 **Academies Property**

 **Information**

 **Note F**

## Granting an easement in, on, under or over your land or buildings

| This Property Information Note F applies to all easements. The only exception is where they involve land defined as playing fields and where you hold your land under a lease from the local authority. If both those apply, the local authority will need consent under s.77 of the School Standards and Framework Act, 1998 following the separate [guidance](http://www.education.gov.uk/aboutdfe/advice/f00216527/advice-%20%20%20school-playing-field-protection) including provisions for General Consents. |
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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).

Some easements will have a considerable value to the party to whom you are granting them– especially if it means adjacent land can be developed at high value, but without your consent its development value is reduced significantly. Conversely, if it is simply a case of the electricity company needing to lay cables under your land to supply you with an electrical supply, we would not anticipate you asking for a payment in return for this.

#### Step 1 Decide which form to use

Browse Which Form to decide which form is the most appropriate to you, especially if the easement is simply to allow cables to stretch from a sub-station at the edge of your land to the mains distribution board somewhere on your site or in connection with a disposal of land of less than 50m2 in which case [Form G](#FormG) might be more appropriate. You may also find the [link](#Glossary) helpful.

[Form F](#FormF) indicates the anticipated timescale for a decision from the Secretary of State. You should build the time to consider the implications of agreeing to the easement as well as the EFA’s assessment process into your programme.

[Form F](#FormF) should be used where you want to grant an easement in, under or over your land or buildings. Please refer to the [guidance](http://www.education.gov.uk/aboutdfe/advice/f00216527/advice-%20%20%20school-playing-field-protection) if you hold your land under a lease from the local authority and the land includes playing fields.

If you have received approval to capital funding from the EFA or DfE, you will still need separate consent to register a charge against your title if this has not been expressly included in the consent letter.

Do not accept any grant or sign any agreements before you have received written confirmation of the Secretary of State’s decision.

#### Step 2 Take appropriate advice

You will need to take advice on the terms and conditions of any legal agreement to establish the possible impact on your financial position and future use of your land. This advice will also consider if you should be seeking payment in return for granting any easement if the easement is likely to be of high value to the third party.

#### Step 3 Submit the application

Once you have agreed the route of easements in, over, under or across your land and whether or not a payment should be made by the party seeking permission, you should apply for consent using [Form F](#FormF).

Check that you have provided all the information requested and your Accounting Officer has signed the declaration. Applications submitted without this signature will not be assessed by the EFA and the indicative time shown for a decision will not commence until 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 F: Granting easements in, on, under or over the title of your land or buildings**

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| **FORM F****Granting easements in, on, under or over the title of your land or buildings** |
| 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 easement** |
| 5 | Provide a brief description of what is proposed and whether it is for gas/water/sewerage/electricity/right of way/other (please state)Who will the beneficiary be?When will the easement expire? (or perpetuity) |  |
| NameRegistered address: |
| YearsExpiring in | YearsExpiring in |
| 6 | Provide heads of terms and/or a draft contract for the easement. |
| **Benefit/Value** |
| 7 | What is the benefit to the academy? |
| 8 | What are the risks (if any) to the academy pupils of granting the easement and how will these be managed? |
| 9 | Is there any commercial value? (if necessary provide a valuer’s report particularly if granting rights to developers of adjacent land) |
| 10 | Does it affect your use of playing fields? If so, how? |
| 11 | What capital receipt/income will you receive? |  |
| 12 | Who will be responsible for paying to maintain/ renew the subject of the easement?Structure (if applicable)Pipework/Cables etcAccess waysWill the academy have a right to recover the cost of having to repair or renew pipes/cables etc (and any legal fees incurred) if the grantee does not?Who is responsible for insurance?The actual pipework/cables etcPublic liabilityDesign |  |
| 13 | Name of your legal advisers:Confirm 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. |  |
| **Land descriptions** |
| 14 | Attach plan to standard required to enable registration at the Land Registry of the land affected by the easement – showing all routes clearly and in colours corresponding to the draft legal agreement. |
| **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.

SignedAccounting OfficerNameDate |

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 in 10 to 30 working days, depending on the complexity of the proposal.