



LEAD MEMBER FOR RESOURCES

DECISIONS to be made by the Lead Member for Resources,
Councillor David Elkin

FRIDAY, 23 MARCH 2018 AT 1.00 PM

CC1 - COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 23 January 2018 (*Pages 3 - 4*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Petition - to save the small separately fenced area at the far end of the Pells School site on Landport, Lewes for continued use as a forest school (*Pages 5 - 6*)
Report by the Chief Operating Officer
- 5 Lands east of Battle Road (Reef Way) and East of Park Road, Hailsham (*Pages 7 - 12*)
Report by the Chief Operating Officer
- 6 Any non-exempt urgent items previously notified under agenda item 3
- 7 Exclusion of Public and Press
To consider excluding the public and press from the meeting for the remaining items of the agenda on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 8 Annual write off of debts (*Pages 13 - 32*)
Report by the Chief Operating Officer
- 9 Any other exempt items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

15 March 2018

Contact Simon Bailey, Democratic Services Officer,
01273 481935
Email: simon.bailey@eastsussex.gov.uk

This page is intentionally left blank

LEAD MEMBER FOR RESOURCES

DECISIONS made by the Lead Member for Resources, Councillor David Elkin, on 23 January 2018 at County Hall, Lewes

Councillor Stogdon spoke on item 6 (see minute 14)

12 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 14 NOVEMBER 2017

12.1 The Lead Member approved as a correct record the minutes of the meeting held on 14 November 2017.

13 EXCLUSION OF PUBLIC AND PRESS

13.1 RESOLVED to exclude the public and press from the meeting for the remaining items of the agenda on the grounds that if the public and press were present here would be disclosure to them of exempt information as specified in Category 5 of part 1 of Schedule 12A to the Local Government Act 1972 (as amended), namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

14 SUSSEX CAREERS LIMITED

14.1 The Lead Member considered a report by the Chief Financial Officer.

DECISION

14.2 The Lead Member RESOLVED to approve the recommendations in the report.

Reasons

14.3 The matter has been subject to legal advice.

[The full decision is set out in an Exempt Minute]

This page is intentionally left blank

Report to:	Lead Member for Resources
Date of meeting:	23 March 2018
By:	Chief Operating Officer
Title:	Petition to save the small separately fenced area at the far end of the Pells School site, Lewes.
Purpose:	To consider the petition to save the small separately fenced area at the far end of the Pells School site on Landport, Lewes near to Stansfield Road, for continued use as a Forest School.

RECOMMENDATION: The Lead Member is recommended to advise the petitioners that:

- (1) the petition is acknowledged;**
 - (2) the Chief Operating Officer is authorised to continue with the marketing of the site; and**
 - (3) that any consideration of the local need for Forest School related activities be considered as part of future planning and development in the local area.**
-

1 Background

- 1.1 At the County Council meeting on 6 February 2018 Councillor O’Keeffe presented a petition to the Chairman asking:

“Calling on the Council to save the small separately fenced area at the far end of the Pells School site on Landport, Lewes near to Stansfield Road, for continued use as a Forest School this area to be given into the care and ownership of the Landport Community Hub charity, or other suitable arrangements made by agreement with the lead petitioners to achieve the same end, that this tiny percentage of the site be kept for local children to have Forest School opportunities.”

- 1.2 A copy of the petition is available in the Members’ Room. Standing Orders provide that where the Chairman considers it appropriate petitions are considered by the relevant Committee or Lead Member and a spokesperson for the petitioners is invited to address the Committee. The Chairman has referred this petition to the Lead Member for Resources.

2 Supporting information

- 2.1 On 11 October 2016 Cabinet approved closure of Pells Church of England Primary School, to take effect from 31 August 2017, with the intent for the whole site to be marketed jointly with the Diocese of Chichester, given the nature of the site interests and to ensure best value.
- 2.2 At Lead Member for Resources on 17 October 2017 it was recommended that the property be declared surplus to requirements and that the authority be delegated to the Chief Operating Officer to negotiate and agree terms for this property to enable the County Council to obtain best value. The report to Lead Member for Resources on 17 October 2017 acknowledged that a request for excluding a very small pocket park on the site from any disposal had been considered, but that this area would be anticipated to

form part of a wider provision, improvement and funding of facilities provided by any future development of the wider site.

- 2.3 The whole site is currently being marketed by Clifford Dann with the sales project being led by the Diocese of Chichester on this occasion as the majority owners of the site. It is anticipated that the site will be marketed for a further 6-8 weeks before considering bids.
- 2.4 The petition to exclude the small area currently referred to as a 'forest school' area is acknowledged.

