

**Report of Director of Children and Families**

**Report to Executive Board**

**Date: 18 September 2019**

**Subject: Outcome of consultation to establish a new secondary School in East Leeds from September 2021**



Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Burmantofts and Richmond Hill; Gipton and Harehills; Hunslet and Riverside; Temple Newsam; Killingbeck and Seacroft	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

**Summary**

**1. Main issues**

- This report contains details of a proposal brought forward to meet the local authority's duty to ensure sufficiency of learning places. The proposal would establish a new school under the free school presumption process, in accordance with the requirements of section 6a of the Education and Inspections Act 2006 and the guidance set out in 'The free school presumption departmental advice for local authorities and new school proposers' (May 2018). The legislation that relates to this guidance includes The Education Act 2011, The Educations and Inspections Act 2006 and The Academies Act 2010.
- A consultation on a proposal to establish a new 8 form entry (1200 place - 240 per year group) secondary free school for pupils aged 11-16, within the boundary of a 2.7 hectare parcel of unused land close to Torre Road and Trent Road, took place between 10 June and 7 July 2019. A 30 place Resourced Provision for children with complex communication and moderate learning difficulties, who may also have a diagnosis of Autism Spectrum Condition, is also planned as part of this proposal.
- A total of 244 consultation survey responses were received during the consultation period of which 71.3% either strongly supported or somewhat supported the

proposal to open a secondary free school in East Leeds. 21.3% either strongly opposed or somewhat opposed the proposal and a further 7.4% neither supported nor opposed. Further details about the responses and issues identified by stakeholders and respondents during the consultation period are detailed in the main body of this report.

- For several years there has been a significant increase in the birth rate within inner city areas of Leeds, as well as within the Inner North and across East Leeds, resulting in the need for additional primary school places. As these children progress into their secondary phase of education, additional secondary school places will be required to meet a sustained increase in demand. Current projections indicate that up to 17.5 forms of entry (525 places) of additional secondary places are likely to be required across these areas by 2023-24 to ensure demand is met. The proposed new school will meet 8 forms of entry (240 places) of need in East Leeds by 2021 with the remaining projected shortfall in capacity expected to be met through smaller scale temporary and permanent expansion of some existing schools. There is also a large amount of new housing planned for the East of Leeds over the next 15 years. Therefore, in the longer term it is likely that the need for further additional secondary places will arise requiring more proposals to be brought forward to manage additional demand generated by new housing.

## **2. Best Council Plan Implications**

- By providing new high quality school places through a competitive process, designed to identify the best available sponsor to run the proposed new school, this proposal would support the achievement of the Best City Priority to help 'young people into adulthood, to develop life skills and be ready for work'
- This proposal would establish high quality mainstream and Resourced Provision SEND School places, actively contributing towards achievement of the Child Friendly City aspiration to 'improve educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'
- Overall, this proposal offers good value for money through its capacity to support the achievement of the Best Council Plan outcome that states 'We want everyone in Leeds to do well at all levels of learning and have the skills they need for life'

## **3. Resource Implications**

- In March 2019, Executive Board approved the proposal to bring forward a free school presumption in inner East Leeds for a new 6/8 form entry secondary school. Approval was given to the Council entering into negotiations with the Arcadia Group Ltd for the potential purchase of currently unused land (2.7ha) at Torre Road for the delivery of a new secondary school. Discussions regarding the potential purchase are ongoing and it is expected that subject to the outcome of ground investigations, site abnormalities and other site constraints (planning related or otherwise), the outcome of these discussions along with Final Heads of Terms will be reported back to Executive Board when a mutually agreeable position has been established.
- The proposed scheme would be subject to successful acquisition of the proposed school site by Leeds City Council. Planning permission would then need to be granted prior to the commencement of construction works. Once the feasibility stage is complete and, subject to the proposal gaining approval to go ahead, the

scheme proceeding to the detailed design phase, budgets would be realigned to reflect that all parties have agreed the final design and cost estimates, which would take account of site investigations and survey information, in accordance with standard project and risk management principles. Schemes would also be subject to relevant stakeholder consultation.

