

Report to the Cabinet

Report reference: C-062-2014/15
Date of meeting: 2 February 2015



**Epping Forest
District Council**

Portfolio: Asset Management and Economic Development

Subject: Sale of Land adjacent to Ongar Leisure Centre to Secretary of State for Education.

Responsible Officer: Derek Macnab (01992 564051).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree to sell the freehold of the 8.98 Ha of land adjacent to Ongar Leisure Centre in Fyfield Road, to enable the construction of the new Ongar Academy, in accordance with the Heads of Terms at Appendix 1; and
- (2) That the Asset Management and Economic Development Portfolio Holder, in consultation with the Director of Neighbourhoods, be authorised to agree the final terms of the disposal including the sale price, to be determined by independent valuation.

Executive Summary:

This report seeks approval for the disposal of 8.98 Ha of land adjacent to Ongar Leisure Centre, Fyfield Road, Ongar, to facilitate the provision of a new Secondary School, the Ongar Academy. Agreement is sought on the Heads of Terms for the Freehold Acquisition by the Secretary of State for Education, at a price to be determined by a suitably qualified independent firm of Valuers.

Reasons for proposed decisions

To facilitate the construction of a new Secondary School in Ongar by agreeing Heads of Terms, in order to meet the Secretary of State's Funding Approval timescale of March 2015.

Other Options for Action:

To decline to sell the site to the Secretary of State, although ultimately the Secretary of State does have statutory powers to acquire the land, although this would delay the funding approval and seriously compromise the delivery of the new school.

Report:

1. The first Ongar Academy was opened in 1811 as a private Grammar School. By 1936 Essex County Council had established the Ongar County Secondary School on Fyfield Road, which later became Ongar Comprehensive School. However, as the result of a County led review, Ongar Comprehensive School closed in 1989, resulting in secondary school aged pupils having to travel out of the town to an estimated 15 other school locations.

2. In 2012, the “School 4 Ongar” Campaign was launched by a group of local parents and teaching professionals to campaign for a new school to be provided in Ongar. The main drivers for this initiative being an increased frustration with long school bus journeys, with the resultant impact on education and community cohesion, combined with a general concern about quality and standards and a feeling that the best schools in the area were not prioritising children from Ongar and the surrounding Villages.

3. The Group incorporated as an Academy Trust and with the support of the New Schools Network Development Programme, successfully submitted an application to the Department of Education under the “Free Schools” initiative in May 2014. Having subsequently obtained the Secretary of State’s approval, the Trust is now working to secure a site for the new Secondary School. When up to capacity, the school will be fully comprehensive ages 11 to 18, with four forms of entry, ultimately accommodating 750 students plus a sixth form. The Trust had previously been considering two potential sites for the new school, but now has expressed a strong preference for the 8.98 Ha of land adjacent to Ongar Leisure Centre in Fyfield Road. (See Plan at Appendix 1). This land, which was the previous Ongar Comprehensive School Playing Fields, was acquired on a freehold basis in January 2004, from Essex County Council, at the same time the District Council purchased the Freehold of the Leisure Centre, which was previously operated on a Dual Use basis.

4. The Sale Transfer from Essex contained Restrictive Covenants, which prevent any further development of the buildings on the land, and that the entire property could only be used for Leisure purposes, under Class D2, as defined by the Town and Country Planning (Use Classes) Order 1987. The County Council also concluded the sale on the basis that they would receive 50% of any increased future land value.

5. In order to facilitate the development of the new school, the County Council are prepared to enter into a Deed of Variation, to allow the relaxation of the Covenants, to allow State Funded Education and ancillary uses, as well as the existing Leisure use.

6. The District Council have been supportive of the new Ongar Academy and formally endorsed the proposal, following a presentation to the Council. In addition, the Council agreed in December 2014, when it formally adopted the new Leisure and Cultural Strategy, to explore the mutual benefits that could be delivered in providing use of the Leisure Centre to any new school potentially to be provided, on the site.

7. Officials from the Education Funding Agency have been engaged in exploratory discussions around the acquisition of the site for the long-term construction of the new school and also with the County Council regarding temporary use of other buildings on the site to accommodate the first intake of Year 7 pupils from September 2015. In addition, talks have started with the Council’s Leisure Management Contractor SLM, who manage the Leisure Centre currently, about providing physical education facilities for the new intake and to allow access to the playing fields. This will pertain to the period from September 2015 up until the termination of the current Management Contract in January 2016. Pre-application discussions have also commenced with the Council’s Development Management Service, as any sale completion would be subject to planning permission.

8. The draft Heads of Terms of the Freehold Acquisition are attached as Appendix II for Members’ consideration. The value of the site will be determined by an independent Valuer conducted by a suitably qualified firm of Valuers and Surveyors, to be jointly appointed. All reasonable legal and surveyor’s fees incurred in dealing with the valuation, whether it completes to satisfactory conclusion, or not, will be met fully by the Ongar Academy. Each party will be responsible for their own internal legal and professional costs.

Resource Implications:

The Council will benefit from 50% of the Capital Value of the sale of the site. The County Council will receive the benefit of the uplift in value from the release of the covenants to extend the use to include State Funded Education Uses. All reasonable fees in connection with the valuation, to be met by the Ongar Academy.

Legal and Governance Implications:

As contained within the Heads of Terms.

Safer, Cleaner and Greener Implications:

It is much more sustainable for children to access local provision rather than travel out of Ongar. The new school will be built to appropriate design and energy efficient standards.

Consultation Undertaken:

Essex County Council, Education Funding Agency.

Background Papers:

Funding Application to Secretary of State.

Risk Management:

Reputational risk to the Council if new secondary school could not be provided, as a result of not agreeing to dispose of the site.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The new Ongar Academy will be a fully Comprehensive State Funded School. Access to the curriculum will be available for children of all abilities. Provision will be made to support children with special educational needs.

The School will be available to children of all faiths and religions provided they meet the general entry criteria.