

 **Academies Property**

 **Information**

 **Note B**

# Disposals –involving playing fields

|  This Academy Property Information Note (PIN) B explains the information you need to provide to apply for consent to dispose of land and/or buildings – including new disposals and lease renewals.- where playing fields are involved. See [Academies Property Information Note A](http://www.education.gov.uk/schools/adminandfinance/financialmanagement/efafundingfinance/b00212638/efa-academies-capital/academypins) if playing fields are not involved. |
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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/schools/adminandfinance/financialmanagement/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [Which Form;](http://www.education.gov.uk/schools/adminandfinance/financialmanagement/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [the Glossary](http://www.education.gov.uk/schools/adminandfinance/financialmanagement/efafundingfinance/b00212638/efa-academies-capital/academypins).

There is a very strong presumption against the loss or restricted use of any playing fields that are available to pupils. Academy trustees will be expected to demonstrate their sound stewardship of publicly-funded land for present and future generations.

The definition of “playing field” land and how to work out the recommended minimum areas for pupils are explained in detail within the Glossary.

The academy trust (the Trust) must seek and obtain explicit and prior approval from the Secretary of State before:

* entering into any freehold sales or purchases;
* granting any leasehold or tenancy agreement, regardless of length;
* granting easements in, under, on or over your land and/or
* granting land charges or restrictions being placed on the land’s registered title.

Irrespective of whether the Secretary of State’s approval is required, the Trust must:

* obtain relevant professional advice where appropriate, including external auditors, where necessary;
* justify that the decision represents value for money;
* agree internal delegation levels within the Trust; and
* disclose aggregate figures for transactions in the each of the above categories as a note to your annual accounts.

Most land used by an academy has been provided at public expense, and to lose it from public use is something the Education Funding Agency (EFA) considers thoroughly before making any recommendation for consent.

## When to use Form B

Form A should be used where the disposal of land or buildings does not include land defined as playing fields. Refer to the [Academies Financial Handbook](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212647/external-assurance/academies-financial-handbook) for information on operational leases.

If the proposal includes playing field land, please use Form B with its Annex B1 if you own the freehold of your land or lease land owned or provided by a diocese or sponsor and is publicly-funded. Use Form SATPF1A if you hold your land under a lease from the local authority.

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

## New disposals and leases

#### Step 1 Decide which form to submit

Confirm that Form A is the right form for your proposal; using the wrong one could result in unnecessary delays. If you are unsure, check Which Form to decide which form is the most appropriate to you. You may also find the Glossary helpful.

Form A indicates the anticipated timescale for a decision from the Secretary of State after we have concerned we have received all necessary information. 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 consent.

#### Step 2 Evaluate the options

Your application for consent will normally follow an options appraisal as set out in the [Academies Financial Handbook](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212647/external-assurance/academies-financial-handbook). Depending on the level of complexity of the decision and the range of expertise you have within the Trust, you may need external legal, financial and independent property advice to support the appraisal process.

#### Step 3 Valuation certainty and timing

Decide what further professional advice you need to take. In the majority of cases, it is important to provide a valuation of market value or market rent with your application from a Registered Valuer. The degree of detail required will be proportionate to the scale, size and value of the disposal. Disposals, including leases, to another publicly-funded school or academy will normally be expected to be at nil or nominal value.

Decide if you want to market the property before or after you have obtained the Secretary of State’s consent. We strongly advise that you seek consent before marketing to avoid having to pay for unnecessary fees and marketing costs with the risk of consent not being granted or subject to conditions that could mean having to re-negotiate terms.

Plan realistically, allowing sufficient time for all of the above.

#### Step 4 Submit the application

Submit your application when:

* you are sure you have provided all the information requested in Form A and
* your Accounting Officer has signed the declaration. We cannot consider applications submitted without this signature.

#### Step 5 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.

## To renew a lease

To renew a lease, assignment or sub-letting that has a statutory right to renew under the Landlord and Tenant Act, 1954.

Steps 1 to 3As above

**Step 4** Only complete those parts of Form A marked with an asterisk. Then submit the form with:

* a copy of the existing lease and
* either the agreed Heads of Terms or
* draft new lease and
* a covering letter signed by the Accounting Officer requesting consent to the terms set out. We will not be able to assess your application until we have received the signed letter.

