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## London Borough of Enfield

# Operational Decision

### Executive Director – People

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**Subject:** Allocate funding to undertake feasibility work for the development of additional SEN Provision at Portcullis Lodge

**Executive Director:** Executive Director – People

**Key Decision:** N/A

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### Purpose of Report

1. This report seeks an allocation of funding to undertake detailed feasibility work to facilitate the creation of additional SEN provision at Portcullis Lodge to address the current and future demand and reduce the cost to the Council of out of Borough provision.

### Proposal(s)

That Tony Theodoulou (Executive Director – People)

1. Approval of the allocation of £398,750 including a contingency of 25% to develop on initial feasibility work to provide architectural concept design incorporating strategic engineering requirement aligned to a cost plan and outline specification.

### Reason for Proposal(s)

2. Work undertaken in recent years has identified a significant increase in SEN provision against the rising demand due to an increasing number of Educational Health Care Plans (EHCP) for pupils within the borough. This ongoing rise requires an approach that addresses the current demand impact, in particular the costs of out of borough placements and related transport costs with the projected need and implications for both schools and pupils in the future.
3. The growth in EHCPs has been significant and is being constantly reviewed by the Council's SEN service. The Borough has seen a 14% increase in EHCP's against a national average of 11%. Between May

2020 and May 2021, the number of plans increased from 3,262 to 3,783 (figures at October 2021). The average growth in EHCPs in the last three years growth in Enfield is 16.67%. This compares to an average 10% growth nationally contrasting a declining school population over the same time.

4. With the current trend data available the Council's SEN team projection is that the number of EHCPs will increase to 4595 in 2023 and by 2025 this will reach 6283.
5. This growth has exerted pressure on existing schools to meet need and means that mainstream schools are having on average more than 10% of EHCP pupils in a class. Provision for children within the borough is varied and the number of pupils is subject to constant change as children being identified with special educational needs currently within mainstream settings may change throughout the academic year. Currently over 620 children are educated in out of borough provision.
6. Significant work has been undertaken to expand existing SEN provision in existing schools in recent years and all borough special schools are generally at capacity. It has been agreed that increasing capacity within borough to reduce the high costs of external placements should be a key outcome for an overall SEND strategy as well ensuring the quality of provision. Alongside this proposal to establish new provision expansion projects are planned at existing special schools will increased provision by a further 86 additional places by September 2022.
7. Annual costs on out-of-borough placement will exceed £16m in 2021/22.

### **Relevance to the Council's Plan**

#### **Good homes in well-connected neighbourhoods**

8. This project will contribute to the Council's strategies and programmes for supporting communities through the delivery of education services to the benefit of the community.

#### **Sustain strong and healthy communities**

9. The Borough needs to ensure appropriate infrastructure is in place to allow the growth of the population. This project intends to ensure that marginalised members of the Enfield's community are able to access services that are available to the majority.

#### **Build our local economy to create a thriving place**

10. The provision of good quality schools and buildings helps to ensure a stable strong community.

## Background

11. Following discussion with EMT in November 2021 the Education Strategic Resourcing and Partnerships Service (ESRP) commissioned consultancy Atkins (through the Construction Maintenance and Facilities Management Team (CMFM)) to undertake viability studies to identify potential sites to establish brand new provision on a scale that would make a significant contribution to addressing demand.
12. ESRP in consultation with CMFM and Strategic Property Services (SPS) identified four sites as having the potential to support SEN schools. These sites were initially considered because of their status (three of the site are already designated for Education use), their ownership (Council owned) and availability for development.
  - **Addison House**, Addison Avenue, N14 4AL
  - **Portcullis Lodge** (opposite Civic Centre), EN1 3XA
  - **Former Eldon Road Tuition Centre**, Eldon Road, N9 8LG
  - **Albany Youth & Community Centre & Caretaker's House**, Bell Lane, EN3 5PA
13. On the 22<sup>nd</sup> February EMT agreed to move forward with further feasibility work on all four sites but have prioritised Portcullis Lodge as it has the potential to yield the largest number of additional pupil places.
14. The Portcullis Lodge Car Park site is accessed from Baker Street via a single-track road, which runs alongside the New River. The site is bordered to the north, west and south by playing fields, used by the Enfield County Upper School and the Enfield Grammar School. The overall site area is approx. 10,909m<sup>2</sup> (see appendix 1) and located within a conservation area and within an area designated as Metropolitan Open Land. Approximately a third of the site area accommodates an overspill car park, for the Enfield Civic Centre, the rest of the site is heavily wooded and very overgrown.
15. The proposed brief for this site is to construct a SEND school that could accommodate 100 pupils.
16. A stage 1 report has been drafted by Atkins which presents multiple options for this site, with a new build situated in various locations within the site boundary.
17. A pre-app meeting has been held with the Enfield Borough Council planning department with their formal report issued. The response was positive, with the urban designer confirming a two-storey building could be acceptable but it is advised that it is important that the site location is refined and considers the surrounding context. Due to the potential loss of greening the development will need to preserve and increase greenery elsewhere within the site as expected in the DfEs Climate Change Strategy.
18. The planners requested that a transport assessment, a tree survey, an arboricultural impact assessment, and a SUDs strategy in accordance with

