

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 05 September 2024</b>
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Disposal of additional Education land at rear of St Illtyd Primary School, Llantwit Major.
Purpose of Report:	To seek Cabinet approval to dispose of an additional piece of disused land at the rear of St Illtyd Primary School, Llantwit Major.
Report Owner:	Cabinet Member for Education, Arts and the Welsh Language
Responsible Officer:	Liz Jones, 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"> <li>• The school boundary fence at St Illtyds Primary School was realigned approximately 20 years ago. As a result, an area of land was left between houses in the neighbouring Court Road and the school boundary fence. Neighbouring properties in Court Close have previously requested to purchase the land behind their gardens, and this was approved by Cabinet on 5 June 2017 (minute c8). Transfer has since completed.</li> <li>• A request has now been received by the owner of another property on Court Close to purchase the land behind their garden. This remaining plot of land is approximately 188 m<sup>2</sup>.</li> <li>• Capital receipt could reduce the borrowing requirement on existing SCFL schemes which in turn would reduce the revenue implication of that borrowing.</li> </ul>	

## **Recommendations**

1. That the additional disused land at the rear of St Illtyd Primary School, Llantwit Major is declared surplus to the Council's requirements.
2. That delegated authority is granted to the Head of Finance/S151 Officer to dispose of the land as shown edged red on the plan at Appendix A by the most appropriate means in consultation with the Director of Learning and Skills and the Monitoring Officer / Head of Legal and Democratic Services on terms and conditions to be agreed.
3. That Cabinet authorise the Monitoring Officer / Head of Legal and Democratic Services to prepare, complete and execute the appropriate legal documentation required to dispose of the site at the appropriate time.

## **Reasons for Recommendations**

1. To declare the site surplus to requirements as the land is no longer required for education purposes.
2. To ensure that the Council obtains best consideration for the land in accordance with its statutory and fiduciary obligations.
3. To legally formalise the disposal of the land 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 Residents whose property borders the school have previously approached the Council requesting to purchase the Education land to the rear of their properties to extend their gardens. The land is situated at the rear of St Illtyd Primary School, Llantwit Major.
- 1.2 This was approved by Cabinet on 5th June 2017 (minute ref. C8), however, another resident has come forward to request the purchase of an additional piece of disused land. This additional land is delineated red at appendix A.
- 1.3 The land is unused, vacant education land which is outside the school boundary. It is an overgrown strip of land which can only be accessed from the adjoining property.
- 1.4 Following consultation with relevant internal stakeholders it was determined that the best course of action would be to proceed with the disposal of the additional land. The Directorate of Learning and Skills and the Headteacher of St Illtyds Primary School 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** A disposal to the adjoining owner at market value is undertaken subject to:
  - The adjoining owners "special purchase status" is included in the valuation.
  - A covenant to use the land as garden land only is included in any disposal.
  - An overage for development is included in the title.
- 2.5** 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 an existing residential private garden.
- 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 and Skills in terms of maintenance of the land.
- 5.2 Cost of the valuation will be an abortive cost borne by the purchaser. Legal and Surveying fees will be added to the transaction upon completion.
- 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**

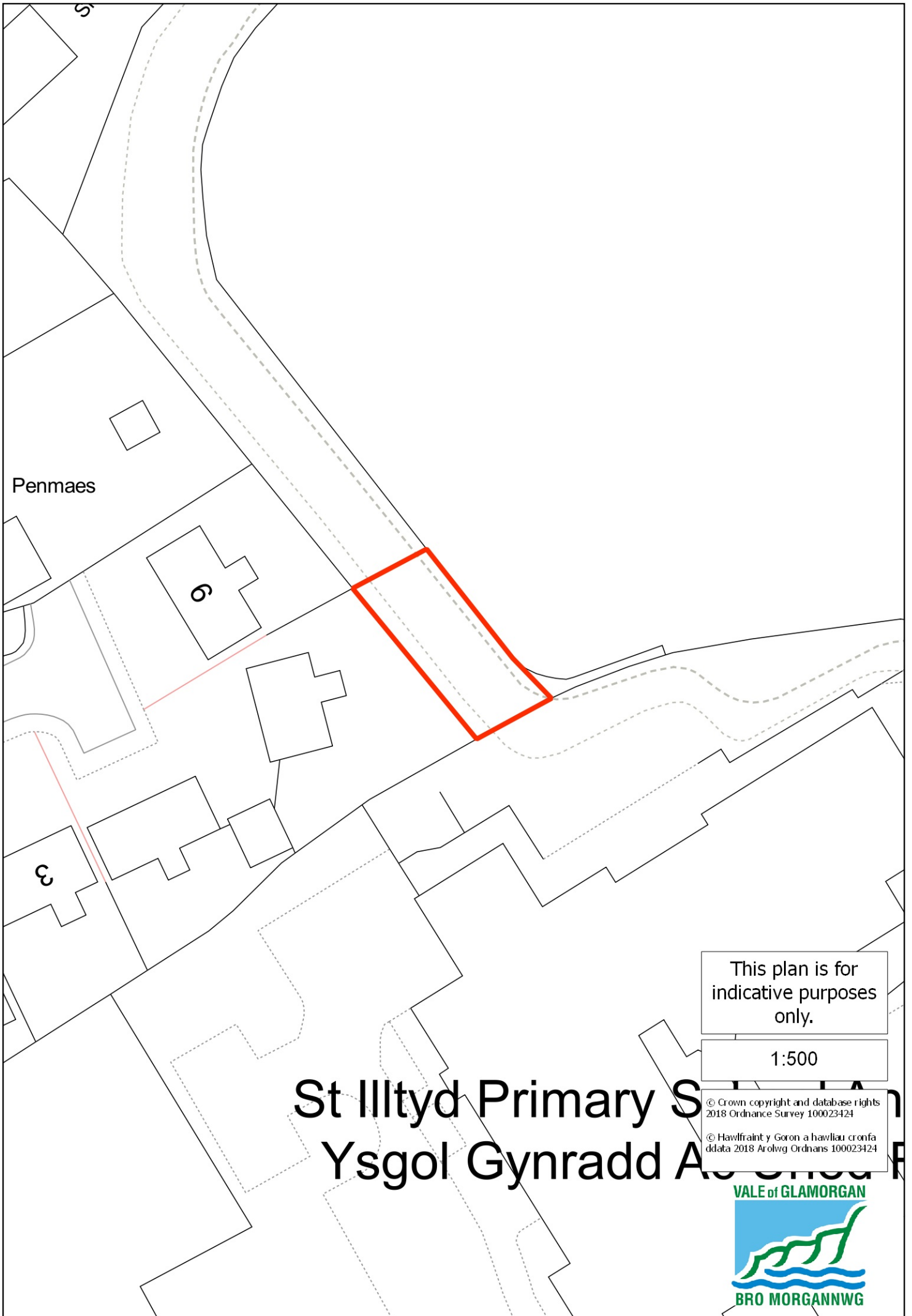
- 5.4 There are no employment implications arising from this report.

### **Legal (Including Equalities)**

- 5.5 A report on Title has not as yet been completed by Legal Services however land was sold to immediate neighbours to the potential purchaser from the same title and there was nothing identified that would affect the sale.
- 5.6 Nothing of concern has been raised in relation to the proposed disposal or intended use by the purchases. 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 The Council has a statutory and fiduciary obligation to secure best consideration for the sale of its land and building assets pursuant to S123 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. An external valuation report will be obtained to certify the market value of the land for sale purposes.

## **6. Background Papers**

None.



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