

Report of the Project Manager

Report to the Head of Service Learning Systems

Date: 6th August 2020

Subject: Design & Cost Report for Package #02 of 'Early Works' required to facilitate the Learning Places development of the East Leeds Free 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 type="checkbox"/> Yes <input checked="" 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 seek approval to incur capital expenditure of £498,890 from capital scheme number 33177 / EAS / 000 for the completion of package two of essential 'Early Works' necessary to deliver the Learning Places Programme construction of the new East Leeds Free School.
- This report seeks approval for a second package of 'early works' comprising essential preparatory work on-site and design fees. These works are critical to prepare the East Leeds Free School site for commencement of the formal construction programme on the 26th October 2020, following the signing of the construction contract.
- There is a need for additional secondary school places arising from population growth in East Leeds and other districts that have a close association with this area of the city. Current projections indicate that up to 17.5 forms of entry (525 places) of additional places are likely to be required across these combined areas by 2023/24. There is also an identified shortage of SEND places in East Leeds. This demand cannot be fully addressed by expanding existing secondary schools, therefore, it was proposed to establish a new eight form entry secondary free school for pupils aged 11-16, including a 'Resourced Provision' for approximately 30 pupils with specially education needs. As such land within the area of need, namely the Arcadia Group fields off Torre Road, is to be purchased to facilitate the construction of a new 1,200 place secondary school and 30 place special

educational needs, constructed to Department for Education (DfE) standards and specifications.

- Following identification of the need for a new secondary school a competition was undertaken, under section 6A of the Education and Inspections Act 2006, to identify a suitable sponsor for the 'free school presumption'. Applications to run the school were sought from high quality sponsors with have a proven track record of improving educational attainment for children and young people, including those vulnerable to poor learning outcomes, within a fully inclusive environment. Following completion of this exercise, and adjudication by the Regional School Commissioner (RSC) for Lancashire and West Yorkshire, Trinity Multi-Academy Trust were appointed to run the proposed new school.
- Development of the proposed 'free school presumption' has been undertaken with the Leeds Local Education Partnership, with Galliford Try PLC as the appointed construction partner. The proposals have been developed in-line with the Department for Education's standardised designs and specification. Upon appointment of the sponsor the Trinity MAT have been included within all engagements and have tailored the proposals to meet their curriculum model.
- The 'Early Works' identified within this report are to be deducted from the final construction contract value as they represent essential works brought forward from the overall construction programme. Completion of the 'Early Works' programme, consisting of three separate approval reports of which this is the second, will accelerate key pre-construction activities including site preparation, enabling works and critical design services and surveys. Due to the fixed deadline of September 2021 for opening to the first cohort of 240 pupils it is vital to complete the works identified herein to ensure the site is prepared for a seamless transition into full construction once the contract has been signed on the 23rd October 2020.
- The works detailed within this report relate to pre-construction activities only, with no tasks being completed or structures formed that require planning permission to be in place. Determination of the planning application is scheduled for 3rd August 2020.
- 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

- To date £1,839,552 has been committed to the project to enable its development through to financial close, constituting; professional services fees, the 'Pre-Construction Services Agreement', surveys and other essential development costs. Subject to approval of the 'Early Works' package detailed herein this exposure will increase to £2,338,442.
- The cost will be met through capital scheme number 33177 / EAS / 000 as part of the Learning Places Programme.

4. Recommendations

The Head of Service Learning Systems is requested to:

- a) Sanction the requirement to enter into an 'Early Works' agreement with the LLEP for Galliford Try PLC to deliver the second package of the 'Early Works' programme necessary to meet the critical path programme for construction of the East Leeds Free School. This will take the form of an 'Early Works' agreement between the authority and Leeds D&B One Ltd for the sum of £498,890.
- b) Approve the expenditure of £498,890 from capital scheme number 33177 / EAS / 000 for the completion of the 'Early Works' programme at East Leeds Free School.
- 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.

1.0 Purpose of this report

1.1. The purpose of this report is:

- To provide background information and detail to the Head of Service Learning Systems on the second package of 'Early Works' necessary to adhere to the construction programme for the construction of the East Leeds Free School.
- Contextualise the associated cost and risk implications of the second 'Early Works' package, both in terms of the construction programme but also wider Learning Places Programme obligations.
- To seek authority to enter into an 'Early Works' agreement with the LLEP to deliver the second 'early works' package, consisting of earthworks, early procurement and design fees, required to facilitate the 'Early Works' programme and a seamless transition to the contract period.
- To seek authority to incur expenditure of £498,890 to continue the delivery of the 'Early Works' programme for the East Leeds Free School.

