

Report of the Cabinet Member for Education

Cabinet - 16 June 2016

DISPOSAL OF SURPLUS LAND ON SCHOOL SITES – OLCHFA COMPREHENSIVE SCHOOL

Purpose:	To consider the response to the consultation carried out with Olchfa Governing Body on the proposed land sale.
Policy Framework:	Capital Budget and Programme 2015/16 - 2019/20
Reason for Decision:	To report back on the consultation with Olchfa Comprehensive School Governing Body on the proposed land sale with a view to declaring the land surplus to requirements and progressing to serve notice served in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. If it is determined that the land sale proceeds subject to further consideration of any response to the notice as set out above, the receipt will be used to support not only the 21st Century Schools programme but the General Fund Capital Programme as a whole as set out in the Capital Budget and Programme 2015/16 - 2019/20
Consultation:	Olchfa Comprehensive School, Corporate Property, Cultural Services, Finance, Legal.
Recommendation(s):	<ol style="list-style-type: none">1) That Cabinet declares the site as indicated on plans attached being approximately 7.8 acres as surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale,2) That notice is served and the required consultation of communities and other interested parties, about the proposed disposal of land consisting, or forming part, of a playing field, is undertaken in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015,3) That if responses/objections to the proposed disposal are received, that a report is brought back to Cabinet to consider those responses/objections.

- 4) That if no responses/objections are received that the Interim Director of Place is authorised to proceed to market the land identified for disposal and report back to Cabinet in due course upon completion of that exercise.

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1.0 Background

The report to Council on the 25 February 2016, Capital Budget and Programme 2015/16 - 2019/20 explained there is an ambitious programme of Council asset disposals which shall be used to support not only the 21st Century Schools programme but the General Fund capital programme as a whole.

1.1 In the case of land which forms part of school premises, a disposal will only proceed on the basis of agreement with the governing body and then the support of Cabinet on a case by case basis.

1.2 The criteria to be applied are as follows;

Primary School Sites

- more than 4.5 acres based on a generous interpretation of Building Bulletin B99 guidance for a two form entry school;
- the parcel of land is physically capable of being separated and developed;
- advice from Planning and Highways indicating that the land has development potential, so identifying the sites which offer the greatest potential capital receipts;
- confirmation of any legal constraints on the title;
- other constraints/ issues eg current educational and school organisation strategies.

Comprehensive School Sites

- evaluated on an individual basis rather than a generic filter based on site acreage; there are fewer sites to consider and each case is very different;
- the parcel of land is physically capable of being separated and developed.

- 1.3 The process is as follows:
- 1.3.1 a formal approach to the governing body to obtain written consent to proceed;
 - 1.3.2 where consent is obtained, proceed to formal evaluation;
 - 1.3.3 the criteria will then be applied fully with the benefit where necessary of more intrusive site surveys. If any shortfall is identified in educational facilities then there would be no further consideration unless the school were supportive of the disposal for security or other practical educational reasons. If no shortfall is identified then the review would proceed to Cabinet;
 - 1.3.4 the review would then be reported to Cabinet for a decision as to whether to accept the officer recommendations and declare the parcel of land surplus to educational requirements, and whether to proceed with the disposal of the site or agree an alternative use (subject to a clear business case which demonstrates sustainability).
- 1.4 Incentive Scheme
- 1.5 The Council has previously agreed that a proportion of any net receipt generated from a school site/building disposal is passed to the Education Directorate to hold on behalf of the school.
- 1.6 This receipt will be capped at the level of 5%, up to a maximum total receipt amount of £50,000 per individual sale. There would be nothing where the sum was less than £5,000.
- 1.7 This is not however a blanket arrangement as there may be particular circumstances when it would be inappropriate that the capital receipt available to Education should be allocated in this way. Consequently, there may be some occasions, due to exceptional circumstances, when this scheme would be varied, for example:
- a) where investment in facilities on the remaining site would enable a greater or more valuable disposal and this is demonstrated through a robust business case;
 - b) where a school has already, or will, directly benefit from significant capital investment through the QEd Programme, or
 - c) where a school is considered to hold excessive surplus reserves, as set out in the Scheme for Financing Schools.
- 1.8 To benefit under the incentive scheme, the governing body of the school affected will need to agree to the disposal within a period of 12 months following the initial notification by the local authority.

