

SCRUTINY REPORT

MEETING: Overview & Scrutiny

DATE: 26th October 2026

SUBJECT: New Ash Grove Alternative Provision Academy

REPORT FROM: Sean O'Hagan

CONTACT OFFICER: Peter Dentith

1.0 BACKGROUND

1.1 Following the Cabinet approval granted at the 14th October 2026 meeting, a call-in request was received setting out a number of queries relating to the process of the approval to fund and develop the proposed new Ash Grove Alternative Provision Academy on the Milton Road, Radcliffe site. The call in included a request to have sight of the supporting information that was summarised in the Cabinet Report. This is now included in the appendices of this report.

1.2 This report is to address the points raised in the call-in request. This report relates solely to Ash Grove the proposed new development and not the disposal of the land, that is dealt with by a separate report to this Committee.

2.0 ISSUES

2.1 Formal requests to the Overview and Scrutiny Committee

Examine the adequacy of the site-selection process.

A brief summary covering a feasibility report on six other potential sites was included in the Cabinet report along with the reasons for their unsuitability. The full feasibility report conducted by AFL Architects Ltd is now appended (Appendix A) along with a subsequent similar report on the Milton Road site (Appendix B). Also, there are two ground investigation reports on the Milton Road site that concluded the site is economically suitable for development (Appendix C & D).

Examine the purpose and outcome of the 29th September public meeting.

The purpose of the Public Consultation meeting conducted on the 29th September at the Growing Together centre in Radcliffe, was part of the pre-planning application submission process and was advertised to the general public as a pre planning public Consultation.

The aim was to obtain feedback and opinion of the general public of Bury on the proposed new Alternative Provision Academy. This is a standard process to include the feedback (where and when possible) within the Planning Application when it is to be submitted. As the Cabinet report was requesting permission to submit the Planning Application and given the extremely tight time scale to deliver this proposed new building, the Design Team wanted to be in the best possible position to submit the application if Cabinet approval was granted. Written comments received from the members of the public who attended were collated and the Council's Planning Consultant provided a summary report of those comments (see Appendix E), and the comments sheets are now appended (see Appendix F).

The meeting was only allowed to take place after the completion of the Public Open Space (POS) Notice consultation process.

Examine the implications for neighbouring residents.

This forms a significant consideration of the Planning process and one of the reasons for the preparatory Consultation meeting on the 29th September. A full assessment of the impact of the proposal will be reported to the Planning Committee in due course. A basic assessment has been covered in the Royal Institute of British Architects (RIBA) Stage 3 report. Mitigation measures will be put forward to address public concerns regarding implications for residents.

Examine relevant equality and human-rights considerations.

A Equality Impact Assessment was carried out as part of the Cabinet Report and further work will be undertaken throughout design and planning processes.

The Council is subject to the Public Sector Equality Duty under section 149 Equality Act 2010 and must, in exercising its functions, have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between persons who share a protected characteristic and those who do not. An Equality Impact Assessment has been completed and should continue to be reviewed as the project progresses through detailed design, planning and implementation stages to ensure that the needs of pupils, staff, visitors and the wider community are appropriately considered.

The proposed development is intended to provide improved educational facilities for vulnerable children and young people who require alternative provision. Accessibility, inclusion and reasonable adjustments will need to continue to be considered as part of the design development and planning processes.

The Council must also act compatibly with rights protected by the Human Rights Act 1998. Relevant considerations include Article 8 rights (respect for private and family life) of neighbouring residents and Article 2 of the First Protocol (right to education) for pupils requiring alternative provision. These competing interests fall to be balanced through the Council's decision-making and planning processes.

Examine environmental and technical constraints.

A number of the technical assessments are appended to this report they include, an open space assessment report of Bury is now appended (see Appendix U). However, that relates more to the disposal element of Milton Road rather than the development.

The RIBA Stage 3 report appended (Appendix G) to the Cabinet Report covered the environmental (Ecological) and technical constraints of the proposed site.

Two intrusive ground investigations were conducted on the site and the results of which are now appended. There is also an Ecology and Biodiversity report appended (see Appendix T)

Review the financial case.

The Council's finance team have proposed a high-level funding strategy to support the development which is documented within the Cabinet Report.

