

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director Place

KERESFORTH CLOSE BARNSELY – FREE SCHOOL PROPOSAL

1. Purpose of Report

- 1.1 Following receipt of DfE (Wave 13) free school funding, Trinity MAT and LocatED have concluded that following a comprehensive site search the Keresforth Close site is the only site in the central planning area that meets with the requirements for a new secondary school and the demand. The site is in the freehold ownerships of the public sector and can be delivered relatively quickly.
- 1.2 School places are required in the central planning area, with a particular pressure on places within the town centre area. Therefore, the additional places are required in a location as central as possible to meet demand.
- 1.3 Exchange of contracts must take place before the **31st March 2020** as this date is a key milestone which will trigger procurement of the new school and detailed design and pre application planning discussions. DfE will not consider the temporary accommodation requirement until a permanent site has been secured and is under contract.
- 1.4 The purpose of this report is to recommend that the Keresforth Close site is allocated and used for the provision of a free school and that the site is transferred to the Secretary of State for Housing, Communities and Local Government (DHCLG) on receipt of the necessary planning consents being achieved.
- 1.5 Based on current timelines and the development process, a September 2021 opening is not achievable when the school places are required, so options for temporary accommodation are currently being considered for September 2021.
- 1.6 Council officers will work with Trinity MAT in relation to the provision of new publicly accessible open space on the site, but until the DfE carry out detailed site and ground investigations, it is too early to determine the layout of the site and how the school facilities will sit within the surrounding environment. Proposals for the site will have to include strong greenspace credentials to satisfy both Planning and Sport England requirements. Full public consultation will be carried out as part of the planning application process.
- 1.7 LocatED have provided written assurance that the proposals for the site will include a new publicly accessible area of public open space and will work with the Council

and Trinity MAT to ensure that open space for the public is an integral part of the planning application.

2. Recommendations

It is recommended that:

- 2.1 Cabinet approves the free school as the preferred use for the Keresforth Close site and the site is transferred to the Secretary of State for Housing, Communities and Local Government (DHCLG), subject to the necessary planning consents being achieved.**
- 2.2 The Corporate Asset Manager works with the DfE and Trinity MAT to agree Heads of Terms for a transfer of the land and the delivery of a free school on the site.**
- 2.3 The Executive Director Core Services be authorised to complete the above transaction with legal completion being subject to gaining the necessary planning consents, noting the assurance of the minister through his agents that the planning proposal will include the provision of a publicly accessible area of open space as an integral part of the development of the site.**
- 2.4 Cabinet approves the principles set out in this report and supports the continued collaborative working with public sector partners under the One Public Estate Programme.**
- 2.5 The Council will continue to work with the other parties who have expressed interest in this site to accommodate them elsewhere on council owned assets**
- 2.6 The objections to the Local Government Act Notice be noted and considered by Cabinet.**

3. Introduction

- 3.1 The Barnsley Local Estate Forum (LEF), with representation from all healthcare partners, identified opportunities for estate rationalisation and the Keresforth Close site, currently owned by one of the Health Trusts, was highlighted as one with diminishing clinical use.**
- 3.2 Discussions highlighted synergies between this site and adjacent sites belonging to Barnsley MBC and the South Yorkshire Fire Service respectively. Talks have been on-going in relation to a partnership approach to the development of a master plan for the combined sites.**
- 3.3 One Public Estate monies were secured through the SCR to master plan these sites for development. Local agreement was put in place whereby it was agreed that BMBC would act on behalf of partners in the preparation of the masterplan.**
- 3.4 The site falls into four separate public-sector ownerships, which are suitable for comprehensive development.**

- 3.5 Consultants were commissioned to work with council officers to accelerate the delivery of a masterplan, which would enable the site to be disposed of with a planning permission. Full due diligence has been carried out and technical reports completed to assess opportunities and constraints with the site and public consultation events have taken place.
- 3.6 Whilst each site might have the possibility of piecemeal development, it is crucial that, for good asset management we optimise the benefits that the merger of these land assets can realise.
- 3.7 Comprehensive public land release in a timely manner will improve confidence and the merging of the above sites will create greater levels of structured development, business certainty and activity.

