

**Report of the Director of Childrens & Families**

**Report to the Executive Board**

**Date: 22<sup>nd</sup> April 2020**

**Subject: Approval to Spend request for the Learning Places programme rebuild & expansion of Benton Park School**



Are specific electoral wards affected? If yes, name(s) of ward(s): Guiseley & Rawdon	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary**

**1. Main Issues**

- The purpose of this report is to update the Executive Board on the proposal to redevelop and expand the 11 to 16 provision at Benton Park School and seek 'approval to spend' for a capital expenditure sum of £28.5m from capital scheme number 32735/000/000. This will re-provide the main teaching block and expand the published admissions number (PAN) from 1,200 to 1,500 places with effect from September 2021.
- Re-development of Benton Park School is necessary to address legacy condition issues and provide supplementary accommodation for the proposed increase in pupil numbers effective from September 2021. This will increase the published admissions number from 245 pupils per year to 300. Expansion and refurbishment of the existing facility is not financially or logistically feasible, as such full replacement of the core teaching accommodation is the most economically viable solution long-term. The project proposes to retain one legacy block, for use as Sixth Form provision, and demolish the remainder. With this then being re-provided over a multi-phase construction programme, resulting in a new 1,500 place main teaching block aligned to Department for Education (DfE) standards and specifications. The scheme will ensure continuity of a SEN partnership base located on-site. This base will provide the same physical space as previous with potential to accommodate 30 SEN pupils. This accommodation is outside of the schools increased net capacity of 1,500 pupils.
- Following completion of the first phase of a competitive tender process, facilitated by the Local Education Partnership (LEP) and aligned to the DfE procurement model, BAM Construction Limited have been appointed as the 'preferred' contractor, having scored the

highest based on a 'price / quality' evaluation. BAM have now progressed into the 'Pre-Construction Services Agreement' (PCSA) phase, key activities from which include the submission of the planning application and progression of the design through to financial close. This 'Stage 2' tender submission will be subject to further review and rigour before the contract is entered into, with market testing evidenced by the contractor.

- The current construction programme presumes planning determination in May 2020 and a start on-site of 22<sup>nd</sup> June 2020. With the construction programme split into two consecutive phases; the first of which constructs the new 1,500 pupil occupancy teaching block on the sports pitches and the second phase demolishing the identified legacy accommodation and completion of the associated landscaping works. Phase One is due to commence on 22<sup>nd</sup> June 2020 and complete on 23<sup>rd</sup> August 2021, it will ensure sufficiency of accommodation for the commencement of the September 2021 academic year. Phase Two will run until 30<sup>th</sup> June 2022, with all the works then due for completion for the commencement of the September 2022 academic year, bar any sports pitch maturation periods.
- Planning was submitted on 17<sup>th</sup> February 2020 and is scheduled for determination in May 2020, prior to financial close and signing of the construction contract.
- Due to the constrained construction programme, placed under further pressure by the escalation of the condition issues with the legacy accommodation which have resulted in school shut downs in February 2020, it is necessary to secure 'approval to spend' of the identified scheme budget of £28.5m in advance of financial close. This will ensure that once the 'Stage 2' tender has been reviewed and ratified by the Authority's independent technical and financial consultants, NPS Leeds. Ltd., the award of the contract can be enacted, in-line with the critical path programme dates, at the approval of the Director of Childrens & Families, in consultation with the Executive Member for Learning, Skills and Employment, the Director of City Development and the Director of Resources and Housing via the School Places Programme Board.
- The impact of the Covid-19 pandemic on project risk, programme and cost is currently unknown, this is being actively managed by the Project Team to ensure the scheme remains within the tolerances outlined herein.

