

<b>Report to:</b>	Executive Cabinet Member – Deputy Leader’s Portfolio		
<b>Date of meeting:</b>	19 <sup>th</sup> October 2021		
<b>Report of:</b>	Director of Place Development	<b>Report number:</b>	ECDML/4801 V9
<b>Reporting Officer:</b>	P Whittingham – AD Economic Development & Regeneration	<b>Telephone number</b>	01204-336301
<b>Contact officer:</b>	D Cross – Programme Director Strategic Property & Regeneration	<b>Telephone number</b>	01204-331367
<b>Report title:</b>	New School Site 2021- Disposal of Council Land		
<p style="text-align: center;"><b>Not confidential</b></p> <p style="text-align: center;">This report does not contain information which warrants its consideration in the absence of the press or members of the public.</p>			
<b>Purpose:</b>	<b>Strategic Asset Management Plan (SAMP) Disposal of Land –</b> Provide Land at Haslam Park, Rumworth ward for proposed School to secure Capital investment by DfE and meet School place demand		
<b>Recommendations:</b>	<p>The Executive Cabinet Member is recommended to:</p> <ol style="list-style-type: none"><li>1. Approve the disposal of land as described in this report in accordance with the Academies Act 2010, the Strategic Asset Management Plan, Disposal Policy and any other requirements detailed in this report.</li><li>2. Authorise the Director of Place (Assets) to:<ol style="list-style-type: none"><li>(a) negotiate and grant a licence to the Secretary of State for Education to carry out pre-development works on the site detailed in this report.</li><li>(b) negotiate and enter into an Agreement for Lease with the Secretary of State for Education to develop the site detailed in this report and to grant a lease to the tenant of the site at the direction of the Secretary of State for Education</li><li>(c) grant a lease for the site to the tenant, as detailed in this report.</li></ol></li><li>3. Authorise the Borough Solicitor to complete the legal formalities</li></ol>		
<b>Decision:</b>			
<b>Background documents:</b>	1) Land Registry – Red edge site boundary		

<b>Signed:</b>	Leader/Executive Cabinet Member	Monitoring Officer
<b>Date:</b>		

<b>Consultation with other officers</b>			
Finance	Yes		D Shepard
Legal	Yes		Sarah Orrell/Louise McGuinness
HR	No	-	-
Climate Change	No	-	-
Equality Impact Assessment required?	No	-	
<b>(a) Pre-consultation reports</b> Is there a need to consult on the proposals?		Yes (Ward Member consultation)	
<b>(b) Post consultation reports</b> Please confirm that the consultation response has been taken into consideration in making the recommendations.		Yes	
<b>Vision outcomes</b>  Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.	1. Start Well		X
	2.Live Well		
	3.Age Well		
	4.Prosporous		X
	5. Clean and Green		
	6.Strong and Distinctive		X

## 1. **INTRODUCTION & BACKGROUND**

- 1.1. The council has a statutory duty under section 13(1) of the Education Act 1996 to secure that efficient primary education, and secondary education are available to meet the needs of the population of their area and this is supported by the council's Strategic Asset Management Plan (SAMP) and associated policies.
- 1.2. Currently, there are insufficient available school places (primary and secondary) within the right places of the Bolton borough, to meet the needs of the local population and, therefore, action is required to ensure that the council is meeting its statutory duties.
- 1.3. The Strategic Asset Management Plan (SAMP) was approved at Cabinet on 5<sup>th</sup> October 2020. In line with the Estates Optimisation pillar and the associated Disposals Policy.
- 1.4. This report concerns the proposed disposals of Haslam Park for use as an academy/free school in line with the Education Act 1996, Academies Act 2010, the SAMP and Disposal Policy.
- 1.5. The site is:
  - (a) Land at Haslam Park as shown edged red on the attached plan
- 1.6. Prior to identifying the site, an assessment of alternative, available, unconstrained and deliverable sites were considered and factored into the decision to identify this site. Any within the greenbelt were excluded from the site search as they would only be considered if there were no sites available within the target area.
- 1.7. It is proposed that the site is disposed of by way of a 125-year lease at a peppercorn using the Department for Education's (DfE) model lease. Prior to the granting of the lease the council would enter into a licence with the Secretary of State for Education to enable the delivery of pre-development works and it would then enter into an Agreement for Lease for the development of the new schools.
- 1.8. A Temporary site may be required to house increased demand until the new build facility is completed, but this will only be considered at the request of DfE or separate instruction but should be noted as potentially required to secure funding and meet school place demand. This would form separate approval for Lease or Licence under Delegated powers.
- 1.9. The latest projections for secondary school places in Bolton suggests that demand for Year 7 places will exceed available operational capacity by September 2022 and whilst it may be possible to manage a limited number of additional Year 7 intakes by agreement with some schools as a one off bulge intake for September 2022, this could not be repeated in September 2023 or thereafter without significant expansion of existing schools and at great expense, and ideally a new 180 PAN 900 new school is required, to meet future demand, by September 2023 at the latest.

