Classification: Open	Decision Type: Key

Report to:	Cabinet	**Date:** 14 October 2026
Subject:	New Ash Grove Additional Provision Academy	
Report of	Cabinet Member for Children and Young People	

1. Summary

1.1 The purpose of this report is to advise the Cabinet on the proposals to provide a new Ash Grove Alternative Provision (AP) Academy facility on the proposed site located on Milton Road, Radcliffe.

1.2 The proposed site was previously earmarked as a potential SEN school facility by the DfE. The DfE have confirmed that they no longer require the site for this purpose. Cabinet approval is now required to use the site for an alternative use, in this case a proposed AP facility for which there is an urgent requirement. Under Policy RT1/1 the site is protected for recreation provision in the urban area. A separate report is being submitted to Cabinet pertaining to any objections to a Public Open Space Notice for the disposal of the Milton Road site.

1.3 Approval for the full budget to deliver the project is being sought. This would include Design Consultant's fees to continue from RIBA Stage 4 through to 7. Set out below is the proposed funding strategy for the proposed development. There is also appended a full RIBA Stage 3 Report from the Council's Design Consultants and a Cost Plan that breaks down the requirements of the budget.

1.4 The Cost Plan is based on the designs contained within the appended Stage 3 Report. Approval is required from the Cabinet to submit these designs for full Planning Approval. The cost of the project is approximately £17m.

1.5 With the assistance of the Council's Procurement department, it is proposed to procure a suitable Contractor through a two-stage competitive express tender process via the Procure Partnership Framework as early as possible and then to enter into a Pre-Construction Service Agreement.

2. Recommendation(s)

2.1 Approve the use of the Milton Road site (*see appended site plan in Stage 3 Report*) for the proposed new Ash Grove Alternative Provision (AP) Academy.

2.2 Approve the current designs to be submitted for full Planning Approval.

2.3 Approve the funding strategy detailed below for a budget of £17m and delegate spending authority to the Executive Director of Place in conjunction with Director of Law and Governance to oversee implementation of relevant contracts.

2.4 Approve the Procurement strategy approach for the engagement of a suitable contractor/consultant team.

3. Reasons for recommendation(s)

3.1 To ensure the Council complies with an academisation legal agreement entered into with the Oak Learning Partnership Trust by providing a permanent school facility by September 2028.

3.2 Any delays in the proposed programme contained in the Stage 3 report could result in failure to deliver.

3.3 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 sites relocated to the current temporary locations of New Kershaw and Whittaker Street.

3.4 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.

4. Background

4.1 In December 2024 the Council made the commitment, via a legal agreement with the Oak Learning Partnership Trust, to provide a permanent one site location for the Alternative Provisions facilities by 2028.

4.2 This 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.

4.3 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

4.4 Previously, a feasibility study was conducted to appraise the suitability of six other potential sites for the new development. However, none of the selected options were deemed suitable following the findings of a RIBA Stage 0 Feasibility Report.

4.5 A new site has now been identified as a potential location for the new AP Academy. The proposed site is located on Milton Road, Radcliffe, Bury. A feasibility was produced on the proposed site to see if the site suits the requirements of the required facilities and its suitability.

4.6 Following the success of the new RIBA Stage 0/1 feasibility report on the proposed Milton Road site. The new report was utilised to tender for a full team of consultants through the Procure Partnership Framework, with assistance of the Council's Procurement Team, to take the project up to RIBA Stage 3 Design and the Planning Application.

4.7 Working with members of the Oak Learning Partnership and CYPS, the design consultants are now working towards the completion of the Stage 3 report to establish a cost plan and submit a full planning application.

4.8 Using an express two-stage tender process, again through Procure Partnership, we have also had early engagement with a Contractor.

4.9 Post academy conversion Spring Lane School (Secondary PRU) became Ash Grove Alternative Provision Academy.

5 Impact of the OLP/DfE/Bury Council Agreement

5.1 There are strong reasons why every local authority needs dedicated alternative provision for children within its local area. Firstly, 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.

5.2 Local Authorities also have a duty to ensure there are sufficient school places for all children in the local area, including those in need of alternative provision. Guidance is clear that if the local authority identifies a shortage of alternative provision places for children, resulting in a significant number having to travel considerable distances to a suitable placement or being placed in inappropriate provision, local authorities should consider creating or expanding provision.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

6. Potential alternative sites considered for the new Ash Grove Alternative Provision Academy

6.1 Following the legal agreement between Bury Council and Oak Learning Partnership in December 2024, AFL Architects were commissioned to carry out a feasibility study of potential sites for the new Ash Grove Alternative Provision Academy. Six potential sites were then identified. Officers were required to identify a site which fully meets the needs of a combined AP provision, learning lessons from the implementation of temporary facilities at New Kershaw Centre and Whittaker Street.

