based on the agreed Contract Sum (excluding ICT and FF&E) and using the RICS published Tender Price Indices. The revised set date set for commencement used is September/November 2021 resulting from the possible impacts of nesting birds as highlighted in the above Risk Table.

Description	Potential Increased Cost
Contract Sum (exc. ICT and FF&E)	£13.6m
Potential Increased Costs	£333,200.00

- 9.3 There are three programmes appended to this report detailing the required pre-commencement works and the potential impacts of the bird nesting season and a delayed start on site.

10. Equality Implications

- 10.1 An EIA was undertaken as part of the process to apply for permission to start consultations to expand Baytree Special School – see appendix 1.
- 10.2 The post-consultation EIA confirmed that generally children with Severe and Profound Learning Difficulties and their families are likely to be positively affected by the creation of a second site for the school. A school designed to meet their requirements and provide greater numbers of places will enable their needs to be better met and potentially avoid the need for out of the area placements.

Some pupils and their families may positively benefit from a school site closer to their home whilst others may be negatively affected by having to travel further. Having a choice of two locations may provide options to reduce transport overall, especially where a local place that previously would not have been available can be offered.

- 10.3 Older, disabled and younger people living close to the site may be differentially negatively affected by the loss of the open space as they may find it harder to travel any extra distance to other local sites. The consultation asked if anyone had any concerns about equality matters that they would like to raise. There was a response regarding a person with a disability who a respondent felt might be adversely impacted by the removal of access to the site as it would compromise their opportunity to access nearby play space. In relation to play space there are 5 other play areas within a mile / 1.1 miles of the site.

For other users of the site including dog walkers and walkers/runners there is a public right of way adjacent to Brookfield Walk development next to a local rhyne. It is used, along with a neighbouring field that borders the site, for activities such as running and dog walking. The development that includes Hazell Close, less than a

mile away from this site, is a popular area for leisure activities including running and dog walking. Norton Woods are also under a mile from the site and a popular area for dog walkers and for families, although it is noted that in certain areas of Norton Woods dogs must be kept on their lead. It is also envisaged that the public will still have access to the orchard to the south to the proposed school site and access to existing public rights of way (PROW) in the close vicinity.

- 10.4 As the existing Baytree site will remain and staff will be consulted individually, it is expected most staff living within 3 miles of the existing site may remain working at Baytree Weston whilst the staff living closest to the new site will be prioritised to move to Baytree new site. This will also be dependent on which pupils are re-located as staff support specific pupils. The creation of the new site will also result in the need to appoint new members of staff, which we forecast to advertise and recruit a substantial percentage from within the local area.
- 10.5 Overall as there are other alternative nearby facilities within a mile of the site that can be used for leisure purposes, it is considered the benefit from the creation of a new site for 65 - 85 children with profound and severe learning needs provides a greater benefit than the loss of the open space. The loss of immediate open space is outweighed by access for pupils with profound and severe learning needs whose equality of opportunity would be compromised, unlike mainstream pupils, as there would not otherwise be a local school place available to meet their school-place needs.
- 10.6 The EIA will be reviewed if the project is progressed to the delivery stage.

11 Corporate Implications

- 11.1 The Council has a duty to meet the school-place needs of primary and secondary-aged pupils living in North Somerset including those with special educational needs and disabilities. This project progresses plans identified in the Education Provision in North Somerset - A Commissioning Strategy 2018 – 2021 approved in September 2018 for the delivery of extra places for pupils with special needs.

12 Other Options Considered

- 12.1 We have the option to not expand the school and rely on meeting the needs of North Somerset pupils through commissioning places at schools and other settings outside of this area. The pressure on places is shared in the Southwest and the costs for places and travel will continue to rise as needs increase to well above the spends shown above. The High Needs Block is predicted to be £7.57m in deficit at the end of the 2020/21 financial year.
- 12.2 We could seek out a new site for the school and recommence the planning process. This would further delay the delivery of new places that, as can be seen in 1.2 above, is already showing demand far exceeding existing supply. Any new site would not be able to meet all of the requirements for the school and could also provide challenges in terms of local opposition of greenbelt disputes.

Authors:

Sally Varley
Service Leader – Strategic Planning
& Governance
People and Communities
North Somerset Council

Tel: 01275 884857 or 07917 587280

E-Mail: Sally.Varley@n-somerset.gov.uk

Karen Jarvis
Senior Project Manager, Major Projects and
Technical Services
North Somerset Council

Tel: 01934 42 7586 or 07824 085 700

E-Mail: karen.jarvis@n-somerset.gov.uk

Appendices:

Appendix 1 SEN NSC Cost Plan
Appendix 2 Stage 2-4 Reconciliation Chart
Appendix 3 Stage 2-4 Reconciliation
Appendix 4 Programme CP01
Appendix 5 Programme – Start on Site September 2021
Appendix 6 EIA Assessment
Appendix 7 Project Public Sector Equality Duty

Background Papers:

- CYPS Policy & Scrutiny Committee on 20 June 2019 ~ <http://apps.n-somerset.gov.uk/cairo/docs/doc29644.pdf>
- Full Council Initial Budget Approval for Developing the Scheme - £1m – <https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-38-558>
- Executive Member for Children Services and Lifelong Learning Decision Sheet (PC 19) - <https://www.n-somerset.gov.uk/wp-content/uploads/2019/07/19-20-PC-19-Signed.pdf>.
- CSD43 Executive Member Decision for Baytree School 2nd site – <https://www.n-somerset.gov.uk/sites/default/files/2020-02/19%2020%20CSD%2043%20signed.pdf>
- Town & Village Green application - Planning & Regulatory Committee – <https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-105-633>
- Planning Application Determination ~ Planning and Regulatory Committee - <https://apps.n-somerset.gov.uk/Meetings/ByCommittee/4/2020/75>