



**Report of the Cabinet Member for
Children, Education & Life Long Learning**

Cabinet - 15 March 2018

**Disposal of Surplus Land
at Olchfa Comprehensive School**

Purpose:	To consider the responses to the consultation carried out in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.
Policy Framework:	Capital Budget and Programme 2016/17 – 2020/21 Asset Management Plan 2017-2021
Consultation:	Olchfa Comprehensive School, Corporate Property, Cultural Services, Finance, Legal.
Recommendation(s):	It is recommended that Cabinet: - <ol style="list-style-type: none">1) Note and consider the responses/objections to the proposed disposal outlined in the report.2) Agree that the site as indicated on plans attached being approximately 7.8 acres (31,566m²) is surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale.3) Delegate authority to the Director of Place to proceed with the disposal by marketing the land identified and to report back to Cabinet in due course upon completion of that exercise.
Report Authors:	Louise Herbert-Evans / Nicola Jones
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Sherill Hopkins

1. Introduction

- 1.1. A report was presented to Cabinet on the 16 June 2016 to consider the response to the consultation carried out with Olchfa Governing Body on the proposed land sale at the school site.
- 1.2. It was resolved that the site as indicated being approximately 7.8 acres(31,566m²) be declared as surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale;
- 1.3. Notice was to be 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, should be undertaken in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015
- 1.4. Therefore, this report now reflects the responses / objections to the required consultation for the proposed disposal for Cabinet to consider.

2. Background

- 2.1. In 2014, the Governing Body were consulted on the possible sale of 5.96 acres (24,119m²), which would have left the school with 22.28 acres (90,164m²).
- 2.2. The Governing Body responded advising that they did not object in principle but subject to caveats.
- 2.3. In consideration of Olchfa's response, the Governing Body were again consulted in November 2015. The basis of that consultation is outlined below.
- 2.4. 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.
- 2.5. 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.

- 2.6. 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.
- 2.7. 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.
- 2.8. 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 all-weather football surface. The running track would need to rotate 90 degrees and possible re-grading of the embankment would be needed as indicated at Appendix B. This would have the potential of producing a spectator area on the embankment.
- 2.9. 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.
- 2.10. All-weather pitches allow more intensive use than grass and can also offer a popular community resource.
- 2.11. 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.
- 2.12. 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.'
- 2.13. If the school is extended or developed in future years, it is not expected that this would impact on the available pitch area.

3. Proposal

- 3.1. Olchfa Comprehensive School has 28.24 acres (114,283m²) 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 (82,758m²).
- 3.2. The Governing Body, were asked to consider;
 - 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.
- 3.3. 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.
- 3.4. The Governing Body's response to the consultation in 2014, is below
- 3.5. 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 Sports 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.
- 3.6. 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 officers will then engage in more detailed discussions with the school to agree the detailed boundary treatments and provision of an all-weather pitch.
- 3.7. This was followed by a letter outlining the proposal to the school for discussion at their governing Body meeting on the 25th November 2015. A response was received from the school on behalf of the Governing Body on the 1st December 2015.

- 3.8. Officers attended the school for an update meeting on the 9th June 2017, the details of this meeting were fed back to the Governing Body.
- 3.9. In September 2017, the Governing Body were sent, via the clerk, a copy of the notice to go to the press and a copy of the proposal. They were invited to share their views on the proposal and given the information on how to do so.

4. Playing Fields Regulations Consultation

- 4.1. The Council published a notice of the proposed land disposal comprising certain playing fields at Olchfa Comprehensive school, Gower Road Sketty under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.
- 4.2. The following organisations were consulted under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015; Sports Council Wales, Fields In Trust, Natural Resources Wales, Wildlife Trust, Open space Society, Swansea Environmental forum, Play Wales, Children's Play Officer Swansea, Ward Members, School Governing Body and local residents.
- 4.3. On the 15th September 2017 the above consultees were sent a copy of the notice to go to the press and a copy of the proposal. They were invited to share their views on the proposal and given the information on how to do so.
- 4.4. Whilst the consultation period was open for 6 weeks as per the regulations the notice also appeared for two consecutive weeks in The South Wales Evening Post on the 18 and 25 September 2017.
- 4.5. A total of 36 pieces of correspondence (22 emails, 13 letters and a petition) were received, including two items of support. One identical objection was sent through both mediums.
- 4.6. Of the 13 letters received, all were from the SA2 7N postcode namely the Hendrefoilan Estate, the majority referred to an ongoing problem of student parking and therefore objected to the proposal in its current form.
- 4.7. Of the twenty-two emails 2 were in support of the proposal stating
- 4.8. *"I believe that if done correctly could be great due to the school not using the whole field and being over funded by the government allowing them to keep it open. When I was a pupil we hardly used most of it, maybe a third of the field, the only part i'd see used regularly by the school was the rugby pitch and that was it."*
- 4.9. One of the objections received in response to this notice was in the form of a petition containing 111 signatures. The petition referred to the

