

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education PDS Committee

12th November 2013

BRIEFING NOTE ON CHANGES TO REQUIREMENTS FOR SECRETARY OF STATE CONSENT FOR DEVELOPMENT OF SCHOOL LAND

Contact Officer: Rob Bollen, Education Strategic Capital Manager
020 8313 4697 E-mail: rob.bollen@bromley.gov.uk

Chief Officer: Terry Parkin, Executive Director, Education, Care and Health Services
Tel: 020 8313 4060 E-mail: terry.parkin@bromley.gov.uk

1. THE BRIEFING

The Council has recently become aware of changes to Government policy with regards developing school sites. Although historically there has been protection of school playing fields under Section 77 of the School Standards and Framework Act 1998, until recently (last advice issued April 2012) there has been a general consent in place that allowed schools and local authorities to change the use of school playing field land without seeking the Secretary of State's permission.

New advice on the protection of school playing fields and public land was published in November 2012. This states that:

"The Academies Act made changes to Section 77 from 1st February 2012. Up until then, local authorities could change the use of playing field land for educational purposes. That is no longer the case and where a local authority wishes to change the use of playing fields the Secretary of State's consent will be required"

The document later details that the Secretary of State considers 'playing fields' to consist of most external areas including sports pitches, hard courts, playgrounds, outdoor teaching areas, local authority parkland and habitat areas.

It is interesting to note that the DfE continued issuing advice that change of use didn't require consent after the 1st February 2012 when the relevant provisions of the Academies Act came into force. However, we have had discussions with the EFA and DfE about this issue and the view expressed is that we are now required to apply for change of use consent. This extra consent for change of use of affected land, although less onerous than that required for disposals, is likely to impact on timely delivery of projects especially if consent was refused. This is not helpful when there are significant pressures on the Council to deliver additional school places to meet rising demand.

This guidance does not have any statutory powers or affect the ability of local planning authorities to make decisions with regards the development of land.

We have talked to contacts involved in delivering school expansion in neighbouring boroughs and consultants working across a number of authorities and there seems to be little knowledge and surprise about this change.

2. SUPPORTING DOCUMENTS

- 2.1 A copy of the DfE note Advice on The Protection of School Playing Fields and Public Land is attached