- 1.9 In Olchfa's case the scheme does not apply in its blanket arrangement as is explained below.

2.0 Olchfa Comprehensive School - Consultation

2.1 Key Facts;

Capacity –1859 as at January 2016.

Pupil numbers – Total numbers on roll including 6th form (as at January 2016 PLASC) was 1792

Pupil numbers within catchment – last analysed on 13 April 2016;for pupils in years 7-11, 938 of 1334 lived within the schools catchment area (70.3%). Of the pupils from outside the catchment area, most were from either Gowerton (70), Dylan Thomas (151) or Bishop Gore (111) catchments

Total School Acreage - 28.24

- 2.2 In 2014, the governing body were consulted on the possible sale of 5.96 acres which would have left 22.28 acres.

- 2.3 The governing body responded advising that they did not object in principle but subject to the caveats.

- 2.4 As summary of their response is as follows;

- 2.5 *The land which the school would propose might be considered for sale is not surplus to requirements as such. However, it is potentially surplus in different ways, depending on the section of land being considered.*

- 2.6 *One part (the concrete tennis courts) is currently in use by the PE department for outdoor girls' PE. Additionally, the PE department would wish to use the red gravel pitch for hockey, again predominantly played by girls at the school, but the pitch itself is in disrepair and is not safe to play on. Both these sections are unfit for purpose and would be totally surplus to requirements if the school could replace them with an alternatively sited bespoke outdoor, artificial games surface, ideally a full size 3G or 4G artificial pitch.*

- 2.7 *The land at the south end of the proposal, approaching Aneurin Way, is currently in regular use and is not currently surplus to requirements therefore. However, the school would be amenable to re-orientating the current pitches and track, in order to produce a parcel of land suitable to development, but the likely impact of that would be the loss of the smaller football pitch. If this were offset by the addition of a new facility as outlined above, the school is confident that an agreement could be reached which would be beneficial to all parties.*

- 2.8 *Olchfa has long maintained high achieving teams in a range of sports, for girls and boys. This generates highly positive wellbeing outcomes and improves quality of life for all concerned. The school would regard high quality facilities as being vital in further promoting those outcomes.*
- 2.9 *Whilst recognising the value to the LA of land sales, the school is keen to work in partnership to ensure that a physical reduction in site size does not detract from the quality of experience for pupils at the school.*

3.0 Consultation 2015

- 3.1 In consideration of Olchfa's response the governing body were again consulted in November 2015. The basis of that consultation is outlined below.

4.0 External areas

- 4.1 The two plans attached at appendix A and B both indicate hatched the proposed land sale area; the plan attached at Appendix A, also identifies the different areas within the site as described in Building Bulletin 98 (BB98), and the plan attached at Appendix B, indicates a revised layout including a full size 3G pitch.
- 4.2 The external areas do not currently satisfy BB98 which sets out simple, realistic, non-statutory area guidelines for secondary school buildings and grounds, that we would use for example if we were building a new secondary school. This is not surprising in so far as a new school will be developed to make maximum use of the available site and the external areas would be developed in accordance with Building Bulletin. A school constructed before the existence of Building Bulletin is unlikely to make the most efficient use of the site or include internally and externally all the suggested areas.
- 4.3 Olchfa in fact has an excess of games court, hard play and soft play areas, but a shortfall in pitches, which in turn means that the pitch allowance also does not satisfy The Education (School Premises) Regulations 1999.
- 4.4 The existing sports pitches are located to the rear of the school site. Over the years there have been variations in the layout between football and rugby. A running track and cricket wicket have also been added over the years. To the north of the area is a slight sloping embankment in a north to south direction.
- 4.5 The disposal of the area indicated would reduce the number of potential pitches by one. As indicated on drawing at Appendix A, there is the possibility of overlaying pitches for either football or rugby use, to allow for a potential 3G football surface; the running track would need to rotate 90 degrees and possible re-grading of the embankment would

be needed. This would have the potential of producing a spectator area on the embankment.