Determine whether Cabinet had sufficient information to make its decision.

Consideration needs to be given to the recommendations and approvals requested within the Cabinet Report to assess whether sufficient information was provided for the Cabinet to make a decision. In response to this the report to Cabinet set out the following -

1. Request to use the proposed site for the development following the previous item covering the land disposal. Considering the information in the disposal report to change the use, investigations were carried out into other potential sites and the results were summarised in the Cabinet Report for ease of use. The full report is now appended as previously mentioned above.
2. Request for funding to build the proposed new school. A funding strategy was provided by the Council's Finance Team within the Cabinet Report.

3. Permission to submit the Planning Application based on the current design. The current Stage 3 report contained the proposed design along with site information.

2.2 Site Suitability & Ground Conditions

Ground conditions, mining and structural safety

The site has been subject to a Phase 1 Desk Study (Appendix H) , Phase 2 Ground Investigation and a subsequent dedicated shallow coal mining investigation. The latest Coal Mining Investigation and Geotechnical Assessment (LKC261326-B1 Appendix D, final issue dated 30 September 2026) included three rotary boreholes extending to 35 m below ground level, with rock coring, laboratory testing and monitoring for mine gas during drilling.

Coal was encountered in all three rotary boreholes. Importantly, the investigation did not encounter evidence of historic workings such as voids, loose drilling or broken ground, nevertheless a conservative assessment recognising that a borehole can pass through intact pillars between former workings. Applying the acceptable-cover methodology, it is recommended that proof drilling and, where required, grouting beneath the proposed building in the identified northern and western zones. No stabilisation works are considered necessary in the southern area on the information currently available. A watching brief by a suitably qualified coal-mining engineer/consultant is also recommended during earthworks and foundation excavations so that any unexpected mining features can be identified and addressed.

The RIBA Stage 3 structural design (Appendix J) has been developed with these known ground conditions and mining risks in mind. The scheme comprises a two-storey steel-framed building with an engineered substructure and suspended ground-floor solution. The mining treatment is a pre-construction ground-stabilisation measure to be designed by an appropriately experienced specialist contractor and agreed with the Mining Remediation Authority. This is a recognised means of managing the identified residual mining risk rather than evidence that the site is structurally unsuitable for development.

Grouting, contamination and completeness of the budget

The extent of mining treatment currently recommended is defined Grouting Zone Plan. The final report states that proof drilling and grouting is required below proposed buildings in the northern and western parts of the building footprint. The note to the grouting plan also makes clear that treatment is to extend to the deepest coal seams identified and that, where proof drilling demonstrates no evidence of coal or workings, grouting will not be required. The final scope and quantities will therefore necessarily be confirmed through the specialist proof-drilling/grouting design and the conditions actually encountered.

Separate from the mining issue, the Phase 2 investigation identified elevated lead and PAH concentrations in near-surface made ground together with trace asbestos in one shallow sample. The Stage 3 design recognises that appropriate remediation/clean cover, construction-worker protection and waste-management measures will be required. These are environmental/remediation matters rather than an indication of a structural defect in the proposed development. The detailed remediation strategy and associated commercial allowances should be confirmed by the relevant environmental and cost consultants.

Currie & Brown will be asked to confirm the basis and scope of the £150,000 grouting allowance, the treatment of contamination/remediation costs, contingencies and any exclusions within the current cost plan, as these are commercial rather than structural-engineering matters. (see Appendix K)

Flood risk, drainage, biodiversity and open space

From the Consultant Civil Engineering perspective, the RIBA Stage 3 design includes a coordinated surface and foul-water drainage strategy. The site levels and drainage proposals have been developed so that external levels fall away from the building and exceedance flows are

directed away from the development. Surface water is proposed to be attenuated on site using below-ground attenuation together with permeable construction to the parking and MUGA areas before controlled discharge to the existing combined public sewer. United Utilities has advised that a surface-water discharge rate of up to 8 l/s may be acceptable, subject to agreement with the Lead Local Flood Authority.

There is a summary of the ecological and biodiversity aspects of the proposed site contained within the RIBA Stage 3 report. A more detailed Ecological Report is now appended. This will be part of the Planning Application process and assessment.

Overall engineering position

On the investigations and design information currently available, the identified ground and mining conditions are known engineering constraints for which defined mitigation has been recommended. The latest intrusive mining investigation found intact coal but no evidence of voids or workings in the boreholes. The residual risk is being addressed conservatively through targeted proof drilling/grouting, a construction-stage watching brief and the specified gas-protection measures. I am not aware of anything in the current civil or structural information that indicates that these matters make the site unsuitable for the proposed development, provided the recommended mitigation and normal detailed-design/verification process is completed.

The Stage 3 Civil & Structural Report (Appendix J) was only produced to insert a section into the main report and is not a standalone document with appendices.

Alternative sites and site-selection evidence

As previously stated, a feasibility report was commissioned in January 2025 into the suitability of six other proposed sites. This report is now contained within the appendix file (see Appendix A). A summary of the assessment outcome of those sites was included within the Cabinet Report. Included in the appendices is the feasibility report of the Milton Road site (Appendix B). This was conducted following consideration of all other site options. Results of the soil investigations and proposed remedials are included in Appendix L & M.

For information, the Milton Road site had previously been identified for early consideration by the Council for a proposed Department for Education (DfE) Special Free School project. This scheme would have provided an 80-place primary special school for children aged 4 to 11 with Autism Spectrum Conditions (ASC) and Speech, Language and Communication Needs (SLCN).

On 11 December 2025, the Department for Education formally notified Bury Metropolitan Borough Council (see Appendix V) that the planned special free school would not proceed as part of the Government's revised national approach to the delivery of specialist educational provision. The DfE advised that special free school projects where a trust had not yet been appointed would not continue and that local authorities would instead receive additional high-needs capital funding to deliver equivalent specialist places through alternative means, including the expansion of existing specialist provision, specialist units and adaptations to mainstream settings.

The DfE letter states that the decision was taken to accelerate the delivery of specialist places, noting that schools nationally at such an early stage of development were unlikely to open before 2030 as would have been the case in Bury. The Council was therefore allocated alternative capital funding to deliver the equivalent number of places through local SEND sufficiency programmes rather than through the construction of a new standalone special school.

Because of this national policy decision and the discontinuation of the Free School project, the Milton Road site was no longer required and became available for consideration as part of the Council's wider review of potential locations for future educational capital projects, including the proposed new Ash Grove Alternative Provision Academy. The suitability of the site was subsequently assessed through the same technical, planning and feasibility processes applied to other potential location.

Crime, anti-social behaviour and drugs

Greater Manchester Police (GMP) maintains regular engagement with the Radcliffe community through neighbourhood policing teams, community intelligence gathering, and partnership working with the Council and local housing providers. GMP routinely provides crime and community safety briefings to local ward councillors, enabling elected members to understand emerging issues, crime trends and enforcement activity within the area.

GMP also works closely with housing partners and other agencies to share information on incidents of anti-social behaviour, criminal activity and drug-related concerns, ensuring that problems are identified early and coordinated action can be taken where necessary. This multi-agency approach supports ongoing efforts to address community concerns, improve neighbourhood safety and respond effectively to issues affecting residents across the Radcliffe area

This information also forms part of the Planning Application assessment process as conducted by the Police who are a statutory consultee in proceedings.

Traffic, parking and highway safety

A detailed Transport Assessment has been prepared by SCP Transport (see Appendix N) to assess the traffic, transport, parking and highway-safety implications of the proposed Ash Grove Alternative Provision Academy. The assessment is based on traffic surveys undertaken in June 2026 and models the proposed development against a future 2031 traffic scenario, including the surrounding junctions on Milton Road, Wordsworth Avenue, Coronation Road, Countess Lane, Bolton Road and Stopes Road.

The proposals provide two separate vehicular accesses from Milton Road, assisting in separating staff movements from pupil drop-off/pick-up activity, together with 41 staff parking spaces, four minibus/9-seater spaces, three taxi bays and three accessible spaces. The accesses achieve 2.4m x 25m visibility splays, appropriate to the 20mph road, and swept-path assessments demonstrate that minibuses and servicing vehicles can safely manoeuvre within the site. The Transport Assessment has tested the development traffic on the surrounding highway network. It concludes that the local highway network has sufficient capacity to accommodate the proposed development. At the more constrained Countess Lane/Bolton Road/Stopes Road/Milton Road junction, the assessment recognises existing/future congestion but identifies the development's additional impact as limited, with a maximum increase in queues of approximately 3 Passenger Car Units on Bolton Road and a Ratio Flow Capacity increase of only 0.01 on that approach. SCP expressly concludes that this does not represent a severe highway impact and is acceptable. The other assessed junctions are forecast to operate well within practical capacity without significant queuing.

