

From: Sarah Hammond, Corporate Director Children, Young People and Education

To: Shellina Prendergast, Cabinet Member for Education and Skills

Subject Whitfield Aspen Primary School (Dover) sports field.

Past Pathway of Paper: The report to The Education and Young People's Services Cabinet Committee - 11 May 2016

Future Pathway of Paper: N/A

Electoral Division: Dover North

Summary: This report provides the Cabinet Member for Education and Skills with the information relating to the requirement for additional funding required at Whitfield Aspen Primary School (Dover) to enable the sports field to be completed on the satellite site and the impact of the additional funding on the Children's, Young People and Education Capital Budget.

Recommendation(s):

The Cabinet Member for Education and Skills is asked to:

- I. Approve the progression of works and additional £275,000 of capital funding to deliver the sports fields requirement for this school.
- II. Authorise the Director of Infrastructure in consultation with the Director of Education and General Counsel to enter into any necessary contracts / agreements on behalf of the County Council.

1. Introduction

- 1.1 In May 2016, funding of £7,900,000 was agreed to support the expansion of Whitfield Aspen Primary School (Dover) on to a satellite site (Decision Number 16/00032).
- 1.2 Following a procurement exercise the contractor was appointed in July 2018 to undertake the construction of the new satellite
- 1.3 The buildings and hard standing areas (e.g. playgrounds and car parking) were completed in May 2021 and handed over to KCC.
- 1.4 The sports field was not included in the handover as a revised design was required which required the contractor to complete a section 73 planning application amendment. Due to the level of work required to ensure that the sports field is fit for purpose, specialist sports field contractors have been engaged to tender for the works. It is expected that the works needed to complete the sports field will be £450,000. There is £175,000 remaining in the current Record of Decision 16/00032 (£7,990,000). A further £275,000 will be required to enter into the contract to complete the works.
- 1.5 Whitfield Aspen is a Primary School across two sites; it is unique in the way that mainstream, and SEN pupils are fully integrated. It is essential for

curriculum delivery that adequate hard, soft, and grassed play areas are provided. The school has been without a school field since occupation which has had a significant impact on all pupils including those in the Specialist Resource Provision which attend this 3FE school.

- 1.6 The landscaping work must commence from the beginning of September to take advantage of optimal seasonal conditions. Works are expected to take 4 weeks. Delaying the contract until the end of September would mean that the works will be deferred until April 2023 and the School will be without a sports field until Summer 2024 due to the required growing period.
- 1.7 A Key Decision report (22/00064) will be taken to the CYPE Cabinet Committee on 13th September for further £1,225,000 funding to support the additional works required to complete the satellite site over and above the sports field contract and the initial ROD.

2. Background

- 2.1 The expansion of Whitfield Aspen Primary School from 2FE to 3FE on a Satellite site was agreed by Members in 2016. The expansion of the school being to support primary school places required within the Whitfield Urban Expansion (WUE). This is a plan to add up to 5,750 new homes in Dover. The WUE masterplan included provision for three new 2FE primary schools of which the Whitfield Aspen Primary School satellite would be one.
- 2.2 The report to The Education and Young People's Services Cabinet Committee (as it was then called) of 11 May 2016 outlined that Whitfield Village had seen additional homes built during the previous years. As part of the planning agreement for 1050 new homes (the first phase of the WUE), the developer provided a site for primary education, together with a £3.5m financial contribution to the cost of a school building on the site. This site being located on the edge of Whitfield Village off Archers Court Road, about 500m from the present Whitfield Aspen School site.
- 2.3 The proposal to expand Whitfield Aspen School was put forward as the solution as it is an OFSTED Good school, was full and regularly oversubscribed at that point. In addition, the Aspen provision, provided high quality education and support for pupils with Profound, Severe and Complex Needs. Expanding the School onto the satellite site would provide primary school places for Whitfield to meet the increasing population of the Village and would also support the need for additional specialist primary aged SEND places in the district. Housing has indeed come forward adjacent to the satellite site. Pupils from the new housing have been taking up places at Whitfield Aspen Primary School for the last two years.
- 2.4 The School expanded to 3FE from September 2017, initially offering additional places in temporary provision located on the Mayfield Road site. The intention was to open the satellite for the September 2019 academic year but as noted, handover was delayed and the sports field was not included.