ongoing parking issues on the Hendrefoilan Estate and in particular students using the estate to park their cars. The petitioners feel that “if land is surplus to educational needs it should be retained to provide car parking for students”

4.10. The petition states, *“this is having a serious adverse effect on the enjoyment of environment by the residents due to the following:*

1. *The visual amenity of the area*
2. *Adequacy of parking/loading/turning for residents and visitors*
3. *Disabled persons access to properties*
4. *Highway safety due to restricted visibility*
5. *Unsafe congestion on the roundabout*
6. *Noise and disturbance*

4.11. The responses fall into 6 main categories which are set out below together with the Council’s response thereto:

Item 1 Parking concerns

“In recent years, however, traffic problems on the estate have deteriorated dramatically, all due to Olchfa School. Initially it was the parents picking up children in the mouth of the junction with Gower Road, which was not only detrimental to the enjoyment of their environment by the residents but also a danger. This situation still exists.”

“Upwards of 50 vehicles are being parked (not illegally) both sides of the oncoming road to the estate, causing congestion and difficulty for resident and visitors entering and exiting the estate”

“If the land at the rear of the school is surplus to the educational needs then it should be used to provide adequate parking for the staff and students. After all it is the school that generates the parking problem they should help solve it by providing on-site parking”

“The cost of forming/building/securing this car park can be sourced (as a condition of the contract) from the developer that eventually purchases these lucrative parcels of land that are being offered for sale”

“There have been lots of meetings about the problem but no action, maybe now the problem can be solved”

In regard to the parking issues on the estate the petition states, *“this is having a serious adverse effect on the enjoyment of environment by the residents due to the following:*

1. *The visual amenity of the area*
2. *Adequacy of parking/loading/turning for residents and visitors*
3. *Disabled persons access to properties*
4. *Highway safety due to restricted visibility*

5. *Unsafe congestion on the roundabout*
6. *Noise and disturbance”*

Council's response

The two plans attached at appendix A and B both indicate hatched, the proposed land sale area. The area consists in the main of the red gravel pitch which is in disrepair and is not safe to play on and tennis courts which are unfit for purpose. The disposal of the area indicated would also reduce the number of potential pitches by one.

Should Cabinet declare the site as indicated on the plans surplus to requirements, subject to the provision of an artificial games surface, the school would not lose any current on-site car parking space.

Therefore, the parking concerns raised as part of this consultation process, via individual letters and a petition, are considered to be an ongoing issue and are not as a direct result of, or impacted by, the proposal to declare land surplus to requirements at Olchfa Comprehensive school.

Whilst we acknowledge the proposal raised as part of the consultation to use the land indicated to provide extra car parking, it is considered that the proposal to declare the land indicated as surplus to requirements subject to the installation of an all-weather pitch; would be far more beneficial to both the school and the community.

It is the intention of the Council to provide an all-weather surface pitch, floodlit and available for hire to the Community outside of school hours. The installation of a 3G facility would provide an all-weather resource available to both pupils and the community, this facility will have a positive effect on community, health, social care and well-being strategies. It is the intention that parking for this facility would utilise the current school site.

If the land in question is to be developed in the future, a planning application will need to be submitted to the Council's planning department outlining the proposals. As part of that application process residents will be afforded the opportunity to formally raise any questions/objections to the proposals within the set 21 day consultation period.

As part of the consultation, we have spoken to officers from highways who have informed us that the Council has previously introduced Traffic Regulation Orders (TRO) at key junctions within the estate to maintain access for emergency vehicles. The Council has engaged in consultation for wider TRO's in the estate, however, residents felt that this would be detrimental to their quality of life and that the school should encourage their students to act in a responsible manner.

Highways officers also informed us that Local ward member and traffic officers have visited the school to attend a sixth form assembly to appeal for student cooperation (in terms of parking and inappropriate pedestrian routes)

Highways officers have stated that whilst the Council recognises that, the student parking within the Hendrefoilan Estate does cause an inconvenience to residents and visitors to negotiate through the streets and gain access / egress into their driveways, there is no over-riding threat to road safety.