A brief summary of AFL's report (available on request) is below. The current proposed design has the site area required for the new facility as being 9,267m2.

- **Belle Vue Terrace - Approx site area = 3,911m^2**
  Site area is not sufficient for size of school required.

- **New Kershaw Centre - Approx site area = 4,724m^2**
  Site area is not sufficient for size of school required.

- **Whitefield Centre - Approx site area = 2,251m^2**
  Site area is not sufficient for size of school required.

- **Redvales South - Approx site area = 36,692m^2**
  DfE using the top of site for new school. Lower end of site currently used by the community for 3 football pitches. Sport England would object to the loss of football pitches.

- **Wellington Road without Grundy Hub - Approx site area = 9,991m^2**
  Heavily contaminated site would have added approximately £3m to the budget to carry out the necessary remedial works to the ground.

- **Wellington Road with Grundy Hub - Approx site area = 13,458m^2**
  Heavily contaminated site would have added approximately £3m to the budget to carry out the necessary remedial works to the ground and additional cost of replacing the Grundy Hub.

6.2 The Milton Road site provides the best opportunity to deliver all requirements of a modern combined AP facility with the fewest compromises, offering a strong combination of low building height with substantial outside and activity space within a welcoming and attractive setting.

6.3 Construction of the facility on other site would result in compromises to the proposed building and facilities in terms of scale, function or provision of outside space.

7. Statement from the Oak Learning Partnership Trust (Service providers for the existing Ash Grove Alternative Provision Academy)

7.1 Oak Learning Partnership agreed to sponsor Ash Grove School (*formerly Spring Lane)* at a time when the provision was facing significant challenges and undergoing substantial organisational change. The Trust assumed responsibility during a period of transition when the school was relocating from its previous site in Radcliffe and operating from temporary accommodation provided by Bury Council.

7.2 Since sponsorship commenced, Oak Learning Partnership has worked closely with Bury Council and partners to stabilise school leadership, strengthen educational provision and improve outcomes for some of the borough's most vulnerable children and young people. This activity has been undertaken in the context of temporary accommodation which presents some limitations in terms of capacity, flexibility and the overall learning environment available to pupils.

7.3 The Trust has worked closely with Bury Council to design a high-quality alternative provision facility in line with previously agreed academisation agreements. It

considers the delivery of the new school building to be critical to ensuring that pupils can access high-quality facilities and specialist support. The Trust is committed to working collaboratively with the Council to achieve this objective, although it is concerned that significant delay to the agreed programme could have implications for future service delivery, contractual arrangements and the educational experience of pupils.

7.5 The Trust believes that provision of a new alternative provision facility represents an important opportunity to improve outcomes for children and young people who require specialist support and will build on improvements made over recent years.

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8. Links with the Corporate Priorities:

8.1 The delivery of the new Ash Grove Alternative Provision Academy directly supports Bury Council's Let's Do It! Strategy and its overarching ambition to reduce deprivation, improve residents' quality of life and ensure that every child has the opportunity to achieve the best possible start in life.

8.2 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.

8.3 The proposed facility will include a highly energy-efficient, all-electric design will incorporate enhanced insulation, air-source heat pumps, heat-recovery ventilation, solar panels, intelligent building controls and electric-vehicle infrastructure, helping to reduce operating costs and carbon emissions while creating a resilient facility for future generations.

8.4 Bury Council, Oak Learning Partnership, Children and Young People's Services have collaborated on the proposed draft design, and this partnership approach will be complemented by continued community involvement, including provision of a dedicated community area associated with the existing community garden and measures to deliver biodiversity improvement.

8.5 Finally, the scheme adopts a Strengths-based approach by building upon the progress already made by Ash Grove and Oak Learning Partnership, the expertise of education and support professionals, and the resilience and potential of the children, families and communities the Academy will serve. Rather than defining pupils by the barriers they face, the purpose-built environment will provide the specialist facilities, flexibility and support needed to improve educational participation, attainment, wellbeing and longer-term life opportunities. The facility will therefore address an identified weakness in Bury's current alternative provision arrangements while building upon established local partnerships and successful practice to create a sustainable, long-term service.