- Based on a Department for Education (DfE) funding rate of £16,056 per new secondary place, the funding provided by Central Government for this size of new school is approximately £19.27m. In addition Leeds has been approved for a Free School Presumption grant which, based on the size of the academy to be opened, is estimated to be in region of £3.6m. The construction cost estimate of the proposed scheme, which excludes the cost of site acquisition, is anticipated to be circa £25-30m, and will be funded primarily through Basic Need Grant in addition to a combination of other funding streams including: council borrowing; Community Infrastructure Levy; and additional Central Government grant funding. However, the precise funding packages would be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).

## **Recommendations**

Executive Board is asked to:

- a) Note the outcome of consultation on the proposal to establish a new 8 form entry (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16, including a Resourced Provision for young people with Autism Spectrum Condition and Moderate Learning Difficulties, within the boundary of a 2.7 hectare parcel of unused land close to Torre Road and Trent Road, from September 2021;
- b) Approve the commencement of a free school presumption process under the terms set out in the Education and Inspections Act 2006 (section 6a), allowing the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school;
- c) Grant provisional approval for authority to spend (ATS) £25-30m to deliver the proposed new free school;
- d) Note that implementation of the proposal is subject to funding being agreed based on the outcome of further detailed design work and planning applications as indicated at section 4.4.2 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- e) Note the responsible officer for implementation is the Head of Learning Systems.

## **1. Purpose of this report**

- 1.1 This report contains details of a proposal brought forward to meet the Local Authority's duty to ensure a sufficiency of school places, which supports the achievement of the Best Council priority to improve educational attainment and close achievement gaps. This report describes the outcome of the consultation regarding a proposal to establish a new 8 form entry secondary free school (1,200 place – 240 pupils per year group) for learners aged 11-16, including a Resourced Provision for young people with Autism Spectrum Condition and Moderate Learning Difficulties, and seeks permission to launch the competition stage of the free school presumption process in order to identify a preferred sponsor to run the new school, and seeks a decision to fund delivery of a scheme to create the additional learning places required.

## **2. Background information**

- 2.1 To meet rising demand for school places in Leeds over the last decade it has been necessary to significantly increase primary school capacity across the city, particularly in some areas of East Leeds. This increase in demand has now begun to feed through into the secondary sector, with demand expected to rise quickly across parts of East Leeds, which, based on historical preference trends, are currently served by secondary schools located across a wide area. The Inner East area, which covers Burmantofts and Harehills, has seen the highest levels of population growth in East Leeds and is generally served by schools located directly within this area itself, although, as secondary age pupils tend to travel greater distances to accept a place at a school of their choice, families in this area also tend to accept places at schools located as far North as Alwoodley, Woodhouse to the West, Swarcliffe to the East and Halton Moor to the South. However, population growth over the next few years across all these areas is likely to result in gradually increasing competition for school places in the Inner North and Outer North East from the families who live directly within these areas. Consequently, this could result in there being less opportunity for families living in parts of East Leeds to successfully gain a place in these more distant areas in future years.
- 2.2 In the context of rising demand for secondary provision across this wider area, driving an overall projected need of up to 17.5 forms of entry (525 places) of additional secondary provision across parts of East Leeds and the wider area by 2023-24, the proposed new free school will provide 8 forms of entry (1200 places – 240 places per year) directly within the area that will see the highest level of increased demand over the next five year. It is expected that the remaining projected shortfall in capacity will be met through temporary and permanent small scale expansions of existing schools across the wider area. There is also a large amount of new housing planned in East Leeds over the next 15 years. Therefore, in the longer term it is likely that the need for further additional secondary places, not included within current projections, will arise in order to manage additional demand generated by new housing.
- 2.3 A shortage of education provision for young people with a Special Educational Need and Disability (SEND) has also been identified in this area. Therefore, included in this proposal is a 30 place Resourced Provision for children with complex communication and moderate learning difficulties, who may also have a diagnosis of Autism Spectrum Condition. A dedicated resource base would provide one to one

support/development and access to specialist teaching methods, however, pupils could access mainstream education as appropriate to their individual needs. This proposal is in line with the local authority's wider strategic plan for SEND provision and the aim to increase opportunities for inclusion within mainstream education.