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

- This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.
- This contributes to the 2019/2020 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2018-23, 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

## **3. Resource Implications**

- Development of the wider scheme is due to complete on the 26<sup>th</sup> May 2020 when financial close is scheduled. The tender was competitively assessed by Norfolk Property Services Limited (Leeds) where confirmation was provided that the BAM Construction Limited bid offered value to the Authority. Design development has since taken place and will be

subject to future analysis and a separate tender acceptance report. Deviation from this cost, within tolerance, is expected as the design details are completed.

- The proposed full scheme figure of £28.5m, sought for 'approval to spend' within this report' is inclusive of all development costs, design fees, the full extent of the construction contract, decant costs, utilities, loose furniture & equipment, off-site Highways works, client held contingency etc. The project team will work within the advised budget and ensure this is not exceeded.
- Note, following completion of the competitive tender the Authority entered into a PCSA agreement with the Leeds Local Education partnership for BAM Construction to complete the detailed design phase up to financial close. A fee of £1,380,965.40 is applicable to this period, with £150,000 payable upon submission of the planning application. These costs are included within the cost envelope of BAM's winning tender submission. The PCSA, coupled with the early design development fees of £444,372.33, represents an exposure of £1,822,411.33 to the Authority to date on the Benton Park School redevelopment project.
- The cost will be met through capital scheme number 32735 000 000 as part of the Learning Places Programme and the Capital Maintenance Programme.

#### **4. Recommendations**

The Executive Board is requested to:

- a) Set the overall project budget for the redevelopment of Benton Park School at £28.5m and provide 'approval to spend' on this figure, subject to future design cost reports and approvals at the appropriate juncture. Noting that the figure of £28.5m is inclusive of all aspects of the project, including; the construction contract figure, off-site highways works, client held contingency, furniture and equipment, decant costs, service connections etc.
- b) Delegate the approval of future design and cost reports associated with the redevelopment of Benton Park School to the Director of Children's & Families, in conjunction with the School Places Programme Board and in consultation with the Executive Member for Learning, Skills and Employment.
- c) Note the programme dates identified in section 3.2 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.
- d) Note that the officer responsible for implementation is the Head of Service Learning Systems.

## **1.0 Purpose of this report**

### **1.1. The purpose of this report is:**

- To update the Executive Board on the first phase of the Benton Park School re-development tender process.
- Seek approval to set the holistic project budget at £28.5m and provide 'authority to spend' on this figure, subject to submission of future design and cost reports.
- Seek delegation of future approvals to the Director of Childrens & Families, in conjunction with the School Places Programme Board and in consultation with the Executive Member for Learning, Skills and Employment.

## **2.0 Background information**

- 2.1. The Learning Places programme represents the Council's response to the demographic growth pressures in school place provision. The increasing birth rate in Leeds has required Leeds City Council to approve an increasing number of new school places since 2009 in order to fulfil its statutory duty. The scale of the response cannot be met through the existing estate; therefore the expansion of existing schools or the creation of new schools has been required in many instances. The capital school building solutions to the demographic need is managed via Childrens & Families Learning Places Programme. Project management of schemes arising from this process are delivered by City Development's Projects & Programmes Team in Asset Management and Regeneration.
- 2.2. Following identification of pressures in the North West area of Leeds a public consultation was held between 29<sup>th</sup> June and 27<sup>th</sup> July 2018 to propose increasing the admission number at Benton Park School, from 245 places per year to 300 per year with effect from September 2021. This statutory proposal was subsequently ratified by Executive Board in February 2019.
- 2.3. The proposed scheme for Benton Park School is a full rebuild of the school. The school has significant condition issues and, along with the key benefit of providing the additional places needed, a rebuild would ensure that the school could continue to operate without the need to continually inject significant condition funding over a period of several years. Some of the most significant condition issues present include failing concrete and structural supports. The latest Condition Survey for Benton Park, last revised in 2015, highlights that approximately £2.4m of high priority maintenance work is required. However, this figure does not encompass some of the lower priority works, which were also identified in the survey, and are now becoming more pressing, along with new condition issues arising or legacy issues worsening. It also takes no account of where some of the blocks are no longer fit for purpose and require re-building. Finally, it should be noted that, as the building has reached the end of its lifespan, it cannot be fully repaired and restored, merely maintained year-on-year. A new build would also ensure that disruption to students, school staff and the wider community was managed within a shorter timeframe and that the impact on teaching and learning was minimised to allow the school to deliver its curriculum and ensure positive outcomes for its students.
- 2.4. As a consequence of the ongoing condition issues with the building, funding has been committed from the Capital Maintenance Programme to provide essential year-on-year maintenance works, necessary to ensure the building can remain open and is safe to occupy. This has included; roofing works in 2015, structural works in 2016, concrete repairs in 2017 and again in 2018. The main block was closed for two weeks in February 2020 due to high winds and rain causing the roof to become unsecure. Reactive emergency works were immediately commissioned by the Authority to secure the site and to remove unsafe and redundant roofing materials. Works are currently underway to replace the damaged roof to ensure the building is safe, warm and watertight. This further highlights the urgency

