



Department
for Education

Involving the Secretary of State in land transactions

**Non-statutory guidance on how and
when to involve the Secretary of State in
transactions involving land held for the
purpose of a school**

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Who is this guidance for?

This guidance is for anyone holding land for the purposes of a school, or whose land has been used as a school in the past, including:

- local authorities
- academy trusts
- bodies or trustees who hold land for a school and the land is '**publicly funded**' (see below)

This guidance may also be of interest to anyone working with those who hold land for the purposes of a school, including:

- leaders and governors of schools
- school business professionals
- those with responsibility for the day-to-day running of the school estate
- diocesan authorities

You will '**hold**' land if you have a freehold or a leasehold interest in the land. More than one person may hold an interest in the same piece of land and several pieces of land may together make up a school site. This may mean that more than one application to the Secretary of State is necessary.

An academy trust which occupies land under a church supplemental agreement or similar does not hold that land for the purposes of this guidance. The trustees who have made the land available under the church supplemental agreement or similar agreement hold it for the purposes of this guidance, if it is publicly funded, as they will hold either a freehold or leasehold interest in the land.

If part of the school site is held by trustees then their involvement is likely to be necessary in all land transactions covered by this guidance. In general where land is owned by trustees "you" in this guidance refers to them.

Land may be '**publicly funded land**' if it has been acquired or enhanced at public expense - for instance, if it has been:

- acquired from a local authority, or originally provided for a predecessor school by a local authority, whether under a statutory obligation or through the local authority's use of discretionary powers; or
- acquired from, or by means of grant made by, a past funding authority such as the Funding Agency for Schools or as a result of a direction made by the department; or

- acquired or enhanced in value through capital expenditure by a local authority or grant from the department (or payments made by or on behalf of a local authority or the Secretary of State) and you have been notified that this will act to make the land publicly funded; or
- acquired or enhanced in value with the proceeds of disposal of land which would itself have counted as publicly funded.

In some circumstances, land of private charitable origin may have elements of public funding and fall within the definition of publicly funded land.

If you are in any doubt over whether your school land is publicly funded, you should seek legal advice on whether it falls within:

- paragraph A1 (for governing bodies), A7 (for foundation bodies) or A13 (for trustees) of Schedule 22 to the School Standards and Framework Act 1998; or
- paragraph 22(3) of Schedule 1 to the Academies Act 2010 (for land held for an academy).

What is this guidance for?

If you hold land for the purposes of a school, or land which has been used for a school in the past, your dealings with the land may require the involvement of the Secretary of State. Dealings could include granting a lease, selling a caretaker's house or buying new land and are known as '**land transactions**'.

This guidance:

- will help you identify whether your land transaction requires the involvement of the Secretary of State
- provides information regarding the department's policy regarding dealings with school land, and
- provides information on making an application for consent or a notification

This guidance relates only to the involvement of the Secretary of State in land transactions. Your land transaction may also require consents from or notifications to other bodies. For example, if Schedule 22 of the School Standards and Framework Act 1998 applies to your land transaction (see [Part 1\(B\) below](#)), you should take into account the need to involve the local authority and potentially the Schools Adjudicator. The involvement of other parties is outside the scope of this guidance.

This guidance is not intended to be an authoritative interpretation of the law: only the courts can provide that. You should obtain your own legal advice where necessary.

Involving the Secretary of State in land transactions

You need to obtain the Secretary of State's prior consent for certain land transactions.

You need to give notice to the Secretary of State of other land transactions.

Different rules apply depending on who holds the school land, what land transaction is taking place and what type of land is involved.

The rules in legislation are found in:

- Academies Act 2010 schedule 1
- School Standards and Framework Act 1998 section 77; and
- School Standards and Framework Act 1998 schedule 22

For academy trusts, additional rules are found in the trust's funding agreement and [The Academies Financial Handbook](#).

