

**Report of Director of Childrens and Families and the Director of City Development  
Report to Executive Board**

**Date: 19<sup>th</sup> May 2020**

**Subject: East Leeds Secondary Place Provision – Proposed completion of Purchase of land at Torre/Trent Road from Arcadia**

Are specific electoral wards affected? If yes, name(s) of ward(s): Burmantofts and Richmond Hill	<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: 10.4(3) Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Summary

### 1. Main issues

- This report provides Executive Board with an update on the current position with the potential purchase of the unused playing field land that forms part of the Arcadia site at Torre Road (2.77ha) and the design development undertaken to date that has informed the potential layout and positioning of a 8 form of entry (8Fe) school on the unused playing field land. The report also updates on the works undertaken to date following the approval to commence a free school presumption 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.
- In addition, this report sets out the revised Heads of Terms as part of a confidential appendix associated for the proposed purchase of the unused playing field land that forms part of the Arcadia site from Redcastle (Freeholds) Ltd who are part of the Arcadia Group Ltd and seeks Executive Board approval to the Heads of Terms and seeks permission to exchange and complete contracts for the acquisition of the land by the 31<sup>st</sup> July 2020.
- Since 2009, Leeds City Council has created over 11,500 primary school places across the city in response to rising birth rates which increased from 7,500 per year

in 2001 to a peak of 10,350 in 2012. For the academic year starting in September 2018, a total of 1,600 new primary learning places were created to meet the continued demand.

- As children move through from primary into secondary school, the demand for secondary places is starting to rise. In east Leeds a combination of population growth and extra demand generated by planned new housing means that a new 8-form-entry secondary school is required to ensure that the additional demand for places can be met.
- As expected, over the last 2 years these increasing pupil numbers have begun to move through primary into secondary school with 8,881 Year 7 places initially allocated for the year 2018/19 (a rise of over 500 children in 3 years) and 9151 children initially allocated a place in 2019/20, with projections indicating that this trend will continue. In addition the gradual move away from Outer North East schools as the preferred option for some inner east Leeds families is adding further pressure on the need for school places in this area, as these schools become more popular. This has in part been addressed by schools admitting pupils over their Pupil Admission Numbers (PAN) or through expansion, however current projections for 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, identify the requirement for 17.5Fe by 2023/24, of which this scheme will deliver 8Fe.
- 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.
- In March 2019 Executive Board approved the recommendation for the Council entering into negotiations with the Arcadia Group Ltd for the purchase of unused playing field land at Torre Road (with the final Heads of Terms being presented back to Executive Board at a future point in time once a mutually agreed position has been reached) for the delivery of a new 8Fe secondary school in East Leeds from September 2021. Negotiations with Arcadia have progressed to the point where an agreed position between both parties has been agreed and the Heads of Terms have been signed off by Arcadia's Board. Legal instructions have been given and both parties are progressing with the relevant paperwork to allow the purchase to complete by 31<sup>st</sup> July 2020.
- The consultation on a proposal to establish a new 8Fe (1200 place - 240 per year group) secondary free school for pupils aged 11-16, within the boundary of the 2.77 hectare parcel of unused playing field land at Torre Road and Trent Road, took place between 10 June and 7 July 2019. The outcome of the consultation was reported to Executive Board on the 18<sup>th</sup> September 2019 and approval to commence a free school presumption was secured.

- Alongside both the Heads of Terms negotiations and the free school presumption, a viability study for the layout of the proposed school was produced by the Leeds Local Education Partnership provider (LLEP) who have an exclusivity agreement in place with the Council for the delivery of secondary school provision. The viability study alongside site surveys and ground investigation have been further developed into concept and detailed design proposals which are now in a position to be submitted for planning approval before the final design layout can be finalised and design freeze reached.
- All of the above workstreams around the Heads of Terms, free school presumption and design development are complex and challenging within their own right, however all are complementary and an essential element of the delivery of the new 8Fe secondary school for East Leeds. In order to maintain the delivery programme to open the new secondary school for September 2021, the approval to the Heads of Terms and exchange and completion of the contracts for purchase are now required to ensure the school opens for the start of the 2021 academic year.