Should residents wish to reopen the discussion for further TROs they can contact the local authority.

Item 2 insufficient green areas and concern over childhood obesity

“Children need playing fields for sport. I hope there is still plenty of green space in the school grounds for the pupils to play sport outside and stay healthy.”

“I would like to try and safe guard open playing space for my children (one in yr 3 and one in yr 1 at Hendrefolian) for when they attend Olchfa in the future. I cannot see schools shrinking in size in the near future so I don't see why the outdoor space can.”

“I can understand a proposal to sell off the old tennis courts if they are in a poor state of repair but I do not support the proposal to dispose of the large grassed area adjoining Aneurin Way. There are insufficient green areas available in the immediate area and with increasing concerns over obesity, especially amongst our young people”

Council's response

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

An agreed process was followed to obtain formal written consent from the Governing Body of the school to proceed with the proposal declare the parcel of land surplus to educational requirements.

The Governing Body at Olchfa were consulted in 2014 and responded

“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.

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.”

The school have confirmed that they are confident that the full curriculum could be offered to pupils and regard high quality facilities as being vital in further promoting the schools high achieving outcomes in a range of sports.

Olchfa in fact has an excess of games court, hard play and soft play areas, but a shortfall in pitches, the existing sports pitches are located to the rear of the school site.

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 as indicated at Appendix B. This would have the potential of producing a spectator area on the embankment.

It is anticipated, that the addition of a new 3G facility would offset the loss of the pitch, as the area of all-weather pitches including 3G surfaces can be counted twice for the purposes of both Building Bulletin 98 and regulations. They can be used for significantly more than the seven hours a week required of team game playing fields.

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.'

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.

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

In addition, an Equality Impact assessment carried out states that the pitches do not currently 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 to 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.

The proposed all-weather pitch can be used significantly more than the seven hours a week required of team game playing fields. All weather pitches allow for more intensive use than grass and will also offer a popular community resource

Play sufficiency assessment has stated that there is no obvious detrimental impact to children and young people 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.”

It is the intention of the Council as a condition of the proposal to make the all-weather surface pitch floodlit and available for hire to the Community outside of school hours. It is envisaged that this proposal will have a positive impact on community health, social care and well-being strategies by improving the nature of provision at the school that would also be made available for community use outside of school hours.

Item 3 Community use

“I have long thought this area should be made available for the general public for recreation. The argument against this previously was security of the school premises, but this argument is less relevant now that a security fence has been erected along the southern boundary of the school. and well within the current grounds”

“other schools develop land for community use eg substantial 3g areas etc that would be suitable for wide ranging community and school use, provide regular income not devalue one of the currently regarded great local schools, this is status that will be hard to retain once its assets have been eroded away”

Council’s Response

As part of the consultation process with the Governing Body the land proposed to be disposed of as surplus, would only be able to be declared so, subject to the provision of an artificial games surface.

It is the intention of the Council as a condition of the proposal to make the all-weather surface pitch floodlit (subject to planning approval) and available to the community at a reasonable charge outside of school hours. It is proposed that facilities would be available between 5pm and 9pm and available at weekends. This would complement the third party indoor lettings the school currently has available to the public.

The external sports fields are not currently part of the community use package available from the school a 3G facility would provide an all-weather resource available to both pupils and the community.

The school have informed us that they have already had interest expressed in hiring the 3G facility by some local teams and junior teams have indicated that they would hire for two teams for an hour and split the cost to make the hire affordable

It is considered that this proposal could have a positive impact on Community, health, social care and well-being strategies by improving the nature of provision at the school that would also be made available for community use.

Item 4 No consultation

*“I note, in particular in item 13.2.3 of the notice that the authority must 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 assessment for the area in which the playing field is located, **and strengthen arrangements for consulting the community**. Having read the build up to this proposal I failed to find any reference to this sort of consultation, solely matters relating to what happens within the boundary of the school. The group that have been making representations on behalf of the estate are being disregarded as if they do not exist.”*

“These actions seem to contradict item 2 of the “Report of the Cabinet Member for Education to the Cabinet” dated 16th June 2016 which accompanies the planning documents and which requires consultation with communities and other parties about the disposal of the land, in accordance with the Playing Fields (Community Involvement in Disposal decisions)(Wales) Regulation 2015”

Council’s Response

On the 16 June 2016 it was decided by Cabinet that notice was to be served and the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 to dispose of surplus land at the Olchfa school site.