More than one set of rules governing land transactions may apply to a land transaction. For example, a disposal of school playing field land by a local authority needs the consent of the Secretary of State under both Section 77 of the School Standards and Framework Act 1998 and Part 1 of Schedule 1 to the Academies Act 2010. A disposal of non-playing field land held by an academy trust itself needs to be notified to the Secretary of State under Part 3 of Schedule 1 to the Academies Act 2010 and needs the consent of the Secretary of State under the academy trust's funding agreement and the Academies Financial Handbook.

You should use [Part 1](#) of this guidance and check the legislation to decide:

- whether your land transaction requires the involvement of the Secretary of State; and
- what involvement is needed.

More than one person can hold the same land at the same time. For example, a local authority might hold the freehold and an academy trust hold a leasehold interest in the same school site. If there is a land transaction at that school, both the local authority and the academy trust may need to apply to the Secretary of State.

The legislation may require different involvement by the Secretary of State for land transactions affecting playing field land and non-playing field land. You should check carefully to establish what type of land is involved. The definition of **playing field land** is land in the open air which is provided for the purposes of physical education or recreation. **Non-playing field land** is school land which is not playing field land. This

could be a caretaker's house or the footprint of a school building. There is more information in [Part 3: Playing field land](#).

The meaning of ‘school’, ‘maintained school’ and ‘academy’ in the legislation

Section 77 of the School Standards and Framework Act 1998

Bodies or trustees to whom Section 77 of the School Standards and Framework Act 1998 applies, require the consent of the Secretary of State to dispose or change the use of any playing fields which are used by a **maintained school** for the purposes of the school, either immediately before the proposed disposal or change of use, or at any time within the previous 10 years.

The meaning of **maintained school** is found in section 20(7) and is a community, foundation or voluntary school or a community or foundation special school. This does not include an academy or a pupil referral unit.

Part 1 of Schedule 1 to the Academies Act 2010

Local authorities, to whom Part 1 of Schedule 1 to the Academies Act 2010 applies, require the consent of the Secretary of State to dispose or appropriate any school land which has been used wholly or mainly by a **school** or **16-19 academy** in the last eight years, whether still open or now closed.

The meaning of **school** is found in the Education Act 1996 and means an institution providing primary education, secondary education or both. Pupil referral units and alternative provision academies are included. An institution which provides only early years provision and is not a maintained nursery school is not a school. Institutions in the further education sector and the wider higher education sector are not schools.

The meaning of a **16-19 academy** is found in section 1B of the Academies Act 2010 and means an academy which is principally concerned with providing education, including vocational, social, physical and recreational training, for those over compulsory school age but under 19.

Part 3 of Schedule 1 to the Academies Act 2010

Part 3 of Schedule 1 to the Academies Act 2010 applies to land held for the purposes of an **academy**. The meaning of **academy** is found in section 1 of the Academies Act 2010 and includes academy schools, 16-19 academies and alternative provision academies. Free schools, university technical colleges and studio schools are academies.

The meaning of 'disposal' in the legislation

The definition of 'disposal' is different in section 142 of the School Standards and Framework Act 1998 to the definition that is given in the Schedule 1, Part 4, paragraph 22 of the Academies Act 2010.

'Disposal' in the School Standards and Framework Act 1998 refers to 'any interest' in land, whether it be granting or disposing of any interest in land, entering into a contract to grant or dispose of any interest in land or granting an option to purchase an interest in land. 'Any interest' in land is a broad definition which includes leases, charges and easements. 'Disposal' in the School Standards and Framework Act 1998 includes:

- selling or transferring a freehold or leasehold interest
- the grant of a new lease, including a sublease
- the grant or transfer of a charge
- the exercise of a break right in a lease
- surrendering the whole or part of a lease of land
- the termination of a tenancy under the Landlord and Tenant Act 1954
- entering into a contract to dispose of land
- granting an option to acquire any interest in land
- the grant of an easement over school land or the transfer or termination of an easement over other land which benefits school land
- a compulsory disposal

