

Report to:	Cabinet	Date of Meeting:	3 December 2020
Subject:	Our Lady of Walsingham Catholic Primary - Disposal of land to Highways England (Outcome of consultation)		
Report of:	Executive Director of Children's Social Care and Education	Wards Affected:	Ford; Netherton and Orrell; St. Oswald;
Portfolio:	Cabinet Member - Children, Schools and Safeguarding		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The Council has received a request from Highways England to purchase a small area of land which forms part of the playing fields at Our Lady of Walsingham Catholic Primary School. The reason for the request is to enable the pedestrian bridge over the A5036 towards the junction of Dunningsbridge Road and Park Lane/Park Lane West, Netherton to be replaced and relocated.

Recommendation(s):

- (1) that the contents of the report be noted
- (2) that approval be given to officers to proceed with the application to the Secretary of State under Section 77 of the School Standards and Framework Act 1998 as approval is required before the Council can dispose of the playing field land
- (3) that approval be given to officers to proceed with the disposal of the land following S77 approval providing that this is successful

Reasons for the Recommendation(s):

The recommendations are made in accordance with the Authority's constitution.

Alternative Options Considered and Rejected: (including any Risk Implications)

No other options have been considered. Highways England wish to proceed with relocating the pedestrian bridge as soon as possible. There is a possibility that they could apply for a compulsory purchase order to facilitate this.

What will it cost and how will it be financed?

(A) Revenue Costs

The land forms part of Our Lady of Walsingham Catholic Primary School’s playing field. The school is responsible for ground maintenance. Sale of the piece of land identified will not change the school responsibility for the remaining playing field areas. Proceeds from the sale of this land will be a Capital Receipt, which the Council can decide to apply through Capital spending at the school. There is no direct revenue consequence of this sale to the school should the land be sold.

(B) Capital Costs

The Council will receive a net land value and capital receipt. It is anticipated that any proceeds from the Capital Receipt may need to be re-invested in providing sports facilities for Our Lady of Walsingham school, as the land being sold is part of the school playing fields, which are owned by the Council. Specific DfE directives apply to the sale of school playing fields.

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets): There will be a capital receipt but as this is a relatively small area of land it is unlikely to be a significant amount. The Secretary of State will expect that the priority for re-investment of any proceeds should be sports facilities at the school and this will be a significant factor in exercising this discretion to dispose of the playing field land.</p>
<p>Legal Implications:</p>
<p>Equality Implications: There are no equality implications.</p>

Contribution to the Council’s Core Purpose:

<p>Protect the most vulnerable: Not applicable</p>
<p>Facilitate confident and resilient communities: When the pedestrian bridge is replaced and relocated it will provide a safer way for members of the community, particularly children attending Our Lady of Walsingham Catholic Primary and their families, to cross the A5036.</p>
<p>Commission, broker and provide core services: Not applicable</p>

Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6180/20) and the Chief Legal and Democratic Officer (LD.4372/20) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A six-week consultation has been carried out with the school, parents/guardians of pupils at the school, other schools in the area and the local community. More details are given in Section 3 of this report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer:	Marie Stevenson
Telephone Number:	Tel: 0151 934 3427
Email Address:	marie.stevenson@sefton.gov.uk

Appendices:

The following appendices are attached to this report:

Appendix A – Land Reference Plan 1.

Background Papers:

Disposal or change of use of playing field and school land, Department for Education, May 2015.

<https://www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice>

1. Introduction/Background

- 1.1 Highways England have contacted Sefton Council with a request to purchase a small area of land which forms part of the playing fields at Our Lady of Walsingham Catholic Primary School. The playing field land is owned by Sefton Council. The reason for the request is to enable the pedestrian bridge over the A5036 to be replaced and relocated. This is currently located towards the junction of Dunningbridge Road and Park Lane/Park Lane West, Netherton.
- 1.2 Members will recall that in 2017 there was a proposal to provide an at grade crossing at the junction but due to public pressure following road safety concerns it was agreed by Sefton Councillors and Highways England that the bridge would be replaced. The area of land is now required for this to proceed.
- 1.3 The school has a total playing field area of 12,400 square metres and the area required is 528 square metres. This will leave the school with 11,872 square metres which, according to the Department for Education (DfE) guidance on playing fields, still leaves them with enough playing field land for their current and future needs.