As a requirement of these regulations, this consultation with communities and other interested parties has been undertaken.

This consultation required the Council to give notice on two consecutive weeks in a newspaper circulating in the area of its proposal, providing details of when, where and the period in which its proposals can be viewed, of the right to make representations and the means and deadline for doing so.

The Authority must consider all representations received in relation to the proposed disposal during the consultation period. It may also consider any representations received after the end of the consultation period.

Having considered any representations received, an Authority must prepare a report summarising the representations received and the reasons for its

decision to proceed, or not, with the disposal. A copy of the report must be sent to anyone from whom the Authority received a substantive representation

Item 5 Short sighted policy

“Poor, poor vision for the future. I spent many years at Olchfa as a pupil playing sport and enjoying the lovely fields. What a shame. But you won't listen to the minority as, by the time these things are announced, it is a done deal.”

“Sale for development will lead to further congestion, other schools develop land for community use eg substantial 3g areas etc that would be suitable for wide ranging community and school use, provide regular income and not devalue one of the currently regarded great local schools, this is status that will be hard to retain once its assets have been eroded away”

“Very short sighted. Have you walked around Swansea recently. It is a disaster health zone. The Council should be active in getting people healthy and fit.”

Council's Response

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.'

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 as indicated at Appendix B. This would have the potential of producing a spectator area on the embankment.

It is anticipated, that the addition of a new 3G facility would offset the loss of the pitch, as the area of all-weather pitches including 3G surfaces can be counted twice for the purposes of both Building Bulletin 98 and regulations. They can be used for significantly more than the seven hours a week required of team game playing fields.

The school have confirmed that they are confident that the full curriculum could be offered to pupils and regard the high quality facilities as being vital in further promoting the schools high achieving outcomes in a range of sports.

It is the intention of the Council as a condition of the proposal to make the all-weather surface pitch floodlit and available for hire to the Community outside

of school hours. This would complement the third party lettings the school currently has available to the public.

The proposed land sale would not impact on any extension or remodelling required to accommodate additional pupils. If the school is extended or developed in future years, it is expected that this would have a positive impact on the available pitch area.

It is considered that this proposal could have a positive impact on Community, health, social care and well-being strategies by improving the nature of provision at the school that would also be made available for community use.

Item 6 Who benefits financially

“I also note that the school itself would not benefit from the full financial gain of selling this land, and am concerned that the sale is simply to bolster the councils currently difficult financial position, which is an extremely short term view.”

“I realise there is a financial implication here, but it would be an advantage on the “health and well-being of the community” both inside and outside Olchfa school if the surplus land was used wisely instead of just as a money spinner”

Council’s Response

In order to provide vital investment in our schools we are required to provide match funding for any financial support from the Welsh Government. The annual budget report to the Council meeting on the 14th February 2013 agreed that the Council’s contribution will be achieved by generating capital receipts over the next few years by the disposal of assets including land.

Therefore, part of the capital receipt generated from this potential sale would provide for an all-weather 3G sports pitch, which would serve not only the school but also the local community as a whole.

In accordance with current policy, the relevant capital receipts will contribute towards the achievement of the Council’s overall capital receipt target to part fund the 21st Century School’s Programme, which aims to:

- reduce the poor condition of school buildings
- address growth in demand for Welsh medium education
- reduce surplus capacity and inefficiency in the system
- reduce running costs so as to maximise resources available to target improvements to learner outcomes
- promote sustainability through reducing recurrent costs, energy consumption and carbon emissions.

This investment will also support Swansea Council’s Quality in Education (QEd) 2020 / 21st Century Schools Band B Programme aim to optimise the use of infrastructure and resources to deliver public services for our

communities by 2024. By providing enhanced community use facilities we aim to provide a flexibility of assets with the aspiration that all facilities receiving investment commit to making assets available for community use if local demand exists.

Sports Council Wales (SCW)

SCW were contacted and asked to comment as part of this consultation process their concerns and the Council's responses are as follows:

SCW concerns part one

"Thank you for the notification dated 18 September 2017 inviting representations on the above proposed disposal of playing field land at Olchfa Comprehensive School. Sport Wales works closely with Fields in Trust Cymru in commenting on proposal affecting playing fields and we would like to record the following concerns.