Options for the Site

3.8 Option 1 - Free School

There is a requirement for a new secondary school in the central Barnsley area from September 2021. Submissions have been made to the DfE (Wave 13) by multi academy trusts for free school funding and Trinity MAT have been successful in gaining funding for a new free school in the central planning area.

Trinity MAT and LocatED have concluded that following a comprehensive site search the Keresforth Close site is the only site in the central planning area that meets with the requirements for a new secondary school. The site is in the freehold ownerships of the public sector and can be delivered relatively quickly.

Although the school places are required in the central Barnsley planning area, there is a particular pressure on places within the town centre area. Therefore, the additional places are required in a location as central as possible to meet demand

A copy of the LocatED report is attached for reference at Appendix A and shows the extent of the sites review within the central planning area. Initially 16 sites were shortlisted, and each site was tested against the following investment criteria:

- Location suits the demand / FST catchment
- Site meets the project space requirements
- Allows flexible and adaptable accommodation that suits the school vision
- Site has good access to public transport
- Capacity for a quick opening

Based on the independent sites report by LocatED and the award of DfE funding to Trinity MAT to develop a new free school this is the **preferred and only** option for the site, given the demand for additional school places in this area. None of the other sites identified meet this need or are located in the vicinity of the town centre in order to meet this demand.

Terms have been agreed with LocatED for the freehold transfer of the site to the Secretary of State for Housing, Communities and Local Government (DHCLG) at a nominal value on the basis that there will be no requirement for the Council to commit any further funding to this proposal.

Exchange of contracts must take place before the **31st March 2020** as this date is a key milestone which will trigger procurement of the new school and detailed design and pre application planning discussions.

Meetings are taking place to look at temporary accommodation for Trinity MAT, as the school places are needed for September 2021 before the permanent school buildings are ready for occupation in 2023.

DfE will not consider the temporary accommodation requirement until a permanent site has been secured and is under contract.

Barnsley Council have a statutory duty to provide school places and at the current time there is a projected shortage of secondary school places from September 2021. The free school proposals provide for a new school with ancillary accommodation and facilities.

All the land required for the free school is held within the public ownership of the Council and the Health Trust which will allow for a relatively quick delivery of the free school.

Council officers will work with Trinity MAT in relation to the provision of new publicly accessible open space on the site, but until the DfE carry out detailed site and ground investigations, it is too early to determine the layout of the site and how the school facilities will sit within the surrounding environment. Proposals for the site will have to include strong greenspace credentials to satisfy both Planning and Sport England requirements. Full public consultation will be carried out as part of the planning application process.

LocatED have provided written assurance that the proposals for the site will include a new publicly accessible area of open space and will work with the Council and Trinity MAT to ensure that open space for the public is an integral part of the planning application.

SCR One Public Estate monies may need to be repaid as a result of the school being located here. However, there is a compelling case to say that One Public Estate outputs have still been met due to public sector partners working together to bring forward development proposals for this site and the wider area.

3.9 Option 2 - Other Options

Work has been carried out with public sector partners to deliver a comprehensive master plan proposal for this site.

Public consultations were recently completed which proposed a mixed-use redevelopment of the site. To date several unused properties have been purchased from the health trust and converted into new affordable housing that sits within the Councils Housing Revenue Account.

South Yorkshire Fire Service are progressing with their element of the masterplan with the redevelopment of their existing site, which will provide a fit for purpose new fire station that meets with their needs.

Other interest in the site has been received from Barnsley Women's Football Club to consider making land on Broadway available for the development of a small stadia and ancillary facilities for the football club.

The club have provided a submission which states they would be willing to purchase the land or alternatively look at other arrangements which would facilitate development of this site. The ambition is to secure the football club, the best possible new home and venue for women and girl's football in Barnsley, which would be the first purpose-built women's football stadium in the UK.

Sale of these sites for either use would provide capital receipts to the Council and the Health Trust as well as new council tax and new homes bonus. The OPE funding outputs would have been met in respect of substantial revenue savings to the Trust and new homes being developed along with ancillary uses on site.