in redeveloping Benton Park School to ensure continuity of service and suitability of the facilities. The Authority will continue a programme of planned and reactive works, where necessary, during the period until the new build is occupied.

- 2.5. The existing main block at Benton Park School is subject to ongoing monitoring by specialist surveyors to ensure the identified issues do not deteriorate further. This process will continue throughout the redevelopment programme to ensure the legacy accommodation can be occupied, with any works identified to maintain this position undertaken as necessary.
- 2.6. The proposed scheme is to be funded from a combination of the Learning Places and Planned Maintenance Programmes, reflecting the increase in admission numbers whilst addressing existing building condition issues. Funding streams would be primarily through Basic Need Grant, council borrowing, Community Infrastructure Levy and School Condition funding.
- 2.7. As a consequence of the combination of school expansion and condition based rebuild the proposal at Benton Park School will be delivered under the following programmes; Learning Places Programme & Capital Maintenance Programme.
- 2.8. The proposal to redevelop and expand Benton Park School has been developed by City Development's Projects & Programmes Team on behalf of Childrens & Families. Under the exclusivity arrangements detailed within the Strategic Partnering Agreement (SPA) the Leeds Local Education Partnership have been appointed to deliver the proposals for Benton Park School.
- 2.9. The proposal detailed within this report have been procured under the Strategic Partnering Agreement (SPA) between the LLEP and Leeds City Council. The associated procurement rules applied to this process has been adhered to. The exclusive supplier arrangements, detailed under CPR 3.1.5, have been invoked in this instance. Construction contracts developed through the SPA are delivered by Leeds D&B One Ltd., with the winning bidder acting as subcontractor to the LLEP via a pass-down contract.
- 2.10. To ensure value the LLEP facilitated a 'Department for Education' style procurement exercise, wherein contractors were invited to propose solutions set against a standardised set of specifications coupled with a school specific brief, constraints drawing and a formal response from Leeds City Council Planning Department following review of the pre-application planning process. The project was then tendered on a 'design & build' basis, with the preferred contractor appointed after the first phase and then ratified in the second, following submission of a compliant and competitive set of contractors proposals. Three bidders were invited to tender for project with engagements held with the school during the tender period, in addition to consultation with the Planning Department, to ensure that each proposed design responded to the 'end user' requirements. Each submission was then evaluated on a 'Price / Quality' basis, via a panel consisting of the General Manager of the LLEP, Leeds City Council Project Manager and NPS technical consultants (Architectural & Quantity Surveyor). Any bid exceeding £26m for the construction element was immediately discounted as non-compliant, this clause was not required with all three contractors providing a competitive and compliant bid.
- 2.11. Each bidder's submission was subject to a full technical and financial review by NPS Leeds Ltd. to ensure compliance to the specification, school specific brief and robustness of the price build-up. NPS have advised that the preferred tender, from BAM Construction Ltd., is fully compliant and that they should be appointed to the project to develop their proposals further.
- 2.12. Following completion of the 'Stage 1' tender BAM Construction Limited were appointed as preferred contractor. In January 2020 they commenced the 'Pre-Construction Services Agreement' (PCSA) activities, valued at £1,380,965.40. The key tasks of which were

submission of the planning application and the completion of detailed design up to financial close. The latter will then be assessed by Norfolk Property Services Limited (Leeds) for value and technical compliance as part of the 'Stage 2' tender activities.

