 **Academies Property**

 **Information**

 **Note H**

## Granting a lease or disposing of land for renewable energy (eg solar panels)

| This Property Information Note H applies only where the academy trust owns the freehold of its land and the proposal does not involve playing fields. If it does, please refer to PIN B. PIN D deals with biomass installations. |
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To ensure you use the right information and form, please also refer to:

* [the Introduction to academies property information notes;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [Which Form;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [The Glossary](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins).

[Form H](#FormH) should be used where the lease of land or buildings does not include land defined as playing fields.[[1]](#footnote-1)

If the land does fall within the definition of playing fields, please use [Form B](#FormB) with its annex where you either hold the freehold of your land or occupy under a lease from a diocese or sponsor where the land is not publicly-funded. If you hold your land on a long lease from the local authority and the panels or array is to be on the playing fields, complete form [SATPF1A.](#FormSATPF1A)

If you have received approval to capital funding from the Department for Education (DfE) or Education Funding Agency (EFA), you will still need separate consent for the disposal if this has not been expressly included in the terms of the consent letter.

#### Step 1 Decide which form to submit

PIN H is to be used when you are considering leasing or selling building space or land in order to install renewable energy equipment – e.g. solar panels. Use PIN D for biomass projects.

[Form H](#FormH) indicates the anticipated timescale for a decision from the Secretary of State. Be sure to allow for the time to collect all information, to appraise all options and for the EFA’s assessment process.

Do not sign any contract to dispose of land or grant a lease until you have received written notification of the Secretary of State’s decision.

#### Step 2 Take appropriate advice

You will need to take advice on the terms of any legal agreement to establish the possible financial impact and future use of your land. We will normally require a valuation to demonstrate the benefit to the academy trust.

#### Step 3 Submit the application

Once you have agreed the terms of the lease or disposal you should apply for consent using [Form H](#FormH). Check you have provided all the information requested and the Chair of the academy trust and your Accounting Officer have signed the declaration. Applications submitted without this signature will not be assessed by the EFA and the indicative time shown for a decision will be delayed if you have not provided the information requested.

####  Step 4 Clarify any points in the application

Provide any further information we might request to clarify your application, so we can assess it as speedily as possible.



**Form H: Leases for renewable energy installations**

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| **Form H** **Leases for renewable energy installations** |
| 1 | Academy Name and address |  |
| Academy Address |  |
| 2 | Academy Trust Name |  |
| 3 | Unique Reference Number & UPIN |  |
| 4 | Contact details for further information: |  |
| Name |  |
| Position |  |
| Email address |  |
| Phone numbers |  |
| **Details of lease terms** |
| 5 | Please provide either the Heads of Terms or draft contract (with any other agreements governing the terms of the electricity generated and how you will be charged.) To include:1. Lessee name
2. Lessee registered address
3. Name of who will have the rights to the National Grid feed-in tariff (the “accredited body”)
4. Length of lease (and proposed expiry date)
5. Will it have a right to renew under the 1954 Landlord and Tenant Act?
6. Are there any break clauses (please provide details)
7. Annual rent paid to you
8. Rent review frequency
9. Service charge contributions you can charge.
10. Rent review mechanism (RPI, upward only etc)
11. Area (m2) to be included in the lease
12. Ancillary rights for cables, access etc
13. Any other rights being granted to the lessee
14. Will the lessee be responsible for removing its installations and making good at the end of the lease?
 |  |
| 6 | Attach plan to standard required to enable registration at the Land Registry of the land affected by the lease and any access routes of associated pipework/cable ways. |
| **Costs, benefits and risks** |
| 7 | 1. What is the cost of the installation (panels and equipment)?
2. How much (estimate) will you save each year? (averaged over the life of the lease)
3. How much (estimate) will the lessor receive in income each year (averaged over the life of the lease?)
4. Who will own the installation when the lease comes to an end (for whatever reason)?
5. Will there be any payment to the lessee if the installation transfers to the Academy when the lease ends?
 |  |
| 8 | Will the Academy 1. have “first call” on all electricity generated?
2. pay for electricity at the feed-in tariff with no other costs being added?
3. be entitled to make further agreements with other energy suppliers during the life of the lease?
4. Are there any risks to the Academy pupils of the installation passing through it?
 | Yes | No |
| 9 | Pease tick who will pay to install/ maintain/ renew the following:1. Solar Panels
2. Cables
3. Roof
4. Structure
5. Access ways

Who is responsible for 1. Insurance (public liability)
2. Insurance (installation and cables)
3. The actual pipework/cables etc
4. Public liability
5. Design
6. Business rates
7. VAT

Who is responsible for making sure the panels receive light, e.g. by keeping them clear of overhanging branches/shadow cast by future development?Who bears the risk of the panels not generating the power as anticipated? | Lessee | Academy |
| **Title and consents** |
| 10 | Name of your legal advisersConfirmation that your legal advisers have confirmed you have good title to enter into the proposed land transaction and that you have received any consents you need in addition to that of the Secretary of State for Education. |
| **Accounting Officer Declaration***The signature of the Accounting Officer below signifies confirmation that the* Trust :1. Complies with its duties and responsibilities under the Academies Act your Funding Agreement and the Academies Financial Handbook,
2. Has taken appropriate legal, financial and property advice,
3. Is satisfied the transaction represents value for money,
4. Confirms that the transaction does not involve any loan,
5. Confirms that the transaction is affordable without recourse to EFA or DfE capital or revenue budgets.
6. Is satisfied about all safeguarding issues, and
7. The information provided is a truthful statement and has brought attention to anything that might be pertinent to the Secretary of State’s decision, even if not asked directly.

Signed Accounting OfficerNameDate |

Please email the completed form with all attachments to: ***academy.questions@education.gsi.gov.uk***

We will send you an acknowledgement within three working days of receipt of this form. We will then determine if you have provided all of the information that we need to make a decision. We may well need to ask you for clarification or further information. It is your responsibility to make sure that your professional advisors, including solicitors, supply the information we have requested. We will only be able to consider your case after you have provided all necessary information.

After the information is complete, we aim to provide you with a decision within 10 working days.

1. land in the open air which is provided for the purposes of physical education or recreation, other than any land falling within a description prescribed under s.77 (7) of the Schools Standards and Framework Act, 1998) For what is included within this definition, please refer to the [Glossary.](#Glossary) [↑](#footnote-ref-1)