- 2.4 Initial engagement with schools across parts of East Leeds has concluded with the view that existing secondary provision in the area cannot accommodate temporary or permanent expansions sufficient to meet all the additional mainstream need from 2021 and cannot provide the SEND Resourced Provision that is also needed.
- 2.5 Consultation on the proposal took place between 10 June and 7 July 2019. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online survey and several informal drop-in sessions held in the city centre and within East Leeds at several local community hubs around the main area of need (for parents, residents and other interested stakeholders) which offered attendees an opportunity to discuss the proposal with Leeds City Council representatives from the Sufficiency and Participation, Highways, and City Development teams. Sufficiency & Participation officers also visited a number of local primary schools to talk to parents about the proposal and obtain their feedback. Leaflets advertising the consultation were delivered to residents in the local area and details of the proposal and the consultation drop-in sessions were also given to parents and carers via information sent out by several local Primary Schools. Details about the consultation were also sent to all local primary and secondary schools in the area and to other stakeholders. Posters were displayed at a number of locations in the local area including at early years settings and information was available via the Leeds City Council website and through various social media platforms and accounts. A targeted Facebook advertising campaign was also undertaken to reach people living within postcode areas located close by to the proposed site for the new free school.
- 2.6 Local ward members for Burmantofts and Richmond Hill, Gipton and Harehills, Temple Newsam, Hunslet and Riverside, and Killingbeck and Seacroft have received email communications ahead of the consultation period starting to raise awareness of the proposal. MP's have also received these communications.

### **3. Main issues**

- 3.1 There is an identified need for a substantial amount of additional secondary school provision in parts of East Leeds, required over the next five years. There is also an identified shortage of SEND places in this area. This additional demand cannot be fully addressed by existing secondary schools, therefore, it is proposed that a new secondary free school should be established in East Leeds to address demand directly within the area with the greatest level of population growth.
- 3.2 The proposal would establish a new school from September 2021, providing 8 forms of entry (1,200 place – 240 pupils per year group) for learners aged 11-16, and a Resourced Provision for approximately 30 young people with Autism Spectrum Condition and Moderate Learning Difficulties, under the free school presumption process, in accordance with the requirements of section 6a of the

Education and Inspections Act 2006. If the proposal is approved for delivery the school would be situated within the boundary of a 2.7 hectare parcel of unused land close to Torre Road and Trent Road.

- 3.3 During the consultation period there were 244 online survey responses received in total.
- 3.4 174 of the 244 survey respondents (71.3% of the total) stated that they either strongly supported or somewhat supported the proposal to open a secondary free school in East Leeds. In comparison there were 52 respondents (21.3% of the total) who stated they either strongly opposed or somewhat opposed this proposal. A further 18 respondents (7.4% of the total) stated that they neither supported nor opposed this proposal.
- 3.5 211 of the 244 survey respondents (86.8% of the total) stated that they either strongly supported or somewhat supported the proposal to create a specialist resourced provision for up to 30 students with complex learning and communication needs who may have a diagnosis such as Autism Spectrum Condition. In comparison there were 18 respondents (7.4% of the total) who stated they either strongly opposed or somewhat opposed this proposal. A further 14 respondents (5.8% of the total) stated that they neither supported nor opposed this proposal.
- 3.6 143 of the 244 survey respondents (58.6% of the total) stated that they either strongly supported or somewhat supported the proposal to use of the unused land close to Torre Road and Trent Road as the location of the new free school. In comparison there were 55 respondents (22.5% of the total) who stated they either strongly opposed or somewhat opposed this proposal. A further 46 respondents (18.9% of the total) stated that they neither supported nor opposed this proposal.
- 3.7 186 of the 244 respondents stated that they found the information provided during the consultation process useful.
- 3.8 Appendix 1 contains a summary of the number of survey responses received by theme. However, a copy of all survey responses received can be requested from the Sufficiency and Participation Team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk)
- 3.9 A summary of the main themes from the comments submitted by the 174 survey respondents who strongly or who somewhat supported the proposal to open a secondary free school in East Leeds is listed below;
  - More school places are needed to meet demand from the growing number of young people in this area
  - This will increase choice. There is currently a lack of secondary schools in the area and existing schools are oversubscribed
  - The area would benefit from a new secondary school and would attract a lot of local pupils, reducing travel distances and allowing more young people to walk to school