- 2.13. Development of the scheme continued between January 2020 and February 2020, culminating in the public pre-planning consultations and submission of the planning application on the 17<sup>th</sup> February 2020. Detailed design is to continue, in-line with the PCSA agreement, whilst the planning application follows the statutory determination process. Determination of which is anticipated for May 2020.
- 2.14. The proposals for Benton Park School continue to be developed in conjunction with the school management team and associated statutory consultees, in-line with accommodation standards detailed within 'Building Bulletin 103: Area Guidelines Mainstream Schools'.
- 2.15. These proposals form part of the Council's Learning Places Programme and Capital Maintenance Programme that embeds the 'One Council' approach in terms of shared ownership of proposed solutions across the various departments involved.

### **3.0 Main Issues**

#### **3.1. Design proposals and full scheme description**

- 3.1.1. The works at Benton Park School, necessary to facilitate the proposed increase in pupil numbers and address legacy condition issues, consists of the following essential components;
  - Demolition of life expired accommodation, including for removal of asbestos and disconnection of utilities.
  - Construction of a three storey 1,500 place teaching block to replace all legacy accommodation and provide additional capacity for the increased admissions number. Proposed new accommodation is to be based on Department for Education standardised designs and specifications, including for mandatory Leeds enhancements and response to Planning Policy regarding climate change.
  - Re-provision of the SEN Partnership for pupils aged 11 to 16.
  - Provision of fixed furniture and equipment where appropriate.
  - Redevelopment of external car parking provision including realigned bus terminal.
  - Provision of a new FA standard 3G artificial turf pitch with associated floodlighting.
  - Retention of the two storey 'Block 7' for use as a dedicated Sixth Form provision. Works within the project relate purely to disconnection of legacy facilities and reconnection to the newly constructed main block. This allows for extension of the fire alarm and security coverage.
  - Associated landscaping and external works.
  - Off-site highways works as necessary to support the redeveloped school.
- 3.1.2. The planning application for the proposed works was submitted on the 17<sup>th</sup> February 2020 and is scheduled for determination in May 2020. Prior to submission, briefings were held with the Executive Member for Learning, Skills and Employment and Ward Members for Guiseley and Rawdon. In addition a number of public pre-planning drop-in sessions, held at Benton Park School, were completed on the 29<sup>th</sup> January 2020. Constituting a morning, afternoon and evening session. Throughout the pre-planning consultation period the

proposals were made available online via BAM Construction Limited's planning consultant for residents and members of the community to view and comment on. Additional sessions were held specifically for school staff.

- 3.1.3. Procurement & Commercial Service will provide legal and contractual support with the drafting of the construction contract at the appropriate juncture. This will take the form of a NEC3 contract between LCC and D&E One Co. (the LLEP). Signing of the head contract will be subject to the evidence of the agreed 'step-in' requirements being enacted in all the pass down contracts.
- 3.1.4. Due to a combination of the legacy condition issues causing school closure and the increase in pupil numbers, with effect from September 2021, BAM Construction Limited have been challenged to deliver Phase One of the redevelopment, constituting the new teaching block, for August 2021. Whilst achievable this remains a challenging timeline which leaves little room for delays. To ensure the critical path is met it is necessary to attain 'approval to spend' on the holistic project budget, set at £28.5m, and to delegate future approvals to the Director of Childrens & Families. This will allow for expedited approval of the final 'Stage 2' tender figures and completion of the construction contract, necessary to ensure that the work on-site starts on-time from 22<sup>nd</sup> June 2020.
- 3.1.5. To date £1,822,411.33 has been committed to the project to enable its development, constituting; professional services fees, surveys and other essential development costs.
- 3.1.6. Any delay to a July 2020 commencement of construction activities will have a multiplying affect at the back end of the programme. Due to the necessity of whole school decant it is not possible to relocate into the new block outside of a lengthy school shut down period, optimally the summer break in 2021.

