

Meeting of:	Cabinet
Date of Meeting:	Thursday, 07 September 2023
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Disposal of Surplus Land at St Cyres Comprehensive School, Penarth
Purpose of Report:	To seek Cabinet approval to dispose of surplus land at St Cyres Comprehensive School Penarth
Report Owner:	Cabinet Member for Education, Arts & the Welsh Language
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p>Head of Strategy, Community Learning and Resources</p> <p>Operational Manager, Strategy and Resources</p> <p>Operational Manager, Property</p> <p>Capital Accountant</p> <p>Committee Reports</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The land at St Cyres Comprehensive School is unused but has until recently been temporarily used for storage in connection with the development of new builds on the Council's adjacent land to the rear of 2-4 School House, St Cyres Road. This project completed this summer. • The owners of 3 and 4 Cwrt St Cyres, Penarth have approached the Council requesting to purchase the land, which adjoins the rear of their properties, with a view to extending their gardens. This land is delineated red on the plan at Appendix A. • In accordance with the Council's land disposal protocol, the Strategic Insight Board has been consulted on the proposal and no alternative Council uses have been identified. • The capital receipt from the disposal of this land would contribute to the delivery of the Sustainable Communities for Learning Programme. 	

Recommendations

1. That Cabinet declares the parcel of land at St Cyres Comprehensive School shown outlined red on the plan attached at Appendix A surplus to the Council's requirements.
2. That authority is given to the Director of Learning and Skills to dispose of the land shown on the plan at Appendix A under section 123 of the Local Government Act 1972 subject to compliance with the relevant legislative provisions.
3. That delegated authority is granted to the Director of Learning and Skills, in consultation with the Cabinet Member for Education, Arts and the Welsh Language and the Head of Finance/S151 Officer, to appoint an external valuer to provide a market valuation report for the land and agree appropriate terms and conditions for the disposal of the land.
4. That Cabinet authorises the Monitoring Officer and Head of Legal & Democratic Services to prepare, complete and execute the appropriate legal documentation required to dispose of the land.

Reasons for Recommendations

1. To declare the land surplus to Council's requirements as the land is no longer required for education purposes or any other purpose.
2. To ensure compliance with the relevant legislative provisions.
3. To ensure that the Council obtains best consideration for the land in accordance with its statutory and fiduciary obligations.
4. To legally formalise the disposal of the land in order to obtain a capital receipt which will be used to contribute towards funding the Council's Sustainable Communities for Learning Programme and to ensure compliance with statute.

1. Background

- 1.1 The land in question is part of the St Cyres Comprehensive School site and is shown delineated red on the attached plan at Appendix A. The land is unused by the school but has until recently been temporarily used for storage in connection with the development of new builds on the Council's adjacent land to the rear of 2-4 School House, St Cyres Road. This project completed this summer.
- 1.2 The owners of 3 and 4 Cwrt St Cyres, Penarth have approached the Council requesting to purchase the land in question, which is located to the rear of their properties, to enable them to extend their gardens.
- 1.3 Following consultation with relevant internal stakeholders it was determined that the best course of action would be to proceed with the disposal of the land to the adjacent property owners on appropriate terms and conditions. . The Directorate of Learning & Skills and the Headteacher of St Cyres Comprehensive have been consulted and are supportive of the proposal to dispose of the land.

2. Key Issues for Consideration

- 2.1** In accordance with the Council's disposal protocol the Strategic Insight Board has been consulted on the proposal and no alternative Council uses have been identified.
- 2.2** The capital receipt obtained from the disposal of the asset would contribute towards funding the Council's ambitious Sustainable Communities for Learning Programme.
- 2.3** Any disposal would also be subject to the Council receiving best consideration for the land and the purchaser paying all the Council's costs in relation to the sale and any other appropriate terms.
- 2.4** It is proposed where appropriate that the Council sell its freehold interest in any area of land and place a covenant on the land to restrict the use of it to a purpose incidental to a dwelling house e.g., domestic garden purpose only. In the event of the Council agreeing to remove a restrictive covenant at a future date, officers will ensure that a suitable claw back provision has been included in the sale documentation to guarantee that the Council benefits from any increased land value that might result from a change of use.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
 - Objective 1 - To work with and for our communities.
 - Objective 2 - To support learning, employment and sustainable economic growth.
 - Objective 3 - To support people at home and in their community.
 - Objective 4 - To respect, enhance and enjoy our environment.
- 3.3** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales

- A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and Welsh Language
 - A globally responsible Wales
- 3.4** The capital receipt obtained from the disposal of the asset would be allocated to support the Council's Sustainable Communities for Learning Programme, which contributes to achieving the wellbeing goals by:
- Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation.
 - Ensuring an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
 - Providing additional school places to meet increased demand as a result of recent and proposed housing developments.
 - Providing facilities available for community use.
- 3.5** The 2015 Act imposes a duty on all public bodies in Wales to carry out “sustainable development”, defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.
- 3.6** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:
- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.
 - Considering how the Council’s objectives impact upon each of the wellbeing goals listed above.
 - The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
 - Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.
 - Acting to prevent problems occurring or getting worse.
- 3.7** The Sustainable Communities for Learning Programme meets the five ways of working by:
- Responding to the need to ensure that there is a well-managed balance of supply and demand of school places as a result of recent and planned housing developments. It is recognised that the changing demographics in the Vale of Glamorgan will significantly affect the demand for our services. Short term and

long-term need and the assessment of demographic increases is an important aspect of the Council's strategic planning responsibilities.

- Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
- Working towards ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. This ambition is achieved by ensuring that schools remain sustainable, reflects the needs of local communities and are equipped with the best possible learning environments.
- Contributing towards a healthier Wales by supporting sustainable transport strategies and providing additional sport facilities.
- Contributing towards a prosperous Wales by committing to working with Welsh Government on the Sustainable Communities for Learning Programme. The Sustainable Communities for Learning Programme in the Vale of Glamorgan will drive greater social value while delivering on the Welsh Governments community benefits through its investment in education infrastructure and employment. Specifically, it will increase contributions to education, training and skills across the Vale and the region and provide opportunities for local tradespeople and to use local resources, wherever possible.
- Delivering rigorous consultation with open communication channels and numerous opportunities for stakeholders to engage throughout the process.
- Ensuring that schools are of the right size, in the right places and serving the educational needs of their local communities as part of the school organisation process.

4. Climate Change and Nature Implications

- 4.1 The land would be absorbed into existing residential private gardens.
- 4.2 The proceeds of the sale would be used to contribute towards funding the Council's Sustainable Communities for Learning Programme. It is intended that all new buildings as part of the Sustainable Communities for Learning Programme will meet BREEAM (Building Research Establishment Environmental Assessment Method) and be net zero carbon in operation.

5. Resources and Legal Considerations

Financial

- 5.1 The disposal of the asset will reduce the revenue commitments for the Directorate of Learning & Skills in terms of maintenance of the land.
- 5.2 Agreement will be sought at the outset for the prospective purchasers to cover the cost of valuers fees, and Property and Legal officer's costs even if the sale of the land is not completed, so that there will be no financial burden on the Council.

- 5.3** The disposal of the asset would result in a capital receipt which would be utilised to contribute to the Council's Sustainable Communities for Learning Programme.

