<table>
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<th>Title of paper:</th>
<th>Proposed disposal of the Melbury playing field</th>
<th>Key Decision YES</th>
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</thead>
<tbody>
<tr>
<td>Chief Officer(s)</td>
<td>Graham Feek, Service Director Support Services, Children’s Services</td>
<td>Wards affected: Bilborough</td>
</tr>
<tr>
<td>Contact officer(s)</td>
<td>Richard Beckett, Financial Development Manager, Children’s Services Tel: 0115 915 7817 E-mail <a href="mailto:richard.beckett@nottinghamcity.gov.uk">richard.beckett@nottinghamcity.gov.uk</a></td>
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**Summary issues raised:**

The report requests approval from the Executive Board to dispose of the Melbury playing field which is no longer used by Children's Services, subject to the necessary approvals being received from the Department for Education and Skills (DfES).

**Recommendations:**

It is recommended;

1. That in order to progress with the disposal of the Melbury site a specific application for its disposal is made to the DfES with reference to the outline methodology which they have previously examined.

2. That prior to submitting a full application, the necessary consultations under Section 77 of the School Standards and Framework Act 1998 and those prescribed by the area committee are undertaken.

3. That subject to the required approvals being received, the site is disposed of and the receipt is reinvested in alternative sports and educational schemes as set out in paragraph 8.1.

4. That, if considered necessary to maximise the potential capital receipt, funds be made available to finance a planning application and planning permission is sought for the site prior to disposal.

**Summary of Implications:**

The disposal of this area of land will allow funds to be released from a site which is not utilised by the City Council for investment in Leisure and Community and Children’s Services facilities.

**Impact on corporate objectives:**

The reinvestment of the resources generated through the disposal of the site will support the transforming Nottingham neighbourhoods, supporting Nottingham people and serving Nottingham better corporate themes.

**Benefits to customers/service users:**

Service users will benefit through the ability to access improved facilities through the reinvestment of the receipts generated in alternative facilities.
1 **KEY DECISION**

1.1 This matter is the subject of a Key Decision because the decision represents a potential receipt to the City Council in excess of £1 million.

2 **RECOMMENDATIONS**

2.1 That in order to progress with the disposal of the Melbury playing field a specific application for its disposal is made to the DfES with reference to the outline methodology which they have previously examined (4.6).

2.2 That prior to submitting a full application, the necessary consultations under Section 77 of the School Standards and Framework Act 1998 and those prescribed by the relevant area committee are undertaken.

2.3 That subject to the required approvals being received, the site is disposed of and the receipt is reinvested in alternative sports and educational schemes as set out in paragraph 8.1.

2.4 That, if considered necessary to maximise the potential capital receipt, funds be made available to finance a planning application and planning permission is sought for the site prior to disposal.

3 **REASONS FOR RECOMMENDATIONS**

3.1 The recommendations will allow the site to be disposed of subject to the required approvals being received. This will allow the City Council to release funds tied up in an asset that is not used and will enable it to invest in improving educational facilities including leisure provision which have been outlined in the Capital Investment in Primary School Re-organisation Strategy (subject to funding being secured) which was previously approved by the Executive Board on the 17th October 2006.

4 **BACKGROUND**

4.1 Children’s Services has identified a playing field which is surplus to its requirements, the background to this site is provided below.

4.2 The detached Melbury playing field is a piece of City Council owned land located close to the Melbury Primary School, which is not used by the Authority.

4.3 A report on an informal planning guidance document relating to the proposed disposal and development of the site was considered by the West Area Committee on the 13th July 2005, subject to a consultation being carried out before a final decision as to the site’s future was made (see Appendix 1 – the West Area Committee report refers to the detached William Sharp playing field, this has since been renamed the detached Melbury playing field and is the same as considered by this report).

4.4 Bilborough College will receive 14.5% of the net proceeds of sale in return for the access rights secured when part of their site was sold for residential development (see Appendix 2 for Strategic Property observations).

4.5 Children’s Services have been developing a methodology with Leisure and Community, City Development and Strategic Property of how to deal with surplus sites for the north and west of the City, which can be used to ensure that the quality of sport and leisure facilities in the City is not detrimentally affected by the disposal of surplus sites, and to
inform discussion with Sport England and the DfES as to the impact of any potential disposal.

4.6 The implications of the disposal of the Melbury site were addressed in this methodology, which has now been examined by Sport England and the DfES which in turn will allow the City Council to proceed with specific applications for the disposal of surplus sites in these areas.

5 PROPOSALS

5.1 It is proposed that any consultations required by both the DfES, under Section 77 of the School Standards and Framework Act 1998 and the City Council are now undertaken prior to applying for permission from the DfES to dispose of the site.