- 1.10. The Asset Management Policy requires we regularly review Property and Land holdings to identify assets that have no strategic, development or investment value and/or may have revenue implications that are not commercially viable. This also includes identification of land of school use to deliver school places in the Borough.
- 1.11. A 20-working day consultation period was agreed as part of the SAMP and disposals policy approval at Cabinet. The consultation process for sites ran for a period of 20-working days in total and representations have been made accordingly by Ward Members.
- 1.12. One response only was received from within the Rumworth ward supporting disposal for a secondary school, whilst asking that considerations around pathways, cycle paths and replacement park be considered in the wider masterplan for the school and surrounding area to replace or not detriment access and current services for the local community
- 1.13. The land at Haslam Park, comprises part of a large district park which is located to the North of Wigan Road in Deane, Bolton. The land measures 4.9814 hectares (12.31 acres) in site area. It is proposed that this site is used for a new secondary academy/free school and that the lease is granted to Great Schools Trust.

## 2. **PROPOSED MAIN TERMS OF THE DISPOSAL**

- 2.1. In line with the Strategic Asset Management Plan's disposal policy the following site is recommended for disposal:

### **New School Sites: Land identified for Disposal**

Site No:	Address	Use
1	Haslam Park (Rumworth)	Land for new School

- 2.2. It is proposed that:
  - (a) a licence is granted to the Secretary of State to carry out pre-development works on the proposed site.
  - (b) an agreement for lease is entered into with the Secretary of State for Education to develop a new secondary school on the proposed site and then for the council to grant a lease to the tenant at the direction of the Secretary of State for Education.
  - (c) a 125-year lease is granted to the tenants at a peppercorn following completion of the construction of a new school with a break option in the tenant's favour every 25 years. The lease would be granted using the DfE's model lease. It is also proposed that authority is delegated to the Director of Place (Assets) to negotiate the final terms of the lease.

- 2.3. The disposals would be subject to planning consent and any consultation required, including the requirement under paragraph (z) of Schedule 4 of the Town and Country Planning (Development Management Procedure) (England)
- 2.4. The disposal of the Haslam Park site will be subject to Natural England consent because some of the site forms part of a local nature reserve.
- 2.5. In addition, the site is subject to the Parks and Recreation Byelaw 1890. Under Byelaw 24 the proposed development of this site will be prohibited without consent. Such consent will need to be sought from the council's Constitutional Panel.
- 2.6. Further, it will be necessary to appropriate the site for planning purposes. Appropriation in this context simply means transferring the allocation of the land from one purpose to another. This is usually carried out in conjunction with the planning process. In the case of Haslam Park an area designated as a LNR (Local nature reserve) will be used to site the school and some additional land beyond the extent of the existing park will be improved to allow its designation as a replacement LNR.
- 2.7. The council has powers under sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land. Paragraph 20(2) of Schedule 1 to the Academies Act 2010 dis-applies the requirement in section 123(2) of the Local Government Act 1972 not to dispose of land for less than the best consideration that can reasonably be obtained. The proposed leasehold interests can therefore be granted at a peppercorn rent. As the site is classified as "Open Space" there would ordinarily be an obligation on the council under section 123(2A) to advertise the intention to dispose for two consecutive weeks; however, Paragraph 20(2) of Schedule 1 to the Academies Act 2010 dis-applies the requirement in section 123(2) of the Local Government Act 1972 and, therefore, it will not be necessary to go through an advertisement process.
- 2.8. The formal release of the land from the council to the DFE (department for education) will be subject to satisfying the following points,
- DFE confirmation of Capital funds and associated development costs
  - DFE agreement of the school place demands within the locations the site sits
  - DFE confirm the timescales for delivery and any associated temporary site plans
  - Planning Approval
  - Natural England – formal agreement to relocation to suitable site

### 3. **OPTIONS**

**Do nothing** – Is not considered an option, this would impact the council's ability to provide suitable land for school places that is a statutory requirement of any Local Authority.