3. Conclusion and reasons for recommendations

- 3.1 The former Pells School site is currently being marketed by the Diocese of Chichester on behalf of the Diocese and the County Council.
- 3.2 Any development proposals that might arise on the site will be required to provide for open space provision, and the potential to include and protect the small parcel of fenced land to support any education offer should be taken into account at the point of considering potential development of the whole site.
- 3.3 The Lead Member is therefore recommended to advise the petitioners that the Chief Operating Officer will continue with the marketing of the site, and that any future use of part of the site as a forest school can be addressed through the planning process, once a successful bidder has been identified.

KEVIN FOSTER

Chief Operating Officer

Contact Officer: Graham Glenn

Tel. No. 01273 336 237

Email: graham.glenn@eastsussex.gov.uk

LOCAL MEMBERS

Councillor Ruth O'Keeffe

BACKGROUND DOCUMENTS

Lead Member Report 17 October 2017 Former Pells School Playing Fields, Lewes and plan of area.

Report to: Lead Member for Resources

Date: 23 March 2018

By: Chief Operating Officer

Title of report: Lands East of Battle Road (Reef Way) and East of Park Road Hailsham

Purpose of report: To seek Lead Member approval to i) trigger options to acquire two separate parcels of land at Hailsham, one for a Social, Emotional and Mental Health (SEMH) free special school and the other for a 2FE mainstream primary school and ii) to delegate authority to the Chief Operating Officer to acquire the sites subject to satisfactory negotiation on valuation and terms for the site

RECOMMENDATIONS

The Lead Member for Resources is recommended to:

- 1) authorise officers to trigger options to purchase lands east of Battle Road (Reef Way) and land east of Park Road Hailsham to support the provision of local education; and
 - 2) authorise the Chief Operating Officer to acquire the sites subject to satisfactory terms.
-

Background

1.1 Substantial housing development, and expansion, at Hailsham has initiated a number of obligations on developers to include provision for school sites within their development proposals and to provide education contributions to the authority.

1.2 On 22 January 2018 the Lead Member for Education and Inclusion, Special Educational Needs and Disability considered a report by the Director for Children's Services which set out a number of options relating to increasing the number of mainstream primary school places from 2019/20. This included a proposal to establish an all-through school creating an additional 420 primary places to serve the Hailsham area. The Lead Member approved the recommendation for the Council to work with Hailsham Community College to lower its age range with effect from September 2019 to create an all-thorough school.

1.3 In addition the Council has identified a need for additional places for pupils with Social, Emotional and Mental Health needs (SEMH) and seeks to deliver an 80 place co-educational school, catering for ages 4 – 16 years old. The Council is inviting applications from providers to apply to establish the new school with the successful applicant formally approved by the Secretary of State, anticipated by May 2018.

1.4 The County Council has two sites available for education purposes to accommodate this growth with both sites held under separate option arrangements. Firstly a 1.8 ha (4.5 acres) site, known as land east of Battle Road (Reef Way) Hailsham and the second a site of 2.2 ha (5.5 acres) on lands east of Park Road, Hailsham.

1.5 The Reef Way site allocation arises from a S106 agreement dated October 2013 with Hillreed Developments who have since built out adjacent land for housing. Setting up the Option agreement was approved by Lead Member for Resources on 17 September 2013 and the option to acquire the school site expires at the end of September 2018. Prior to the exercise of any Option the site has to secure an outline or detailed consent for a school.

1.6 On land East of Park Road, a wider site, now owned by Bellways and Orbit, has very recently received reserved matters (detailed) consent for up to 600 units. The award of this consent requires the developers to deliver an Option Agreement to the County Council enabling the Council to acquire a 2.2 ha (5.5 acres) parcel of land identified within the masterplan for education purposes. Lawyers are now issuing the Option Agreement to the County Council, the benefit of which would expire after 12 months.

1.7 Both options require the Council to serve appropriate notices on the respective developers, with time being of the essence regarding expiry dates of the options. In both cases a timetable is set out for land price negotiations, with dispute resolution available if agreement cannot be reached. Each option requires the land to be valued on varying assumptions, but largely reflecting equivalent residential development land values. In both instances the developers are required to provide key access and utility services to each site at their cost. The funding for the land purchases is, as noted, included within the allocated funding for the projects within the Capital Programme

2 Supporting information

Reef Way

2.1 The Reef Way site is identified, and has had feasibility undertaken, for a new Social, Emotional and Mental Health (SEMH) free special school provision.

2.2 As noted the Council is inviting applications from providers to apply to establish the new school with the successful applicant to be formally approved by the Secretary of State, anticipated by May 2018. Ideally the proposal would align any site acquisition process with the confirmed approval of a sponsor, however the terms of the Option require the site to have secured an outline or detailed planning consent for education purposes before the County Council is able to trigger the land price negotiation process, so early discussions are in hand with the developers - who themselves have to provide core utility services and formal access to the site ahead of its transfer.

