

Report Title:	Forest Bridge School
Contains Confidential or Exempt Information?	Yes. Report and Appendix B – Part I Appendix A and C - Part II - Not for publication by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor N. Airey, Lead Member for Children’s Services
Meeting and Date:	Cabinet - 23 March 2017
Responsible Officer(s):	Kevin McDaniel, Head of Schools and Education Services Chris Hilton, Director of Regeneration and Development
Wards affected:	Oldfield

REPORT SUMMARY

1. Forest Bridge School is a Special School for children with Autism Spectrum Disorder. The school opened temporarily in September 2015 in the old Oldfield school building, Chiltern Road, Maidenhead - while the Education Funding Agency (EFA) set about finding a permanent site for the school. The EFA have carried out a comprehensive search for land suitable to use as a site for the special school. The search was initially unsuccessful. The Borough has been working with the EFA, who have identified a suitable parcel of land within Braywick Park. The EFA are seeking to agree Heads of Terms on this site. There are currently three tenants on the Braywick Park parcel of land sought by the EFA. Two tenant’s leases have come to an end, and one tenant is in negotiation.
2. This report details the Heads of Terms arrangements alongside the timetable for signing the lease with the EFA - by 24 March 2017. This date is being pursued to allow the EFA to undertake all the necessary planning and building work to build a new school for Forest Bridge School by September 2018. The lease will be for 125 years at peppercorn rent, in line with EFA expectations for Free schools and Academies.
3. Key benefits to residents will be:
 - This specialist school for children with Autism will remain in the Local Authority, assisting parents with local placements - and will reduce placement and transport costs for the Council if the school were to re-locate outside the borough.
 - Increased parking area for the public and new recreational facilities for ‘out of school hours’ use. The shared use Multi Use Games Area (MUGA) - to be built by the EFA for school purposes - will also be shared use with the public after school, at weekends and during school holidays. A shared community use agreement will be in place, and the MUGA will be managed by the RBWM Leisure provider, currently Parkwood.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Cabinet:

- i) **Note the Heads of Terms agreed with the Education Funding Agency, see Appendix A, which enables them to submit a planning application for Forest Bridge School to relocate into a new building in Braywick Park.**
- ii) **Delegate to the Strategic Director of Corporate and Community Services to agree an extension of the current lease for Forest Bridge School to remain in the Chiltern Road site for a third year.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Cabinet agreed, in October 2013, that the old Oldfield school site should be retained for educational use, to help meet the needs of borough residents. In February 2015 Cabinet approved a two year lease for Forest Bridge School to occupy the Chiltern Road school site while they sought planning permission for a new build on another site. The school was given an option to apply for an extension for a further year if the new building was not ready to occupy.
- 2.2 Cabinet requested an update on the future use of the Chiltern Road site towards the end of the two year lease period, on the assumption that the school would soon be vacating. After a period of substantial growth in demand for primary school places in Maidenhead, the need for Reception places is expected to ease slightly in September 2017 and 2018. The recent consultation on the Borough Local Plan has, however, set out potential housing targets and sites that could significantly increase the demand for school places in Maidenhead. The related Infrastructure Delivery Plan will consider what additional school provision will be required to service those housing targets - that could include re-use of the Chiltern Road site.
- 2.3 The granting of the lease in 2015 for Forest Bridge School to use the Chiltern Road site was dependant on the EFA securing a permanent site for the School elsewhere. The borough was notified that the EFA had found a site, and so the lease was signed. That site has, however, since proven impractical from a planning perspective and the EFA have been searching for an alternative, preferably within the Royal Borough, and in a location that is suitable for the special needs of the children attending the school i.e. in green surroundings, rather than a built up environment.
- 2.4 The EFA approached the Council requesting that part of Braywick Park in Maidenhead be released to them for the school site. Leases for three different existing tenants in the park are due to expire - two by end 2017 and the third in 2021, see Table 1.

Table 1: Affected existing tenants:

Tenant	Comment
Maidenhead Shooting Club	Lease ended in Jan 2017. A short term lease is in place until June 2017 while they find a site to re-locate to.

Maidenhead Driving Range	Lease ends in September 2017.
Braywick Nursery	Lease continues until August 2021. Negotiations are taking place to amend the site slightly, enabling a sensible plot shape for Forest Bridge School and the continued operation of the nursery. The Heads of Terms with the EFA includes this as a condition, and if negotiations are unsuccessful, the EFA would need to re-think their design, working with an awkward shaped piece of land.

- 2.5 The site proposed to be used for the Forest Bridge School would see the buildings and playground areas being built on an area behind the Stafferton Lodge restaurant site, with some shared use of playing fields - for example, shared use by the public of the school's MUGA facility. The proposed site and shared use MUGA is shown in Appendix B.
- 2.6 Property Services have been in discussion with the EFA and have agreed a draft Heads of Terms, see Appendix A. The EFA are aiming for the lease to be signed as soon as possible, preferably by 24th March 2017. This will allow design work for the new school to begin. The EFA will be funding the building of this school, including the Multi Use Games Area (MUGA), at a cost of about £5.8m.
- 2.7 As this is to be a long lease for a school, the terms are very similar to terms agreed for schools converting to Academy status, and for existing Free School leases with the Royal Borough. The key terms are:
- 125 years, beginning on the date the lease is completed.
 - A peppercorn rent.
 - Costs of securing vacant possession to be met by the EFA, subject to a cap.
 - The school intend to submit their planning application by July 2017, but will be obliged, as a condition of the contract, to do so by October 2017.
 - RBWM may buy the land back if planning application has not been made within 2 years, or if the school is not complete within 5 years.
 - Parking for the school will be within the footprint of the leased site, with some shared public use out of school hours.
 - Shared use of MUGA out of school hours, to be formalised by a Joint Use Agreement.

Table 2: Options

Option Considered	Comments
To proceed to complete the lease based on the Heads of Terms	Recommended
To amend the Heads of Terms	Property colleagues have already negotiated with the EFA, and consulted with Children's Services officers.
To withdraw from the agreed Heads of Terms.	Forest Bridge school will have to begin their search for a site anew, with no guarantee that the school will

Option Considered	Comments
	remain near to RBWM.

3. KEY IMPLICATIONS

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A 125 yr lease for the EFA to provide a new school for Forest Bridge school.	After 29 March 2017	29 March 2017	N/A	N/A	29 March 2017
Forest Bridge school will continue to operate on the Chiltern Road site. Lease extended for a 3 rd year.	After 29 March 2017	29 March 2017	N/A	N/A	29 March 2017

FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 There will be no capital receipt from the EFA – the same as when the Council granted 125 yr leases for Braywick Court – a free school (primary) and Holyport College - a free school (secondary).
- 3.2 There will be no revenue income, as the lease will be granted on a peppercorn rent.
- 3.3 The EFA will be paying for the school to be built and will re-fund any reasonable capital costs that may be incurred by RBWM.

4. LEGAL IMPLICATIONS

- 4.1 The Heads of Terms set out the main legal issues, and once agreed, shared Legal services will be instructed to complete the lease document.
- 4.2 Planning permission will be sought in the normal way, and the granting of a lease does not influence the likely outcome of a planning application.

5. RISK MANAGEMENT

Table 4: Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
That vacant possession is	Medium	Discussions to assist tenants	Low

Risks	Uncontrolled Risk	Controls	Controlled Risk
not obtained		find new locations.	
That Braywick Nursery do not agree an amended site.	Medium	Close liaison between Forest Bridge school and the nursery to promote shared understanding and possibly working together.	Low

6. POTENTIAL IMPACTS

6.1 There are no EQIA implications.

7. CONSULTATION

7.1 Consultation has taken place between the EFA and the Head of Communities and Economic Development to ensure that this proposal is compatible with a notional new leisure complex in Braywick Park. Appendix C shows the relative locations – although the detailed arrangements of the leisure complex are likely to change when design work begins.

7.2 The report will be considered by Overview and Scrutiny Panel on 22nd March 2017, Comments will be reported to Cabinet.

8. TIMETABLE FOR IMPLEMENTATION

Table 5: Timetable for implementation

Date	Details
23 March 2017	Cabinet approval
29 March 2017	Lease signed by.

8.1 Implementation date if not called in: 29 March 2017.

9. APPENDICES

9.1 Appendix A - Part II - Heads of Terms
Appendix B - Site Plan
Appendix C - Part II Location Plan in relation to proposed new leisure complex