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 & Regeneration.
- 2.2. There is a need for additional secondary school places arising from population growth in East Leeds and other districts that have a close association with this area of the city, such as central inner city residential zones and the Inner North. Current projections indicate that up to 17.5 forms of entry (525 places) of additional places are likely to be required across these combined areas by 2023/24. There is also an identified shortage of SEND places in East Leeds. This demand cannot be fully addressed by expanding existing secondary schools, therefore, it was proposed to establish a new 8 form entry (FE) (1,200 place / 240 pupils per year group) secondary free school for pupils aged 11-16, including a 'Resourced Provision' for approximately 30 pupils who may also have a diagnosis of Autism Spectrum Condition (ASC), in inner East Leeds from September 2021.
- 2.3. In recognition of this requirement and following on from a detailed site search across East Leeds, part of the 17.6ha Arcadia site was identified as the preferred site due to; its mixed-use allocation in the Site Allocations Plan, its location in relation to the area of demand, its location close to several local primary schools, its location in relation to the number of allocated housing sites within a 3 mile radius of the site and its potential to accommodate a new 8FE secondary school alongside the potential for Specialist Education Provision (SEN)
- 2.4. In March 2019, Executive Board approved the commencement of negotiations with the Arcadia Group for the acquisition of the 2.77ha of playing field at their Torre Road / Burton Road site to address part of the 17.5Fe requirement across inner east Leeds identified up to 2023/24. Discussions continued with the Arcadia Group culminating in a further request to the Executive Board in May 2020 to approve the Authority entering into Heads of Terms and provide 'authority to spend' on the land purchase price (detailed within a confidential appendix). Purchase of the land is now complete and fully in Leeds City Council ownership.

- 2.5. Under section 6A of the Education and Inspections Act 2006 (the 'free school presumption'), where a local authority identifies the need to establish a new school it must, a proposal was brought forward by Leeds City Council to establish an Academy School on the Arcadia land. Following approval at the September 2019 Executive Board permission was granted to run a 'free school presumption' in order to identify a suitable sponsor for the East Leeds Free School. Applications to run the school were sought from high quality sponsors with have a proven track record of improving educational attainment for children and young people, including those vulnerable to poor learning outcomes, within a fully inclusive environment.
- 2.6. Bids to run the new free school were submitted and assessed by the Council on a points based scoring system. The outcome of this was reported to the Regional School Commissioner (RSC) for Lancashire and West Yorkshire, on behalf of the Secretary of State, who considers the Local Authority assessments and recommendations before deciding which proposer is in the best position to take the new school forward. Following completion of this process the Regional Schools Commissioner has determined that the bid presented by Trinity MAT was the most suitable in this instance. They have since been formally appointed as the sponsor. Once in place Trinity MAT have been included fully within the design development process, with the proposals subsequently being refined to conform to their curriculum model.
- 2.7. The proposal to deliver the new East Leeds Free School on the Arcadia Group land 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 East Leeds Free School.
- 2.8. 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. Following completion of a competitive tender exercise Galliford Try Plc. have been appointed as principal contractor for delivery of the East Leeds Free School scheme.
- 2.9. The proposal to deliver the proposed East Leeds Free School off Torre Road has been subject to ongoing development since January 2020. Within this period the planning application was submitted on the 4th May 2020, following an online public pre-planning consultation, instigated in response limitations as a consequence of the Covid-19 lockdown. Detailed design has continued, in-line with the 'Pre-Construction Services Agreement' (PCSA) agreement, whilst the planning application follows the statutory determination process. All statutory consultees have responded to the application and the consultation element of the planning process has now been completed.
- 2.10. The proposals for the East Leeds Free 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' and 'Building Bulletin 104: SEND and Alternative Provisions Guidelines'.
- 2.11. 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.
- 2.12. The 'early works' programme is vital to ensure the project is completed for occupation in September 2021. Due to the accelerate development of the project and fixed deadline for completion it is essential to undertake a programme of 'early works' to ensure the essential accommodation is available when required. This report represents the second of three

approvals necessary to deliver the 'early works' programme, the first was approved on the 29th July 2020 (DDN reference D52163) at a value of £470,798.