6 TIMESCALE FOR IMPLEMENTATION OF PROPOSALS

6.1 Subject to the necessary approvals being received the site should be disposed of during the financial year 2007/08

7 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

7.1 The site could be retained and left as it is, however, this would leave the City Council with an asset that it didn’t use requiring ongoing maintenance and which could also cause it to incur expense or a liability if an accident occurred on the site.

7.2 The site could be retained by the City Council and opened up to community use, however this would require both an initial investment in the site and the identification of a revenue budget to support its maintenance. Furthermore an audit of sports and leisure facilities within the localities as set out in the methodology discussed in 4.5 has revealed that it is extra investment in existing facilities that is required rather than the creation of alternative venues.

8 FINANCIAL IMPLICATIONS

8.1 Part of the receipt from the Melbury site will be paid to Bilborough College in line with the agreement that exists between them and the City Council (4.4), a further £112,500 will be used for reinvestment at the Harvey Hadden Sports Complex to mitigate against the loss of a playing field. The remainder of this receipt will be reinvested back into the Children’s Services capital programme (subject to DfES approval) as set out in the Capital Investment in Primary School Re-organisation Strategy which was approved by the Executive Board on the 17th October 2006.

9 VALUE FOR MONEY

9.1 The recommendations will provide value for money through the release of funds by the disposal of an asset that is not utilised, whilst allowing investment into other areas of educational and leisure provision.

10 LEGAL IMPLICATIONS

10.1 Section 77 of the School Standards and Framework Act 1998 (“the SSFA”) requires bodies such as local authorities to obtain the consent of the Secretary of State prior to the disposal (e.g. sale or lease) or change of use of playing fields:-
(a) which are, immediately before the date of disposal, used by a maintained school for the purposes of the school, or
(b) which are not then so used but have been so used at any time within the period of 10 years ending with that date.

Further detail is provided by Department for Education and Skills Circular 0580/2001 The Protection of School Playing Fields and Land for City Academies. It should be noted that Circular 0580/2001 states at paragraph 37 that the “Secretary of State has a general presumption against the need to change the current pattern of school playing field provision by disposal or change of use” and also at paragraph 58 that the “Secretary of State expects that the applicant [for consent to make a disposal or change of use] should consult those likely to be affected by the proposals.” Particular attention should be paid to whether any general consent provided by Circular 0580/2001 will apply to any proposed disposal of the Melbury playing field since that will obviate the need to obtain the Secretary of State’s specific prior consent under section 77 of the SSFA. “…It will, however, be for the Department to determine whether a general consent applies…” (Circular 0580/2001, paragraph 89).

10.2 Account will also need to be taken of section 482(6) and Schedule 35A of the Education Act 1996 which require a local education authority to obtain the Secretary of State’s consent if:-

(a) a freehold or leasehold interest in land is held by the local education authority,
(b) the authority proposes to make a disposal in respect of the interest, or to enter into a contract to make a disposal in respect of it, or to grant an option to make an acquisition in respect of it, and
(c) at any time in the period of eight years ending with the day on which the disposal, contract or option is proposed to be made, entered into or granted, the land was used wholly or mainly for the purposes of a county school or community school.

10.3 The exceptions to this requirement are where the disposal, contract to make a disposal or grant of an option is for the purposes of an Academy and the authority receives nothing in return or where the Secretary of State has already made what is known as a ‘class consent’, of which there is currently only the Academies General Disposal and Appropriation Consent (No 1) 2003. None of these exceptions would appear to apply to the proposed disposal of the Melbury playing field.

10.4 Lastly, it should be noted that section 123 of the Local Government Act 1972 states:-

“(1) Subject to the following provisions of this section, a principal council [which includes Nottingham City Council] may dispose of land held by them in any manner they wish.
“(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration [generally, price] less than the best that can reasonably be obtained.
“(2A) 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.”
“(7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists –
(a) of the grant of a term not exceeding seven years, or
(b) of the assignment of a term which at the date of assignment has not more than seven years to run…”

10.5 “Open space” is defined in section 336 of the Town and Country Planning Act 1990 as “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”

10.6 Thus, depending on the detail of the proposed disposal of Melbury playing field, it will be necessary to obtain the Secretary of State’s approval for that disposal in respect of up to three separate legislative provisions.

11 RISK MANAGEMENT ISSUES

11.1 If the site is not disposed of there is a risk that the City Council will be left with responsibility for an asset that it does not use and that it will not be able to implement all of the desired schemes outlined in the approved capital programme. This risk is being managed through the involvement of key stakeholders, City Development, Leisure and Community, Strategic Property, Members, Sport England and the DfES, throughout the disposal process (Appendix 3).