10. BACKGROUND DOCUMENTS

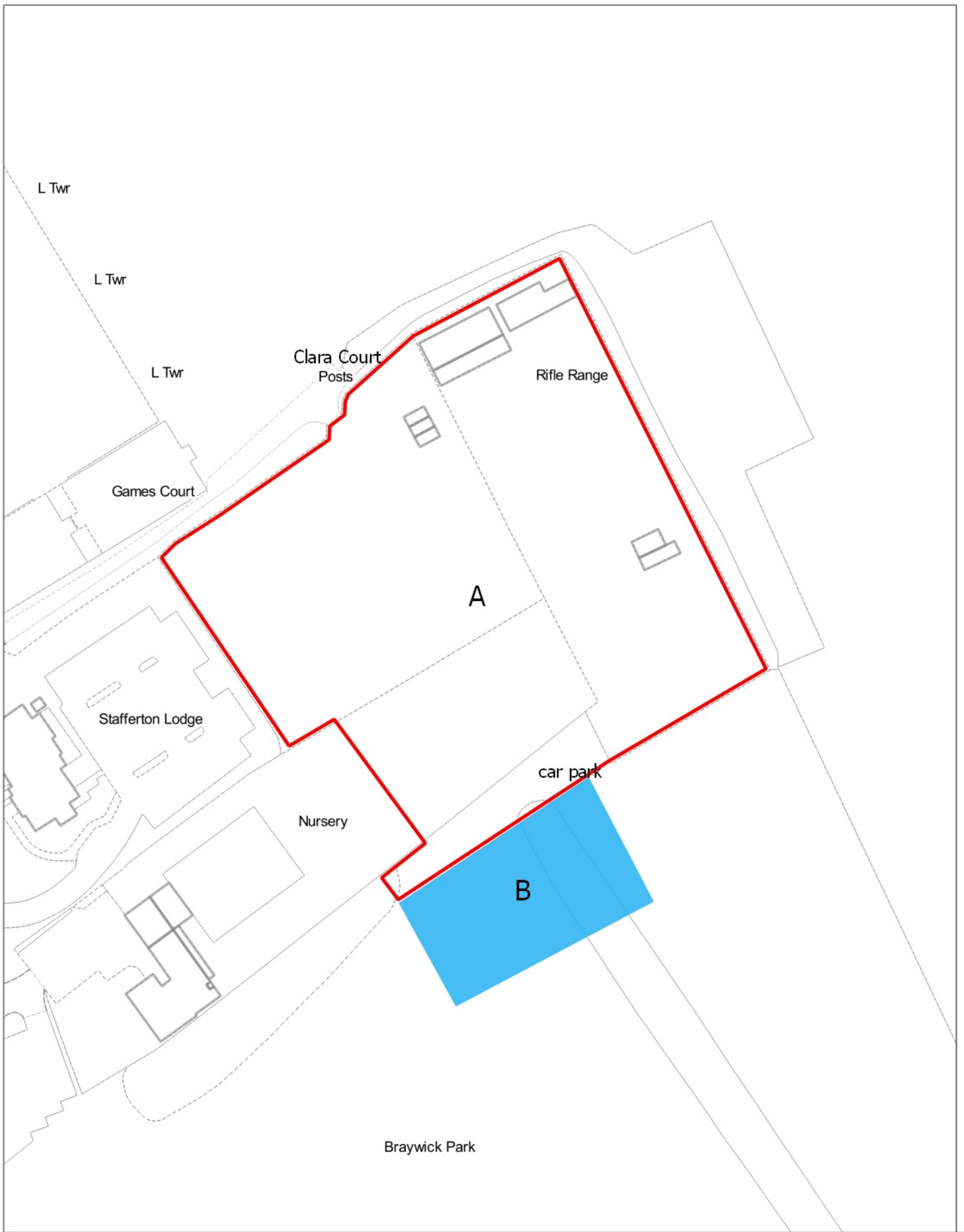
- *Future Use of the Chiltern Road Site*, Cabinet Report, 26 February 2015.
- *Future Use of the Chiltern Road Site*, Cabinet Report, 24 October 2013.

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Airey	Lead Member for Children's Services	21 02 17	22 02 17
Cllr Rankin	Lead Member for Economic Development and Property	21 02 17	
Alison Alexander	Managing Director	16/02/17	19/02/17
Russell O'Keefe	Strategic Director	16/02/17	
Alison Alexander	Strategic Director	16/02/17	22 02 17
Rob Stubbs	Section 151 Officer	16/02/17	
Terry Baldwin	Head of HR	16/02/17	
Kevin Mist	Head of Communities and Economic Development	16 02 17	19 02 17

REPORT HISTORY

Decision type: Key decision No	Urgency item? No
Report Author: Kevin McDaniel, Head of Schools and Education Services	



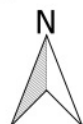
Proposed site for
 Forest Bridge (Free)
 School
 Braywick Park
 Maidenhead

Royal Borough Of Windsor and Maidenhead

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