3.0 Main Issues

3.1. Design proposals and full scheme description

3.1.1. The second package of 'Early Works' at the East Leeds Free School, necessary to ensure the construction programme for the proposed expansion, consists of the following essential components:

- Continuation of cut and fill exercise.
- SFS design and associated steelwork.
- Mechanical & Electrical procurement
- Preliminaries
- Design fees

3.1.2. Where early procurement of materials is sought payment will be subject to verification of vesting certificates and validation by NPS Leeds Ltd. in their role as client side quantity surveyor.

3.1.3. The estimated cost of the first package in the 'Early Works' Programme is £498,890. This includes; preliminaries and associated costs of £165,284, groundworks at £287,500, and £46,105.75 in design and contractor fees. This represents the second of three 'early works' packages, the first was approved (D52163) on the 29th July 2020 at a value of £470,798. The wider scheme development costs will be subject to a separate report issued at financial close providing information on the main build projects. However, the costs detailed herein represent costs that form part of the wider project cost plan and have simply been accelerated in-line with the critical path delivery programme. They are not new or previously unknown costs.

3.1.4. To date £1,839,552 has been committed to the project to enable its development through to financial close, constituting; professional services fees, the 'Pre-Construction Services Agreement', surveys and other essential development costs. Subject to approval of the second 'Early Works' package detailed herein this exposure will increase to £2,338,442.

3.1.5. A planning application for the proposed works was submitted on the 4th May 2020 and has a target determination date of 3rd August 2020. Prior to submission briefings were held with Ward Members and a virtual public pre-planning drop-in sessions was convened. The latter was in response to Covid-19 lockdown restrictions, the online consultation was advertised to a wide catchment area via a leaflet drop and the documents were held online for a sustained period to allow sufficient time for comment and review utilising the identified channels. A number of community groups, identified by Local Ward members, were also consulted

3.1.6. Extensive consultation with Planning, Highways, Landscape Design and Urban Design was undertaken throughout the design development of the proposed East Leeds Free School. The application submitted to Planning is a culmination of this consultation and addresses all the concerns raised as much as is practical.

3.1.7. Briefing sessions have been held with the Ward Members on the 11th March 2020 and 29th June 2020, these will continue as development on the project progresses.

3.1.8. Procurement & Commercial Service have been appointed to provide legal and contractual support with the drafting of the construction contract. This will take the form of a NEC3 'head' contract between LCC and D&E One Co. (the LLEP), who will in-turn have a 'pass down' contract with Galliford Try Plc. 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.

3.1.9. Any delay to the continuation of construction activities beyond the 14th August 2020 will have a multiplying affect at the back end of the programme. This will result in the hard deadline of the first phase of the building, providing critical accommodation for 240 Year 7 pupils as of September 2021, will not be achieved. This will result in the requirement for temporary accommodation procured at an unknown cost and location. The design proposals developed by Galliford Try are predicated on the critical accommodation being available at this juncture. The volume of 'Phase One' accommodation has been determined in conjunction with an educational specialist consultant in dialogue with the 'end user'. The scale of this requirement cannot be further reduced without impact on the school's ability to deliver the educational curriculum.

3.2. Programme

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

Milestone	Date
Approval of 'Early Works' package #01	29 th July 2020
'Early Works' order placed	3 rd August 2020
Planning Permission Target Determination	3 rd August 2020
Approval of 'Early Works' package #01	w/c 10 th August 2020
Final cost plan issued	2 nd October 2020
LCC / LLEP / NPS tender review	2 nd October to 16 th October 2020
Approval of final scheme DCR	w/c 19 th October 2020
Main contract award	23 rd October 2020
Main contract 'start on-site'	26 th October 2020

3.2.2. Approval of package two of the 'early works' programme is vital to ensure the critical path dates noted above are met and the school delivered for occupation by pupils in September 2021.

3.2.3. This approval will cover the period up until the first week of September 2020, a third and final design cost report will cover the period up until financial close and enactment of the contract.

3.2.4. The 'early works' programme will overlap with the main contract period for a short period of time to ensure continuity on-site, in order to ensure there is no down time wherein work on site stalls.

3.2.5. 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 the Torre Road site during the construction programme. Once the site welfare and construction zones are factored in there is little remaining capacity on the Torre Road site in which to deploy temporary accommodation, such as modular classrooms.