'Disposal' in Schedule 1 to the Academies Act 2010 means the transfer or disposal of a freehold or leasehold interest in the land or the grant of a lease. This is not as wide as 'any interest' in land. 'Disposal' in Schedule 1 to the Academies Act 2010 includes:

- selling or transferring a freehold or leasehold interest
- the grant of a new lease, including a sublease
- the exercise of a break right in a lease
- surrendering the whole or part of a lease of land
- a compulsory disposal
- the termination of a tenancy under the Landlord and Tenant Act 1954
- entering into a contract to dispose of land
- granting an option to acquire a freehold or leasehold interest in land

It does not include the grant, transfer or termination of an easement.

You should check which legislation is applicable to both the applicant and the transaction to see whether the proposed transaction is a disposal according to the terms of the legislation, and take legal advice where necessary.

The Secretary of State's consideration of your application

On receipt of your notification or application for consent, officials will consider the information you have provided.

A robust and thorough review is undertaken by officials, and you are encouraged to submit your application as early as possible, particularly in complex cases, to allow sufficient time for proper consideration to be undertaken.

Officials may require further information or evidence to support your case, and if so, they will notify you following their initial review of your application. You are encouraged to provide such further information or evidence as soon as possible.

When all the necessary information has been received, and fully considered, your application will be presented to an appropriate decision maker. The decision maker must act reasonably. Following the decision, you will be notified of the outcome by email.

Failing to involve the Secretary of State in land transactions

If the legislation requires you to notify the Secretary of State of a land transaction, the Secretary of State must, in response, consider whether or not to make a direction and notify you of his decision. You must not enter into the land transaction until you receive a decision letter informing you whether or not the Secretary of State has decided to make a direction in response to your notification. If the Secretary of State makes a direction, you must act in accordance with that direction.

If the legislation requires you to obtain the Secretary of State's consent to a land transaction, you must not enter into the land transaction until you have the Secretary of State's consent in a decision letter. There should be no expectation that applications for consent will be approved. You should not make any disposal of land, commence any works, or anticipate any future proceeds until you have received written notification of the Secretary of State's decision. Any consent granted does not obviate the need for any other consents that may be required, such as planning or significant change consent.

You should not allow third parties into occupation of school land until you have a decision letter. This includes neighbouring land owners who are encroaching over boundaries with school land. You should take steps to prevent any encroachment and seek legal advice if you are unsure what to do.

If a compulsory purchase order is being considered over school land, you should involve the Secretary of State at the earliest opportunity.

In some circumstances, there may be conditions contained in the decision letter from the Secretary of State and you must not make the land transaction except in accordance with the terms of that letter.

If you proceed with your land transaction without following the proper process, the consequences could be serious. For example, if a local authority disposes of or appropriates school land without obtaining the Secretary of State's consent under Schedule 1 to the Academies Act 2010, the Secretary of State can purchase the land compulsorily at the local authority's expense. If an academy trust makes a land transaction without Secretary of State's consent when consent was needed under the funding agreement then the academy trust will be in breach of its funding agreement.

How to use this guidance

This guidance is intended as a broad guide. The legislation relating to land transactions is a specialist area and you are encouraged to obtain your own legal advice before submitting an application. Please see details of the [relevant legislation and publications](#) for further information.

The range of information required to make your application will depend on the nature of the land transaction you are proposing. This guidance will help you understand how to make a comprehensive application. Additional instructions are included for the most common types of application, including the information and evidence you will need to provide.

The guidance has been designed in parts:

Part 1: Do I need to involve the Secretary of State?

Use [Part 1](#) to decide whether you need to involve the Secretary of State in your land transaction.

Part 1 is divided into four sections:

- [section \(A\)](#) is for local authorities
- [section \(B\)](#) is for the governing bodies, foundation bodies and trustees of foundation, voluntary or foundation special schools
- [section \(C\)](#) is for anyone who holds land for the purpose of an academy
- [section \(D\)](#) is for academy trusts, about the requirements under the funding agreement and Academies Financial Handbook

Part 2: Assessment criteria and information requirements

Use [Part 2](#) to read about the assessment criteria used by the Secretary of State for different types of land transactions, as well as the specific information and evidence required to be provided with your application.

Part 2 is divided into twelve sections:

- [section \(A\)](#) is for disposals of non-playing field land (unless the transaction falls within sections [\(D\)](#), [\(E\)](#), [\(F\)](#) or [\(G\)](#))
- [section \(B\)](#) is for disposals of playing field land (unless the transaction falls within sections [\(D\)](#), [\(E\)](#), [\(F\)](#) or [\(G\)](#))
- [section \(C\)](#) is for disposals and discontinuance under Schedule 22

- [section \(D\)](#) is for applications to grant a standalone easement (if easements are contained in another document, such as a lease or transfer, use [section \(A\)](#) or [section \(B\)](#) as appropriate)
- [section \(E\)](#) is for applications to grant solar panel leases
- [section \(F\)](#) is for applications to grant telecommunications leases
- [section \(G\)](#) is for applications to enter into joint use agreements
- [section \(H\)](#) is for change of use of playing field land
- [section \(I\)](#) is for change of use of school land for non-educational purposes
- [section \(J\)](#) is for acquisitions
- [section \(K\)](#) is for any other applications under an academy trust's funding agreement
- [section \(L\)](#) is for local authority appropriations

Part 3: Playing field land

Use [Part 3](#) for more information about playing field land, including what is classified as playing field land, how to provide your playing field statistics, and information about the role of the playing field panel.

Part 4: General Consent Orders

Use [Part 4](#) to read about the classes of land transactions for which the Secretary of State has given general consent in the General Consent Orders (GCOs).

Part 5: How to apply

Use [Part 5](#) to read about:

- how to apply to the Secretary of State for consent to, or notify the Secretary of State of, a land transaction
- how to notify the Secretary of State of a land transaction to which a GCO applies

Part 6: Transactions outside the scope of this guidance

Use [Part 6](#) to read about:

- [section \(A\)](#) is for schools converting to academy status
- [section \(B\)](#) is for statutory transfers for voluntary and foundation schools
- [section \(C\)](#) is for transfers of land from one academy trust to another academy trust
- [section \(D\)](#) is for orders made under section 554 of the Education Act 1996

Relevant legislation and publications

Legislation

- Academies Act 2010 schedule 1
- Local Government Act 1972 section 122
- School Standards and Framework Act 1998 section 77 and section 142
- School Standards and Framework Act 1998 schedule 22
- The Academies (Land Transfer Regulation) 2012
- Section 149 Equality Act 2010

Applicants (to whom the public sector equality duty applies (as set out in s149 Equality Act 2010)) proposing a land transaction must undertake an equalities impact assessment/analysis in order to consider the expected impact of the proposed change on all individuals with protected characteristics, under s149 Equality Act 2010. Further guidance on how to conduct equality impact assessments can be found on the Equality and Human Rights Commission's (EHRC) website here: [Public Sector Equality Duty | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com) and further information can be found in DfE guidance here [Equality Act Advice Final.pdf \(publishing.service.gov.uk\)](http://publishing.service.gov.uk). You will need to provide evidence of your assessment/analysis with any application form.

Publications

- [Advice on standards for school premises March 2015](#)
- [Building Bulletin 103: Area guidelines for mainstream schools](#)
- [Building Bulletin 104: Area guidelines for SEND and alternative provision](#)
- [The Academies Financial Handbook](#)
- Funding agreement

You will find the following are referred to in Annexures to this guidance:

- [General Consent Orders](#)

Part 1: Do I need to involve the Secretary of State?