the London Plan Drainage Hierarchy to assist in the consideration of the design solutions.

19. It is proposed that these surveys/assessments are procured and in addition preparation of Architectural Concept design incorporating strategic engineering requirements and aligned to a Cost Plan, Project Strategies and outline specification. Work will also include undertaking design reviews with a range of project stakeholders and the preparation of a design programme. A further pre-app meeting will be held to gain further confidence that the proposals are viable once this work is completed.
20. Further investment will be required to move the project forward.

### **Timescales**

21. Subject to processes for Council approval of funding, procurement and contractor arrangement an outline project plan targets the following key dates to deliver Portcullis Lodge use (using a traditional construction approach to the build):

- |                                    |                    |
|------------------------------------|--------------------|
| • Milestone 2 & 3 (Scheme Design)  | March 22 – June 22 |
| • Planning Approval Process        | Nov 22 – March 23  |
| • Main Contractor – Tender Process | Nov 22 – April 23  |
| • Milestone 4 (Detailed Design)    | Nov 22 – Nov 23    |
| • Agree Contract Sum               | Oct 23 – Nov 23    |
| • Mobilise & Construction          | Nov 23 – Dec 24    |

22. It should be noted that delays in delivery are likely to have significant financial impact given fluctuation in the costs of construction materials and the associated costs of children remaining out of borough.

### **Cost and Funding**

23. The overall cost of delivering the scheme is still being estimated as significant design work is still required. £60k has been committed to this work thus far (this excludes cost related the pre-planning process) from Invest to Save. An estimate of cost to work the project up to a Concept Design stage at circa £398,750 (inc. the initial investment of £60k) which will be sought from the Invest to Save Budget (Council Revenue Reserves) Significant further funds will be required to take the project to full planning application stage (circa £636.5k).

## Portcullis Lodge – Pre-Planning Development Costs

	Stage 1 & 2+	Stage 3	Total	Notes
<b>Planning Pre-App Process</b>	<b>24,000</b>	<i>24,000</i>		Initial Pre-App completed
<b>Professional Fees (PM/QS/Design)</b>	<b>175,000</b>	<i>300,000</i>	<i>475,000</i>	Core Fees based on CCS Rates - RIBA Stage 2 - Concept Design (finalised plan layouts and cost information). Plus, a proportion of Developed Design - (design coordination & initial elevational) visuals
<b>Reports &amp; Surveys (estimated)</b>	<b>80,000</b>	<i>170,000</i>	<i>250,000</i>	inc. Biodiversity, Acoustic, Energy Statement, Carbon Strategy, Air Quality, Traffic, noise, Drainage, Biodiversity, Ecology, Arboricultural
<b>Direct Appointments</b>	<b>40,000</b>	<i>20,000</i>	<i>60,000</i>	Geo-tech, CCTV, ICT consultant and similar
<b>Contingency (circa 25%)</b>	<b>73,750</b>	<i>122,500</i>	<i>196,250</i>	
<b>Proposed Budget</b>	<b>392,750</b>	<i>636,500</i>	<i>981,250</i>	

24. A business case for the project will be worked up in detail in future reporting to EMT once full costs (including construction) have been confirmed. However, the average cost of an out of borough special needs place (autism) is currently approximately £25k per annum greater than in-borough (not including transport and other costs) if the project delivers the expected 100 places this will represent a minimum annual saving of circa £2.5M (it should be noted that these costs are likely to rise over time).

### Main Considerations for the Council

25. The council has a statutory responsibility to provide adequate school places for children within the borough and as corporate Landlord is responsible for major works to address condition of its maintained schools.

### Safeguarding Implications

26. Any proposed feasibility and design works will ensure any facility created is a safe environment. Design work will be undertaken in full accordance with Health and Safety and Construction Design Management Regulations.

### Public Health Implications

27. The provision of good quality schools helps ensure a stable, strong community. There are longer term implications for SEN children as they

progress into adulthood. The importance of having local community connections and friendships developed during school aged years is significant to the nurture and wellbeing of the individual.