4.6 The area of all-weather pitches including 3G surfaces can be counted twice for the purposes of both BB98 and regulations, as they can be used for significantly more than the seven hours a week required of team game playing fields.

4.7 All-weather pitches allow more intensive use than grass and can also offer a popular community resource.

4.8 Other potential benefits to the school of the proposed land sale include;

- housing around the site and loss of the area around tennis courts and red gravel would potentially mitigate issues with pupils congregating in those areas;
- it would also potentially offer opportunities to enhance the security of the whole site;
- provision of more suitable facilities than existing, and
- all weather facilities for the school.

4.9 As advised by the governing body in their response to the consultation in 2014, the red gravel pitch itself is in disrepair and is not safe to play on; this and the tennis courts are unfit for purpose and would be totally surplus to requirements if the school could replace them with an alternatively sited bespoke outdoor, artificial games surface, ideally a full size 3G or 4G artificial pitch.'

5.0 Impact of new developments

5.1 If the school is extended or developed in future years, it is not expected that this would impact on the available pitch area.

6.0 Proposal

6.1 Olchfa Comprehensive School has 28.24 acres and it is proposed that with the potential land release shown hatched on both plans attached, a remaining area would be left of around 20.45 acres.

6.2 The governing body, were asked to consider;

6.2.1 whether it agrees that the land indicated is surplus to requirements and can be sold, subject to;

- provision of a full size 3G as indicated on the plan at Appendix 2 *Olchfa Option 2 A* attached from the sale proceeds (this would mean the incentive scheme would not apply);
- fencing to be realigned as appropriate;

- flexibility around the exact boundary positions which would not be confirmed until a developer is on board. Issues to consider include preserving a suitable southern access to the school.

6.2.2 whether it considers the disposal of the land would have an effect on any disabled children at the school, or any disabled adults visiting the school or working at the school or any person who comes within the protected characteristics under the Equality Act 2010.

6.2.3 The governing bodies response to the consultation in 2014, is below.

6.2.4 *Land sales will not affect disabled pupils or staff negatively, but have the potential to have a very significant positive impact on those groups. As things stand, the fields do not provide a suitable environment for disabled staff and young people (in the context of a school which, in overall terms, is not well suited to their needs). Were the fields to be reshaped and accommodate an artificial playing surface, that surface would allow disabled young people equal access to the opportunities afforded to others. If proximate to the current Sport Hall, towards the North or North West of the fields, physically disabled young people would be able to access a bespoke facility and take part in physical activity alongside their peers.*

7.0 Response

7.1 The governing body were mindful to engage in further discussions with the local authority, and accordingly subject to the Cabinet agreeing to progress with the proposal it officers will then engage in more detailed discussions with the school to agree the detailed boundary treatments and provision of an all-weather pitch.

8.0 Incentive policy

8.1 The Incentive Policy acknowledges that it could not be a blanket arrangement as there may be particular circumstances when it would be inappropriate that the capital receipt available to education should be allocated in this way. Consequently, there may be some occasions, due to exceptional circumstances, when this scheme would be varied; this includes where investment in facilities on the remaining site would enable a greater or more valuable disposal and this is demonstrated through a robust business case.

8.2 In this case the school already falls short of the external space requirements including pitch requirement. The proposal would reduce the available pitches by one, however, the provision of a 3G all-weather pitch would count as two, for the purposes of the calculation, as it should be available all year round.

8.3 The net receipt from the disposal of the site, after the provision of an all-weather pitch would be significant, and the school would benefit from enhanced external facilities and other benefits as explained above.

9.0 Equality and engagement implications

9.1 A full EIA Assessment has been carried out and has shown this project will have a positive impact on;

9.2 Age – the sale of potentially surplus land will allow the City and County of Swansea to invest in the facilities of a number of schools across the City, benefiting our children and young people.

9.3 Disability – the money being invested in schools will improve access for a number of disabled children and young people eg pupils at the new Burlais Primary School.

9.4 Currently the pitches do not provide a suitable environment for disabled staff and young people (in the context of a school which, in overall terms, is not well suited to their needs). Were the fields to be reshaped and accommodate an all-weather pitch, that surface would allow disabled young people equal access to the opportunities afforded to others. If proximate to the current Sport Hall, towards the North or North West of the fields, physically disabled young people would be able to access a bespoke facility and take part in physical activity alongside their peers.