Part 1 is divided into four sections:

- [section \(A\)](#) is for local authorities
- [section \(B\)](#) is for the governing bodies, foundation bodies and trustees of foundation, voluntary or foundation special schools
- [section \(C\)](#) is for anyone who holds land for the purpose of an academy
- [section \(D\)](#) is for academy trusts, about the requirements under the funding agreement and Academies Financial Handbook

Part 1 (A) Local authorities

If you are a local authority, the legislation governing your land transactions is Section 77 of the School Standards and Framework Act 1998 and Part 1 of Schedule 1 to the Academies Act 2010.

You need the Secretary of State's consent to dispose of or appropriate school land and to change the use of school playing field land. You must also notify the Secretary of State of any proposal to change the use of school land so that it ceases to be capable of school use. If a local authority holds school land on trust, you should draw the department's attention to the relevant trust instruments.

Any transfer of land by a local authority to comply with a statutory obligation when providing sites for schools does not require the prior consent of the Secretary of State and there is no need to submit an application. For more information on statutory transfers, see [Statutory transfers for voluntary and foundation schools](#).

Disposal of any school land

The disposal of school land held by a local authority requires the Secretary of State's prior consent under paragraph 4 of Part 1 of Schedule 1 to the Academies Act 2010. This applies to all land (whether playing field or non-playing field land) which has been used wholly or mainly by a school or 16-19 academy in the last eight years, whether still open or now closed.

For the meaning of 'disposal' in the Academies Act 2010, see [The meaning of 'disposal' in the legislation](#) above.

For the meaning of 'school' or '16-19 academy', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent.

The Secretary of State may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations. The Academies (Land Transfer Schemes) Regulations 2012 set out the documents and other information that the authority would have to provide, if requested.

The Academies Act 2010 allows the Secretary of State to grant consent to certain classes of disposal in the General Consent Orders (GCOs). GCOs are used to allow certain types of minor land transactions. See [Part 4](#) for further detail.

Disposal of playing field land

In addition to the requirements under the Academies Act 2010 set out above, where a local authority wishes to dispose of playing field land, the Secretary of State's prior consent may be required under Section 77(1) of the School Standards and Framework Act 1998. This applies if the land is, or has been in the last 10 years, used by a maintained school (including where the land is now being used by an academy).

For the meaning of 'maintained school', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

For the meaning of 'disposal' in the School Standards and Framework Act, see [The meaning of 'disposal' in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent; or
- direct that the playing field land, or any part of it, be transferred to a person concerned with the running of an academy school. This may be subject to payment by that person or the Secretary of State of an amount the Secretary of State determines to be appropriate.

The School Standards and Framework Act 1998 allows the Secretary of State to grant consent to certain classes of disposal in the General Consent Orders (GCOs). GCOs are used to allow certain types of minor land transactions. See [Part 4](#) for further detail.

Change of use of playing field land

A local authority must not take any action which is intended or likely to result in a change of use of any playing field land so that it will no longer be used as school playing field, without the prior consent of the Secretary of State under Section 77(3) of the School Standards and Framework Act 1998. An example of such a change of use would be the construction of new school buildings on playing field land.

Section 77(3) applies if:

- the land is, or has been in the last 10 years, used by a maintained school (including where the land is now being used by an academy); and
- the local authority holds the land (either a freehold or leasehold interest) at the time of the proposed change of use.

For the meaning of 'maintained school', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent; or
- direct that the playing field land, or any part of it, be transferred to a person concerned with the running of an academy school. This may be subject to payment by that person or the Secretary of State of an amount the Secretary of State determines appropriate.

The School Standards and Framework Act 1998 allows the Secretary of State to grant consent to certain classes of change of use of playing field in the General Consent Orders (GCOs). GCOs are used to allow certain types of minor land transactions. See [Part 4](#) for further detail.

Appropriation of school land

Local authorities have statutory powers to allocate land for specific purposes and transfer the use of land from one purpose to another under section 122(1) of the Local Government Act 1972. This transfer of use from one purpose to another is known as an appropriation.

Land can only be appropriated if it is no longer required for its current purpose. Local authorities, in reaching their decision, should have considered the public need for its existing use.

