

Agenda Item No: 5

ACQUISITION OF PLAYING FIELD LAND FROM THE LITTLEPORT LEISURE TRUST

To: **Commercial & Investment Committee**

Meeting Date: **11 September 2020**

From: **Chris Malyon, Deputy Chief Executive**

Electoral division(s): **Littleport**

Forward Plan ref: **n/a** *Key decision:* **No**

Outcome: **The Committee is asked to approve the acquisition of additional playing field land to support the expansion of the Littleport Education Campus.**

Recommendation: **That the Council acquire playing field land from the Littleport Leisure Trust to provide additional capacity and future-proof the Littleport Education Campus in the expectation of pupil growth in the local area.**

<i>Officer contact:</i>		<i>Member contact:</i>	
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1. BACKGROUND

- 1.1 The Littleport Education Campus opened in September 2016. On opening it comprised a 4 form entry secondary school (600 places) and an area special school providing 110 places. The Secondary and Special Schools both have the same sponsor; The Active Learning Trust (ALT). The site and school buildings are leased to ALT under a standard 125 year academy lease.
- 1.2 The main exceptions to this general leasing arrangement are in respect of the community sports centre which also occupies the site and is physically linked to the secondary school. This sports centre is run by a private trust (the Littleport Leisure Trust (LLT)) who have a sub-lease from the Parish Council. There are rights reserved within these lease arrangements for the secondary school to use the main sports hall during school hours so that they can deliver the national curriculum for PE and sport.
- 1.3 The playing field land within the area leased to ALT is 2 hectares below that required for the future level of school provision planned for the campus. The total area required by the 6 form entry secondary school, 110 place special school and 2 form entry primary school is 5.5825 ha. The current playing field holding is 3.4748ha. However, LLT has in its ownership playing field land which is adjacent to the Leisure Centre and the site of the Education campus. The area of this land, and the subject of this acquisition request, is 1.9841ha. The secondary school uses this playing field space under an agreement of LLT. This agreement was always integral the County Council's future planning of educational provision in Littleport. This was to ensure that there was access available to a sufficient area of playing field space once the campus was fully developed. The acquisition of this land would bring the area of the Council's playing field holding up to 5.4589ha and very close to the overall DfE recommended area set out in DfE Building Bulletin (BB)103.
- 1.4 The Council has been approached by LLT to see if it has an interest in purchasing the playing field within its ownership.

2 Main Issues

- 2.1 The opportunity to acquire the freehold of the LLT playing field land (outlined with the black hatched line in the plan at Appendix 1) has arisen from the current challenges faced by LLT. Whilst the Council was not actively seeking to acquire the freehold of this land, it does use it as part of the school facilities by agreement of LLT. Education officers advise that the window of opportunity to acquire this land is limited.
- 2.2 Analysis by the Council's Place Planning Team confirms that whilst the current provision of land for schools in Littleport is sufficient, based upon the expected growth in pupil numbers the campus would need to expand. Additional playing field space will be required to support this expansion in order to meet Department for Education (DfE) recommendations on site area. The acquisition provides future-proofing for this growth of Littleport and pupil numbers.
- 2.3 Should the Committee approve the proposal that the freehold of the land is acquired by the Council, it would then be transferred into a long lease to the Active Learning Trust (ALT) who sponsor the schools that currently comprise the Littleport Education Campus to sit in

parallel to the existing leases from the Council for the campus site. Under this lease arrangement, the ALT would be responsible for the ongoing maintenance of the additional playing field in the same way as for the playing field areas that already fall within the campus. The ALT would then negotiate a local agreement with LLT to allow access for community use. The Council does not receive a financial return on the purchase, but does benefit from securing the additional playing field space to support predicted growth and its statutory duty to secure sufficient and suitable school places to meet parental requests for their children to be educated in the state-funded sector.