Firstly, reference is made to the criteria set out in Planning Policy Wales which states that playing fields should be protected except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;*
- alternative provision of equivalent community benefit is made available;*
or
- there is an excess of such provision in the area.*

The proposed disposal is assessed against each exception in turn. The disposal involves the loss of facilities and approximately half the playing field area so the first exception is not satisfied. With regard to the second exception, there is mention of a new 3G pitch being provided. This could compensate for the loss of the grass pitch and red gravel pitch but it would not be a suitable replacement for the lost tennis/netball courts. Furthermore, there's no mention of floodlights on the proposed 3G – if unlit this would seriously restrict community use during the winter months. For the third exception, the corporate report refers to the authority's Open Space Assessment which states there is an excess of land for outdoor sport in the Sketty ward against Fields in Trust standards. The assessment has included parks and gardens such as Singleton Park but much of the land would not be suitable and used for formal sport so there is doubt about this claimed excess."

Council's response part one

The land identified as surplus sits within the curtilage of the school and is not currently available for formal sport to the community. Under the proposal the school would benefit from fit for purpose enhanced facilities, also It is the intention of the Council as a condition of the proposal to make the all-weather surface pitch floodlit and available for hire to the Community outside of school

hours. This would complement the indoor third party lettings the school currently has available to the public.

One part of the land identified as surplus contains concrete tennis courts and a red gravel pitch used for hockey the pitch 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. The school have recently reconfirmed that both these surfaces remain unfit for purpose and are not used for formal sport. Netball is currently provided for in the school gymnasium.

The likely impact on formal sport for the school would be the loss of the smaller football pitch. 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 surface. The running track would need to rotate 90 degrees and possible re-grading of the embankment would be needed as indicated at Appendix B. This would have the potential of producing a spectator area on the embankment.

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. All-weather pitches allow more intensive use than grass.

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.

As part of the consultation process with the Governing Body the land proposed to be disposed of as surplus, would only be able to be declared so, subject to the provision of an artificial games surface.

It is the intention of the Council as a condition of the proposal to make the all-weather surface pitch floodlit and available for hire to the Community outside of school hours. This would complement the third party indoor lettings the school currently has available to the public. The external sports fields are not currently part of the community use package available from the school and therefore, a 3G facility would provide an all-weather resource available to both pupils and the community.

The school have informed us that they have already had interest expressed in hiring the 3G facility by some local teams and junior teams have indicated that they would hire for two teams for an hour and split the cost to make the hire

affordable. It is envisaged that this proposal will have a positive impact on community health, social care and well-being strategies by improving the nature of provision at the school that would also be made available for community use outside of school hours.

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.

Whilst recognising the value to the Council 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.”

The school have confirmed that they are confident that the full curriculum could be offered to pupils and regard the high quality facilities as being vital in further promoting the schools high achieving outcomes in a range of sports

The land in question is not currently available for community use and sits within the curtilage of the school grounds. The loss of formal sport to the school is considered to be minimum as outlined above with the loss of the smaller football pitch offset by the installation of a high quality facility allowing the school to use their land in the most efficient and effective way.

The school grounds do not currently form part of the package available for community use outside of school hours. The proposed introduction of a 3G pitch would increase the formal community use given the expectancy that any 3G pitch would be available for hire as with indoor facilities currently on offer at the site. It is proposed that the 3G facility would be floodlit and made available to the community at a reasonable charge outside of school hours. It is proposed that facilities would be available between 5pm and 9pm and also available at weekends. This proposal would surely add to the area of formal sport available to the ward.

SCW concerns part two

“Secondly, reference is made to the Schools Premises Regulations which sets out minimum areas for team game playing fields. For Olchfa School which has 1,792 pupils the Regulations stipulates a minimum playing field area of 70,000sqm. The corporate report points out that the school already fails to meet the Regulations and the proposed disposal would massively exacerbate the shortfall. While the 3G pitch might provide some mitigation, it would not replace the tennis/netball courts and will only be able to accommodate so many pupils at any one time.

In summary, Sport Wales and Fields in Trust have concerns the proposal does not satisfy the criteria for development set out by Planning Policy Wales and it will lead to a massive shortfall against the Schools Premises Regulations and therefore recommends that the proposed disposal is rejected.”

Council's response part two

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.

The overall site is big enough for an 1835 pupil school however, the lay out of the school buildings are inefficient and probably oversized. 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.

If we were to fulfil the minimum requirement of 70,000 sqm of playing fields recommended, the school would need approximately 5 all-weather football pitches, which is unaffordable.

The installation of an all-weather pitch will enhance the current provision at the school and be an effective and more efficient use of the land available.