- 2.5 The lack of a finished sports field, is impacting on how the school can use the PE and sport premium funding as it reduces their opportunities to:
- provide targeted activities or support to involve and encourage the least active children,
 - encourage active play during break times and lunchtimes as the space is reduced,
 - broaden the variety of sports that can be offered.
- 2.6 The satellite site has the infrastructure to allow the school to be expanded by a further 1FE as and when required to support pupil places in the Specialist Resource Provision. Planning permission was secured for the entire scheme, including the future expansion proposal.

3. Reasons for Increase in costs

- 3.1 There are several factors that have increased the costs of the sports field within the overall project:
- The site has been provided to KCC through a S106 Agreement. At the outset there was a delay in transferring the land.
 - The S106 land transfer requirements are clear in terms of condition of land and provision of services. The school contractor whilst tendering based the costs of the external works on the transfer requirements. However, it became apparent during construction that there was a large amount of spoil and contaminants within the school land. KCC will need to fund the works to the playing fields with the intention to reclaim costs from the housing developer.
 - The sports field was not included in the handover as a revised design was required which required the contractor to complete a section 73 planning application amendment. Due to the level of work required to ensure that the sports field is fit for purpose, specialist sports field contractors have been engaged to tender for the works. It is expected that the works needed to complete the sports field will be £450,000. The school has been without a school field which has had a significant impact on the additional 140 Specialist Resource Provision children which attend this 3FE school.

4. Alternatives considered

- 4.1 No alternatives for the provision of places were considered when the original decision was made as land and developer contributions were secured. That is still the case now as the satellite site is accommodated and seeing increasing numbers of pupils from the development joining the school. There is no alternative school provision on the development that can be considered. When there has been a need to vary from the plans and agreed contract, this has been robustly challenged and alternative solutions considered.

4.2 KCC has given the contractor considerable opportunities to rectify the defects identified. The Making Good Certificate has not been issued to date due to the ongoing defects across which include the sports field. The contractor has not been proactive in addressing end of defect matters.

5. Financial Implications

5.1 The contract sum for the landscaping is currently £450,000, which includes for provision of trackway to protect tarmac access & egress routes.

5.2 There is £175,000 remaining in the current Record of Decision 16/00032 (£7,990,000). The additional £275,000 requested will increase the funding allocated to the school to £8,265,000.

5.2 £3,500,000 of developer contributions has been secured so far towards this project.

5.3 The additional cost will be funded from the Basic Need programme while KCC look into reclaiming the additional costs from the contractor and S106 developer.

6. Legal Implications

6.1 Kent County Council (KCC) as the Local Authority has a duty to ensure sufficient school places are available.

7. Equalities implications

7.1 An Equality Impact Assessment was completed prior to the initial funding being agreed. This assessment has been reviewed with no adverse impact on protected groups being identified. The additional funding enabling the completion of the sports field places will have a positive impact on all pupils in the locality, including those pupils with profound, severe, and complex needs.

8. The view of the local Member, David Beaney, Dover West

8.1 The views of the local Member are being sought.

9. Other corporate implications

9.1 None at this point.

10. Governance

10.1 The Officer Scheme of Delegation; within the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it.

10.2 Legal advice is being provided and has been appointed in consultation with General Counsel.

11. Conclusions

- 11.1 Given the need to progress the sports field works during this growing season, it is appropriate to approve the progression of works and to allocate an additional £275,000 from the Children's, Young People and Education Basic Need Capital budget to complete the sports field while Officers look at how this can be reclaimed. This will increase the agreed allocation from £7,990,000 to £8,265,000.

12. Recommendations

The Cabinet Member for Education and Skills is asked to:

- I. Approve the progression of works and additional £275,000 of capital funding to deliver the sports fields requirement for this school.
- II. Authorise the Director of Infrastructure in consultation with the Director of Education and General Counsel to enter into any necessary contracts / agreements on behalf of the County Council.

13. Background Documents (plus links to document)

The Education and Young People's Services Cabinet Committee - 11 May 2016
linked here: [THE REPORT \(kent.gov.uk\)](#)

The Equality Impact Assessment

Commissioning Plan for Education Provision in Kent 2022-26

https://www.kent.gov.uk/_data/assets/pdf_file/0005/131486/Commissioning-Plan-for-Education-Provision-in-Kent-2022-to-2026.pdf

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