2.3 The County Council currently remain exposed to some planning and timing risk on this particular site, unless a negotiated variation to the Option can be agreed with the developers. Once the Option is exercised, after receipt of planning, the Council would be committed to a site purchase once the price is agreed or determined.

2.4 The benefit of the Option to acquire this land expires at the end of September 2018, so time remains of the essence. We are however discussing with the developers the opportunity for a short extension of the timetable, to facilitate the complexities of the project.

2.5 This site has good transport links and is within the wider locality where the need for provision is greatest. The new school would be scheduled to open in September 2020, and provide 80 primary and secondary provision places for pupils with Social, Emotional and Mental Health (SEMH) difficulties.

2.6 Capital funding of £18m has been identified in the Council's capital programme to provide new Special School provision. This includes a 50 place Unit for pupils with Profound and Multiple Learning Difficulties (PMLD) as part of the new Summerdown Free School in

Eastbourne, and the new SEMH school in Hailsham. The cost of building a new SEMH school at Hailsham, including the land value, would be met from within this allocation.

2.7 Whilst the overall site area can accommodate the external areas recommended by BB104, (national guidelines for SEND and alternative provision) the sloping nature of the site means that providing soft outdoor PE may still necessitate some off-site provision, only if this is required. Developing the site will require an amount of groundwork to accommodate a proposed School, with access from Reef Way bridging across existing drainage ditch/culvert. Due to the higher level of support staff required, it is anticipated that a larger amount of parking will be necessary on the site.

2.8 The preferred option on this site would be a split level built form in order to minimise cut and fill and is more suited to the typically more ambulant pupils within the SEMH category.

2.9 Options for an alternate type of Special School (for Profound and Multiple Learning Disability (PMLD) pupils) were discounted at feasibility stage due to additional amounts of staff and minibus parking required and use of the site for the mainstream primary provision discounted due to the sloping nature of the site and insufficient outside space required (by BB103 for mainstream use). Use of the site had been considered previously for the re-location of Hailsham Community College's Sixth Form provision, but this was also discounted as the Council has no statutory requirement to provide additional 16-19 places.

Land east of Park Road

2.10 This site is currently open and level fields but part of an approved housing development allocation. The education site lies within the wider development allocation with direct road infrastructure access to be provided, and extends to 5.5 acres (2.2 ha) and can accommodate a 2FE primary mainstream school, plus a Nursery school, and planned to open with an initial intake of Reception and nursery children for September 2019. It is recognised that only part completion of the project is required for September 2019 and that full completion is unlikely to be achieved until January 2020.

2.11 Provision for funding for these schools, including the land purchase, is also identified within the Capital programme.

2.12 As noted this particular site is subject to a 12 month Option Agreement, with time running from when the developers secure their detailed /reserved matters consent for their wider scheme. This has just been achieved (early March) and the Option agreement now being formalised.

2.13 Once the County Council trigger the Option, a timeline is defined for negotiating the land price, and upon agreement this would commit the Council to acquire the site. Opportunities for the County Council to withdraw from a site purchase are limited once the Option is triggered, unless very early in the process. The developers are required to provide utility services and access to the site for a construction process likely to commence in 2019.

2.14 Both sites are shown hatched black on the attached plans at Appendix 1. There are no other sites currently owned by the County Council in Hailsham that support the scale of these requirements.

3 Conclusion and reasons for recommendations

3.1 The Council have a commitment, and funds set aside within their approved Capital Programme, for the delivery of two new schools in Hailsham. Site purchases at Hailsham are part of the process that need to be concluded to enable planning, construction and delivery for the scheduled openings of each school.

3.2 The terms of the Option Agreements, valuation and negotiation process for the land purchase are subject to specific processes, and each negotiation benefits from a dispute resolution process if terms cannot be agreed by mutual agreement.

3.3 The Lead Member for Resources is therefore recommended to approve triggering the options to acquire two separate parcels of land at Hailsham, one for a Social, Emotional and Mental Health (SEMH) free special school and the other for a 2FE mainstream primary school and to delegate authority to the Chief Operating Officer to acquire the sites subject to satisfactory negotiation on valuation and terms for the site.

KEVIN FOSTER

Chief Operating Officer

Contact Officer: Graham Glenn
Telephone: 01273 336237
Email: graham.glenn@eastsussex.gov.uk

LOCAL MEMBER

Councillor Bob Bowdler, Hailsham Market



© East Sussex County Council 2015.
Aerial Photography © Getmapping.com 2013.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019601. 2015.

Map Title: Land off Reef Way, Hailsham

Date: 07.02.18

Scale: 1:1,500

Map No: 001

Author: KVN





Map Title: Land to the East of Park Road, Hailsham

Date: 09.03.18

Map No: 002

Scale: 1:2,500

Author: KVN

East Sussex
County Council



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank