

Briefing Note

For schools identifying the need to expand or modify their facilities, the means of funding is the next hurdle

Often schools have exhausted other avenues for funding such as Condition Improvement Fund (CIF) bids and turn their attention to their biggest financial asset, the buildings and associated land. Realising value from land can be difficult to visualise or bring to life without professional support and advice.

Creating the Opportunity

There are two categories of land belonging to schools; playing field and non-playing field.

Although the process for disposal of the land is broadly the same, the governance for the disposal of playing field use land is more rigorous. Legislation covering the protection of school playing fields is provided by Section 77 of the School Standards and Framework Act 1998, which not only protects existing playing fields still in use, but also any playing field which has not been used for purpose up to 10 years prior to disposal being sought. Both types of land are evaluated based on the planned benefit for improving the school from the investment of the funds raised.

The Secretary of State expects any net proceeds arising from the disposal of school land to be used wholly towards specific capital projects to improve or enhance sports or educational facilities. Applications for consent must provide assurance that proceeds will be ring-fenced for these purposes.

The Process for Disposal

As an initial step, a strategic estate plan is created, highlighting the land for sale and determining the investment that will be made for school improvement.

To identify saleable land, the use of the entire school estate must be analysed based on either a BB103 assessment or Section 77 areas guidance. This will determine whether the school has sufficient space for the existing cohort, as well as for the forecasted requirements.

The Secretary of State for Education has final sanction over whether the land can be sold. They will consider the overall balance of benefit of the disposal against expected gains, to pupils and existing community users. Making the case for the sale is presented to the Education and Skills Funding Agency (ESFA) using standard documentation to ensure a consistent approach to decision making.

Applications should make a strong argument based on the school improvement plan and must demonstrate due process for assessing ownership of the land has been evaluated by an RICS qualified surveyor.

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Playing Field Planning

The sale of playing fields is subject to stringent planning regulations. The National Planning Policy Framework sets out the Government's planning policies for England and how these can be applied. It provides a framework within which local people and the council can produce their own distinctive neighbourhood plans.

Sport England has also set out a policy relating to the loss of playing field land that requires any likely loss to be replaced with equivalent or better quality and quantity. Prior to the release of land, the council and Sport England must be satisfied with the schools plan for improvement.

Delivering Value

Once the approval has been granted then the real work begins; furthering development opportunities, working in collaboration with owners and adjoining landowners to de-risk development schemes, ensuring the valuation is met for the sale and in the case of a resultant construction or refurbishment projects, that the programme of works is delivered utilising specialists with the appropriate skills and experience.



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Stanley Hicks is a long established chartered surveying business originally founded in 1889 and has been based in the City of London since the early 1900's. Stanley Hicks are specialists in providing professional property advice in the ecclesiastical, charity and educational sectors to ensure Trustees comply with their obligations under the Charities Act 2011.