- 2.4 The Strategic Assets Team have undertaken an internal valuation of the land available for purchase. This is in line with the LLT's own valuation of £150,000. If the acquisition is approved a formal independent valuation will be undertaken prior to terms being agreed to independently verify the value. The acquisition will only proceed if the price agreed is at, or below, the formal valuation figure, and no higher than £150,000 net of costs. Current advice is that there is very limited scope for development on this land beyond playing field/school use.
- 2.5 Any offer made by the Council would be subject to contract and agreement of suitable heads of terms covering issues such as maintenance liabilities and the ongoing requirement for continued community use once the land is transferred to the ALT as the sponsor of the schools currently comprising the Littleport Education Campus. There are a number of small assets on the land that have ongoing maintenance requirements and it would be a condition of the acquisition that the Council would not be liable for any costs whilst the land is occupied by third parties. There would be a £7,000 acquisition cost for legal and other professional fees. The acquisition would be funded from existing school acquisition budgets.
- 2.6 In considering this specific opportunity presented by LLT there are other options, including doing nothing to be considered. There is farmland adjoining the site, and any acquisition would require the landowner to be willing to sell at a realistic price, which is not guaranteed. The acquisition price is likely to be lower, possibly in the region of £50,000. The Council would then need to obtain planning permission for change of use and invest further capital resources to bring the land up to the standards required for playing field use. With neither acquisition nor planning consent guaranteed, combined with the substantive overall costs, this option is not considered a viable solution to meeting the additional playing field requirements.
- 2.7 A further option which could be considered, if additional land cannot be acquired, would be the provision of an artificial non-turf pitch (NPT) on the education campus. The increased usage possible in all weathers compared to a grass pitch means that the area of such a surface is counted as double in meeting the overall need for playing field space. However, this option would require investment in excess of £1m at current prices.
- 2.8 As the existing playing field provision is adequate for current demands, it can be argued that no acquisition is necessary. Work to acquire additional land from adjoining landowners can be undertaken at a point in the future when there is a definite requirement. This avoids any acquisition cost now but provides considerable uncertainty and risk that the Council will be unable to meet its statutory responsibilities with regard to the sufficiency of state-funded school places in the event that it is unable to acquire additional land. The proposed acquisition removes this risk. With growth and demand for housing ongoing in the locality

and wider county at present it is reasonable to assume this will drive the need for additional school places and playing field space.

- 2.9 In terms of the potential to invest the identified funding elsewhere, the Council does not have a planned programme of site acquisitions for future proofing existing school sites. There is a limited budget that is used to respond to opportunities when they arise. For new schools serving new developments, future proofing of school sites does take place where possible through the land use planning process and the negotiation of the supporting section 106 agreements. How this is being achieved is described below:
- (i) forecasts of pupil numbers are not predictions and at the time an outline planning application is approved there is a forecast range for the number of pupils that may be generated. In these circumstances, sites are secured/negotiated on the basis of the upper range of the forecast with a commitment to return any “excess” land to the developer (if required) at an agreed review date during the build out of the development.
 - (ii) Some new schools in new developments serve both the needs of that development and an existing need within the local community. This is the case with the proposed secondary school on Land North of Cherry Hinton. The developer is only obligated to provide sufficient land for a school of the size required to meet the needs or impact of that development. The Council has negotiated the purchase from the developer of the additional land required for the school to ensure that it can meet the forecast future needs of both the development and the existing community which surrounds that development.
- 2.10 As the proposed acquisition supports the predicted expansion of educational provision in the Littleport area and secures the playing field space required for an enlarged facility, the Committee is recommended to approve the acquisition of this land to ‘future-proof’ the Littleport Education Campus site against local growth.
- 2.11 The proposed acquisition has been requested and approved by the service through the officer Capital Programme Board on 18th August 2020. Support for the approach agreed by the Board has been given at the Children and Young People’s (CYP) Leaders’ meeting and that will be reported to the CYP Committee on 15 September as part of the Director of Education’s report.
- 2.12 The Committee are to note that the value of the proposed acquisition falls within Officer delegated powers under the Scheme of Authorisation. However as the proposed acquisition is not driven by a specific requirement at this time (the need for the land has yet to materialise) and may be perceived in part as supporting financial matters in a third party organisation, it was agreed between Education, the Chief Finance Officer and Head of Property that the authorisation would be waived and the matter passed to this Committee for consideration.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 A good quality of life for everyone

The following bullet points set out details of implications identified by Officers:

- If pupils have access to local school places and associated services, they are more likely to attend them by either cycling or walking rather than through local authority provided transport or car. They will also be able to more readily access out of school activities such as sport and homework clubs and develop friendship groups within their own community. This will contribute to the development of both healthier and more independent lifestyles.