## **2. Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)

- 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'

## **3. Resource Implications**

- The delivery of the new east Leeds secondary school on the Arcadia site requires the Council to purchase the land in order to ensure that the new school delivered in time for the school opening in September 2021. The site is located in the area of high demand for the provision of new secondary school places and no other sites were identified – private or Council owned that could meet the criteria for a secondary school site in terms of its size.
- To date a significant amount of design and site investigation time and fees (all totalling c£400k) has been invested to ensure that a scheme is developed and detailed to the point where it is now capable of securing planning approval and being delivered from a technical viewpoint. It is essential to move forward utilising the progress made to date and secure the site, following the submission of the planning application on the 1<sup>st</sup> May.
- The recently announced Basic Need funding provided by Central Government for secondary school places is £17,564.21. For an 8Fe secondary school this equates to just under £21.1m. 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: Community Infrastructure Levy; and additional Central Government grant funding secured for this proposal (Free School Presumption

Grant funding of £3.82m based on £3.82k per pupil. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).

- The risk of not progressing would risk the Council's Free School Presumption Grant allocation of £3.82m, which is realised upon the conclusion of the free school presumption and opening of the site for September 2021. In addition, further extension to the programme will almost certainly result in the requirement for temporary accommodation for a period of at least one (potentially two) year at a significant cost (potentially circa of £3m/year) to the Council.

## Recommendations

Executive Board is recommended to:

- i) Note the progress made to date regarding: the negotiations with Arcadia Group Ltd for the purchase of part of their site for a new secondary school in East Leeds; the free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6A) and the design development of the scheme to date;
- ii) Approve the Council entering into the final Heads of Terms for the acquisition of 2.77ha of the unused playing field land at Torre Road owned by Arcadia Group Ltd from REDCASTLE (FREEHOLDS) LIMITED who are part of the Arcadia Group Ltd., for the new east Leeds secondary school, and authorise the Director of City Development use his delegated powers to approve the exchange and completion of the contract for the land purchase by the 31<sup>st</sup> July 2020;
- iii) Approve 'authority to spend the amount detailed in the confidential appendix on the purchase of the playing field land at Torre Road owned by Arcadia Group Ltd.

### 1. Purpose of this report

- 1.1 The purpose of this report is to bring together three interconnected and complementary workstreams that have been progressed following Executive Board approval to enter into negotiations with the Arcadia Group Ltd, for the potential acquisition of part of their site at Torre Road for the creation of the new east Leeds secondary school.
- 1.2 The report sets out the current position with regards to each workstream, which are:-
  - The outcome of the negotiations with Arcadia Group Ltd resulting in approval from Arcadia Board to enter in to the final Heads of Terms and to seek to exchange and complete contracts by the 31<sup>st</sup> July 2020;
  - The free school presumption and the current position around the competition to seek a sponsor to operate the school and
  - The design development undertaken to date including site surveys, ground investigations and proposed layouts leading to the development of scheme proposals in preparation for a planning submission at the beginning of May and the high level programme associated with the delivery of the scheme.
- 1.3 The report then sets out the rationale for the requirement for the Council to enter into the final Heads of Terms with Arcadia Group Ltd for the purchase of the 2.77ha of unused playing field land at Torre Road, to ensure the delivery of the new East Leeds secondary school opens for September 2021.

### 2. Background information

- 2.1 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, in inner East Leeds from September 2021.

- 2.2 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).
- 2.3 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.
- 2.4 The approval to commence negotiations with Arcadia regarding the purchase of 2.77ha of their land led to Children & Families Directorate publishing the Statutory Notice and a consultation for the opening of a new 8Fe school on the Arcadia site. The outcome of the consultation was reported to Executive Board on the 18<sup>th</sup> September 2019 and at that Board the recommendation to run a free school presumption was approved.
- 2.5 The remaining projected shortfall in capacity is expected to be met through smaller scale temporary and permanent expansion of some existing schools. The proposal does not include post-16 provision as no need has been identified.