## Description: Education Funding Agency Form B: Disposals - involving playing fields

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| **FORM B****Disposing of or granting a lease of playing field land**  |
| 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 |  |
| **Land ownership** |
| 5 | Who owns the freehold of your land ORwho has the head leasehold interest of the land occupied by the Academy? If you do not own the freehold or are not the head lessee, attach the freeholder’s consent to the disposal (where the freehold is held by another party, such as the diocesan trust or Academy Sponsor).  | Freehold owner  | Title Number(s) |
| Leasehold owner(s) | Title Number(s) |
| 6 | Name of the legal firm advising you that:* 1. The AT has good title to enter into the proposed land transaction,
	2. the AT has received any consents necessary in addition to that of the Secretary of State for Education, and
	3. the purchaser/lessee has authority to enter into the transaction.
 |  |
| **Land descriptions** |
| 7 | Provide plan to standard required to enable registration at the Land Registry of the land you would like to dispose of, or grant a lease of. |
| 8 | State the size of the land to be disposed of (m2). Provide separate areas for buildings and land if the proposal includes both.Include Annex B1 to demonstrate the sufficiency of playing field land at the academy following the proposed disposal | Land: |  | m2 |
| Buildings: |  | m2 |
| **Marketing and consultation** |
| 9 | Has the land/building been marketed openly so you are obtaining the best value? |   |
| 10 | Provide a valuer’s report to justify the price/rent. |
| 11 |  Provide details of the consultation carried out |
| **Terms of disposal/lease** |
| 12 | Attach a copy of the heads of terms (or draft contract for sale/lease) that includes as a minimum, this information: * Name of purchaser/lessee
* Address of purchaser/lessee
* Liabilities for contamination/pollution
* Any restrictions/reservations
* Sale Price, or
* If granting a lease:
	+ Annual rent
	+ Rent review frequency
	+ Rent review mechanism (RPI, upward only etc)
	+ Break options
	+ Repairing liabilities
	+ Any restrictions/exceptions/reservations
	+ Insurance liabilities
	+ Estimated annual costs that will fall to the academy trust
	+ Rights to renew the lease under the 1954 Act
 |
| 13 | Reason for any difference between the valuation and price/rent. |  |
| 14 | Are there any grants repayable or charges that need to be novated to the purchaser/lessee? If so, provide details. |  |
| **Purpose of disposal/grant of lease** |
| 15 | Brief description of your rationale for the disposal and what you will do with the capital receipt/rent. In particular, provide details of what investment will be made in the sports facilities of the remaining land held by the academy. |
| **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 |

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| **ANNEX B1** |
|  | **Existing** | **Proposed** | **Difference** |
| 1. **PUPIL NUMBERS**
 | **Current Academic Year** | **In 3 years** |  |
| * 1. Pupils Pre 16
 |  |  |  |
| * 1. Students Post 16
 |  |  |  |
| * 1. Pupils / Students Total
 |  |  |  |
|  |  |  |  |
| 1. **PLAYING FIELD SPACE NEEDED**
 | **Current** (m2): | **Planned** (m2): |  |
| * 1. PF Area guideline Base Area (m2):
		1. Primary Schools and Special Schools 2,000 m2
		2. Middle and Secondary Schools 9,000 m2
 |  |  |  |
| * 1. PF Area guideline per pupil (m2):
		1. Nursery, reception and KS1: 11m2 per pupil
		2. KS 2 to 4 and post 16: 50 m2 per pupil
 |  |  |  |
| * 1. Total to meet minimum guidelines (2.2 + 2.3):
 |  |  |  |
| 1. **LAND OWNED BY ACADEMY (m2):**
 | **Existing on site (m2):** | **Proposed on site (m2):** | **add/loss (m2):** |
| * 1. Land not included within the definition of playing fields
 |  |  |  |
| * + 1. Buildings : land occupied by building or other structure including swimming pools and incidental land that is functionally linked to such buildings or structures;
 |  |  |  |
| * + 1. Soft landscaped or grassed areas not suitable for use for physical education or recreation purposes, such as marginal waste land outside of a school’s physical boundary fencing and ornamental or other flower beds which directly surround a building or which are connected to a caretaker’s house;
 |  |  |  |
| * + 1. Roads, car parks, paths and e.g. hard standing areas for the storage of waste containers.
 |  |  |  |
| * + 1. Other indoor areas not included above
 |  |  |  |
| * + 1. Total area not included in playing field land definition
 |  |  |  |
| * 1. Land included within the definition of playing fields
 |  |  |  |
| * + 1. Soft Pitches/open land (actual in use) including grass pitches and artificial surface pitches used for sports
 |  |  |  |
| * + 1. Soft Pitches/open land (actual not in use)
 |  |  |  |
| * + 1. Informal and social / recreation areas including grassed areas, paved areas (including playgrounds), outdoor seating and teaching areas including rest and quiet areas
 |  |  |  |
| * + 1. Marginal areas around the edges of playing fields for run-off and to allow for the cyclical realignment of pitches;
 |  |  |  |
| * + 1. Hardsurface games courtsincluding multi-games courts, tennis courts, netball courts and hard paving marked out for games
 |  |  |  |
| * + 1. Habitat areas set aside for the formal teaching of nature or informal curriculum purposes, including meadowland, wildlife habitats (including ponds), gardens, nature trails and outdoor science areas
 |  |  |  |
| * + 1. Other open land (please specify type )
 |  |  |  |
| * 1. **TOTAL SITE AREA OWNED BY ACADEMY AT PRESENT AND PROPOSED (m2)**
 |  |  |  |
| 1. **Summary of Playing Field Space**
 |  |
| * 1. Existing Playing Field land (m2)
 |  |
| * 1. Proposed Playing Field land (m2)
 |  |
| * 1. Excess/Shortfall against guidelines above (m2)
 |  |
| 4 Please provide information and evidence of any areas you consider fall within the definition of playing fields but are not in use. |

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

You will receive an acknowledgement within three working days of receipt of this form providing a unique reference number. We will then determine if you have provided all of the information that we need to make a decision. We will only be able to consider your case after you have provided all necessary information. Once the information is complete, we aim to provide you with a decision within 30 - 60 working days, depending on the complexity of the proposal.