- Extra places will be needed to cope with new housing developments in the area
- This school will provide a more inclusive education for young people with SEND. East Leeds needs more of this type of SEND provision.
- Providing these extra school places will help to prevent classroom overcrowding and the pressure that this would place on existing schools in the area
- There are not enough places available at schools that are Ofsted rated 'Good' or better in this area.
- A new school will provide more employment opportunities and support local businesses in the area

3.10 A summary of the main themes from the comments submitted by the 211 survey respondents who strongly or who somewhat supported the proposal to create a specialist resourced provision for up to 30 students with complex learning and communication needs who may have a diagnosis such as Autism Spectrum Condition is listed below;

- Children and young people with SEND should be well supported. The more support these young people can have the better.
- More places for children and young people with complex needs are urgently needed across the city
- There are currently not enough SEND settings available within mainstream schools
- This will allow more young people with complex learning and communication needs to have their needs met appropriately within a mainstream education setting

3.11 A summary of the main themes from the comments submitted by the 143 survey respondents who strongly or somewhat supported the proposal to use the unused land close to Torre Road and Trent Road as the location of the new free school is listed below;

- This is a good use of a piece of land which is currently under utilised
- There are no other viable sites within the area for a new school
- The land is well situated within the identified area of need for additional secondary school places
- Developing the site would help to regenerate the area and provide a useful community asset that is preferable to more new housing or commercial uses
- The site is centrally located within a densely populated area, easily accessible for many on foot, with good transport links available

3.12 The main concerns raised by respondents and responses to those concerns are summarised as follows;

**3.12.1 Concern raised that the identified site for the school is in the wrong location, that the proposed school is too big or that existing schools should be expanded instead. Some respondents also questioned the need for new provision given that some less popular schools in East Leeds are not currently full.**

Some respondents suggested that the Torre Road site is the wrong location for the new school and will not help to meet demand arising from new housing in the Crossgates / Whinmoor area. Some felt that the site is too close to the Co-op Academy, which is located less than half a mile from the proposed Torre Road site. Some respondents also felt that there should be a focus on improving standards at other less popular schools in the area before the establishment of a new school is considered. Others suggested that existing schools should be expanded to manage increased demand instead of building a new school.

**Response:** The Inner East is a densely populated area with a rising population of young people. Even without additional demand arising from new housing developments, current population data indicates that the number of children living directly within the proposed Inner East location for the new school requiring a secondary school place will significantly increase over the next five years, outstripping the number of available school places. Therefore, new provision is required in this area regardless of wider housing related pressure or the Torre Road site's close proximity to the Co-op Academy. The proposed school would be similar in size to the majority of secondary schools in Leeds and, with a projected 17.5FE shortfall in the number of places required, it is expected that an 8FE model will be viable. This very high level of additional need means that it is not possible for expansions of existing schools alone to meet this amount of increased demand for both mainstream and Resourced Provision SEND places. However, it is expected that the remaining projected shortfall in capacity will be met through temporary and permanent small scale expansions of existing schools across the wider area.

It is also likely that the council will need to facilitate the establishment of additional secondary places in other parts of East Leeds in future years to meet continued growth in demand attributable to new housing.

It is currently the case that many families living in the identified area of need choose to access secondary education in other areas, such as the Inner North, with some choosing to travel much further into the Outer North East. The local authority wants all children and young people to be able to access a good standard of education, therefore, Leeds City Council works in partnership with all our schools, including academies, to provide help and support in improving the outcomes for children and young people. In this area there has been active intervention where academies have not been performing, with new sponsors being brought in to raise standards. For example, the Bishop Young Academy (formerly David Young Community Academy) has changed sponsor to the high performing Abbey Multi-Academy Trust that currently run Abbey Grange Academy. We are supporting the Academy Trust as they make rapid improvements to the school. Since becoming part of the White Rose Trust, standards at Leeds East Academy have also risen, with significant improvements seen in the outcomes of pupils, evidenced by the school achieving a 'Good' Ofsted rating.

Rising demand and improvements in standards at existing schools in East Leeds has already resulted in these schools becoming more popular with local families in recent years. Coupled with rising demand due to population growth within the Inner North and Outer North East areas, there is likely to be greatly increased competition for school places in the Inner North and Outer North East from families who live directly within these areas. This could result in there being less opportunity for those living in parts of East Leeds to successfully get a school place offer in these areas in future. As a result this is likely to hastening the trend towards more young people



who live within the Inner East choosing a more local East Leeds secondary school in future years.