4. Proposal and Justification

- 4.1 Barnsley Council have a statutory duty to provide school places and at the current time there is a projected shortage of secondary school places from September 2021. The free school proposals will provide a new school with ancillary accommodation and facilities.
- 4.2 Following receipt of DfE (Wave 13) free school funding, Trinity MAT and LocatED have concluded that following a comprehensive site search the Keresforth Close site is the only site in the central planning area that meets with their requirements for a new secondary school. The site is in the freehold ownerships of the public sector and can be delivered relatively quickly.
- 4.3 Exchange of contracts must take place before the **31st March 2020** as this date is a key milestone which will trigger procurement of the new school and detailed design and pre application planning discussions. DfE will not consider the temporary accommodation requirement until a permanent site has been secured and is under contract
- 4.4 The only option for this site is to work with the DfE and Trinity MAT to provide a new secondary school with the free school monies. LocatED have provided written assurance that the proposals for the site will include a new publicly accessible area of open space and will work with the Council and Trinity MAT to ensure that open space for the public is an integral part of the planning application.
- 4.5 Until the DfE carry out detailed site and ground investigations, it is too early to determine the layout of the site and how the school facilities will sit within the surrounding environment. The proposals for the site will however have to include strong greenspace credentials to satisfy both Planning and Sport England requirements

- 4.6 Terms have been agreed with LocatED for the freehold transfer of this site and the adjacent Health Trust site to the DfE. These proposals have been approved by the DfE investment committee and monies are available for this proposal without the need for the council having to contribute to the cost of the new school.

Local Government Act - Notice

- 4.7 Section 123(2A) Local Government Act 1972 states as follows “A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them”.

This site is formerly a recreation ground and is therefore an open space as defined in statute.

Legal Services has advertised this proposed disposal in the Barnsley Chronicle on 21st February and 28th February 2020 and on the Council’s website and has received several objections from the public. The closing date for objections was 14th March 2020.

As this report was drafted on 10th prior to the closing date of 14th, any objections received in that time which are materially different from those considered below will be the subject of a supplementary report.

Since the advertisement several objections have been received which can be summarised into the following categories:

1. Loss of open space and playing pitches
2. Highway, traffic, congestion, pollution and parking implications as a result of future development of the site for a new school from development.
3. Drainage issues and capacity of drains now and in the future
4. Safety of students – related to highways issues
5. The need for a new school in this location
6. The disposal of the site for a nominal consideration

In respect of those objections:

The Council has received written assurance from LocatED that the proposals for the site will include a new publicly accessible area of open space and that they will work with the Council and Trinity MAT to ensure that open space for the public is an integral part of the planning application.

The several objections we have received, which object to the proposal on the basis that there will be a loss of open space, are formally correct. However, in considering the objections, it is to be noted that the open space which is the subject of this report is not a named park. It is considered “informal open space” and is not maintained currently by the Council as a park, garden, recreation

ground or sports pitch. It is in poor condition as an open space. While it is accepted that the land is used by the public for limited uses e.g. dog walking, as it is not fenced off, the land is, thus, not considered to be prime public open space.

In coming to a decision, the potential loss of this open space must be balanced against the substantial educational imperative of disposing of the land for the purposes of a new school to create required school spaces.

Based on school place planning information there is a shortage of school places in this area from 2021, with an immediate projected shortfall of 98 places in September 2021 and 152 places in September 2022.

The proposed disposal of the site for a nominal value is justified in financial terms on the basis that there will be no requirement for the Council to commit any further funding to this proposal and a new school will be delivered at no cost to the Council. The cost of building a school will be substantially more than the value of the land.

The validity of objections numbered 2-4 inclusive cannot be established until proposals are presented as part of the planning application. This process will require technical reports to be carried out to support the use of this site for a school and will cover all the issues raised in the objections listed above. Public consultation will be carried out during this process.

If as a result of the planning application process, planning permission is not forthcoming for a school (which would be the case if the above mentioned objections (2 - 4) were not dealt with to the satisfaction of the Planning Regulatory Board of the Council or the Planning Inspectorate), the sale will be aborted.