Employment

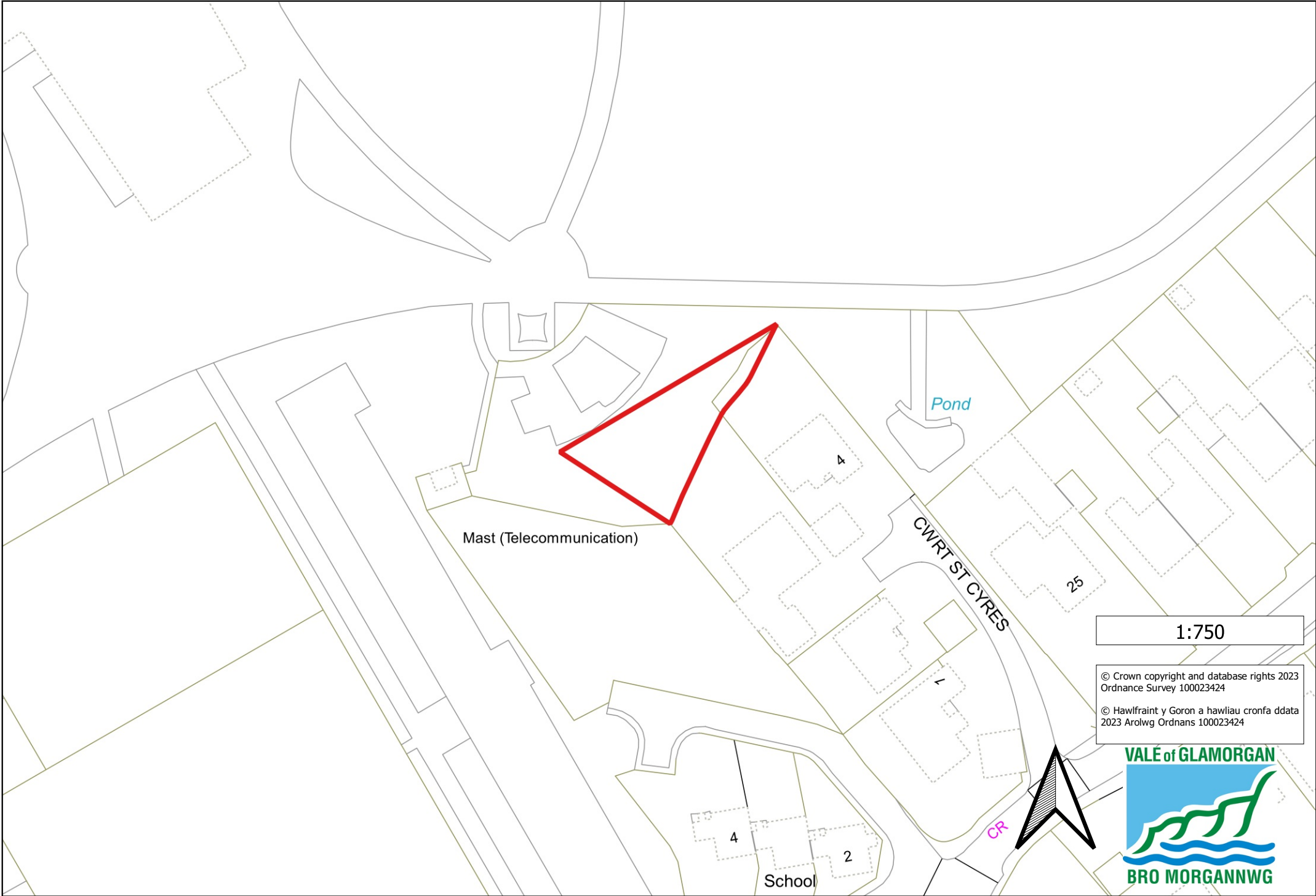
- 5.4** There are no employment implications for this report.

Legal (Including Equalities)

- 5.5** The Council has a statutory and fiduciary obligation to secure best consideration for the sale of its land and building assets pursuant to section 123 of the Local Government Act 1972. There are exceptions to this requirement, however, the Council would not be looking to rely on these exceptions in this particular case and an external valuation report will be obtained to certify the market value of the land for sale purposes.
- 5.6** A report on title has been completed by Legal Services. Nothing of concern has been raised in relation to the proposed disposal or intended use of the land by the prospective purchasers. Any change of use of the land might require a planning consent, which would be the purchaser's responsibility to apply for and secure.
- 5.7** As mentioned above, it is intended that a covenant will be placed on the land disposed of, restricting its use to garden purposes and where the appropriate claw back provisions will be incorporated into the sales documentation.

6. Background Papers

None.



Mast (Telecommunication)

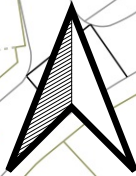
Pond

CWRT ST CYRES

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VALE of GLAMORGAN



BRO MORGANNWG

School

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