**3.12.2 Concern raised that the proposed locations is in close proximity to Co-op Academy, which is located less than half a mile from the Torre Road site, will result in an increase in anti-social behaviour.**

**Response:** There is no specific evidence to suggest that one new school opening in close proximity to another will result in an increase in anti-social behaviour. However, all secondary schools produce and apply behaviour policies that clearly set out the schools expectations in terms of acceptable and unacceptable behaviour.

**3.12.3 Concern raised that the proposed new school may overlook residential properties on Torre Close and should not be built in such a densely populated residential area.**

**Response:** Plans for the school are still in the very early stages, therefore, it is not yet clear where exactly on the Torre Road site the new school could be located. Initial project feasibility and viability work will need to be carried out before any plans are drawn up. Furthermore, the proximity of any development to existing dwellings, in terms of the impact it will have on existing residents, is a material planning issue. Therefore, overlooking of residential properties will be assessed by taking into account level changes and guidance set out in the council's Neighbourhood for living Design Guide. If this proposal proceeds to the next stages, any plans produced would be subject to the normal planning process when any interested parties would have the opportunity to comment on those plans as part of the planning approval process.

**3.12.4 General concerns raised in relation to traffic, highways and the environment.**

Respondents suggested that the existing road infrastructure may be unable to cope with additional traffic generated by the proposed new school and that access to the proposed site is poor. Some had concerns that any additional traffic would lead to inconsiderate parking on residential streets, generate more noise and increase air pollution. Concern was also raised by some respondents that building on the proposed site would result in a loss of green space.

**Response:** Leeds City Council's Highways team have provided initial comments in regard to the proposal and have stated that they have no objections in principle to a new secondary free school at the site from a highway perspective. Main site vehicular access to the site is still to be determined and a statutory transport assessment would be carried out to fully assess the existing situation and the impact that the proposed development would have on the surrounding roads. This would include the current bus routes in the area. Following that assessment, a package of measures to mitigate the effects of the development would be put forward. The emphasis being on promoting and encouraging sustainable travel to and from the site such as walking, cycling, use of public transport, and reducing the need for travelling to and from the site by private car. Until the assessment has been completed, specific detail on what those measures may be cannot be provided. However, it would look at providing and improving safe walking/cycle routes and discussions with the local bus companies regarding bus routes in the area. Due to anticipated increases in the demand for secondary places in the Inner

East and the trend towards young people living in this area increasingly choosing to attend local schools, the provision of 240 additional year 7 places in the Inner East would support more local families to access local places thereby potentially reducing journey times and distances travelled to and from school.

Should the proposal proceed past the initial consultation stage, the impact of the proposed development on air quality will be assessed.

The 2.7 hectare parcel of land identified as the proposed site for the new school is currently unused and in private ownership. The proposed development would be required to meet the demands of current building strategies and social responsibility, such as the use of renewable energy and energy saving technologies. Although there would be a loss of some green space it may be possible to actively increase bio-diversity through planting trees and plants within the new school's grounds. In addition, any pitches/sports facilities provided as part of the school would be better quality than the current unused site facilities. Although this would be the subject of future planning approval conditions, there would be opportunities for community use of the new school's facilities.

#### **3.12.5 Concern that the new school will be a free school/ academy**

Several respondents expressed a view that they did not agree with the new school being a free school/academy, or that the free school should be under the jurisdiction of the local authority.

**Response:** Local Authorities are no longer able to open new local authority run community schools. The 2011 Education Act introduced the 'free school presumption' meaning that, where local authorities identify a need for a new school, this must be a free school ('free school' is the DfE's term for any new provision academy) established through the 'Free School Presumption' process that is being followed for this consultation. This means that the local authority must provide a specification of the type of school they require and the site for the potential new school. Should the proposal progress, the second phase of the consultation would seek an academy sponsor to run the new school by inviting prospective sponsor's to submit bids to Leeds City Council. A local authority panel would then review all proposals received and provide assessments of each applicant, stating who its preferred sponsor is to run the school, to the Secretary of State. Although the local authority's preference is usually supported, it is the Regional Schools Commissioner, on behalf of the Secretary of State, who will then make the final decision regarding who will run the school.