12 CRIME AND DISORDER ACT IMPLICATIONS

12.1 None.

13 EQUALITY AND DIVERSITY IMPLICATIONS

13.1 None.

14 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

14.1 Nottingham City Council, “Proposed Children’s Services Land Disposal / Developments – Case Study 1 – Western Buffer”

15 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

15.1 “Capital Investment in Primary Reorganisation” – Executive Board Report 17/10/06

15.2 William Sharp Detached Playing Field Report – West Area Committee 13/7/05
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Children's Services
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Nottingham
NG7 1QH

CONTACT OFFICER:
Richard Beckett
Financial Development Manager
Children’s Services
Telephone no. (0115) 915 7817
Email address richard.beckett@nottinghamcity.gov.uk
REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT

WILLIAM SHARP DETACHED PLAYING FIELD– INFORMAL PLANNING GUIDANCE

1 SUMMARY

The attached informal planning guidance sets out land use principles for the William Sharp detached playing field, to guide development of the site.

2 RECOMMENDATIONS

It is recommended that:

West Area Committee notes the informal planning guidance, which has been endorsed by Councillor Clark.

The views of West Area Committee are sought on the development principles set out within the guidance and suggestions on where contributions towards improvements in open space could be spent.

3 BACKGROUND

The detached William Sharp playing field adjoins the south east boundary of Melbury Primary School, Bilborough (Plan 1). It will not form part of the proposed Building Schools for the Future redevelopment of William Sharp School and is surplus to requirement.

Planning guidance has been produced which sets out principles for the development of the site, to ensure the potential of the site is maximised, whilst minimising impacts to nearby residents and encouraging a developer contribution towards enhancements to the environment within the local area.

4 PROPOSALS

The planning guidance stipulates the need to ensure a high quality, residential development, which would include family housing. Vehicular access would be through the residential development site to the west, with a pedestrian link to Melbury Primary School (Plan 2).
As part of the proposal, a developer would be expected to make a financial contribution towards affordable housing, improving open space in the local area and a contribution towards improvements to the cycle network may also be expected.

5 TIMESCALE

Education has confirmed the detached playing field as being surplus to requirement and can be disposed of accordingly.

6 FINANCIAL IMPLICATIONS

A capital receipt will be received on disposal of the playing field for development.

7 LEGAL IMPLICATIONS

None

8 OBSERVATIONS OF OTHER OFFICERS

None

9 EQUAL OPPORTUNITIES IMPLICATIONS

None

10 STRATEGIC AIMS

Sustainability: The guidance stipulates a requirement for a contribution to enhancements in the local open space network.

A city of opportunity: The proposal will ensure the development of the site, to the benefit of surrounding disadvantaged communities, and will help make Nottingham a more attractive place to live, work and visit.

11 List of background papers other than published works or those disclosing confidential or exempt information

None

12 Published documents referred to in compiling this report

Nottingham Revised Deposit Draft Local Plan
Local Open Space in New Residential Development Supplementary Planning Guidance
City Development
Exchange Buildings South

Contact Officer: Jennifer Ward
Telephone number: 0115 9155266
Email address: Jennifer.Ward@nottinghamcity.gov.uk
Informal Planning Guidance

William Sharp playing field, Bilborough

1. Introduction
This paper sets out informal advice in respect of the William Sharp detached school playing field, Bilborough. It has not however been formally consulted upon and does not constitute a brief with formal planning status.

2. Site location and context
The William Sharp detached school playing field site is 3.3 acres and adjoins the south east boundary of Melbury Primary School in Bilborough (plan 1). It will not form part of the proposed BSF redevelopment of the William Sharp School. The Bilborough college site to the west has detailed planning permission for residential use.

3. Local Plan policies
The site is designated as part of the Open Space Network in the Nottingham Revised Deposit Draft Local Plan (which is soon due to be adopted). This does not necessarily preclude development, but an environmental quality and public use assessment would be required to accompany a planning application, in order to test the value of the site against policies R1 (Development of Open Space) and R5 (Playing Fields and Sports Grounds) in the Local Plan and PPG17.

4. Development potential
Subject to approval from Sport England and development being in line with PPG17 and policies R1 and R5, a residential scheme would be appropriate in this location with a minimum of 80% of all new dwellings to be family homes e.g. to have 3 or more bedrooms and private gardens in line with the Building Balanced Communities Supplementary Planning Guidance.

5. Constraints
There are a number of substantial trees bordering the site that, although are not currently subject to tree preservation orders, warrant protection.

