

Report to: *Cabinet*

Date of meeting: *5 February 2024*

Report author: *Ellen Higginson, Planning Strategy and Infrastructure Lead*

Report sponsor: *Ben Martin, Associate Director for Planning, Infrastructure and Economy*

Portfolio holder: *Mayor Peter Taylor*

Report title: *Breakspeare School Community Infrastructure Levy (CIL) funding bid*

1.0 Executive Summary

1.1 This report considers the request from Hertfordshire County Council that Watford Borough Council (WBC) allocate £769,058 of strategic CIL funding towards the relocation and expansion of Breakspeare School. It details the benefits of the project for Watford pupils and how the total bid amount has been reached.

2.0 Recommendations

2.1 That Cabinet approve the request from Hertfordshire County Council (HCC) to allocate £769,058 of Watford Borough Council Community Infrastructure Levy funding towards the relocation and expansion of Breakspeare School.

3.0 Contact Officer:

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Reviewed and signed off by: Ben Martin, AD Planning, Infrastructure and Economy

4.0 Detailed proposal

Summary of project proposal

4.1 The project proposed is for the permanent enlargement of Breakspeare School, Gallows Hill Lane, Abbots Langley, WD5 0BU from 97 to 210 places, and the relocation of the school to the former Durrants School Playing Field, Manor Way, Croxley Green, WD3 3LU. Breakspeare School is a community special school for children aged 2 to 19 years with severe learning difficulties (SLD).

Strategic Case

- 4.2 All Hertfordshire special schools are at capacity and demand for places continues to rise. Demand for special school places is forecast to rise by 364 places between January 2020 and January 2025. New capacity must be built into the system, to ensure that Hertfordshire can continue to meet local need.
- 4.3 The Breakspeare relocation and enlargement will play a major part in meeting this increased demand, providing the new places required to meet forecast demand from the west of the county. HCC are also developing proposals to provide a further 100 places in the east of the county.
- 4.4 As SEND schools cover a large catchment area, HCC has submitted a bid for CIL funding to each of the four CIL authorities in South-west Hertfordshire (SW Herts) whose growth has added, and will continue to add to, the demand for SLD school places in the west of the county.
- 4.5 The methodology used for calculating CIL contributions ensures that CIL bids are proportionate to the level of demand for SEND places generated by development that has occurred in each of the four CIL authorities. This is based on growth data, obtained from SMART Herts, since April 2015 when CIL was introduced.
- 4.6 The CIL contribution has been calculated using the same methodology for calculating S106 contributions for individual applications in non-CIL charging authority areas and is documented in the Guide to Developer Infrastructure Contributions. This is an approved methodology that was developed in consultation with the 10 Hertfordshire district/borough councils, using the Hertfordshire Demographic Model (HDM).
- 4.7 The HDM applies a flat rate contribution for houses and flats for SEND education. The flat rate was multiplied by the number of houses and flats delivered in Watford since April 2015, which then gave the total proportionate SEND contribution sought.
- 4.8 The current Breakspeare School is at full capacity and there is no further expansion potential on the site or at the other SLD schools in the south west of the county (Watling View in St Albans and Woodfield in Hemel Hempstead).
- 4.9 Breakspeare School has been chosen for enlargement as it is currently the county's SLD school with the most unmet demand for places. This means

there are children with severe learning difficulties who live in Watford who cannot access the type of education they require within the county. As the increase in demand for SLD places is a national trend, a shortage of out-of-county places will result in Hertfordshire residents being unable to access any suitable school place at all to meet children's needs. The relocation and enlargement of Breakspeare School will provide an additional 113 SLD places in the west of the county to help meet this demand.

- 4.10 Being able to place children in a Hertfordshire school, rather than an out-of-county school, significantly reduces the burden on the High Needs Revenue budget, meaning that the budget can be used to improve the offer for all children with SEND. Additional Hertfordshire facilities also has the added benefit of local employment of staff as opposed to sending children to out-of-county schools.
- 4.11 The project will provide purpose-built SEND accommodation, built to Net Zero Carbon in Operation (NZCiO) standard and designed to meet the needs of the pupils. The new building will also be constructed while Breakspeare School is in operation, with no impact to the children while construction is taking place. A larger school can provide a broader offer for children, in much improved accommodation and enhanced opportunities for staff development. It can also manage fluctuations in pupil number more easily than a smaller school.

Meeting Watford's need

- 4.12 There is no SLD school within Watford. Breakspeare, in its current location, is the closest SLD school for Watford residents. 51 children residing in Watford attend Breakspeare school, with Watford having the largest proportion of pupils on roll. 12 Watford residents attend Woodfield and 4 attend Watling View. These other two SLD schools in SW Herts are full and have already been expanded in recent years, with no more expansion potential. Therefore, any additional demand from further growth will be catered for by the new Breakspeare school and the relocation will move the school closer to Watford.

Funding

- 4.13 All Hertfordshire special schools are at capacity as a result of recent growth and demand for places will continue to rise due to the level of growth occurring and planned across the county. As SEND schools cover a large catchment area, HCC has submitted a request for CIL funding to each of the four CIL authorities in SW Herts.

