

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cabinet</b>	
MEETING/ DECISION DATE:	<b>6<sup>th</sup> June 2024</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3541</b>
TITLE:	Culverhay – Education Provision supporting the Safety Valve	
WARD:	Odd Down	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 – B&NES Council obligations to meet DfE requirements Appendix 2 – Equalities Impact Assessment		

### 1 THE ISSUE

Provision of in district additional education placements for children with Special Educational Needs and Disabilities (SEND) and those requiring Alternative Provision (AP) is a core requirement within the Safety Valve. The Department for Education (DfE) have now announced and confirmed funding for two new schools for Bath & North East Somerset.

To be eligible for funding the Council need to confirm to DfE the availability of a site within B&NES to locate the two facilities. Culverhay (former Bath Community Academy School) has remained held for educational purposes since its closure in 2018, is well located to meet the needs of the district and can accommodate both provisions efficiently within part of the available site.

### 2 RECOMMENDATION

**The Cabinet is asked to;**

**2.1 Approve in principle the deployment of the Culverhay site for continued educational use to provide;**

- (1) SEND Free Special School contracted with Three Ways Academy Trust**
- (2) Alternative Provision School contracted with Midsomer Norton Schools Partnership Trust**

**2.2 Approve in principle the use of surplus land for housing delivery.**

### **2.3 Approve £200K for a Culverhay Re-provision for Project Feasibility Team from Schools Improvement Basic Needs Grant.**

### **2.4 Delegate**

- (1) the decision on preferred delivery option to officers in consultation with portfolio holders and the Cabinet Member for Resources.**
- (2) The decision on commitments to fund abnormal costs and additional requirements from Council Basic Need and SEND grant funding to the Director of Education in consultation with the Section 151 Officer.**

## **3 THE REPORT**

### **3.1 120 Place SEND Special Free School**

In relation to the new Special Free School - the DfE held a tender process and shortlisted the interested MATS/SATS in conjunction with the Local Authority. The shortlisted MATS/SATS were interviewed by a panel including Rosemary Collard who had an input into our views on the MATS/SATS following the interviews. The DfE then appointed Three Ways SAT which was signed off by the Secretary of State.

### **3.2 55 Place Alternative Provision School**

The application process for the AP Free School involved the Local Authority and their chosen partner, Midsomer Norton Schools Partnership (MNSP) Trust, submitting a joint application to the DfE. This was followed by a detailed interview with the DfE, and in March 2024 the Local Authority and MNSP Trust were informed that their application for an AP Free School in B&NES had been successful.

3.3 The current offer from the DfE is to deliver the construction of both schools directly. B&NES will be required to provide the cleared, enabled site, meeting any costs that are outside the normal specification prescribed within Building Bulletin 104. DfE expect vacant possession in early 2025 with the site fully vacated and levelled (demolition) ready for handover (construction) later in the same year.

3.4 To proceed, the Council now needs to confirm the site and make available for this education purpose. Culverhay is still held for educational purpose, having not been applied for release by the Secretary of State. Following exhaustive searches, it is proposed to redeploy Culverhay for the current educational needs of the district.

3.5 SEND Free School and AP Alternative Provision School meet differing educational needs so shared facilities are limited. This in itself is subject to agreement between the two contracted trusts who will need autonomy over their school operations. The SEND Free School is the only provision suited for shared community leisure provision and the current plan also now incorporates a hydrotherapy pool. Proposal for the site may consolidate parking and hard play areas for the AP school to release surplus land for housing subject to its determination for development through the normal planning processes.

3.6 Using surplus land for future housing supply supports the Council's core priority to provide the right homes in the right places and make a positive contribution to the supply of affordable homes as part of the Council housing building programme.

#### **4 STATUTORY CONSIDERATIONS**

4.1 This decision required in order to deliver the Safety Valve

4.2 Under section 14 of the Education Act 1996, Local Authorities have a statutory duty to ensure that special educational provision is made for pupils who have special educational needs (SEND). The Council's priorities are set out in the SEND Education Strategy and Action Plan 2021-2024 in relation to increasing the local provision for children and young people with SEND. The council are committed to delivering local education SEND placement sufficiency and reduce unsustainable costs driven by out of county placements and travel.

4.3 Officers will follow the B&NES internal "surplus land" process and obtain the Secretary of State consent before any alternative use or disposal of surplus land be made.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

##### **5.1 Capital Finance**

The cost of delivering the two schools to the DfE's standard specification is met by the DfE. The Council will be required to fund all abnormal & additional requirements it sets beyond those set out in BB104 (See Appendix 1 for B&NES obligations). The cost of these requirements is currently not known, but there is Council Provisional Capital Programme with unallocated £18m Basic Needs - School Improvement / Expansion and £4m Special Education Needs & Disability (SEND) Education Provision of £4m. It is estimated these will be sufficient to provide for liabilities arising and other key safety valve proposals. Expenditure for demolition itself will only be committed when feasibility is established. The Council will also earmark any potential capital receipt for Educational Purposes to replenish these sources, but only if and when this is realised.

##### **5.2 Revenue**

The costs of holding the Culverhay site of utilities, rates, maintenance works and security will continue to be a pressure on Corporate Estate budgets until the point of site clearance and redevelopment, with diminishing opportunity for rental income from meanwhile uses including Jagannatha Temple, MSN Schools Trust and Film Office hire of facilities. The net deficit cost in 2023-4 was £158,000. In addition, the temporary warehousing of heritage assets in these redundant facilities will cease and any higher rents absorbed within the heritage business plan.

