

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	17 January 2020
Title:	Robert May's School, Odiham – Additional Land
Report From:	Director of Culture, Community and Business Services

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Purpose of this Report

1. The purpose of this report is to consider the site requirements of the Robert May's School, Odiham, where additional land is required for playing field use, and to recommend the acquisition of land and the making of a compulsory purchase order.

Recommendations

2. That approval be given to acquire all third party interests and any necessary rights in an area of approximately 2.8 hectare (6.9 acres) of land shown on plan A/02/573, for playing field use for Robert May's School, Odiham (the Scheme), subject to potential amendment to the extent of land to be acquired as set out in the report, on detailed terms and conditions to be settled by the Director of Culture, Communities and Business Services (Assistant Director – Property and Facilities).
3. That, in order to ensure the delivery of the Scheme in a timely manner, authority be given to the making of a compulsory purchase order in respect of an area of approximately 2.02 hectare (5.0 acre) of land as shown on plan A/02/573, to run in parallel with negotiations to acquire all third-party interests in land and any necessary rights by agreement.
4. That delegated authority is given to the Director of Culture, Communities and Business Services (Assistant Director – Property and Facilities) to amend the scope of land required for the delivery of the Scheme, as shown on plan A/02/573, on the basis that it will not be extended but could be revised or minimised.

5. That authority be delegated to the Director of Children's Services, the Director of Culture, Communities and Business Services and the head of Legal Service to progress any appropriate Orders, Notices and Statutory procedures and obtain any consents, rights or easements that are necessary for the Scheme.

Executive Summary

6. This report:
 - Explains the need for the scheme and the land acquisition requirements.
 - Sets out the consultation arrangements.
 - Explains the legal context and funding.
 - Recommends that the necessary land interests be acquired.
 - Recommends that a compulsory purchase order be made to ensure timely scheme delivery.

Contextual information

7. Robert May's School is an academy, whose capacity has risen from 8 form entry (1,200 students) to 9 form entry (1,350 students) from the 2019 intake. The existing school playing field is currently undersized compared to Department for Education guidelines and there is a need to acquire additional land suitable for playing field use, to meet the needs of both the existing and the planned increase in school capacity.
8. To address the playing field shortfall, the Executive Member for Policy and Resources on 5 December 2017 approved a report recommending the acquisition of an area of approximately 2.8 hectare (6.9 acres) of land and the making of a related compulsory purchase order under Section 530 of the Education Act 1996. This report updates the proposals, gives further consideration to relevant statutory requirements and makes additional recommendations, to ensure the satisfactory delivery of the scheme.

Reasons for the Proposals and the Scheme

9. An option study has been produced in respect of the expansion of the school's playing field capacity and concluded that the most suitable land to expand capacity comprises Bufton's Field. This is an adjoining presently unmanaged area of open land on the eastern side of the school site, as shown on plan A/02/573, with an area of approximately 2.8 hectare (6.9 acres). The land includes an existing footpath / cycleway and emergency access route linking to the school. Persimmon Homes are the legal registered freehold owner of the land and the beneficial owner is a private Trust.
10. The land is currently designated in the adopted local Neighbourhood Development Plan for educational use and is also subject to countryside and local gap planning policies. The land is also linked with a planning

agreement for an earlier residential development to the north, which imposed the requirement to maintain the field as “open land”.

11. Should Bufton Field be acquired in the absence of a compulsory purchase order there would be a need to amend the existing planning obligation with Hart District Council, as it is desirable to physically enclose the main football / rugby pitch and smaller practice pitch to be provided on the land for the school. In addition, there is a need to level the land for playing field use and accommodate a degree of managed community use.
12. The County Council secured planning consent for school playing field use in January 2017 focused mainly on the requirement for a full-size football / rugby pitch. An updated planning application is being submitted additionally including the provision from the outset of the second smaller practice pitch.
13. Proposals have already been put forward to the landowner and Trust to secure acquisition of the required land by agreement. However, after early positive indications, these have stalled. In order to make progress with this acquisition it is recommended that a compulsory purchase order should now be made, given added emphasis by the current expansion of student numbers, which will increase yearly from the 2019 intake.
14. It may be advantageous to adjust the detailed extent of land to be acquired to assist in its timely acquisition, potentially still by agreement. The extent of land which may be included within a CPO must be restricted to the land reasonably necessary to meet the statutory educational need under the Education Acts. Accordingly, some peripheral land within Bufton Field which is not operationally required to extend the existing school site will be excluded from the CPO. Thus, the proposed CPO will concern the reduced area of approximately 2.02 hectare (5.0 acre) of land as shown on plan A/02/573. However, this authority could be requested to acquire the whole field as shown on the plan and, therefore, authority is sought to acquire up to the extent of the whole field as shown on the plan.

