

Forward Plan reference number: Not applicable

Report title: Surplus Property: The former Passmores School Site, Tendring Road, Harlow, CM18 6RW.	
Report to: Councillor McKinlay, Cabinet Member for Finance, Commercial and Traded Services.	
Report author: Leslie Pilkington, Head of Property and Facilities	
Date: 5th September 2018	For: Decision
Enquiries to: Stuart Moulder EPF, Infrastructure Delivery. Tel: 03330 321653. Email: stuart.moulder2@essex.gov.uk	
County Divisions affected: Harlow West	

This report includes a confidential appendix which is not for publication because it includes exempt information falling within paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.

1. Purpose of Report

- 1.1. The purpose of this report is to approve that part of the former Passmores School site be re-used for educational purposes, with part being leased to the DfE, and for remainder of the site, hatched in blue on Plan 1, to be retained and subject to a later decision regarding its use.
- 1.2. Further that ECC enter into the appropriate agreements associated with future school use.

2. Recommendations

- 2.1.1 Agree to revoke the previous decision to dispose of the whole site on the open market.
- 2.1.2 To authorise the Director responsible for Property to Lease the land for the new secondary school and the SEMH school outlined in red on the attached Plan 2, at a value not less than that shown under Clause 1.1 of the attached Confidential Appendix.
- 2.1.3 Authorise Essex County Council ('ECC') to enter into such arrangements as may be required to facilitate the part of the site shown hatched in blue on Plan 1 to be held by ECC's Essex Housing, on terms and conditions to be agreed by the Head of Property and Facilities.

3. Summary of issues

- 3.1 The Site, shown outlined in red on Plan 1 attached, extending to 12.29 Hectares (36.36 Acres), is held freehold and was the former Passmores High

School, before it re-located to new premises elsewhere within Harlow. Chief Officer approval had been given on 4th August 2011, in accordance with the Scheme of Delegation dated 2nd December 2010, to proceed with an open market disposal of the whole site after its transfer back to ECC in September 2011, with the proceeds of any sale being used towards funding the authority's capital programme.

- 3.2 Consent was given by the Department for Education ('DfE') on 23rd October 2012, for the whole site to be disposed of, on the open market, and discussion had commenced with Harlow District Council for future development of the site.
- 3.3 In 2014, the disposal was delayed whilst ECC carried out a review of its requirements for future education purposes under the Education Estates Strategy and a proposal for this site to be re-used for education was considered at the Capital Programme Members Board.
- 3.4 As identified within the Schools 10 Year Plan and as endorsed by the Investment Board in November 2016, a dramatic rise in demand for Secondary School places in Harlow was identified as a result of new housing and an increased population.
- 3.5 A desktop analysis of schools and sites in Harlow showed further secondary capacity would not be achieved through expansion. The Passmores site was identified as being within a reasonable distance for new secondary school places in Harlow and suitable for this purpose. The site would not put additional burden on the School Transport Budget.
- 3.6 The new Secondary School project, to provide an 8Fe (forms of entry) School, plus a 500 place 6th Form, totalling provision for 1700 pupils, will be delivered and funded by the DfE in accordance with the following timetable.
 - . The DfE has also approved an Academy operator for the new Secondary School. Planning permission is to be applied for before the end of the year, with construction planned to commence in Summer 2019 and the school to open in 2020.
- 3.7 In August 2016 the Investment Board also endorsed a case to develop increased school capacity for new SEMH (social, emotional and mental health needs) places in Essex and investment in alternative provision. There has been a significant increase in children and young people requiring a SEN (Special Educational Needs) statement or an Educational Health Care Plan over the last 10 years.
- 3.8 West Essex has no current provision for secondary school aged pupils with significant social, emotional and mental health issues. Pupils either travel to other schools in Essex (which are now at full capacity) or to other nearby

education authority areas or to independently provided education establishments. This is all at a cost to ECC revenue budgets.

- 3.9 It is proposed that an application will be lodged with the DfE during 2018/19 for a SEMH school to be built on the land outlined in Blue on Plan 2, enabling children and young people to be educated much closer to their homes which will in turn create savings from the Family Operations Budget. This school is intended to be funded by the DfE. It is anticipated that the application will be successful and this report is based on that approval being forthcoming but, as the proposed SEMH school is shown by the blue line boundary on Plan 2, it would not need a revised decision if that was unable to proceed.
- 3.10 ECC's Infrastructure Delivery team, do not identify an educational need for the remainder of the site, as hatched blue on the attached Plan 1. The property has not been identified as being suitable for re-use by any other Service Commissioner within the County Council. Other uses for the site will be explored.
- 3.12 The Members for Harlow West, Councillors Michael Hardware and Clive Souter, have been advised of the recommendations in this report and support the proposals.