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9. Equality Impact and Considerations:

9.1 An initial screening has been completed which shows no equalities concerns at this stage. The procurement framework will ensure compliance with equalities legislation and a full impact assessment will be completed as part of initial work with contractors on this project and will be continually reviewed as the project progresses

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10. Environmental Impact and Considerations:

Energy Strategy

10.1 The proposed design follows a simple approach: reduce energy use first, use energy as efficiently as possible second, and generate renewable energy third. By focusing on a well-insulated and airtight building, efficient building systems, and renewable energy generation, the school aims to achieve very low running costs and carbon emissions.

10.2 The design is targeting an energy performance level in line with Department for Education guidance for special schools, while also supporting Greater Manchester's wider carbon reduction goals.

11. Key Features of the Proposed Design

11.1. Highly insulated building:

The building will be constructed with insulation and glazing that perform significantly better than current Building Regulation minimum standards. This helps keep heat inside during winter and outside during summer, reducing the amount of energy needed to heat and cool the school.

11.2. Low-carbon heating with no gas:

Heating will be provided by highly efficient air source heat pumps, which extract heat from the outside air rather than burning gas. Warmth will be distributed through ceiling-mounted heating panels, allowing different areas of the school to be heated independently as needed.

11.3. Smart ventilation with heat recovery:

Classrooms and other occupied spaces will be fitted with ventilation systems that automatically adjust based on room usage and air quality. These systems recover heat from outgoing air and use it to warm incoming fresh air, improving comfort while reducing energy consumption.

11.4. Keeping the building cool naturally

Wherever possible, the design will use natural ventilation to maintain comfortable temperatures. Detailed computer modelling will be carried out to ensure the building remains comfortable during hotter summers and future climate conditions.

11.5. Energy-efficient sports hall ventilation

The sports hall will use roof-mounted ventilation units that harness natural airflow and include heat recovery technology. Integrated solar panels will help power the system and further reduce energy use.

11.6. Solar power generation

Roof-mounted solar panels will generate renewable electricity for the school. The system will be sized to provide a substantial proportion of the building's annual energy needs and help meet Department for Education sustainability targets.

11.7. Efficient hot water systems

Hot water will be produced using energy-efficient heat pump technology in areas with high demand, while smaller local water heaters will be used elsewhere to minimise wasted energy. Controls will ensure equipment shuts down outside school operating hours.

11.8. Intelligent building controls

A central Building Management System (BMS) will monitor and control heating, ventilation and other building services. This allows energy use to be tracked, faults to be identified quickly, and systems to operate as efficiently as possible.

11.9. Electric vehicle charging

The car park will include electric vehicle charging points, with additional infrastructure installed to allow more chargers to be added in the future as demand grows.

11.10. Energy-efficient external lighting

LED lighting will be used throughout the external areas. Automatic controls will ensure lights are only used when needed, reducing energy consumption, maintenance requirements and light pollution for neighbouring properties.

Overall, the school is being designed as a highly energy-efficient, all-electric building. By combining excellent insulation, heat pumps, heat-recovery ventilation, solar panels, smart controls and electric vehicle infrastructure, the development will minimise both energy consumption and carbon emissions, while remaining comfortable and resilient for future generations.

11.11 Biodiversity

There is a requirement under Planning Regulations to increase the biodiversity of the site by 10%. Given the existing community garden involvement within the site, the proposal is to provide a dedicated area for the community and help increase that particular biodiversity element. This is detailed further within the RIBA Stage 3 Report appended.

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12. Assessment and Mitigation of Risk:

Risk issues	**Management Strategy/ Mitigation**
Strategic - Business and External risks	
Reputational – confidence in the ability of BC to deliver objectives undermined	Appointing an expert and experienced delivery team Effective project management structures Appropriate contingency provision in programming and budget Appropriate standard and negotiated clauses in the contract document. Risk apportionment Ongoing proactive approach to risk management
Catastrophe risk – inherently unpredictable events – Covid, Brexit	
Regulatory risk – changes in laws and regulations New planning bill - new design standards New building regs	
Delivery Risks	
Site conditions – risk that adverse / unforeseen site conditions result in cost increases	Site investigations – full SI report Appropriate cost planning and contractor engagement Form of contract / warrantees etc
Build risk – risk associated with contractor management / underperformance / site characteristics	Effective contract management following the Government Construction Strategy involving: Form of contract – NEC 3 short form Soft-landing provisions - Operational led design Contract retentions
Supplier risk – availability of expert contractors for site clearance and specialist activities; risk of contractor failure	Procurement strategy Due diligence – transfer risk to main contractor Contracting – risk transfer Local labour vs established operators