### **3.0 Main issues**

#### **3.1 Development of Final Heads of Terms**

- 3.1.1 Following Executive Board approval to commence negotiations with Arcadia for the purchase of the 2.77ha identified for the new east Leeds secondary school, a regular dialogue with Arcadia Group Ltd was established. Members will recall that there are limited site options that have been identified to deliver a school requirement in the local area. Alternative options (over 20 sites) that have been considered and discounted on the basis of excessive land assembly costs, location close to area of demand and site capacity include :
  - The former Seacroft Hospital site
  - Land adjacent to Fearnville leisure centre
  - The former Killingbeck Police Station site
  - Wades Dog and Gun site
- 3.1.2 In order to establish clear parameters around which the negotiations could take place and an appropriate purchase price for the land to be established, two independent valuations were undertaken, using the draft Heads of Terms as the starting point. Our valuation advice is required in respect of potential alternative uses. The valuation advice was required specifically on the assumption that the site can be developed as per its allocation for mixed-use in the Site Allocations Plan. In

addition two potential considerations for that development was considered as follows:-

1. Market Value of the site assuming residential use on normal terms and at normal densities.
  2. Market Value of the site assuming any other reasonably achievable alternative use.
- 3.1.3 The outcome of the valuations gave both parties a starting point in trying to negotiate the potential purchase price for the land and has subsequently resulted in the drafting of the new Heads of Terms, which have been presented to and signed off by the Arcadia Group Board. The new Heads of Terms are attached as part of the Confidential Appendix (Appendix A).

### **3.2 Free School Presumption**

- 3.2.1 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, in the first instance, seek proposals to establish an academy. Leeds City Council has identified the need to establish a new secondary school in East Leeds to open in September 2021 and must seek applications to open the school from high quality sponsors who 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.
- 3.2.2 Following Executive Board approval to run a free school presumption, in September 2019, the Council prepared its School Specification Document for the 'Proposed New Secondary Free School in East Leeds' in October 2019. The document was uploaded on to the Council website to advertise the free school presumption to potential sponsors.
- 3.2.3 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 forward the new school. The RSC will inform the local authority and the successful proposer of its decision, and the local authority will inform any unsuccessful proposers.
- 3.2.4 The current position to date is that the unsuccessful bidders have been informed by the Council.
- 3.2.5 The successful bidder has yet to be formally announced by the Regional Schools Commissioner however the Council have announced the winning bidder via its website as Trinity MAT – a Wakefield based multi academy trust.

### **3.3 Design Development**

- 3.3.1 Following confirmation of the Arcadia site as the proposed location of the 'East Leeds Free School' in January 2020 a design and contractor team was assembled via the Leeds Local Education Partnership (LLEP), under the terms of their exclusivity arrangements detailed within the Strategic Partnering Agreement (SPA). Utilising competitive tender data Galliford Try Plc were identified as principal

contractor with Watson Batty Architects acting as principal designer. All parties were briefed on the requirement to deliver a 1,200 place 11 to 16 secondary school with a dedicated 30 place SEN resource provision. The accommodation for which was defined by the area schedules within 'Building Bulletin 103 – Area Guidelines for Mainstream Schools' and 'BB104 - Area guidelines for SEND and alternative provision'. To accelerate design development, and streamline the design period, the proposed school was to be based on a variant of the Department for Education (DfE) baseline school designs adapted to reflect the specific site parameters and topography.

3.3.2 Following completion of the initial ground investigation and survey package in February 2020 it became apparent that a number of site restrictions existed that would critically inform the design process. The critical considerations were as follows, which have been addressed within the design as it has developed:

- Site topography. The site is set across two large plateaus constituting the former Arcadia works playing pitches, with the areas adjacent banking up and around them. Careful positioning of the building and supporting facilities was critical to minimise bulk earth works, necessity for retaining structures and removal of spoil from site.
- Mine workings. Half of the site, running parallel with Trent Road, is defined as a Coal Authority 'development high risk area'. As such the building and core facilities have been planned to ensure that the complex works, foundations for the main building, are located on the northern plateau. Which avoids the bulk of the high risk zone as possible, which predominantly covers the southern plateau. This has reduced the requirement for ground stabilisation and complex foundation design. The proposed 3G artificial turf pitch has been located on the mine workings zone, as this facility has a low impact on the ground conditions.
- Highways access limitations. The site is bordered on two sides by Torre Road and Trent Road, with the latter being a private road utilised principally for the Arcadia Group's haulage traffic. As such access into site is only possible at the bottom right position where the levels are acceptable. Extensive consultation has taken place with LCC Highways to determine the best solution to delivering an access point in this locality, and this is reflected in the current proposals.

3.3.3 The project will deliver a 1,200 place secondary school with a 30 place SEN resource provision, included within the main building footprint, based on the DfE 'fingerblock' design. This provides a U-shaped building with teaching accommodation split across two multi-storey wings connected by a hall, dining and admin function at the base of the 'u-shape'. Externally the site layout will take advantage of the constraints noted above to provide a long boulevard up to the main building at the rear of the site. This will be tree-lined and flanked by the car and bus parking and the FA standard 3G all-weather pitch, with the latter provided to mitigate the lack of sports pitch availability. Additionally, to meet the Council's 'climate change' mandate the building will be connected to the 'Leeds Pipes' district heating network. The proposed high level scheme for the new 8Fe secondary school is attached at Appendix B.



- 3.3.4 In response to the critical path opening date of September 2021 for the first cohort of 240 pupils the proposed design is to be delivered in two phases. The first of which is intended to provide critical teaching, administration, welfare and supporting facilities necessary to enable the school to open for its first cohort. Which effectively requires the delivery of 60% of the building. The remainder, which equates to the three storey wing, will follow as part of phase two which will be required to be complete for the commencement of the 2022/23 academic year.
- 3.3.5 The programme for delivery of the 'East Leeds Free School' at Arcadia is being delivered within a tight timescale alongside the site development issues identified above. However, the project team are fully aware of these challenges and the scheme has been specifically tailored from the outset to respond and meet these targets. Critical to the delivery is the approval of the planning application, this is scheduled for submission on the 1<sup>st</sup> May 2020 and must be determined within the statutory period in order for the project to meet its critical path delivery dates. Extensive consultation has taken place with planning, and their statutory consultees, throughout the development phase and the project has directly responded to all the concerns raised, where practical.
- 3.4 The delivery timeline for the new school in time for September 2021 was always extremely challenging, from the original identification of the Arcadia site and the presentation of the draft Heads of Terms to Executive Board in March 2019. As such the workstreams below around the free school presumption and the design development have been progressed simultaneously to ensure that the high level programme for the school opening in September 2021 can be achieved.
- 3.5 The recently announced Basic Need funding provided by Central Government for secondary school places is £17,564.21. For an 8Fe secondary school this equates to just under £21.1m. 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: Community Infrastructure Levy; and additional Central Government grant funding secured for this proposal (Free School Presumption Grant funding of £3.82m based on £3.82k per pupil. However, the precise funding packages would be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).
- 3.6 The risk of not progressing would risk the Council's Free School Presumption Grant allocation of £3.82m, which is realised upon the conclusion of the free school presumption and opening of the site for September 2021. In addition, further extension to the programme will almost certainly result in the requirement for temporary accommodation for a period of at least one (potentially two) year at a significant cost (potentially circa of £3m/year) to the Council. Hence the critical nature of the approval to the Heads of Terms and completion of the purchase by the 1<sup>st</sup> July 2020, as set out in the Confidential Appendix.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 A report to Executive Board on the 18<sup>th</sup> September 2019 summarised the outcome of the consultation process associated with the creation of a new 8Fe secondary school on the 2.77ha of the Arcadia site at Torre Road. An extensive consultation on this proposal was

facilitated by the Sufficiency & Participation Team and is summarised in the 'Outcome of Statutory Notice associated with this proposal.

