

To: Executive  
Date: 19 September 2023

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## **NEW SEND SCHOOL SITE -**

### **Executive Director - People**

#### **1 Executive Summary**

Bracknell Forest Council submitted a bid for a Special Educational Needs and Disabilities school to the Department for Education to provide places for children and young people with Autistic Spectrum Condition. Requirements of the application are that Bracknell Forest Council is required to provide a suitable site for the school and the Department of Education will then fund, commission and manage the design and build of the school. To progress the successful application to the next stage, a site for the special school needs to be agreed by Executive in readiness for works to start by the summer of 2025.

#### **2 Purpose of Report**

- 2.1 The purpose of this report is to seek agreement from Executive to agree the future construction of a new special school on the Bucklers Park site.

#### **3 Recommendations**

- 3.1 **That Executive agree Bucklers Park as the site for the new special school.**
- 3.2 **That Executive delegate authority to the Executive Director – People, and the Executive Member for Children, Young People and Learning, to agree any minor amendments that may be further required.**

#### **4 Reasons for Recommendations**

- 4.1 The Council needs to provide new places for future SEND provision since it currently pays for a high number of pupils to be educated out of the borough which is expensive and is projected to increase in terms of demand and cost. Part of the emerging SEND strategy is to provide more places within the borough which includes the provision of new schools. The opportunity to utilise the land at the Bucklers Park site at a cost of a nominal £1 purchase price from the developers and for the DfE to fund the design and build of a new school, is an opportunity for the Council which it is recommended should be pursued.
- 4.2 Therefore, it is considered that the Bucklers Park land is an excellent opportunity to deliver a new SEND school and should be progressed.

#### **5 Alternative options that have been considered.**

- 5.1 That the Council purchases land on alternative sites such as the former Warfield School site (which is smaller in area and will incur the cost of a purchase price) or other sites likely to be at full residential market value which will be expensive, uncertain and with an unknown time scale likely to be outside of the terms and conditions for a successful DfE funding bid.
- 5.2 The potential alternative sites considered:
- Warfield School Site (All Saints Rise) which is much smaller in area (1.24 hectares verses 2.35 hectares at Bucklers Park); has a number of buildings which

would need to be demolished; and involves a negotiated purchase price from the owner. The time scale remains uncertain.

- Amen Corner South site – which may be needed for a primary school and will not be available for a number of years which does not meet the timescale for the DfE to fund the school due to the site developer needing to use it as a compound for materials during construction. If eventually available for SEND purposes it may also require to be purchased at full market value as the site will also have a residential value which means it would be very expensive compared to the nominal £1 purchase price of the Bucklers Park site. Negotiations would be required with the developer/landowner.
- Warfield east site – which is secured for a primary school but will not be available for a number of years and depends on an associated planning permission being implemented, which again does not meet the timescales for the funding bid. If eventually available for SEND purposes, half of the site for a 1-form of entry primary school potentially has to be purchased at full market value as the permission relates to a primary school not a SEND school. Further, the other half of the site (to make a 2 FE school) will be required to be purchased at full market value because the planning permission permits housing on this part should the second form of entry part of the primary school not be required. This means the purchase of the site would be very expensive compared to the nominal £1 purchase price of the Bucklers Park site. Negotiations would be required with the developer/landowner.

## **6 Supporting information**

- 6.1 Bracknell Forest Council is facing increasing demand for new and additional school places for children with Special Educational Needs and Disabilities (SEND). The Council is developing a strategy to deal with future SEND demands. Part of that strategy is to deliver new SEND schools. The Council submitted bids for two SEND schools to the Department for Education (DfE): one Autistic Spectrum Condition (ASC) school and one Social Emotional Mental Health (SEMH) school. Out of the two applications the ASC school application has been successful into wave 2 and will progress to the next stage, the SEMH school application although well received was unsuccessful. To progress the successful application to the next stage, a site for the ASC school needs to be agreed by Executive in readiness for works to start by the summer of 2025.