## 3.2. Programme

3.2.1. The key milestones for the project are noted below;

Milestone	Date
'Virtual' Plans Panel	May / June 2020
Approval of 'Authority to Spend'	22 <sup>nd</sup> April 2020
Planning permission granted	May 2020
Final 'Contractor's Proposals' issued	26 <sup>th</sup> May 2020
Tender Acceptance & Design Cost Report	June 2020
Contract award	8 <sup>th</sup> June 2020
Mobilisation period	8 <sup>th</sup> June to 19 <sup>th</sup> June 2020
Start on-site	22 <sup>nd</sup> June 2020
Phase 1 build period (New Block)	22 <sup>nd</sup> June to 3 <sup>rd</sup> September 2021
Phase 1 decant period	23 <sup>rd</sup> August to 3 <sup>rd</sup> September 2021
Phase 1 completion	3 <sup>rd</sup> September 2021
Phase 2 build period (demolition & externals)	6 <sup>th</sup> September to 4 <sup>th</sup> July 2022
Phase 2 completion	4 <sup>th</sup> July 2022

- 3.2.2. Approval of 'authority to spend' and delegation of future approvals is vital to ensure the critical path dates noted above are met and the school delivered for decant in August 2021 and occupation by pupils in September 2021.
- 3.2.3. Note, the formal timetable for Plans Panel has been interrupted by the outbreak of the Covid-19 Pandemic. Planning are looking at means of hosting these virtually and it is anticipated that Benton Park will be required to be table at one of these forums. The assigned Planning Officer is contacting Ward Members to determine the necessity for the application to be taken to Plans Panel, it is highly anticipated that this will be the case at this juncture.

- 3.2.4. Failure to meet the critical path dates noted and, crucially, the August 2021 handover of Phase One will exponentially increase the probability of temporary decant accommodation being required. The cost for this is currently unknown and will be logistically challenging and complex to deliver due to the lack of space at Benton Park School during the construction programme. Wherein the legacy accommodation is maintained whilst the new build is constructed on the playing fields, there is little remaining capacity in which to deploy temporary accommodation such as modular classrooms.
- 3.2.5. Note; the programme detailed in section 3.2.1 reflects the position prior to the outbreak of the Covid-19 pandemic and the lockdown measures imposed on the 23<sup>rd</sup> March 2020. Whilst the project team is endeavouring to meet these dates, with no impact on the detailed design period noted by the contractor as of 24<sup>th</sup> March 2020, they remain a guide at this time. The critical path remains as such and will be targeted regardless of a delayed start or the impact upon availability of labour and materials.