Legal Context

15. The County Council has the power to make compulsory purchase orders and in relation to this school site expansion scheme the enabling power is the Education Act 1996.
16. Guidance on compulsory purchase (Compulsory Purchase Process and the Critchel Down Rules – July 2019) required that there should be a compelling case in the public interest for a CPO to be made and confirmed. Other requirements include that:
 - a) the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected;
 - b) the acquiring authority has a clear idea of how it intends to use the land;

- c) the acquiring authority can show that the necessary resources, including funding for acquiring the land and implementing the scheme, are likely to be available to achieve that end within a reasonable time frame;
- d) the scheme is unlikely to be blocked by any physical or legal impediments to implementation, including the need for planning permission;
- e) the acquiring authority has sought to engage the landowners in genuine and meaningful negotiations.

17. It is considered that all the above requirements are satisfied. The playing field deficiency gives rise to a compelling case for expansion on to the land and such use is in accordance with the planning policy designations of the land. In the light of the pressing reason for acquisition and the fact that policy provides that the land has limited scope for alternative uses, any interference with the human rights of the owners is justified, in particular Article 1 of Protocol 1 which provides for the peaceful enjoyment of possessions. The acquiring authority has a clear idea of how it intends to use the land, as set out above. The necessary resources will be available as set out below. There are unlikely to be any impediments to implementation. In particular, one planning permission has already been obtained and it is considered that the necessary amendments to that to provide for what is precisely now proposed are in accordance with policy and there is no reason why they should not be granted permission. Finally, the acquiring authority has sought to negotiate acquisition from the owners and will continue to do so.

Finance

18. The Children's Services Capital Programme Update reported to the Executive Lead Member for Children's Services and Deputy Leader on 20 September 2017, reported that provision for the acquisition of additional land has been made within the capital programme. It is proposed that the Children's Services Capital Programme 2020/21 – 2022/23 Report on 10 January 2020 includes the necessary financial provision for the proposed land acquisition and implementation of the school playing field scheme.

Performance

19. It is considered that additional delay in acquiring Buffon's Field could result in increased costs of acquisition and playing field provision and reduce the external learning opportunities for students.

Consultation and Equalities

20. Public consultation has taken place in connection with the grant of planning consent for the playing field use of the land. The land has also been proposed and allocated for educational use within the local Odiham and North Warnborough Neighbourhood Development Plan.
21. The Local Member for Odiham and Hook, Councillor Jonathan Glen, has been consulted and is in support of the proposals.
22. The equality impact assessment considers the proposal to have positive impacts.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Executive Lead Member for Children's Services Children's Services Capital Programme Update</u>	<u>20 September 2017</u>
Executive Member for Policy and Resources	5 December 2017
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An Equality Impact Assessment has been carried out in the development of this report and no adverse impact has been identified on groups with protected characteristics. The completed assessment form is below:

3. Impact on Crime and Disorder

No impact is anticipated.

Equality Impact Assessment



Hampshire
County Council

Robert May's School, Odiham

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Department: Culture, Communities and Business
Services

Date of
assessment: 21/11/2019

Description of current service/policy

Robert May's School, Odiham, serves a large rural catchment within Hart district including Hook and Odiham. The school currently has a playing field shortfall in the size of the present school site, in comparison to Department for Education guidelines, both to meet the previous needs of the school and its increase in capacity from 1,200 to 1,350 students from September 2019, to meet predicted growth within the catchment.

Geographical impact: Hart

Description of proposed change

It is proposed to acquire additional land for use by Robert May's School, to provide additional playing field capacity. This will provide additional external sport and learning opportunities for students.

The proposed land is presently open and available for public access, although its value to the public is limited because the land is unmanaged and overgrown with vegetation, limiting the extent of useful public access. The proposals are intended to incorporate managed community use of the school playing field.

Impacts of the proposed change

This impact assessment covers Service users

Engagement and consultation

Has engagement or consultation been carried out? Yes

Public consultation was undertaken in connection with the application and grant of planning consent for the use of the land as school playing field.

The land was proposed and allocated for educational use within the Odiham an North Warnborough Neighbourhood Local Plan.

Statutory considerations	Impact	Mitigation
Age: Positive	There is a positive impact on school facilities for young people and potential for managed community use of the facilities.	
Disability: Neutral		
Sexual orientation: Neutral		
Race: Neutral		
Religion and belief: Neutral		
Gender reassignment: Neutral		

Gender: Neutral		
Marriage and civil partnership: Neutral		
Pregnancy and maternity: Neutral		
Other policy considerations	Impact	Mitigation
Poverty: Neutral		
Rurality: Positive	The provision of additional school playing field capacity is expected to improve the range of external sports facilities available to this secondary school and for managed community use outside of school hours, within this rural catchment.	

Neutrality statement (if all considerations have a neutral impact)

Any other information