#### **3.12.6 Concern that the proposed Resourced SEND places are not required in the East of the city, or that they should be put into existing local schools instead.**

**Response:** The significant increase in the birth rate across East Leeds over the last decade, resulting in the need for additional primary school places, has led to a subsequent rise in the number of children and young people, including those with Special Educational Needs and Disabilities (SEND). As this increase in primary demand is now feeding through into the secondary sector, the Complex Needs team have identified a need for an increase in capacity of all types of SEND provision across East Leeds, including the need for approximately 30 Resourced Provision places within a mainstream setting. Therefore, this proposal forms part of a wider strategy to increase all types of SEND places, particularly in East and South

Leeds, further details of which can be found on the Leeds City Council School Place Planning webpage.

The overall projected level of need across parts of East Leeds by 2023-24 means that it is not possible for expansions of existing schools alone to meet this increased demand. It is also the case that providing Resourced Provision places will require a dedicated resource space for these pupils in addition to school facilities that are fully compliant with legislation related to accessibility. A new build school offers an ideal opportunity to ensure planning and construction takes account of the specified need to provide these dedicated facilities.

### **3.12.7 Concern that the proposed SEND places should not be delivered within a mainstream school, or that an autism specific school should be built instead.**

**Response:** The 30 Resourced Provision SEND places are proposed specifically to meet the needs of young people who are capable of attending a mainstream school with the additional support provided by a Resourced Provision. Pupils taking a Resourced Provision place need frequent access to a quiet space and sensory resources as well as to be supported by more specialised teaching staff. They will benefit from having the pooled expertise of resources and staff in one place and an adapted whole school approach to inclusion. All pupils taking a LA commissioned place at the RP will need to have an EHC plan. It is Leeds City Council's aspiration that pupils attending the Resourced Provision would always be working to spend as much time in mainstream as appropriate.

In regard to concerns raised that other types of SEND provision are required, Leeds City Council has consulted on separate proposals to expand the East Specialist Inclusive Learning Centre (SILC) from 2020 and on a proposal to establish a new 200 place generic specialist free school on the former Elmete Wood SILC site in East Leeds from 2022.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

4.1.1 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.

4.1.2 Consultation on the proposal took place between 10 June and 7 July 2019. To maximise stakeholder engagement a variety of consultation methods were used, including: email; an online survey and several informal drop-in sessions held both in the city centre and at local community hubs within East Leeds (for parents, residents and other interested stakeholders) which offered attendees an opportunity to discuss the proposal with Leeds City Council representatives from the Sufficiency and Participation, Highways, and City Development teams. Sufficiency and Participation officers also visited a number of local primary schools to talk to parents about the proposal and obtain their feedback. Leaflets advertising the consultation were delivered to residents in the local area and details of the proposal and the consultation drop-in sessions were also given to parents and carers via information sent out by some local primary schools. Details about the consultation were also sent to local primary and secondary schools in the area and to other stakeholders.

Posters were displayed at a number of locations in the local area including at early years settings and information was available via the Leeds City Council website and through various social media platforms and accounts. A targeted Facebook advertising campaign was also undertaken to reach people living within postcode areas located close by to the site of the proposed new school.

- 4.1.3 Local ward members for Burmantofts and Richmond Hill, Gipton and Harehills, Temple Newsam, Hunslet and Riverside, and Killingbeck and Seacroft have received email communications ahead of the consultation period starting to raise awareness of the proposal. MP's have also received these communications.

## **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 The EDCI screening form for the proposal is attached as an appendix to this report.

## **4.3 Council policies and the Best Council Plan**

- 4.3.1 This proposal offers good value for money through its capacity to support achievement of the Best Council Plan outcome that states 'we want everyone in Leeds to do well at all levels of learning and have the skills they need for life'.
- 4.3.2 This proposal is being brought forward to meet the local authority's statutory duty to ensure that there are sufficient school places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local and desirable school places, is an efficient use of resources and reduces the risk of non-attendance.
- 4.3.3 This proposal contributes to the aspiration for Leeds City Council to be the best council and for Leeds to be the best city in which to grow up in, and a child friendly city. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a child friendly city. By creating good quality local school places we can support the priority aims of improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes. In turn, by helping young people into adulthood, to develop life skills, this proposal provides underlying support for the council's ambition to produce a strong economy and a compassionate city. A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as our obsession to improve achievement, attainment and attendance at school.