2. Section 77 application to dispose of school playing field land

- 2.1 The Secretary of State uses the definition of playing field land as “land in the open air which is provided for the purposes of physical education or recreation”. This includes grass pitches and artificial surface pitches, hard surface games courts, informal and social areas (including grassed areas, paved areas, playgrounds, outdoor seating etc.) and habitat areas (meadowland, wildlife habitats, gardens, nature trails, outdoor science areas, allotment gardens and woodland habitat areas).
- 2.2 To dispose of playing field land the Council is required to make an application to the Secretary of State for Education under Section 77 of the School Standards and Framework Act 1998. Officers have been in contact with the Department for Education to check that S77 approval is required in this case and have received confirmation that it is necessary.
- 2.3 In any Section 77 application the Council must demonstrate that they have consulted with relevant stakeholders which requires a six-week consultation to be carried out with the school including the headteacher, parents and governors as well as other schools within a 0.5-mile radius for primary and special schools and a one-mile radius for secondary schools. The local MP and the local community must also be included. A report was submitted to Cabinet Member – Children, Schools and Safeguarding for permission to proceed with the consultation and this was approved on 28th August 2020.

3. Outcome of the Consultation

- 3.1 The consultation took place from 14th September 2020 and ended on 23rd October 2020 and the following were consulted by letter:
 - Headteacher of Our Lady of Walsingham Catholic Primary
 - Chair of Governors of Our Lady of Walsingham Primary

- Parents/Guardians of Pupils at Our Lady of Walsingham Primary
- A junior football club with permission to use the school playing field
- Archdiocese of Liverpool
- MP for Bootle
- Primary and special schools within a 0.5-mile radius (Netherton Moss Primary, St Oswald's CE Primary, Holy Spirit Catholic Primary, Rowan Park Special School).
- Secondary schools within a one-mile radius (Savio Salesian College, Litherland High School).

A notice was published in the Champion for two consecutive weeks on 7th and 14th October 2020 to inform the local community that the Council was considering disposal of school playing field land and inviting objections and representations. This also provided a link to a copy of the plan on the Council website which identifies the area to be disposed of together with some additional information.

3.2 No objections or representations were received from parents or the local community. Replies were received from the Headteacher and Chair of Governors of Our Lady of Walsingham Catholic Primary School, Archdiocese of Liverpool, MP for Bootle and five of the six other schools contacted.

3.3 There were no objections to the proposal providing that the land being removed from the school is made good elsewhere and that the trees are reinstated.

4. Valuation

4.1 Highways England has been in contact with Sefton's Property and Facilities Manager. The valuation is currently being negotiated with the Valuation Office and is likely to be a modest amount. A copy of the land reference plan showing the requested area to be disposed of is attached at Appendix A.

5. Capital receipt

5.1 According to the Department for Education guidance on the disposal of playing field land, the Secretary of State has the discretion to direct what any sums are to be used for. The Secretary of State will expect that the priority for reinvestment of any proceeds of the sale should be sports facilities where these are needed by the school. A significant factor in exercising this discretion to dispose of playing field land will be whether disposal proceeds are ring-fenced for capital facilities for sport (which will take priority), recreation or education facilities.

5.2 As part of the Section 77 application officers will consult the Headteacher and governors of Our Lady of Walsingham Catholic Primary School to identify any needs for sport, recreation or education facilities at the school. If they have no requirement then this can be extended to other schools within the 0.5-mile and one-mile radius.