3.2.6. 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 23rd March 2020. Whilst the project team is endeavouring to meet these dates the programme dates remain a guide at this time and are subject to changes due to local lockdowns or a second wave of the virus. 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 19th May 2020 summarised progress to date with respect to both the purchase of the Torre Road fields from the Arcadia Group and the free school presumption process and associated competition to appoint the sponsor. Approval was granted at this juncture provided 'authority to spend' on the costs associated with the land purchase and to enter into 'Heads of Terms'. These tasks have been subject to separate consultation processes to the development of the new school building.
- 4.2. Commencement of the 'free school presumption' process has been subject to its own consultation process, culminating in a report to the Executive Board in September 2019. Wherein permission was granted to run a 'free school presumption' in order to identify a suitable sponsor for the East Leeds Free School. Applications to run the school were sought from high quality sponsors with have a proven track record of improving educational attainment for children and young people, including those vulnerable to poor learning outcomes, within a fully inclusive environment. Adjudication of the bids has been determined in consultation with the Regional School Commissioner (RSC) for Lancashire and West Yorkshire, on behalf of the Secretary of State.
- 4.2.1. The proposed permanent expansion scheme has been subject to consultation with key stakeholders including; Childrens & Families officers, Burmantofts & Richmond Hill Ward Members and the Executive Member for Learning, Skills and Employment. Consultation has also involved school staff, the local residents and other colleagues within the Council.
- 4.2.2. Representation from the Multi-Academy Trust, Trinity MAT, have been present at all design development meetings following their appointment.
- 4.2.3. Consultation with statutory consultees, namely Planning, Landscape, Highways and Urban Design, Public Rights of Way etc. has been ongoing since project inception and will continue throughout the project lifetime.
- 4.2.4. Prior to the submission of the planning application a full public consultation on the proposals was convened and managed by Galliford Try and their associated professional consultant partners. This was held virtually due to the lockdown following the Covid-19 pandemic. Leaflets were issued to local residents in a wide radius around the school, with interested parties then directed to an online portal where the drawings were held. Contact details were also provided, with any comments collated by the Planning Consultation and addressed within the proposals where appropriate.
- 4.2.5. 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.

4.3. Equality and diversity / cohesion and integration

- 4.3.1. 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.

4.4. Council policies and the Best Council Plan

- 4.4.1. 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.
- 4.4.2. 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.

4.5. Climate emergency

- 4.5.1. 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. The works detailed herein are preparatory and procurement tasks and as such do not deliver the aims detailed below, as these are part of the main construction element of the project delivered upon completion of the full scheme. The 'early works' period will however contribute to points 4.5.5 and 4.5.6 noted below.
- 4.5.2. 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 1,000m² 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'.

- 4.5.3. Galliford Try 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.
- 4.5.4. Further opportunities to exceed the requirements noted within Planning Policy EN1 are being sought in partnership with the Authorities Climate Change Team.
- 4.5.5. 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 CO₂ emissions during the 'Works Period'.
 - Allows opportunities for recycling during the 'Works Period'.
- 4.5.6. 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.
- 4.5.7. 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.

4.5.8. Due to the location of the Torre Road fields the opportunity exists to connect the new secondary school facility to the 'Leeds Pipes' district heating network. Early engagement has been held with the 'Leeds Pipes' Team and every endeavour is being made to ensure the new building is part of this network.

4.6. **Resources, procurement and value for money**

4.6.1. The estimated cost of the first package in the 'Early Works' Programme is £498,890. This includes; preliminaries and associated costs of £165,284, groundworks at £287,500, and £46,105.75 in design and contractor fees. This represents the second of three 'early works' packages, the first was approved (D52163) on the 29th July 2020 at a value of £470,798. The wider scheme development costs will be subject to a separate report issued at financial close providing information on the main build projects.

4.6.2. The cost will be met through capital scheme number 33177 / EAS / 000 as part of the Learning Places Programme.

4.6.3. Any materials procured as part of the 'early works' package will be subject to vesting certificates and independent verification by NPS Leeds Ltd. prior to any request for payment being approved.

4.6.4. Completion of the works detailed herein is essential to prepare the site for the proposed construction programme and ensure that the construction project commences in-line with the programme, noting the critical date of 1st September 2021 for essential accommodation to facilitate the increased intake for the commencement of the 2021/22 academic year.