- 4.8 Discussions are taking place around temporary accommodation for the Trinity MAT, as the school places are required before the new school will be available. A full business case is being prepared in respect of a temporary solution and will be submitted to the DfE by Trinity MAT for further consideration.
- 4.9 One Public Estate outcomes will still have been delivered through the strong collaborative working of public sector bodies coming together to allow delivery of a new school and the regeneration this will bring to the wider area.
- 4.10 The Council will continue to work with the other parties who have expressed interest in this site for to accommodate them elsewhere on council owned assets.

5. Consideration of Alternative Approaches

- 5.1 Trinity MAT has secured funding for a free school and there is a need for secondary school places in this location. There is a particular demand for these school places in the town centre area and this site is the only site that fits the DfE requirement. Had this funding not been available, the Council would have had to fund a new school

from its own resources to meet this shortage of school places. This is the only option for the site.

5.2 Other groups have expressed interest in this site for different end uses and it is proposed that the Council continues to work with these interests to accommodate / facilitate their enquiries.

5.3 Each site in this area has the possibility of piecemeal development, but it is crucial that for good asset management and partnership working under the One Public Estate principles that we optimise the benefits that the merger of these assets can realise. Merging these assets creates a site suitable for a free school.

6. Impact on Local People

6.1 The free school proposals for the site will go through the planning application process and local people will have the opportunity to comment on the proposals through consultation and stakeholder engagement.

6.2 LocatED and Trinity MAT are keen to work with the Council to provide a state of the art new school with ancillary facilities and a new public open space which will be fully accessible to the public. The planning application process will ensure strong greenspace credentials are part of this proposal that meet the requirements of Sport England

7. Financial Implications

7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

7.2 Whilst there are no specific financial ‘asks’ attached to the proposal to support Option 2 (Free School) there are a number of factors that Members may wish to consider – these are outlined below.

7.3 It should be noted that BMBC’s role in scheme delivery will be that of ‘facilitator’ for the free school. This will involve working with partners at the DfE and SWYPFT to ensure that all the required outcomes of the project are met.

7.4 Keresforth Close has been identified as the only viable option for the free school site, it is, in its entirety, public land with ownership shared between BMBC and SWYPFT.

7.5 The DfE requires that overall project delivery is contained within a defined budget envelope and encapsulates all the associated costs of the development, including land acquisition, highways mitigation works, preliminaries and construction of the actual school. Therefore, it is important that ancillary costs such as highways related costs are managed effectively to ensure that funding is available to meet actual construction costs and to avoid adverse impact on build quality / specification.

7.6 Whilst the costs of highway work to provide access to the free school would normally be funded by the DfE, the associated highways work to the Council’s road network would typically be covered off by the Council.

- 7.7 Terms have been agreed with the DfE for the freehold transfer of the site at a nil value. Whilst this means that the Council will forego a potential capital receipt, with an estimated market value of £0.107m (for 'existing use' playing fields), it will ensure that funding set aside for land acquisition (within the DfE funding envelope) can be used to meet other ancillary costs of development. This would reduce the risk of costs falling on the council.
- 7.8 It is important to note that the Council's Medium-Term Financial Strategy will remain unaffected by the proposal. Whilst there are no expectations in the MTFs attached to the site for the generation income (e.g. New Homes Bonus or Council Tax) what the transfer of the site does do is remove the potential for future income generation opportunities by the Council.
- 7.9 It is likely that temporary accommodation for the Trinity MAT will be required, as the school places are required before the new school will be built. A full business case is being prepared in respect of a temporary solution and will need to be submitted to the DfE by the Trust in the coming weeks. A further report will be prepared for Cabinet in the future should there be any financial contribution needed from the Council that would require any reprioritisation of funding from within the Council's current Capital Programme.
- 7.10 As indicated above (section 3.9) a risk exists that One Public Estate monies with a value of £0.116m may need to be repaid to SCR as a result of the school being located at Keresforth Close. Whilst negotiations are ongoing regards this it is currently felt that any clawback is unlikely.