Alternative Education Provision currently undertaken at the site need to be re-located during demolition and construction of new facilities and potential higher cost, however, once new provision is created savings will

arise from SEND and AP provision and are part of Councils Safety valve plan being agreed with the DfE.

## **6 RISK MANAGEMENT**

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

6.2 A detailed project Risk Register has been established to progress the actions of this decision.

## **7 EQUALITIES**

7.1 A Health Impact Assessment / EQIA has been undertaken using the Council EIA Template (appendix 2)

7.2 Scheme proposals for the new schools will be developed to be inclusive to all addressing needs of those with protected characteristics.

7.3 The risk that the loss of the sports hall will have an impact on the health and wellbeing of the local community can be mitigated via the new SEND school providing a new sports hall when open which has the potential to operate as a community sports facility (subject to negotiation with the MAT/SAT).

## **8 CLIMATE CHANGE**

8.1 The site currently has an extremely poor EPC rating; flat roofs, poor fabric insulation and oil-fired boilers. A development of this nature would provide the opportunity to build 'fabric first' purpose-built facilities to meet our current policy requirement. The site sits adjacent to green belt and as yet has not been valued for biodiversity, but the proposals will be developed to meet the Council's Biodiversity Net Gain (BNG) obligations.

8.2 It is understood that the DfE will fund to Net Zero Building Standards and an assessment will be needed if any further enhancement is required to adhere to Council Policies.

## **9 OTHER OPTIONS CONSIDERED**

9.1 Following the successful bid for the new free special school the DfE informed the LA that there would be no further progress until a suitable site for the new school had been identified. we worked closely with the allocated DfE representative, and the government agency LocatED. LocatED were tasked with working with Local Authorities where no site had been identified. Following extensive investigation looking at availability of land in the areas of Keynsham, Chew and the Keynsham side of Bath and working with B&NES planners no suitable site could be identified as deliverable within the required funding timescale other than the use of the Culverhay site as outlined here.

## 9.2 Leisure provision

The current leisure facilities including the sports hall, fitness areas, outdoor courts and gym are operated by GLL on behalf of the council. The site does operate at a deficit. The swimming pool, which has been closed since Covid-19 restrictions were in place, has not been reopened due to high energy and chemical costs, cost of maintaining it and historical low usage.

## 9.3 Fitness Facilities

The Council and GLL have committed to investment opportunities at Odd Down Sports Ground with new fitness facilities and padel tennis courts. As such many current facilities at Culverhay will be provided at Odd Down Sports Ground. Odd Down Sports Ground is less than 1 mile from the Culverhay site. Current usage data suggests that 75% of users of the Culverhay Leisure facilities live in Odd Down with easy access to the Odd Down Sports Ground facilities.

## 9.4 Sports Hall

Evidence from Sport England suggests that Bath and North East Somerset currently has a good range of sports hall facility provision spread across the main population centres. However, to meet demand the Council-owned sites (Bath Sport and Leisure Centre, Keynsham Leisure Centre and Culverhay Leisure Centre) are being utilised at 100% capacity at peak times.

Bath Sports and Leisure Centre and Keynsham Leisure Centre have been extensively refurbished and modernised in the last six years. However, Culverhay Leisure Centre is 33 years old and was refurbished more than 15 years ago.

A new sports hall facility should have a focus as a dual use community sports facility run by the education provider. This is a cost-effective model on an education site and is a solution found on many school sites.

## 9.5 Swimming Pool

Sport England Facilities Planning data suggests that Bath and North East Somerset has a good mix and balance of swimming pool provision, with sufficient available capacity to meet demand. There is insufficient unmet demand to consider building a new swimming pool at this location.

Specialist teaching pools have been built at Bath and Keynsham with appropriate modern changing facilities. The SEND School will incorporate a Hydrotherapy Pool.

# 10 CONSULTATION

- 10.1 Consultation with current occupiers of the site, affected operational services, MATS and SATS. Cabinet and ward councillor engagement on the issues and options.

<b>Contact person</b>	Simon Martin – Director of Capital and Housing Delivery
<b>Background papers</b>	SEND Education Strategy and Action Plan 2021-2024
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Appendix 1

**Table 1 - Obligations The Council may be required to deliver (DfE exclusions)**

Site Vacant Possession (Table 2)	to rehome / relocate and facilitate, temporary or permanently, existing site occupants, to enable site demolition:	Existing Alternative Provision move off site for 2-3 years
		Heritage Services Storage x3 Fashion Museum Artifacts Archives Archaeology
		Leisure Centre Closure
		Hindu Temple (serve Notice)
Demolition, remediation, clearance securing site perimeter	Council Action to progress	DfE require by Sept 2025
Forming Access/new entrance		
Leisure provision over BB104	enlarged sports hall and changing facilities	
Swimming provision (enlargement)	SEND will include Hydrotherapy pool	For public learner use this would need to be enlarged
Climate & Nature Emergency action	Net zero carbon impact design is provided by the Dfe, but enhancements would require additional funding	
Sports Pitch maintenance	Beyond BB104 requirements.	Ongoing revenue implications for public leisure use