4.14 The methodology for the requested CIL contribution for each Local Planning Authority is set out in Appendix A of this report.

4.15 The total CIL funding sought from WBC is £769,058.

4.16 Additional funding to secure the bid as follows:

Confirmed Funding:

- £3,818,000 - Department for Education grant funding.
- £1,000,000 - Contribution from HCC School Repairs & Maintenance budget.
- £901,574 - CIL contribution from Three Rivers District Council
- £758,139.80 - Collected S106 contributions held by HCC including £61,491.78 S106 contributions collected for education in Watford Borough Council.
- Up to £17.9m - HCC Capital Borrowing included in the HCC Integrated Plan (Feb 2021) to cover the unmet cost.

Other Funding:

- £1,475,702 - CIL contribution from Hertsmere Borough Council (approval from Community Infrastructure Levy and Investment Panel to recommend to Executive to approve the bid. Executive decision expected February 2024)
- £2,666,194 - CIL contribution from Dacorum Borough Council (awaiting Infrastructure Advisory Group recommendation for Cabinet approval following recent presentation)
- £2,000,000 - Estimated future S106 obligations from developments in St Albans City and District Council.

5.0 Implications

5.1 Financial

5.1.1 The Chief Finance Officer comments that there is sufficient headroom within the CIL income received to date and held by the Council to facilitate the recommendations in this report.

5.2 Legal issues (Monitoring Officer)

5.2.1 The Community Infrastructure Levy is designed to assist with the development of infrastructure such as schools needed as a result of development. It is permissible to use the levy for infrastructure out of Borough if it supports development in Watford.

6.0 Risks

Nature of risk	Consequence	Suggested control measure	Response (treat, tolerate, terminate, transfer)	Risk rating (combination of severity and likelihood)
CIL spend means that sufficient funds are not retained for other future projects.	Significant future projects (for example to support modal transport shift) are not able to be funded. This could lead to reputation damage with residents if infrastructure to support development cannot be provided.	Ensure that appropriate CIL balances are retained.	Treat	4
Project is not delivered by HCC.	The need for SEND provision is not met.	Ensure that an appropriate grant funding agreement is in place.	Treat	4

7.0 Equalities, Human Rights and Data Protection

7.1 Equalities

7.1.1 Having had regard to the council's obligations under s149, it is considered that spending CIL income to provide critical infrastructure will result in positive benefits for the community. Detailed equalities impact was undertaken at each stage of Local Plan preparation which, in part, led to recognition of the infrastructure required to support development.

7.2 Data Protection Impact Assessment

7.2.1 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

8.0 Sustainability

8.1 No sustainability implications are identified.

9.0 People Implications

9.1 No people implications are identified.

10.0 Community Safety/Crime and Disorder

10.1 No community safety implications are identified.

11.0 Property

11.1 No property implications are identified.

12.0 Next steps should recommendations be approved

12.1 A grant funding agreement will be drawn up with HCC to process the spend for delivery of the new school.

13.0 Background papers

13.1 No papers were used in the preparation of this report.

Appendix A: HCC SEND School CIL Bid Calculation Methodology

The requested CIL contribution for each LPA is based on the recently consulted and adopted Hertfordshire Demographic Model – which includes a recommended charge per unit for flats and houses – and the numbers of units completed in each LPA for the previous 5 financial years. This gives an approximate cost to mitigate the effect of recent growth on SEND education in the south west LPAs, which HCC is struggling to accommodate in its current SEND school portfolio.

Note that St Albans is not a CIL authority and therefore a CIL bid cannot be made, and therefore the calculations below are illustrative among the five south west LPAs only.

The steps taken to calculate the contribution are as follows:

1. Extract housing completions data from SMART for 01/04/15 to 22/09/21 by type, tenure, and bedroom number. This gives a breakdown of the number of units delivered on each application in each LPA.
2. Establish total completions of each type of dwelling for each LPA.

Row Labels	Bungalow	Cluster Flat	Flat, Apartment or Maisonette	House	Studio	Grand Total
Dacorum	71		2,156	1,707	59	3,993
Hertsmere	10		2,088	757	308	3,163
St Albans	47		1,830	1,164	143	3,184
Three Rivers	34	17	1,013	506	66	1,636
Watford	11		1,727	261	210	2,209
Grand Total	173	17	8,814	4,395	786	14,185

3. Total the numbers of each type of dwelling that are houses (bungalow and house) and flats (cluster flat, flat, apartment, or maisonette, and studio) for each LPA to give the number of houses and flats completed per LPA.

Row Labels	Houses	Flats
Dacorum	1,778	2,215
Hertsmere	767	2,396
St Albans	1,211	1,973
Three Rivers	540	1,079
Watford	272	1,937
Grand Total	4,568	9,600

4. Multiply the numbers of house completions in each LPA by the SEND cost per house established in the DCG and multiply the number of flat completions per LPA by the SEND cost per flat established in the DCG to give an indicative charge per LPA.

Row Labels	Money
Dacorum	£ 2,666,194
Hertsmere	£ 1,475,702
St Albans	£ 1,920,896
Three Rivers	£ 901,574
Watford	£ 769,058
Grand Total	£ 7,733,424