9.5 In accordance with the requirements of The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 the impact assessment has also considered the how the proposed disposal would impact on any relevant strategies, plans or assessments.

9.6 This is summarised below and the full impact assessment will be available on line when the Cabinet papers are published on the website at <http://www.swansea.gov.uk/eia>.

9.7 Local Development Plan (LDP) – The scale of the LDP for the Olchfa catchment is mainly centred around Hendrefoilan Student Village (approx. 300 Units) and Cefn Coed (approximately 550 units).

9.8 There are a few smaller sites of around 25 units, and only one existing commitment of 24 units (Ref; 2013/0467).

9.9 Hendrefoilan Student village development has come forward within the Unitary Development Plan (UDP) and has now been approved.

- 9.10 Options considered for Olchfa in responding to planning consultations have concentrated on the need to rationalise the sub standard demountables and replace with 'new accommodation'.
- 9.11 However the only real chance for funding within the LDP will centre around Cefn Coed site and there will also be a primary element that will need to be considered.
- 9.12 The number of pupils that could be generated from these developments in accordance with the Supplementary Planning Guidance is tabled below.

Site	Primary Catchment	No. of units (approx.)	Primary (SPG)	Secondary (SPG)
KN004 Hendrefoilan Student Village	Hendrefoilan	300	93	66
SK011	Sketty	25	7.75	5.5
SK017 Cefn Coed	Sketty	500	155	110
FA008 Fairwood	Cila	25	7.75	5.5
2013/0467 (existing commitment)	Parklands	24	7.44	5.28
Total (approx.)				192.28

- 9.13 The above figures are of course subject to change all the time, and even if and when planning approval is secured there is no guarantee that the developments will go ahead.
- 9.14 The proposed land sale would not impact on any extension or remodelling required to accommodate additional pupils.
- 9.15 Play sufficiency assessment – there is no obvious detrimental impact to children and young people's play opportunities, as the land is not currently made available for community use in terms of play space, so it would not be removing play opportunities, but any loss of green space will have an impact on informal play and recreation.
- 9.16 The local authority's statutory responsibility arises from the Child and Families (Wales) Measure 2010 this statutory guidance to the Play Sufficiency Duty on all local authority's states;

Schools ensure that children are provided with a rich play environment for breaks during the school day
Schools provide play opportunities during out of teaching hours
Schools provide access to school grounds for playing out of school times

The local authority offers guidance to ensure schools understand and ensure that regular outdoor play is not curtailed

- 9.17 This largely relates to primary schools but will impact on Olchfa as it reduces the potential for opening up the grounds informally for community use. But this would be compensated for by the increase in formal community use given the expectancy that any 3G pitch would be available for hire as with current facilities.
- 9.18 Community, health, social care and well-being strategies – this proposal could have a positive impact by improving the nature of provision at the school that could also be made available for community use. This will be explored further.
- 9.20 Open space assessment – is undertaken by the local authority’s Planning Policy Team who identify specific surpluses or deficiencies within communities, to encourage in areas of limited open space the creation of new spaces and that existing spaces are retained and improved where possible. So that valuable existing facilities should be protected whilst the provision of new and improved open spaces should be facilitated.
- 9.21 The open space assessment undertaken by the Planning Policy Team of the authority shows that the Sketty ward, which Olchfa lies in has 11.5ha of Fields in Trust (FIT) provision per head of population which is 9.1ha over the recommended target. FIT recommends breaking down the standard to identify ‘outdoor sport, children’s playing space and then further breaking down the children’s playing space to identify equipped playgrounds. Sketty ward meets all of the required targets (outdoor sport – 10.7 ha and children’s playing space – 0.8ha) but does not meet its target for equipped playgrounds (0.1 ha). The Sketty ward has 21.7ha per 1000 head of population of accessible, natural green spaces (ANGS) 19.7ha above recommended target.
- 9.22 Based on this information the proposed disposal of land forming part of Olchfa Comprehensive School would not have a detrimental impact on the open space assessment for the area.
- 9.23 All key stakeholders will be consulted and communicated with throughout the projects delivery.

10.0 Financial implications

- 10.1 In accordance with current policy, the relevant capital receipt will contribute towards the achievement of the Council’s overall capital receipt target to part fund the 21st Century Programme for school improvements as set out in the approved capital programme. As such the capital receipt will not be allocated for any other specific purpose.

10.2 The valuations and costs detailed below are estimates only and the figures will be refined once further investigations have been concluded and the sites have been exposed to the open market.

11.0 Capital

11.1 The figures below represent the site valuation and financial information which will be redacted from a future Cabinet Report as they are not for publication by virtue of Paragraph 14 of Part A of Schedule 12a of the Local Government 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, and will be contained in a separate part 2 report.

11.2 It has previously been estimated that the gross capital value for the site is in the region of Any final net receipt will be dependent upon the responses from a full marketing campaign, subject to site investigations, site specific costs such as realignment of boundary fences and any conditions that would be enforced following submission of any detailed planning application.

11.3 The provision of a full size 3G as indicated on the plan at Appendix B attached from the sale proceeds would mean the incentive scheme would not apply. The estimated cost of this is

11.4 This would result in a final net capital receipt of approximately

12.0 Revenue

12.0 The school may benefit from some savings in their delegated budget for the grounds maintenance and security, but would need to set aside a revenue budget for the 3G pitch maintenance.

12.1 The 3G surface would need replacing after 10 years at an indicative cost of £200,000, and so the school would therefore be advised to establish a sinking fund.

13.0 Legal implications

13.1 Whilst all land held by the Authority is held corporately, the Governors of the School have day to day control over the premises under the School Standards and Framework Act 1998. Therefore the local authority must seek the views of the governing body and take those views into account prior to making any final decision on disposal.

13.2 Playing Fields

13.2.1 In order to dispose of the land the local authority must also comply with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 (“the Regulations”).

- 13.2.2 Section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 provides power for the Welsh Ministers, under the Regulations, to require the involvement of communities and other interested parties in decisions by local authorities about the proposed disposal of land consisting, or forming part, of a playing field.
- 13.2.3 The Regulations require a local authority to serve notices and publish information on the impact of the proposed disposal of a playing field on the health and well-being of the community, by reference to a number of key strategies, plans and assessments for the area in which the playing field is located; and strengthen arrangements for consulting the community, playing field users and relevant national bodies before a local authority takes a final decision to proceed with a proposed disposal.
- 13.2.4 In addition to these national bodies, the local authority must consult such other persons or bodies which appear to it to represent the interests of persons or bodies who are in the local authority's area, or in the area of a local authority which shares a boundary with any part of the playing field, and who make use of the playing field. This means, for example, that a local authority would need to consult representatives of local sports teams which play sport.

13.3 Best Value

- 13.3.1 The Council has a legal obligation under Section 123 of the Local Government Act 1972 that it shall not dispose of land for a consideration less than the best that can be reasonably obtained. Under the Council's constitution, compliance with this responsibility must be certified by the Council's Interim Director of Place or his nominee.
- 13.3.2 It is for the Interim Director of Place or his nominee to determine a marketing strategy where appropriate, either in-house or through an appropriate agent in the disposal of any land. Under the Council's constitution, the Interim Director of Place or his nominee will determine whether disposals will be made by way of a sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.
- 13.3.3 In any disposal of Council land which does not fall within the delegated authority of responsible officers as defined in the constitution have to be reported to Cabinet.

Background papers:

Report of Cabinet Member for Learning and Skills and Cabinet Member for Finance and Resources to Cabinet April 2013; 21st Century Schools Programme.

Report of Cabinet Member for Learning and Skills to Cabinet 28 May 2013; Capital receipts from sale of land / property on school sites proposed incentive scheme.

Capital Budget & Programme 2015/16 - 2019/20, Council 25 February 2016.

Equality impact assessment which can be found at <http://www.swansea.gov.uk/eia>.

Appendices:

Appendix A Building Bulletin 98 (BB98) analysis

Appendix B Revised layout including a full size 3G pitch.

Appendix B Revised layout including a full size 3G pitch.