### Climate Emergency

- 4.3.4 There is an identified need for a substantial amount of additional secondary school provision in parts of East Leeds. There is also an identified shortage of SEND places in this area. This proposal would meet some of this increased demand and offer more choice so that local families are able to access local places and reduce journey times to and from school. The proposed school's close proximity to residential areas which have experienced high levels of sustained population growth means that walking to school would be a viable option for many who may choose to attend the school.

- 4.3.5 The sponsor appointed to run the proposed new free school would need to produce a 'Travel Plan' which would contain a package of agreed measures to mitigate the potential impact on the highways. Leeds City Council's 'Influencing Travel Behaviour Team' would support these measures and seek to ensure safe routes to and from school by promoting walking, cycling and scooting. Progress on these matters would be monitored and support offered where appropriate.
- 4.3.6 Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources. The council's Executive Board has also mandated that the authority should be carbon neutral by 2030. This will result in sustainable/ green infrastructure being required of all future projects in order for planning permission to be granted. To this end if the proposal progresses, any build scheme would explore the potential use of renewable energy and energy saving technologies, with the aim of increasing sustainability and minimising energy consumption. In parallel with this, the Energy Unit will support the design team to identify energy saving measures that can help the new school achieve energy savings comparable to a 47% reduction in average energy consumption levels, in line with the 2025 requirements. The proposed energy efficiency standards are likely to increase the capital costs for the proposed development, however, there is as yet insufficient benchmark data available to provide a reliable estimate of how much these additional measures would be likely to add to the cost of the scheme. Leeds City Council promotes an 'Invest to Save' strategy that allows access to funding in order to offset the enhanced capital costs. The improved energy efficiency will also reduce the school's overall running costs, as the building will be more economical to run long-term, eventually paying for the measures put in place.
- 4.3.7 The council's Core Strategy Policy G9 is concerned with the impact of development on biodiversity. The policy states that new development should demonstrate how the design, including landscape, will make a positive contribution to habitat protection, creation and enhancement. Although all the site survey work that would need to be undertaken at the proposed school site is still to be determined, as a minimum an arboricultural impact assessment (impact on existing trees and plants), an arboricultural survey, bat surveys, and ecology appraisals would all be carried out. A ratio of 3:1 for replacement of trees removed would be adhered to and the overall landscaping proposal would need to be cognisant of Leeds mandate to increase overall tree canopy coverage from 19% to 33%. To ensure any landscaping proposals are fully compliant with biodiversity improvement and landscape Core Strategy Policies they would be developed in conjunction with Planning colleagues and via consultation with the Leeds Climate Change Commission.
- 4.3.8 Any contractors tendering for the proposed development will need to demonstrate a robust Waste Management Plan, be registered with The Considerate Constructors Scheme, of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the Leeds Talent and Skills Plan by striving to employ local trades thus reducing the impact of extended travel.