The Council has considered potential options for school locations and these are set out above in point 5 under alternative options that have been considered. This report recommends that the land at Bucklers Park (formerly known as the Transport Research Laboratory (TRL)) be the preferred site for the new school. Bucklers Park is currently being developed for comprehensive residential, commercial, open space and other facilities. The site for the SEND School was originally designated as a site for a new primary school to be built, however falling numbers in the primary sector and capacity in local schools indicates that the primary school is now no longer required, therefore the opportunity for an alternative educational use (for SEND) at this site has been investigated. The wider Bucklers Park site is being developed by CALA homes and following discussions with officers, an agreement has been reached with CALA homes to transfer the land to the Council to deliver a SEND school.

To ensure that householders on the Bucklers Park development and the local community are made aware of these changes, an effective communications programme has been developed between the local authority and CALA homes. This

has been focused on a positive message of delivering a new special school, in the context of the loss of a perceived primary school on the site. The development has been populated for ten years and children living on the development have been attending local schools; there have no concerns raised.

## **6.0 Progress to date: Council, CALA and DfE**

### **6.1 The Council and CALA have agreed the following in principle:**

- The freehold transfer of the site at a nominal £1 fee to the Council;
- The land is fully remediated for the proposed use, cleared, serviced, secured and hoarded;
- CALA will not be required to pay the commuted sum under the Primary Education Contribution definition of the Third Deed of Variation dated 9<sup>th</sup> February 2022 to the Council;
- CALA will pay for all legal fees associated with the land transfer;
- BFC will pay for all costs associated with submitting a full planning application for the proposed SEND school;
- BFC as Local Planning Authority will work positively, proactively and expediently with CALA to regularise any elements of the existing outline planning permission to ensure legal compliance).

6.2 All of the above terms were considered reasonable and the transfer will take place as timely as possible and within the timescales required by the DfE.

### **6.3 DfE requirements and developments**

The DfE has requested certain deliverability criteria which the Council considers reasonable. which are detailed in paragraph 6.5 and will expect work to be capable of commencement in the summer of 2025. At this time, we have engaged in dialogue with the DfE, met with their specialist team and are awaiting further details, however at this time we are not currently in possession of the required information to provide a detailed outline and plan for the delivery of this project. This detailed plan will be formulated and presented to Executive once DfE confirms the details, in the meantime there is a requirement to consider the land proposals outlined in the remainder of this document.

### **6.4 Planning permission**

Planning permission was granted under application reference 13/00575/OUT in 2015 for a comprehensive mixed use development of 1000 dwellings and associated infrastructure including the provision of a primary school. Reserved matters applications have been submitted for various phases of the development, including that for a two-form entry primary school under application reference 19/00065/REM. As part of the outline permission a s106 Agreement to secure a range of infrastructure and facilities was completed including the construction of a community hub and various financial contributions towards specific items.

6.5 DfE criteria at this stage with officer comments alongside:

DfE Requirements	Officer Comments
LA to provide the site on a 125-year peppercorn without premium using the DfE model lease	Noted and achievable as the Council will retain the Freehold and grant a lease to the provider.
Heads of Terms to be agreed within 3 months and exchange within 6 months of project entering pre-opening.	Noted and a project plan will be developed with key milestones, actions and approval deadlines
<p>LA to meet abnormal site development costs, including:</p> <ol style="list-style-type: none"> <li>1. geochemical exceedances relative to guidelines for school use (including asbestos removal)</li> <li>2. geophysical conditions</li> <li>3. flooding and alleviation measures</li> <li>4. s278 costs</li> <li>5. new road provision from the adopted highway to the site boundary</li> <li>6. s106 costs</li> <li>7. retaining structures required as a function of topography.</li> <li>8. ecological provision - reserves, species protection and relocation</li> <li>9. listed building and heritage community costs.</li> <li>10. title consolidation and registration</li> <li>11. utility provision</li> <li>12. environmental conditions that may require specific mitigations such as acoustics or air pollution.</li> <li>13. mitigation measures for constrained sites (such as roof top playgrounds)</li> <li>14. other site-specific issues (including demolition)</li> </ol>	<ol style="list-style-type: none"> <li>1. Agreed</li> <li>2. Agreed, already assessed during primary school application process.</li> <li>3. Agreed, already assessed during primary school application process.</li> <li>4. Agreed.</li> <li>5. Agreed and already approved.</li> <li>6. Agreed, if any, although unlikely any.</li> <li>7. Agreed.</li> <li>8. Agreed. Already assessed during primary school application process.</li> <li>9. None required.</li> <li>10. Agreed.</li> <li>11. Agreed, site will be serviced up to the boundary by CALA Homes, any additional requirements to be determined and budgeted for (if any).</li> <li>12. Agreed, unlikely none required.</li> <li>13. Agreed but unlikely to be required as it is a big site (2.35 hectares).</li> <li>14. None required as it will be provided as a cleared and serviced site with protective hording.</li> </ol>
Programme forecasts for this wave of approvals show that DfE expect to be starting works on main sites by summer 2025.	This is perfectly achievable.