- 4.1.2 The proposed scheme has been subject to consultation with key stakeholders including; Childrens & Families officers, Burmantofts and Richmond Hill Ward Members and the Executive Member for Learning, Skills and Employment.
- 4.1.3 Consultation with statutory consultees, namely Planning, Landscape, Highways and Urban Design, has been ongoing since early project inception and will continue following award of the project to the appointed contractor.

## **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 C) 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.

### **Climate Emergency**

- 4.3.3 There will be some unavoidable negative effects during construction, such as embedded carbon involved with materials, construction traffic etc. Leeds City Council will work with the Contractor to explore opportunities to reduce carbon emissions in line with the Council's climate emergency targets and will advise on this and the details of any measures they take to minimise carbon emissions, including effectively managing waste and transporting plant and goods through recycling of materials.
- 4.3.4 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.
- 4.3.5 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'.

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

4.3.7 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'.
- 4.3.8 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.
- 4.3.9 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.
- 4.3.10 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.

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

- 4.4.1 The purchase of the Arcadia site will ensure that the Council meets its statutory duty to provide a sufficiency of school places, within the locality of the identified pressure for September 2021. Maintaining this programme will ensure that works undertaken to date are not abortive and there will be no requirement for temporary accommodation.
- 4.4.2 The scheme brought forward will be tendered competitively and market tested according to the Council's procurement rules.
- 4.4.3 The Council's specification for the delivery of school places is aligned to the Education Skills Funding Agency (ESFA) specification plus the Council's insurance requirements which will deliver close to the DfE's cost per pupil rate. This specification is now used as the standard specification for all school expansions and new build schemes.

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

- 4.5.1 The processes that have been and will be followed are in accordance with the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 4.5.2 This is a key decision and is eligible for call-in.
- 4.5.3 The information contained in the Confidential Appendix attached to this report relates to the financial or business affairs of the Council and/or another organisation. It is considered that the release of such information would or would

be likely to prejudice the Council's commercial interests in relation to other similar transactions. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4(3) of the Access to Information Procedure Rules.

- 4.5.4 The Council may complete the acquisition by virtue of Section 120 of the Local Government Act 1972 which covers acquiring land for "benefit, improvement or development" of the Council's area, or for the purposes of any of the Council's functions

## **4.6 Risk management**

- 4.6.1 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.
- 4.6.2 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.
- 4.6.3 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.
- 4.6.4 The key risk to the project at present remains the potential for delay. The programme relies on a planning submission on the 1<sup>st</sup> May and the exchange and completion of contracts by the 31<sup>st</sup> July 2020. Any delay in the above will have a cumulative effect at the back end of the programme and potentially impact on the Councils ability to claim the basic need grant funding and the lack of a sufficiency of school places in the area. In addition it may result in disruption to the end user and the need for temporary accommodation to cover the delay period at the Council's cost.

## **5 Conclusions**

- 5.1 It is clear that there is a need to put in place additional secondary school places to meet the increased demand in Inner East Leeds. An additional 8Fe is required by September 2021. Agreeing the recommendations outlined in this report will enable the Council to move forward with the delivery of a new school on land purchased from Arcadia. This new provision will ultimately provide 8Fe of additional places plus SEN provision to help address the need identified.

## **6 Recommendations**

- 6.1 Executive Board is recommended to:

- i) Note the progress made to date regarding: the negotiations with Arcadia Group Ltd for the purchase of part of their site for a new secondary school in East Leeds; the free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6a) and the design development of the scheme to date;
- ii) Approve the Council entering into the final Heads of Terms for the acquisition of 2.77ha of the unused playing field land at Torre Road owned by Arcadia Group Ltd from REDCASTLE (FREEHOLDS) LIMITED who are part of the Arcadia Group Ltd., for the new east Leeds secondary school, and authorise to the Director of City Development to use his delegated powers to approve the exchange and completion of the contract for the land purchase by the 31<sup>st</sup> July 2020;
- iii) Approve 'authority to spend the amount detailed in the confidential appendix on the purchase of the playing field land at Torre Road owned by Arcadia Group Ltd.

## **6 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.