#### **4.4 Resources, procurement and value for money**

- 4.4.1 In March 2019, Executive Board approved the proposal to bring forward a free school presumption in inner east Leeds for a new 6/8 form entry secondary school. Approval was given to the Council entering into negotiations with the Arcadia Group Ltd for the potential purchase of currently unused land (2.7ha) at Torre Road for the delivery of a new secondary school. Discussions regarding the potential purchase are ongoing and it is expected that subject to the outcome of ground investigations, site abnormalities and other site constraints (planning related or otherwise), the outcome of these discussions along with Final Heads of Terms will be reported back to Executive Board when a mutually agreeable position has been established.
- 4.4.2 The proposed scheme would be subject to successful acquisition of the proposed school site by Leeds City Council, currently in the ownership of Arcadia Group Ltd. Planning permission would then need to be granted prior to the commencement of construction works. Once the feasibility stage was complete and the scheme proceeds to the detailed design phase, budgets would be realigned to reflect that all parties have agreed the final design and cost estimates, which would take account of site investigations and survey information, in accordance with standard project and risk management principles. Schemes would also be subject to relevant stakeholder consultation.
- 4.4.3 The funding provided by Central Government for this size of new school is estimated to be approximately £19.27m. The construction cost estimate, which excludes the cost of site acquisition, of the proposed scheme is anticipated to be circa £25-30m, and will be funded primarily through Basic Need Grant in addition to a combination of other funding streams including: council borrowing; Community Infrastructure Levy; and additional Central Government grant funding secured for this proposal amounting to approximately £3.6m. However, the precise funding packages would be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).
- 4.4.4 School Places Programme Board, chaired by the Director of Children and Families, provides strong cross council and corporate involvement to ensure that appropriate governance is applied to learning places schemes and it specifically approves individual scheme DCRs, along with any necessary Capital Risk Fund applications. Executive Board approved the establishment of a Capital Risk Fund to provide a mechanism which enables timely and proportionate responses to variations which are required to individual project budgets. Decisions by the Director of Children and Families to access the fund must be made with the prior approval of the Director of City Development and the Director of Resources & Housing, both of whom are Board members, and be in consultation with the appropriate Executive Members.
- 4.4.5 Executive Board is asked to approve 'provisional' Authority to Spend of £25-30m for this scheme. Once design freeze has been reached, School Places Programme Board will be asked to approve Authority to Spend for the scheme along with any necessary risk fund application, in line with the governance arrangements set out above.

## **4.5 Legal implications, access to information, and call-in**

- 4.5.1 The proposal would establish a new school under the free school presumption process, in accordance with the requirements of section 6a of the Education and Inspections Act 2006 and the guidance set out in 'The free school presumption departmental advice for local authorities and new school proposers' (May 2018).

The legislation that relates to this guidance includes The Education Act 2011, The Educations and Inspections Act 2006 and The Academies Act 2010.

4.5.2 This report is subject to call in.

## **4.6 Risk management**

4.6.1 The proposal to establish a new secondary academy free school within the boundary of a 2.7 hectare parcel of unused land close to Torre Road and Trent Road has been brought forward in time to allow places to be delivered for 2021. A decision not to proceed at this stage may result in a fresh consultation on new proposals, and places may not be delivered in time. It may also result in further bulge cohorts being delivered in other local schools which would be more costly in the longer term. The local authority's ability to meet its statutory duty for sufficiency of school places in the short term may be at risk.

4.6.2 There is also a corporate risk associated with failing to provide sufficient school/learning places in good quality buildings that meet the needs of local communities.

## **5. Conclusions**

5.1 Our ambition is to be the best city in the country. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough school/learning places, including SEND places, is one of our top priorities. This proposal has been brought forward to support learners in Leeds to benefit from being able to access a local secondary place and so delivering our vision of Leeds as a child friendly city.

5.2 A clear majority of respondents support the proposal to establish a new secondary free school on the Torre Road/Trent Road site. Respondents have also declared strong support for the proposed Resourced Provision SEND places. Concerns raised during consultation have been considered, and on balance, the proposal remains strong and addresses the need for school places in the area.

5.3 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of secondary provision for September 2021. There is evidence that an additional 17.5FE of year 7 places are required across parts of East Leeds over future years and, if implemented, this proposal would contribute towards addressing part of that need. The consultation on this proposal was robust, did not raise any major concerns and was popular amongst those that submitted a survey response. It is therefore recommended that approval for the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school is approved.

## **6. Recommendations**

Executive Board is asked to:

- a) Note the outcome of consultation on the proposal to establish a new 8 form entry (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16, including a Resourced Provision for young people with Autism Spectrum

Condition and Moderate Learning Difficulties, within the boundary of a 2.7 hectare parcel of unused land close to Torre Road and Trent Road, from September 2021;

- b) Approve the commencement of a free school presumption process under the terms set out in the Education and Inspections Act 2006 (section 6a), allowing the local authority launch a competition seeking to identify a preferred sponsor to run the new free school;
- c) Grant provisional approval for authority to spend (ATS) £25-30m to deliver the proposed new free school;
- d) Note that implementation of the proposal is subject to funding being agreed based on the outcome of further detailed design work and planning applications as indicated at section 4.4.2 of this report and that the proposal has been brought forward in time for places to be delivered for 2021; and
- e) Note the responsible officer for implementation is the Head of Learning Systems.

## **7. Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.