## **4.0 Corporate considerations**

### **4.1 Consultations and engagement**

- 4.1.1. A report to Executive Board on the 13<sup>th</sup> February 2019 summarised the outcome of the consultation process associated with the expansion, via rebuild, of Benton Park School. This proposed the expansion of Benton Park School from an admissions limit of 245 pupils up to 300 pupils, with effect from September 2021. An extensive consultation on this proposal was facilitated by the Sufficiency & Participation Team and is summarised in the 'Outcome of Statutory Notice to permanently increase learning places at Benton Park Secondary School from September 2021' Executive Board report. The proposal was subsequently approved by Executive Board at the aforementioned February 2019 meeting.
- 4.1.2. The proposed permanent expansion scheme has been subject to consultation with key stakeholders including; Childrens & Families officers, Guiseley & Rawdon Ward Members and the Executive Member for Learning, Skills and Employment. Consultation has also involved school staff and governors, the local residents and other colleagues within the Council.
- 4.1.3. Engagement and consultation with the school management team and Governing Body has been extensive throughout project development. Representation of the School Management Team has been present at all design development meetings. Both the School Management Team and representation from the Governing Body were part of the tender scoring process. Further to this full briefing so the Governing Body have been completed as necessary upon request.
- 4.1.4. Consultation with statutory consultees, namely Planning, Landscape, Highways and Urban Design, has been ongoing since project inception and will continue following award of the project to BAM Construction Limited. The scheme has been subject to a pre-planning application, the information arising from this process has been included within the tender pack with the expectation that each contractors bid is cognisant of, and responds to, the concerns raised.
- 4.1.5. As part of the tender process each bidder, including the preferred bidder BAM Construction Limited, held an engagement with Planning, Landscape, Highways and Urban Design. These comments were responded to within the bid and were used as part of the quality assessment.
- 4.1.6. Prior to the submission of the planning application a full public consultation on the proposals was convened and managed by BAM Construction Limited and their associated professional consultant partners. This took place on the 29<sup>th</sup> January 2020 across three



sessions and included access to an online portal wherein the full planning drawing suite could be viewed.

- 4.1.7. Officers from City Development's Projects & Programmes Team have routinely briefed Ward Members throughout the projects inception. This will continue throughout the detailed design process and ultimate delivery on-site.

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

- 4.2.1. The recommendations contained in this report do not have any direct nor specific impact on any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared for this scheme (attached at Appendix A) and the outcome of the screening is that an independent impact assessment is not required for the proposals set out in this report.

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

- 4.3.1. This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.
- 4.3.2. This contributes to the 2019/2020 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2018-23. , 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

#### 4.4. **Climate emergency**

- 4.4.1. Full sustainability proposals will be developed in detail as part of the next stage of design and, ultimately, included within the planning application in order to meet the requirements of the associated planning policies, such as EN1 and EN2.
- 4.4.2. Requirements to meet the following planning policy requirements were included as part of the Authority's tender requirements.

a) Policy EN1 – Climate Change – Carbon Dioxide Reduction

In the expectation that the development will exceed 1,000m<sup>2</sup> of floor space the following will be required:

- i. Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and
- ii. Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

b) Policy EN2 – Sustainable Design & Construction

Adhere to the Leeds BREEAM standard of 'Excellent' for non-residential buildings. A BREEAM pre-assessment is to be undertaken at the earliest available opportunity to determine the most cost effective solutions to this requirement.

c) Policy EN8 – Electric Vehicle Charging Infrastructure

All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:

- ii. Office / Retail / Industrial / Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.

d) The project should respond to the sustainable travel policies outlined in the 'Leeds Core Strategy', particularly in reference to the following:

- i. Policy T1 – Transport Management
- ii. Policy T2 – Accessibility requirements and new developments
- iii. Policy P10 – Design

Noting the requirements outlined in the 'Parking SPD', 'Travel Plan SPD' and 'Sustainable Educational Travel Strategy for Schools and Colleges 2017 – 2021'.

4.4.3. BAM Construction Limited have implemented a 'fabric first approach' to meeting these criteria, wherein the construction methodology maximises the performance of the components and materials that make up the building. This ensure the building is as passively energy efficient as possible in its operation, before mechanical and electrical solutions are utilised to supplement and further improve this criteria. Examples of this in action include; maximising air tightness, high insulation, utilising the thermal mass of the building etc. This is then supplemented, where necessary, with active measures, such as photovoltaic panels.

4.4.4. Further opportunities to exceed the requirements noted within Planning Policy EN1 are being sought in partnership with the Authorities Climate Change Team.