**Disposal** – the disposal/transfer of the land is recommended for the site, that will enable the Council to meet the statutory requirements and compliance with the

Education Act 1996, whilst securing significant investment for the area. This meets the vision outcomes, namely – Start Well. This is not a disposal to achieve a Capital receipt and best consideration will come in the form of meeting obligations to provide school place and secure significant capital investment.

#### 4. **IMPACTS AND IMPLICATIONS:**

- 4.1. **Financial** - The disposal will secure a potential £10-15m Capital investment for the borough and provide adequate school places via a new secondary school facility. The council would be required to find and allocate funds to expand existing schools, as the DFE funding only covers new build schools and newly formed schools. This paper covers the disposal of the land only, any costs associated with the project to deliver school places will form part of a separate approval or scheme of delegation. A payment of £45k will be required for the surrender of an existing lease to adjoining land, to satisfy the replacement/supplementing of the LNR (local nature reserve).
- 4.2. **Legal** – The proposed 125 years lease for the school site would be made in accordance with the Education Act 1996 and the Academies Act 2010 and would be made in accordance with all relevant legislation and conditions precedent incorporated into the agreement for lease. A lease at an undervalue and without advertisement of open space is permissible under section 123 of the Local Government Act 1972 by virtue of paragraph 20(2) of Schedule 1 of the Academies Act 2010.
- 4.3. **HR** - None
- 4.4. **Climate Change** – The impact of the development of these sites on climate change will be considered as part of the planning process, biodiversity net gain and achieving improvements above the current building regulations will be the focus of the planning process. Sites will therefore make a positive contribution.
- 4.5. **Other** – None

#### 5. **EIA**

At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity groups.

#### 6. **CONSULTATION**

A 20-working day consultation with local ward member was agreed as part of the SAMP and disposals policy approved at Cabinet. The consultation process for sites ran for a period of 20-working days in total and representations have been made accordingly by Ward Members. See Appendix A.

The consultation period ran from 6<sup>th</sup> September 2021, through to 1<sup>st</sup> October 2021. One response only was received from within the Rumworth ward supporting disposal for a secondary school, whilst asking that considerations around pathways, cycle

paths and replacement park be considered in the wider masterplan for the school and surrounding area to replace or not detriment access and current services for the local community

7. **VISION 2030**

Within the Vision 2030 Strategy, the Council will strive to deliver services more efficiently, through service improvement, redesign, recommissioning and decommissioning, based on evidence of impact.

8. **RECOMMENDATIONS**

The Executive Cabinet Member is recommended to:

1. Approve the disposal of land as described in this report in accordance with the Academies Act 2010, the Strategic Asset Management Plan, Disposal Policy and any other requirements detailed in this report.
2. Authorise the Director of Place (Assets) to:
  - (a) negotiate and grant a licence to the Secretary of State for Education to carry out pre-development works on the site detailed in this report.
  - (b) negotiate and enter into an Agreement for Lease with the Secretary of State for Education to develop the site detailed in this report and to grant a lease to the tenant of the site at the direction of the Secretary of State for Education
  - (c) grant a lease for the site to the tenant, as detailed in this report.
3. Authorise the Borough Solicitor to complete the legal formalities

## **Appendix A: Consultation Feedback**

Following a period of consultation undertaken as requirement of the Asset Disposal Policy, the following feedback was received from local ward members, Rumworth Ward. The consultation period ran from 6<sup>th</sup> September – 1<sup>st</sup> October, with only one response received.

### **Haslam Park: Local Ward Member Responses**

Dear Asset Management,

As ward Councillor I welcome the opportunity to have a much-needed school in Rumworth.

In order to promote walking and cycling, as part of the process I feel it necessary that the design and building of the school layout should incorporate very good paths all around the school. In addition to have sufficient lighting at the back of the proposed area near the Middlebrook Trail for the safety of all users.

It would be good to see green initiatives incorporated into the campus, for example solar panels, eco friendly buildings, commitment by the school to in still environmentally friendly practises.

Haslam Park falls within the proposed site. This park is used by many locals and is easily accessible for all visitors. It would be a great loss to the surrounding communities to lose this facility. I would like to suggest that the play area remains. It important that children have access to play in a safe outdoor facility and a free one too as there are many families in the area that do not have gardens and taking the children to the local park would be a huge loss for them. Removal of the play area would impact vulnerable families who are unable to access paid services for their children to enjoy.

I hope that the consultation will consider my concerns/suggestions as part of the consultation process.

Overall I welcome the idea of having a school at this proposed site.

~ End ~