Programme risk	
Permissions – risk that delays in securing planning, building regs and highways approvals impacts on programme	Early engagement – pre-application Ensure planning strategy aligned with delivery strategy – phasing of applications Managing statutory consultees Minimise pre-commencement conditions
Procurement – the risk that strategy results in delays / impacts on objectives	Early engagement with contractor with a two stage approach Phasing plan – staged approach Form of contract – (standard form) Use of frameworks
Financial risk	
Project costs – risk that capital costs increase above projections	Carry out investigations and site surveys Procure expert advice via consultant team Contingency and Optimism Bias allowance, including appropriate sums for inflation Risk allocation to contractor (as stipulated in the contract) Monitoring of works progress via TAs and Clerk of works, and maintaining contractor relationship Manage iterative value engineering through RIBA Stages Project budget oversight and management via internal and external governance structures

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13. Procurement Implications:

13.1 The proposed procurement strategy has been developed in conjunction with the Council's Procurement Team and is designed to support the delivery of the new AP Academy within the required programme and budget constraints.

13.2 A two-stage competitive tender process will be undertaken through the Procure Partnerships Framework, which is a compliant procurement route under the Public Contracts Regulations and provides access to suitably experienced contractors with a proven track record in delivering education and public sector projects.

13.3 The initial stage will involve the appointment of a contractor under a Pre-Construction Services Agreement (PCSA). This approach will facilitate early contractor involvement, enabling collaboration with the design team during the pre-construction phase to develop the design, undertake value engineering, identify and mitigate project risks, and improve cost certainty prior to the commencement of construction works.

13.4 Following successful completion of the pre-construction phase and agreement of an acceptable contract sum, the Council intends to enter into a JCT Design and Build Contract for the delivery of the works. The proposed approach is expected to provide the following benefits:

- Early contractor engagement to support programme certainty and timely delivery of the facility by September 2028.
- Improved cost control and market testing through a competitive tender process.
- Identification and mitigation of construction, programme and site risks at an early stage.
- Opportunities for value engineering whilst maintaining the educational and operational requirements of the scheme.
- Access to contractors with relevant experience of delivering education facilities and public sector developments.
- Compliance with the Council's Contract Procedure Rules and relevant procurement legislation.

13.5 The use of the Procure Partnerships Framework is considered an appropriate and proportionate procurement route for a project of this scale and complexity and will support the Council in achieving value for money whilst maintaining quality and programme objectives.

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14. Legal Implications

14.1 The Council has statutory duties under section 19 of the Education Act 1996 to secure suitable full-time education (or such part-time education as is appropriate) for children of compulsory school age who, because of exclusion, illness or other reasons, are unable to attend mainstream school and would not otherwise receive suitable education. The Council also has wider statutory responsibilities in relation to the sufficiency of educational provision within the Borough. The development of a permanent alternative provision facility will assist the Council in meeting those duties.

14.2 In December 2024, the Council entered into a legally binding agreement with Oak Learning Partnership in connection with the academisation of Ash Grove Alternative Provision Academy. The agreement includes commitments relating to the provision of a permanent facility for the Academy. The proposals set out in this report support the Council in discharging those contractual obligations.

14.3 The proposed development is subject to a number of statutory processes and regulatory requirements, including planning and land-related requirements.

14.4 Any procurement undertaken pursuant to the approvals sought in this report must be conducted in accordance with the Council's Constitution, Contract Procedure Rules, Financial Procedure Rules and all applicable procurement

legislation. Legal Services and Procurement officers will support the proposed procurement process and the preparation and completion of all associated contractual documentation.

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15. Financial Implications:

15.1 £3.384m of unallocated Basic Needs grant and estimated capital receipts have been identified to support the overall £17m estimated cost. The remaining £13.616m estimated cost would need to be funded from additional prudential revenue borrowing with estimated additional revenue costs of £445k in 2027/28, rising to £805k in 2028/29 and increasing to £1.140m recurrently for 40 years from 2029/30 based on the anticipated spend profile. These additional costs will need to be reflected in an updated MTFS and increase the budget gap. Officers will continue to look at options for identifying additional funding options to reduce this revenue pressure where possible through either external funding, additional capital receipts or repurposing any underspends within the capital programme.

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16. Appendices:

Please list any appended documents (please save these as clearly labelled separate documents in the Teams folder).

16.1 RIBA Stage 3 report and cost plan

16.2 Planning Consultants Public Consultation Report

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

Not applicable

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning