

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.
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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.

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