4. Options

4.1 Options were explored as follows:

- 4.1.1 **Option 1** - Retain the whole of the land for future educational purposes, for a new Secondary (and possible SEMH) School; or
- 4.1.2 **Option 2** - Retain part of the land for future educational purposes, for a new Secondary (and possible SEMH) School and explore other options for the remainder; or
- 4.1.3 **Option 3** - Proceed with the disposal on the open market of the whole site in accordance with the previous decision to declare it surplus.
- 4.2 In identifying part of the Site as suitable for educational purposes, ECC can avoid the capital cost of identifying and acquiring suitable sites for this purpose elsewhere in Harlow. This is considered to override the apparent financial argument in favour of **Option 3**.
- 4.3 No other available and suitable sized sites for a new secondary school and new SEMH school as proposed have been identified within this area of Harlow.
- 4.3.1 The potential for ECC to achieve the full capital receipt from this site is limited as this is a former School/Education site and ECC could be directed to grant Academy Leases to Free Schools. In view of the identified need for additional school sites in this area options were considered on the basis that this is a likely risk.

- 4.4 Should the site not have been used for education purposes, it potentially could have been used for additional housing provision, subject to planning,
- 4.5 **Option 2** emerged as the preferred Option after Infrastructure Delivery carried out a feasibility assessment for the site which identified that, due to some shared uses/facilities between the proposed secondary and SEMH schools, not all the site would be required for education and a part of the site could still be considered for other use.
- 4.6 There is no financial saving arising from this decision. The reduction in the on-going maintenance liability that has arisen since the school site ceased to operate, in terms of dealing with unauthorised fly tipping, vandalism, and incursion from third parties, including encampment will relieve pressure on the Schools Forum approved budget .

5. Issues for consideration

5.1 Financial implications

- 5.1.1 If the majority of the Site were to be retained for educational purposes, and no other use for the remaining land identified, there would be no capital receipt anticipated. Further work exploring options for use of the land may return a capital receipt and will be subject to a different decision.
- 5.1.2 The new Secondary school will be funded by the DfE. It is anticipated that the DfE will also fund the new SEMH school, which will enable ECC to avoid the capital cost of acquiring new schools sites within Harlow and initially avoid the revenue cost of providing SEMH education either elsewhere in Essex or outside the County. If ECC is unsuccessful in obtaining DfE funding for the new SEMH school, the capital build cost will be met from the Schools Forum approved budget.
- 5.1.3 Pupils currently travel to other schools in or to other nearby education authority areas or to independently provided education establishments. There is no additional financial burden on the Schools Transport budget resulting from this decision.
- 5.1.4 There is no financial saving arising from this decision. The reduction in the on-going maintenance liability will relieve pressure on the Schools Forum approved budget.
- 5.1.5 The costs of the leasehold disposal to DfE will be met from existing specific budgeted resources.

5.2 Legal implications

- 5.2.1 ECC has a statutory responsibility to provide sufficient school and educational places within the County.
- 5.2.2 The DfE can direct ECC to make land available for identified Educational purposes.
- 5.2.3 For any disposal ECC is also obliged to obtain the best consideration reasonably obtainable on the disposal of its own property unless the Secretary of State consents to the disposal or the disposal falls within the terms of the disposal consents issued under the Local Government Act 1972. Although consent was previously obtained that was for a different scheme and a change in local demand from secondary school and SEMH places means that it would not be appropriate to act on that consent.
- 5.2.4 A new permission from the Secretary of State for Education to dispose of land which would otherwise be available for educational use as building or playing fields will be required under the Academies Act 2010 Schedule 1 and Section 77 of the School Standards and Framework Act 1998 as appropriate. This report proposes that the development on the retained land for residential development is carried out by ECC's Essex Housing. Any future sales of properties requiring Secretary of State consent cannot be completed until appropriate Secretary of State consent is obtained and a further decision would be made at that time.
- 5.2.5 Essex Legal Services will be commissioned to carry out the legal work associated with the grant of the 125 year lease.

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The Equality Impact Assessment carried out on 5th September 2018 indicates that the proposals in this report will have a very positive impact on some of the most vulnerable children and young people in the County. The opportunity to be educated within their communities will lessen stress on

Essex families, and enable the young people to make links and connections in their local area which they can take into adult life thus increasing their independence in adulthood and lessen future reliance on social services.

7. List of appendices

- 7.1 Site plan
- 7.2 Confidential Appendix
- 7.3 Equalities Impact Assessment

8. Background Papers

- 8.1 None

I approve the above recommendations set out above for the reasons set out in the report.	
Councillor McKinlay – Cabinet Member for Finance, Commercial and Traded Services	6th November 2018
Executive Director for Economy, Localities and Public Health	
Mark Carroll	30th October 2018
Director with responsibility for Property	
Paul Crick	24th October 2018
S.151 Officer	
Margaret Lee (Nicole Wood)	18th October 2018
Director, Legal and Assurance (Monitoring Officer)	
Jacqueline Millward, on behalf of Paul Turner	5th September 2018