6. Access
The former Bilborough College land to the west is being developed for residential use. It has been agreed that this scheme will include a road to allow access to the William Sharp playing field and this would be the preferred access route to the site from a highway perspective.

A pedestrian link from the residential development on the former Bilborough College land through the site to the Melbury School should be included in the design of a residential development.

7. Developer contributions
Developer contributions for residential development are expected in line with supplementary planning guidance, and would include the following:

Affordable housing

Open space provision
Contribution towards improvements to the cycle network.

8. Planning application process
Planning applications (including applications for outline consent) should be accompanied by written approval from Sport England approving disposal and an environmental quality and public use assessment.

Although the site is allocated with the Nottingham Revised Deposit Local Plan as forming part of the Open Space network, an application for residential development on a playing field site is unlikely to be considered a departure from the Local Plan and consequently not called in by the Government Office.
Title: PLAN 1 - WILLIAM SHARP SCHOOL DETACHED PLAYING FIELD, BILBOROUGH - SITE LOCATION

Key

Detached playing field

Map produced on: 05/05/05
Map produced by: KD GIS Team

City of NOTTINGHAM
City Development
Scale 1:5,000

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**Strategic Property Observations**

This 1.33 hectare (3.29 acre) field adjoining the Melbury Primary School, Bilborough is landlocked but access rights were negotiated with Bilborough College when some 12 acres of adjoining College land immediately to the west of our field was sold and developed for housing by Wimpeys. The College will be entitled to 14.5% of our sale proceeds after deducting marketing and other costs.

The development of our field for housing would be a departure from the Local Plan and it is therefore proposed that planning consultants are employed to undertake an Environmental Impact Study and obtain planning consent. The land would then be marketed with the benefit of planning consent giving increased confidence to developers.

(RF 16/2/07)
## Risk Assessment

### Principal Objective
**What the organisation or service or project or partnership aims to deliver:**
The generation of a capital receipt from the disposal of the site which will then be reinvested in educational and leisure provision.

### 1) Identify Risk(s):
**What could prevent this objective being achieved?**
- i. That the disposal is not approved of corporately or by the DfES.

### 2) Allocate a Risk Owner

Identify an individual who is responsible for managing the risk
- i. Financial Development Manager, Children’s Services

### 3) Analyse Level of Risk:
**Assess the level of risk using a 5X5 matrix:**
- i. 12

### 4) Set Target Risk Score

*This is the risk score that identifies the tolerance or “appetite” for this risk*

- 12

### 5) Agree Responses to Risks

Identify what controls will be applied to risks. Don’t forget to cost these controls.
- i. Reports through the required approval routes and the submission of a comprehensive application to the DfES for the disposal of land, supported by the West Area disposal methodology that has been approved in outlined by the DfES. There is no additional cost to the control, since it involves the time of an officer carrying out their duties in an existing role.

### 6) Implement Response

**Action the controls which have been assessed as mitigating risk**
The controls are already in operation.

### 7) Assurances on Controls:

**Where can we gain evidence that our controls/systems which we are placing reliance are effective?**
- i. Reports through the relevant channels and a dossier outlining how to deal with surplus sites sent to Sport England.

### 7A) Positive Assurances:

We have evidence that shows we are reasonably managing our risks and objectives are being delivered: please document

As above.

### 7B) Gaps in Control:

**Where are we failing to put controls/systems in place/where are we failing in**
making them effective? Please document
N/A

7C) GAPS IN ASSURANCES:
Where are we failing to gain evidence that our controls/systems, on which we place reliance, are effective? Please document any lack of evidence
N/A

8) RESIDUAL RISK:
Re-assess the level of risk using 5x5 matrices:
No change in risk scores because the controls are already in place.

9) REPORTING ARRANGEMENTS
Document what the reporting arrangements are (committees, frequency, format etc)
One off reports to DMT, SMT, Executive Board, Area Committee. Application for disposal to the DfES and sharing of the disposal methodology with Sport England and the DfES.

NAME OF SERVICES DIRECTOR RISK REGISTER (below)
Services Director Support Services

NAME OF OPERATIONAL LEAD / RISK CHAMPION (below)
Financial Development Manager
## EQUALITY IMPACT ASSESSMENT SCOPING TOOL

<table>
<thead>
<tr>
<th>Equality Strand</th>
<th>Does the proposed project/plan or function have an adverse impact on people from these key equality groups</th>
<th>Are there any changes which could be made to the proposals which would minimise any adverse impact identified? Please describe</th>
<th>Have any mitigating circumstances been identified? Please state</th>
<th>Areas for Review/Actions Taken (with timescales and name of responsible officer)</th>
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