8. **Employee Implications**

- 8.1 There are no issues arising as a result of this report.

9. **Communications Implications**

- 9.1 BMBC Communications will work with the Trinity MAT on a programme of communications in respect of the proposed free school and the temporary accommodation proposals so that all Barnsley residents are aware of the proposed new school.
- 9.2 This proposal is part of the Sheffield City Region's One Public Estate programme. Our public sector partners are recognising that working together to find better ways to use public land and assets can make a positive difference to meeting the needs of our diverse communities, and to achieving our aims of growth and economic wellbeing.

10. **Consultations**

- 10.1 A list of stakeholders consulted during the preparation of this report includes:

South West Yorkshire Partnership NHS Foundation
South Yorkshire Fire & Rescue Service

Communities
Culture, Housing & Regulation – Housing Growth
Place – Planning – Development Management
Legal Services - Conveyancing
Finance
Local Ward Members
DfE / LocatED

11. The Corporate Plan and The Council's Performance Management Framework

- 11.1 In approving these proposals, the land will be released to allow a future planning consent to be implemented and new free school to be developed, which will provide much needed school places capacity within this part of the Borough
- 11.2 This development will support the corporate plan by meeting the Council priority of People Achieving Their Potential, through the provision of fit for purpose school assets, which means every child attends a good school and is successful in learning and work

12. Promoting Equality and Diversity and Social Inclusion

- 12.1 There are no issues arising from this report.

13. Tackling the Impact of Poverty

- 13.1 There are no issues arising from this report.

14. Tackling Health Inequalities

- 14.1 There are no issues arising from this report.

15. Reduction of Crime and Disorder

- 15.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act 1998 have been considered.
- 15.2 Vacant or under used land can attract unauthorised uses such as fly tipping or unauthorised horse grazing or other anti-social behavior. Therefore, releasing this land will enable development and bring the land into use thereby helping to prevent such problems.

16. Risk Management Issues

- 16.1 The DfE investment committee have met and agreed to fund the provision of the free school and all ancillary development costs. This was the major risk as had the funding not been available from the free schools budget the council would have had to find the resources to provide the school on the site.
- 16.2 There are still risks associated with the site, but these will be monitored through the development of the site and will be the responsibility of the DfE and Trinity MAT.

16.3 Risks remain around temporary accommodation and the need for the school places before the new free school is completed. Trinity MAT is in the process of preparing a business plan setting out the need for the temporary accommodation and the outcome of this business case will be reviewed in the coming months. It is hoped that the costs of temporary accommodation will be met by the DfE.

17. Health, Safety and Emergency Resilience Issues

17.1 There are no direct health and safety implications arising from this report

17.2 Any future development will be the responsibility of the Trinity MAT and their technical advisors to ensure full consideration is given to current Health and Safety Legislation.

18. Compatibility with European Convention on Human Rights

18.1 This report recognises the promotion and importance of equality, diversity and human rights for all members of the local community and the wider Borough.

19. Conservation of Biodiversity

19.1 There are no direct issues arising as a result of this report and any biodiversity issues will have been considered as part of the planning application process.

20. Glossary

20.1 SCR – Sheffield City Region

OPE – One Public Estate Programme

DfE – Department for Education

DHCLG - Secretary of State for Housing, Communities and Local Government

SWYPFT – South West Yorkshire Partnership Foundation Trust

MAT – Multi Academy Trust

21. List of Appendices

21.1 Appendix A – LocatED site report

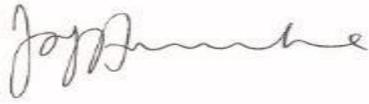
22. Background Papers

22.1 Correspondence regarding this matter is held on the files in Property - Estates – not available for inspection contains exempt information

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Tim Hartley (10th March 2020)

Financial Implications/Consultation

A handwritten signature in black ink, appearing to read 'Joshua Amahwe', written in a cursive style.

Joshua Amahwe (28/02/2020)

*(To be signed by the senior Financial Services
officer where there are no financial implications)*