The proposed land sale would not impact on any extension or remodelling required to accommodate additional pupils. If the school is extended or developed in future years, it is expected that this would have a positive impact on the available pitch area.

As previously stated the condition of the tennis courts make them unsuitable and not fit for purpose and are an inefficient use of the school grounds. The red gravel area is also in a state of disrepair and is not safe to play on again an inefficient use of school land.

In terms of formal pitches currently on offer at the site, the impact of the land sale would reduce sports pitches available by one. It is envisaged that this would be mitigated by the installation of an all-weather pitch. 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. All-weather pitches allow more intensive use than grass.

In summary therefore it is envisaged that the proposal will increase community access to formal playing fields providing a community benefit that is not currently in existence, as the land identified as surplus is not currently available for community use.

The proposal would also enhance the facilities available at the school by providing a bespoke outdoor, artificial games surface. This facility would

allow for more intensive use and provide for a more efficient and effective use of the school grounds. It would also provide improved access for disabled children and young people allowing them to take part in sport alongside their peers.

The proposal offers the school the potential to enhance the security of the site whilst providing more suitable all weather facilities for the school and the community.

This investment will also support Swansea Council's Quality in Education (QEd) 2020 / 21st Century Schools Band B Programme aim to optimise the use of infrastructure and resources to deliver public services for our communities by 2024. By providing enhanced community use facilities we aim to provide a flexibility of assets with the aspiration that all facilities receiving investment commit to making assets available for community use if local demand exists.

5. Equality and engagement implications

- 5.1. A full EIA was carried out in May 2016 (updated in January 2018) and has shown this project will have a positive impact:
- 5.2. Age – the sale of potentially surplus land will allow Swansea Council to invest in the facilities of a number of schools across the City, benefiting our children and young people.
- 5.3. 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.
- 5.4. 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 to 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 Sports 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.
- 5.5. In accordance with the requirements of The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 the impact assessment has also considered how the proposed disposal would impact on any relevant strategies, plans or assessments.
- 5.6. This is summarised below and the full impact assessment is included at Appendix C.

- 5.7. 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).
- 5.8. There is one other existing commitment of 24 units (Ref; 2013/0467).
- 5.9. Hendrefoilan Student village development has come forward within the Unitary Development Plan (UDP) and has now been approved.
- 5.10. 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’.
- 5.11. 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.
- 5.12. 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)
Hendrefoilan Student Village – Housing Commitment	Hendrefoilan	300	93	66
Cefn Coed SD F	Sketty	550	170.5	121
2013/0467 (existing commitment)	Parklands	24	7.44	5.28
Total (approx.)			270.94	192.28

- 5.13. 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.
- 5.14. The proposed land sale would not impact on any extension or remodelling required to accommodate additional pupils.
- 5.15. 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.
- 5.16. 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

- 5.17. 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. However, 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.
- 5.18. 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.
- 5.19. 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.
- 5.20. 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.
- 5.21. 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.
- 5.22. All key stakeholders will be consulted and communicated with throughout the projects delivery.
- 5.23. The EIA dated January 2018 has been updated to reflect the consultation responses carried out under in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.

6. Incentive policy

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.

7. Financial implications

- 7.1. In accordance with current policy, the relevant capital receipt will contribute towards the achievement of the Council's capital receipt target to part fund the overall capital programme including 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.
- 7.2. 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.

8. Capital

- 8.1. 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.
- 8.2. It has previously been estimated that the gross capital value for the site is in the region of £XXXX. 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.

8.3. The provision of a full size 3G pitch 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 £XXXX.

8.4. This would result in a final net capital receipt of approximately £XXXX.

9. Revenue

9.1. 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.

9.2. 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.

10. Legal implications

10.1. 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 Control of School Premises (Wales) regulations 2008. Therefore, the local authority must seek the views of the Governing Body and consider those views prior to making any final decision on disposal.

Playing Fields

10.2. In order to dispose of the land the local authority has complied with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 (“the Regulations”).

10.3. 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.

10.4. 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.

10.5. 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 that play sport.

Best Value

- 10.6. 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 Director of Place or his nominee.
- 10.7. It is for the 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 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.
- 10.8. 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 the Cabinet Member for Education to Cabinet 16 June 2016

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 2016/17 – 2020/21

Asset Management Plan 2017-2021

Appendices:

Appendix A - Building Bulletin 98 (BB98) analysis

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

Appendix C - Equality Impact Assessment