The five-year accident review also identified no recurring pattern of highway-safety incidents that could be affected by the proposals. The overall conclusion is therefore that the application proposals are acceptable with regard to transport.

Access to the site by non-car modes of the site has been assessed and the Transport Assessment concludes that the site is accessible by sustainable transport modes, benefiting from a walking and cycling network in addition to public transport links.

A basic summary of this report was included in the Stage 3 report and the full Transport Assessment Report is now included in the appendix.

Impact on neighbouring residents

This is another issue that will be fully assessed as part of the Planning process. There has been a Noise Impact Assessment report (see Appendix P) conducted and a basic summary of that report was included in the Stage 3 Report. The full report is now contained within the appendix.

2.3 Legal

Existing educational provision and the need for additional capacity

Local authorities have a statutory duty under the Education Act 1996 to secure sufficient school places, including provision for pupils with SEND and those requiring alternative provision. The Children and Families Act 2014 further places a duty on local authorities to keep the sufficiency of educational provision for children and young people with SEND under review.

Under Section 19 of the Education Act 1996, local authorities have a direct legal duty to arrange suitable, full-time (or equivalent) Alternative Provision (AP) for any child of compulsory school age who cannot attend a mainstream school due to exclusion, illness, or other reasons.

Because of the section 19 duty and the constant need for alternative provision for some children, local authorities in the past have maintained their own alternative provision (Pupil Referral Units) to provide education for excluded and vulnerable children. Over time, with academisation, central government funded alternative provision has diversified to include Academy APs. LAs can (and do) also legally commission external independent providers of alternative provision where necessary. However, alternative provision within the maintained sector provides a means for the local authority to meet its legal obligations, while also having certainty on the cost of that provision.

The Bury SEND Sufficiency Strategy 2026–2030 sets out how the Council will meet its statutory duty to secure sufficient, appropriate educational provision for children and young people with special educational needs and disabilities (SEND), including those requiring alternative provision (AP) and education otherwise than at school (EOTAS).

The strategy sets out a clear ambition to meet the needs of Bury's children and young people locally wherever possible, through a strengthened continuum of inclusive mainstream provision, targeted early intervention, and a coherent range of specialist pathways. The strategy recognises that sufficiency is not solely about increasing the number of places, but about ensuring the **right provision is available at the right time**, delivered by a skilled workforce, and capable of supporting positive outcomes for children, young people and their families.

The strategy therefore prioritises:

- Reducing demand for specialist and alternative provision through improved early identification, ordinarily available inclusive practice, and targeted support across early years, schools and colleges.
- Developing and sustaining a balanced continuum of provision across mainstream inclusion, resourced provision, SEN units and special schools, with a particular focus on ASC and SEMH pathways.
- Strengthening local capacity to meet Section 19 duties and EOTAS demand through sufficient, high-quality registered alternative provision, while reducing reliance on long-term and out-of-borough placements.
- Improving post-16 sufficiency by expanding local options for young people with SEND, supporting successful transitions into education, training, employment and adulthood.

In December 2024 the Council made the commitment, via a legal agreement with the Oak Learning Partnership Multi Academy Trust, to provide a permanent one site location for the Alternative Provisions facilities by 2028. The Ash Grove project seeks to provide a new Combined Alternative Provision (AP) facility in Bury to replace the temporary units located on the Whittaker Street, Park House and New Kershaw sites with a permanent new facility. A facility that aims to create an inclusive, supportive, and adaptable learning environment that enhances the educational experience and outcomes for pupils. The goal is to deliver a purpose-built development that is fit for purpose.

The requirement is for an Alternative Provision Academy catering for 136 pupils. It should be noted that the project does not create additional capacity, rather it replaces existing capacity currently accommodated in temporary units.

It is possible that legal action may be taken if the Council does not meet its contracted legal obligations. OLP could also take actions to withdraw six-day provision and renegotiate any remaining placement costs. Ultimately, it would further compromise the lives of some of Bury's most vulnerable young people having had their previous Radcliffe site relocated to the current temporary locations of New Kershaw and Whittaker Street.

Furthermore, the additional cost in having to extend the rental agreements for the temporary modular buildings at Whittaker Street and New Kershaw to accommodate the Students at OLP Ash Grove beyond the agreed current two years could be at least £150,000.00 per annum.

Without maintained provision (either local authority-maintained AP, or an AP Academy under a Multi-Academy Trust), a local authority is dependent on purchasing provision from independent providers in the external market to discharge its statutory duty. This is a scenario akin to the duty to provide a homes for a child in public care or securing appropriate education for a child with an Education, Health and Care Plan: a non-delegable statutory duty on the local authority, which must be discharged and funded.

The quality of alternative provision in Bury and the use of unsuitable providers was one of the key areas of deficit identified in the SEND Local Area Inspection of early 2024. The AP Strategy for Bury was developed in response to this challenge, with Ash Grove on a permanent, single site being a cornerstone of the local approach.

Finally, the children in alternative provision are often amongst the most vulnerable children in the borough. There is often crossover involvement between children in alternative provision and other services (and statutory duties) of the local authority, especially around safeguarding and youth justice services. Having a local centre for alternative provision provides a hub for the most vulnerable children and families, which other support services can wrap around.

The AP Academy will replace temporary accommodation across several sites with a single, purpose-built facility capable of supporting up to 136 pupils This will help vulnerable pupils receive suitable education and specialist support within their own borough.

In addition to the Council's statutory duties relating to education, SEND and alternative provision, Members should note that the Council has entered into contractual commitments with Oak Learning Partnership regarding the delivery of a permanent Alternative Provision facility. Any decision not to progress the project, or any significant delay, may therefore have contractual and financial implications. The development remains subject to obtaining all necessary planning permissions and statutory consents. Any future appointments of consultants, contractors or specialist advisers required to deliver the project must be procured in accordance with the Council's Contract Procedure Rules and applicable procurement legislation. The Council must continue to comply with its obligations under the Equality Act 2010, the Human Rights Act 1998 and general public law principles throughout the decision-making process. Consideration should also continue to be given to property, funding and subsidy control matters as the project progresses. As with any significant public sector project, there remains a potential risk of challenge in relation to planning, procurement or decision-making processes, which is mitigated through compliance with statutory requirements, robust governance and maintaining a clear evidential basis for decisions taken.

2.4 Cost & Project Management

Project risks, funding and Cabinet decision-making

A design project risk register is included in the attached appendices.

The cost plan compiled by an experienced cost consultant is a prediction of the likely build cost complete with all fees. Using recent cost information obtained from similar projects and applying

them to the current design. This is not as a result of a tender process, that will come later in the process. The current cost plan (see Appendix Q), which was included within the appendix of the Cabinet Report, includes general allowance of 5% on the contractors side and 5% on the client side to cover for any unknown risk that might crop up during the works. These percentage allowances are common on projects at this stage of the design process. During stage 4 a detailed Risk Register will be compiled by the design team and contractor detailing the risk and what mitigation measures will be introduced.

The cost plan also includes separate identified costs for the coal grouting (Appendix K) and cut and fill excavation. During Stage 1 site investigations took place and initial ground surveys and enquires were sent out by the design team. The findings of these reports initiated further testing/boreholes during Stage 2, with remediation measures/strategies worked on. These measures were costed up by specialists to mitigate any financial risks during the construction phase. Design and ground risks have been identified and assessed in Appendices R & S.

Additional Funding options continue to be explored to bring down the level of prudential borrowing that will be required, including approaches to Department for Education and this work is still ongoing.

3.0 CONCLUSION

In conclusion this report responds (with evidenced appendices) to the points raised in relation to the Cabinet the Council decision. All matters were included or summarised in the Cabinet Report to enable Cabinet members to make a decision in relation to the funding strategy, the suitability and use of the Milton Road site and the proposed designs to be submitted for a Planning Application.

List of Background Papers:-