- 6.7 The site's location is shown below in salmon pink within the triangular shaped former TRL site in Crowthorne with the other parts of the development such as housing (pink), open space (light green), SANG (darker green) shown for context.



## 7.0 Next Stages of process

- 7.1 If the recommendation is agreed – we will then notify the DfE of the details of the proposed site and progress the application process to the next stage. Further work will be undertaken if necessary to regularise the planning situation such as a full planning application or non-material amendments to the outline permission and other necessary processes including relevant legal processes and any Deed of Variation. Education and planning officers will also engage with the DfE regarding the bid for funding and their next stages.
- 7.2 At the appropriate stage, a project team will be set up to work with the DfE to ensure a planning application is submitted and to project plan the construction phase. We are awaiting further details from the DfE, therefore we cannot yet provide a detailed outline and plan for the delivery of this project. A detailed plan will be formulated and presented to CMT once DfE confirm the details.

## 8.0 Advice received from statutory and other services

### 8.1 Property

The full context relating to this matter has been provided to property officers and most property issues are contained within the body of the report. Whilst the site remains undeveloped there will be some management/security costs, but it is too early to provide a realistic cost estimate.

## 8.2 Legal Services

The service will be supportive in securing the transfer and providing sound legal advice on any relating matters including due diligence will be undertaken to investigate title, negotiate and complete the land transfer and in due course grant any lease required to an approved free school. Further advice will be needed to be sought on whether a Deed of Variation is required.

## 8.3 Financial advice

Pursuing the proposed approach would mean the Council foregoing £4.7m (index linked) developer contributions towards new primary school provision at the former TRL site. However, school place planning projections indicate that no further places are required, hence the construction of an additional primary school would lead to an increased surplus in provision and diseconomy costs that cannot accurately be estimated would likely need to be paid from the Dedicated Schools Grant. The Council would instead benefit from a new special school on the site, funded by the DfE following the Council's successful grant application. It is assumed that the capital costs of the new provision will be entirely funded by DfE.

The full details of the Council's involvement in the new school development, which will be led by the DfE, is currently unclear. Previous experience suggests that the Council may need to incur costs for project management or other specialist skills to assist the project. No budget has currently been identified for such costs and this will need to be addressed once further details are known.

## 8.4 Equalities Impact Assessment (EqIA)

An EqIA is not required for this report.

## 8.5 Strategic Risk Management Issues

The recommendation would allow the council to spend the DfE contribution in full in a timely manner and avoid any risk of repayment with accrued interest.

## 8.6 Climate Change Implications

The report relates to the use of land which was already allocated for educational purposes. Any climate change implications will be considered during the planning and build of the SEND school.

## 8.7 Health & Wellbeing Considerations

The use of this land for a SEND school will support vulnerable children with specialist educational needs so it will result in a positive impact on their health and wellbeing.

## **9.0 Consultation**

### **9.1 Principal Groups Consulted**

This section is not relevant as it relates to specific services (who have been consulted) as above in Section 7.

Contact for further information.

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