4.4.5. A sustainable approach to design will continue into the next phase of development to ensure a cost effective and resource efficient facility is delivered. The following elements will be considered as the proposals and logistical plans developed:

- Optimises passive design measures, including fabric first principles.
- Minimises the use of all resources.
- Reducing the demand for energy and water use during the 'Works Period' and in use.
- Minimises construction waste and CO<sub>2</sub> emissions during the 'Works Period'.
- Allows opportunities for recycling during the 'Works Period'.

4.4.6. The contractor 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 seeking to employ local trades where possible thus reducing the impact of extended travel.

4.4.7. The following standard planning conditions will be addressed as the project develops:

- Development of the school 'Travel Plan' to seek sustainable travel options, the project will respond to the requirements of the Travelwise Team and colleagues from Highways to ensure appropriate pedestrian and cycle provisions are allowed for.
- To protect and enhance the visual amenity approved plans will need to include a programme of replacement tree planting at a 3:1 ratio. Tree loss will be kept to a minimum with any replacement anticipated to be 'extra heavy standard'.
- In the interests of promoting sustainable travel opportunities electrical vehicle charging points will be provided as part of the scheme at the appropriate ratio.

4.4.8. Consultation will be sought at the earliest opportunity with the Leeds Climate Commission to assess opportunities for meeting the aforementioned policies, and ensuring a sustainable project is developed.

#### 4.5. **Resources, procurement and value for money**

4.5.1. The contractor has been appointed via the Strategic Partnering Agreement (SPA) between the LLEP and Leeds City Council. The associated procurement rules applied to this process has been adhered to. The exclusive supplier arrangements, detailed under CPR 3.1.5, have been invoked in this instance.

4.5.2. The first phase of the tender has been analysed by NPS Leeds Ltd. on behalf of the Authority and the LLEP, from both a technical and financial perspective. The NPS Quantity Surveyor has confirmed that the tendered figure from Leeds D & B One Ltd, via BAM Construction Limited, offers value to the Authority and minimises the associated scheme risk.

4.5.3. NPS Leeds Ltd. will provide the necessary technical advisory services to assure that the construction works carried out by BAM Construction Limited is aligned with the requirements of the brief, meets the standards set in the output specification, offers value financially and is delivered within the parameters of the programme.

4.5.4. A 'Tender Acceptance & Design Cost Report' for the full scheme budget will be submitted following completion of 'Stage 2' of the tender scheduled for late May 2020. This will build on the 'Stage 1' tender price following completion of the PCSA activities and will represent the final contract sum for constructing the building.

4.5.5. Potential labour resource availability and procurement delays as a consequence of the Covid-19 pandemic are currently being investigated, regardless the programme and cost tolerances noted within this report remain the critical path and every endeavour will be made by the project team to adhere to them.

4.5.6. Note, in the event the project is terminated midway any costs incurred as part of the PCSA fee will be assigned as abortive work against the revenue budget. This will cover professional fees and surveys completed to the date of termination. The PCSA figure is part of the tender price and is drawn down early to facilitate design development and commercial close.

4.5.7. The cost will be met through capital scheme number 32735 000 000 as part of the Learning Places Programme and the Capital Maintenance Programme.

#### **4.6. Revenue Effects**

4.6.1. Any additional revenue consequences that may arise as a result of the project will be managed within the school budget.

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

4.7.1. The approval of this report constitutes a 'Key Decision' and as such will be subject to 'call-in'.

4.7.2. The tender has been procured in accordance with the Leeds City Council's contract procedure rules.

#### **4.8. Risk management**

4.8.1. The outbreak of the Covid-19 pandemic and imposition of lockdown measures on the 23<sup>rd</sup> March 2020 remain an escalating risk to the project, whilst it is too early to assess the full impact of this virus on project success every endeavour is being made by the Project Team to manage this risk and ensure the scheme remains within the tolerances outlined herein.

4.8.2. Risk has been managed through application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' risk methodology. Project management resource from City Development is tasked with ensuring the project remains within the predetermined risk tolerances.