4.6.5. 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.

4.6.6. Note, the current financial exposure for the project, excluding the approvals sought herein, is £1,839,552. This covers all scheme development fees and expenses through to financial close excluding costs associated with the 'Early Works' package detailed herein. This figure constitutes the following; professional services fees, the 'Pre-Construction Services Agreement', surveys and other essential development costs. Subject to approval of the 'Early Works' package detailed herein this exposure will increase to £2,338,442.

4.7. Capital Funding & Cash Flow

Previous total Authority to Spend on this scheme	TOTAL	TO MARCH				
	£000's	2020 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023 On £000's
LAND (1)	0.0					
CONSTRUCTION (3)	361.0		361.0			
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	0.0					
OTHER COSTS (7)	109.8		109.8			
TOTALS	470.8	0.0	470.8	0.0	0.0	0.0
Authority to Spend required for this Approval						
	TOTAL	TO MARCH				
	£000's	2020 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023 On £000's
LAND (1)	0.0					
CONSTRUCTION (3)	452.8		452.8			
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	46.1		46.1			
OTHER COSTS (7)	0.0					
TOTALS	498.9	0.0	498.9	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)						
	TOTAL	TO MARCH				
	£000's	2020 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023 On £000's
Basic Need Grant	969.7		969.7			
	0.0					
Total Funding	969.7	0.0	969.7	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Number: 33177/000/000

Title: Basic Need Expansions 2021/22

4.8. Revenue Effects

4.8.1. No revenue consequences are anticipated to arise from the proposals described in this report.

4.9. Legal implications, access to information and call-in

4.9.1. The approval of this report constitutes a 'Significant Operational Decision' and as such will not be subject to 'Call-In'.

4.9.2. There are no other legal implications or access information issues arising from this report.

4.10. Risk management

4.10.1. The requirement to complete this second package of 'Early Works' is essential to ensure the construction programme is met for the development of the new East Leeds Free School, with respect to delivering the critical 'phase one' accommodation for September 2021. The items included are limited to pre-commencement activities, with no construction work that cannot be undone taking place on-site other than preparatory work for the site construction compound prior to planning permission being granted. If the works detailed herein do not commence as per the programme in section 3.2 there will be a commensurate delay in the completion of the main construction programme and additional unknown cost will be incurred to ensure sufficient accommodation is available to allow the East Leeds Free School to open for the commencement of the 2021/22 academic year.

4.10.2. As planning determination is still awaited, target date of the 3rd August 2020, no permanent construction activities will take place or structures formed prior to this being in place. The

works detailed within this report are limited to procurement of key materials, pre-construction activities and site preparation works.

- 4.10.3. The outbreak of the Covid-19 pandemic and imposition of lockdown measures on the 23rd 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.
- 4.10.4. 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.
- 4.10.5. 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.

5.0 Conclusion

- 5.1. Construction of the East Leeds Free School is critical to the Authority's strategy in ensuring sufficiency of places for the commencement of the September 2021 academic year. As it is not possible to accommodate the pupils within other schools in the locality it is critical that the new school is available for opening to meet this demand. Key to this is the completion of the 'early works' detailed herein, which will ensure that the site is prepared ready for delivery of the full construction programme and handover of the 'phase one' accommodation in-line with the critical path.
- 5.2. The 'early works' package completes critical pre-commencement activities and establishes a site presence, in addition to key design services and surveys. The programme cannot be met if these activities are not completed as advised, this will result in delay and a requirement for temporary accommodation to be provided on-site at an unknown location, scale or cost.
- 5.3. 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.
- 5.4. The delivery of the East Leeds Free 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), Galliford Try, the school and other key stakeholders.

6.0 Recommendations

- 6.1. The Head of Service Learning Systems is requested to:
 - 6.1.1. Sanction the requirement to enter into an 'Early Works' agreement with the LLEP for Galliford Try PLC to deliver the second package of the 'Early Works' programme necessary to meet the critical path programme for construction of the East Leeds Free School. This will take the form of an 'Early Works' agreement between the authority and Leeds D&B One Ltd for the sum of £498,890.
 - 6.1.2. Approve the expenditure of £498,890 from capital scheme number 33177 / EAS / 000 for the completion of the 'Early Works' programme at East Leeds Free School.

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.

7.0 Background documents¹

7.1. None

¹ 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.