### **Equalities Impact of the Proposal**

28. Design proposals will have due regard to the suitability of proposals for the intended purpose and performance, durability. The provision of local schools across the borough ensures quality of rights to good education provision. Additional SEN places will positively impact the lives of children and their families by ensure that pupils can be educated within their own communities and reducing the negative impact of travelling out of borough.

### **Environmental and Climate Change Considerations**

29. Any design will take into consideration the Council's Climate Action plans and work towards constructing a building which is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset.

### **Risks that may arise if the proposed decision and related work is not Taken**

30. Failure to move forward with any proposals to establish additional SEN provision within the borough will result in escalating pressures on Education budget with increasing costs for the Council.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

31. The key risks in undertaking this feasibility work is the failure to bring forward a capital scheme and build leading to abortive costs. Design proposal will need to lead to a successfully planning application in order to deliver the scheme. Further funding will be required to allow a planning application to be submitted and the Council will need to commit significant capital funding to establish the new education provision. Government Grant funding is restricted in this respect. Therefore, the Council will need to identify its own sources for this funding.

### **Financial Implications**

32. The initial £60k was agreed at EMT to be funded from the invest to save reserve. If it's agreed to continue with the feasibility work, which is estimated to cost a further £290k, the funding options are to:

- a. apply to use more of the invest to save reserve, but note this is a finite pot and there are other calls on this funding or

- b. manage within existing 2022/23 revenue budgets. If this can't be contained it will be flagged up as part of the quarterly monitoring process, where the overall variance will be funded from reserves
33. Once the feasibility work is completed and a specific proposal has authorisation to proceed costs from that point onwards, that are compliant with the Councils capitalisations policy, will be capitalised.
34. As part of the feasibility work a business case will be drafted that will include a full financial appraisal of all capital and revenue costs and how the project will be funded.
35. The project will require approval from Full Council to proceed as a capital project and be included in the Council's capital programme.

### **Legal Implications**

36. The Council has a general responsibility for education and to secure education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended).
37. Section 111 of the Local Government Act 1972 further enables local authorities to do anything, including incurring expenditure, borrowing, which facilitate or are conducive or incidental to the discharge of their functions. Furthermore, the Council has the power under section 1 (1) of the Localism act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. The recommendations within this report are in accordance with these powers.

### **Property Implications**

38. Strategic Property Service are aware of all sites being considered for additional SEN provision. There are no other immediate property implications, however, consideration of future implications will arise once proposals are developed and the project progresses through to a planning application. Strategic Property Service have been asked to undertake a site valuation to contribute to a business case to be submitted at Key Decision stage.

### **Other Implications**

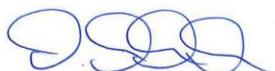
39. There is also a risk relating to any delay in moving forward with proposals as for each academic year that passes without delivering additional places the Council will continue to pay for out of borough placements. Furthermore, the SEN team have indicated the challenges of bringing a child back into borough once placed can be challenging. Therefore, once committed to an out of borough environment the council's obligation may continue for some time.

### **Options Considered**

40. **Alternative sites** continue to be considered to increase SEN provision within the borough. No other suitable large-scale site has been identified that could provide the size of provision proposed within this report.
41. **DfE Provision** – the provision of a new SEN school through the DfE has been considered. There are risks to this approach as the site would need to be provided to the DfE with no financial return to the Council (although they would fund any construction project if this were agreed). The DfE would decide whether they would be willing to establish new provision and agree the nature of any provision on the site. Any new provision would be managed by a free school/academy which under legislation would be able to have their own admission policy. There would be a risk that the provider could admit pupils from outside of the borough and/or change the nature of the provision to maximise their pupil number and subsequent income generation.
42. **Conversion of a Mainstream Maintained School** – this option was initially discussed and dismissed as mainstream pupil numbers have not fallen to a level that could justify changing the nature of provision. In addition, the process of converting a school would be subject to challenge by a range of stakeholders including the DfE and a school governing body and would likely to result in significant reputational damage to the Council.

## Conclusions

43. To recommend the approval of expenditure to take forward the work required to develop design detail to allow the Council to work towards developing a planning application to establish SEN provision at Portcullis Lodge.



Signed

.....Date.....23/3/2022.....

Tony Theodoulou (Executive Director – People)

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**Appendices/Attachments**

Images of Portcullis Lodge

**Background Papers**

Minutes of EMT (November 2021 & February 2022)

Cabinet Report: Update Strategy and Approach to Delivering Pupil Places (November 2020)