4.8.3. A joint risk log will be developed with the appointed contractor to ensure all construction related risks for the project are identified together with the relevant owner of the risk. The Council's project risk log will continue to be maintained and updated throughout the project and escalation of any risks that sit outside of the agreed tolerances will be managed via the Head of Projects and Programme, City Development.

4.8.4. The key risk to the project at present remains the potential for delay. BAM Construction Limited's programme is predicated on works commencing on 22<sup>nd</sup> June 2020 in order to facilitate handover of Phase One in August 2021. Any delay in signing the construction contract will have a cumulative effect at the back end of the programme and result in critical noisy activities taking place in term time, as opposed to the summer holidays. This will result in disruption to the end user and the need for temporary accommodation to cover the delay period. Approval of 'authority to spend' is critical to mitigate this risk, by providing approval of the £28.5m project budget in advance of financial close it will allow a swifter turnaround time for future reports. Thus ensuring the critical path is met.

#### **5.0 Conclusion**

5.1.1. Re-development of the Benton Park School site is necessary to respond to the ongoing, and economically unsurmountable long-term, conditions issues and the increase in admissions numbers effective from September 2021. The latter will increase the published admissions number from 245 pupils to 300, bring the total school population (excluding Sixth Form) to 1,500 pupils. Due to the site constraints it is not possible to provide the necessary additional accommodation outside of a whole-sale rebuild.

5.1.2. Following completion of 'Stage 1' of a two stage tender exercise BAM Construction Limited have been appointed to deliver the expansion and redevelopment of Benton Park School. Their bid was predicated on an August 2021 handover of Phase 1 of the new build, this is a challenging but not unrealistic timeline providing no major delays are encountered.

5.1.3. In order to ensure the critical path programme dates are met, and Phase One of the redevelopment open in August 2021, it is essential to provide 'authority to spend' on the

proposed project budget of £28.5m. This will allow future reports to be approved in-line with the construction programme, thus ensuring the key dates can be met.

- 5.1.4. To ensure that rigour and value are maintained throughout this process Norfolk Property Services Limited (Leeds) will undertake financial and technical review of the 'Stage 2' tender submission from BAM Construction Limited, due in 26<sup>th</sup> May 2020. This will provide a robust third party analysis of the proposal and will ensure value is achieved for the Authority.
- 5.1.5. The impact of the Covid-19 pandemic on the successful delivery of the project is subject to continual monitoring and mitigation measures, the overall risk remains an unknown at present however the Project Team are taking every step to ensure the project remains within the critical path and funding tolerances detailed herein.
- 5.1.6. The delivery of the works at Benton Park School will be managed by City Development's Projects & Programme's Team in Asset Management and Regeneration on behalf of Childrens & Families in conjunction with the joint venture partners (NPS), the Leeds Local Education Partner (LLEP), BAM Construction Limited, the school and other key stakeholders.

## **6.0 Recommendations**

- 6.1. The Executive Board is requested to:
  - 6.1.1. Set the overall project budget for the redevelopment of Benton Park School at £28.5m and provide 'approval to spend' on this figure, subject to future design cost reports and approvals at the appropriate juncture. Noting that the figure of £28.5m is inclusive of all aspects of the project, including; the construction contract figure, off-site highways works, client held contingency, furniture and equipment, decant costs, service connections etc.
  - 6.1.2. Delegate the approval of future design and cost reports associated with the redevelopment of Benton Park School to the Director of Children's & Families, in conjunction with the School Places Programme Board and in consultation with the Executive Member for Learning, Skills and Employment.
  - 6.1.3. Note the programme dates identified in section 3.2 of this report, in relation to the implementation of this decision, represents the critical path for project success and must be adhered to where possible.
  - 6.1.4. Note that the officer responsible for implementation is the Head of Service Learning Systems.

## **7.0 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.