3.2 Thriving places for people to live

The following bullet points set out details of implications identified by Officers:

- Providing access to local and high quality mainstream education will enhance the skills of the local workforce, and enable them to thrive within the community

3.3 The best start for Cambridgeshire's children

The following bullet points set out details of implications identified by Officers:

- Creating inspirational places to learn will ensure the best outcomes for children from an early age.
- local schools are best placed to ensure that children and their families develop positive attitudes to learning.

3.4 Net zero carbon emissions for Cambridgeshire by 2050

The following bullet points set out details of implications identified by Officers:

- Future expansion of the campus will need to reflect the Council's policies on the climate emergency

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

The following bullet points set out details of significant implications identified by officers:

- The Capital Programme Board on 18th August identified the budget within the Education Capital Programme for site acquisition and development as the source for funding the cost of acquisition
- Although the need for additional playing field land is linked to future housing growth and rising pupil numbers, the alternative options identified would require higher levels of investment than for the acquisition now being proposed

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

- Terms will be negotiated with the LLT regarding the purchase of the land on commercially acceptable basis to acquire the freehold. An RICS valuation will be commissioned to confirm that the price agreed is appropriate with respect to the site value. Where terms are agreed in accordance with Committee approval, officers will complete the transaction under delegated powers and update the Committee upon completion.

4.3 Statutory, Legal and Risk Implications

- On completion of the acquisition, the land in question will need to be transferred to ALT on terms that mirror the responsibilities contained within its current 125 year lease for the existing site area comprising the Littleport Education campus.
- The provision of playing fields are no longer a statutory requirement. The areas required by schools for both accommodation and external play are set out in DfE Building Bulletin (BB) 103. These are now recommended areas.

Although not statutory, the DfE ensures that the issue of external play and sports pitches are considered through the land use planning process via Sport England. Sport England will ensure through this process that appropriate mitigation is put in place should playing field/external area be lost to buildings on a school site. Similarly, if there is a current deficiency in provision, or one is about to be created because of a school expansion, it will expect to see proposals for rectifying that by either the:

- (i) Provision of additional playing field/site area
- (ii) Provision, on tight or undersized sites of an all-weather pitch because that counts as double the playing field area compared to that provided by a grass pitch. This would be considered appropriate mitigation by Sport England

Both of these options will require future investment

To summarise, it is not statutory but the provision of playing field/outdoor space is highly regulated through the planning process to ensure that proper effect is given to the recommendations made in DfE Building Bulletin 103 when proposals are made to expand the Littleport Education Campus.

- If it is not possible to mitigate playing field/external area loss through the planning process the Council would be required to go through a formal 'disposals' process with the DfE where the construction of school buildings takes place on 'playing field/external land'. This is often a lengthy process and approval for disposal often difficult to achieve.

4.4 Equality and Diversity Implications

There are no significant issues within this category

4.5 Engagement and Communications Implications

There will be a need to re-assure the local community that current levels of access for local sports groups will be maintained as part of the process of acquisition of the land from LLT.

ALT as the sponsor of the schools on the campus, have been briefed on the discussions and the resulting proposal and are supportive.

4.6 Localism and Local Member Involvement

The local County Councillor is fully informed and is a member of LLT

4.7 Public Health Implications

- The provision of school-based sport and adequate space for team games contribute towards developing healthy lifestyles at a young age.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Gus Da Silva
Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?	Awaited. Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes or No Name of Officer:
Have any engagement and communication implications been cleared by Communications?	Yes or No Name of Officer:
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Ian Trafford
Have any Public Health implications been cleared by Public Health	N/A Name of Officer:

Source Documents	Location
Department for Education (DfE) Building Bulletins (BB103 and BB104)	https://www.gov.uk/guidance/area-guidelines-and-net-capacity