Under paragraph 6 of Part 1 of Schedule 1 to the Academies Act 2010, local authorities must seek the Secretary of State's prior consent to appropriate land they hold where it has been used wholly or mainly for the purposes of a school or 16-19 academy in the last eight years, whether still open or now closed. For the meaning of 'school' or '16-19 academy', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent.

The Secretary of State may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations. The Academies (Land Transfer Schemes) Regulations 2012 set out the documents and other information that the authority would have to provide, if requested.

If an appropriation of school land is made without the Secretary of State's consent, the Secretary of State may purchase the land compulsorily, and can recover compensation and costs from the local authority.

If the land is playing field land which has been used by a maintained school in the last ten years, in addition to requirements of Schedule 1 set out above, the Secretary of State's consent is required under Section 77(3) of the School Standards and Framework Act 1998 as the appropriation will also be a change of use. For the meaning of 'maintained school', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent; or
- direct that the playing field land, or any part of it, be transferred to a person concerned with the running of an academy school.

The Secretary of State has given general consent to certain classes of appropriation in the General Consent Orders (GCOs). GCOs are used to allow certain types of minor land transactions. See [Part 4](#) for further detail.

Change of use of school land for non-educational purposes

A local authority must notify the Secretary of State if it proposes to change the use of school land in such a way that the land would cease to be used, or be capable of use, wholly or mainly for the purposes of a school or a 16 to 19 academy. The notification is required under paragraph 9 of Part 1 of Schedule 1 to the Academies Act 2010. This applies if the land held by the local authority has been used wholly or mainly for the purposes of a school or 16-19 academy in the last eight years, whether still open or now closed.

For the meaning of 'school' or '16-19 academy', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

If the land is non-playing field land, the Secretary of State has no power to grant or refuse consent.

If the land is playing field land, the change of use of playing field for non-educational purposes will also require the Secretary of State's consent under Section 77(3) of the School Standards and Framework Act 1998. See [Change of use of playing field land](#) above.

The Secretary of State may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations. The Academies (Land Transfer Schemes) Regulations 2012 set out the documents and other information that the authority would have to provide, if requested.

If the change of use for non-educational purposes will take place as a result of an appropriation, the Secretary of State's consent is also required for the appropriation. See [Appropriation of school land](#) above.

Part 1 (B) Governing bodies, foundation bodies or trustees of foundation, voluntary or foundation special schools

If you are one of these bodies or trustees, the legislation governing your publicly funded land transactions is the School Standards and Framework Act 1998. For the meaning of 'disposal' in the School Standards and Framework Act, see [The meaning of 'disposal' in the legislation](#) above.

Disposal of non-playing field land at operating schools

If you wish to dispose of publicly funded non-playing field land, you must give the Secretary of State notice of your intention to do so under Schedule 22 of the School Standards and Framework Act 1998.

The Secretary of State may:

- direct that the land, or any part of it, be transferred to a person concerned with the running of an academy. This may be subject to payment by that person or the Secretary of State of an amount that the Secretary of State determines appropriate.

Change of use of non-playing field land to non-educational purposes at operating schools

Under Schedule 22 of the School Standards and Framework Act 1998, if you are the trustees of a foundation, voluntary or foundation special school and you wish to use publicly funded non-playing field school land for purposes not connected with the provision of education in a maintained school or academy, then the change of use is treated as if it were a disposal. See the section on [‘Disposal of non-playing field land at an operating school’](#) above.

Disposal or change of use of playing field at operating schools (as opposed to closed or closing)

If you wish to dispose of publicly funded playing field land, you must seek the Secretary of State’s prior consent under Section 77(1) of the School Standards and Framework Act 1998.

If you wish to change the use of publicly funded playing field land, prior consent is required under Section 77(3) of the Schools Standards and Framework Act 1998.

Both provisions apply if the land is, or has in the last 10 years, been used by a maintained school (including where it is now used by an academy). For the meaning of ‘maintained school’, see [The meaning of ‘school’, ‘maintained school’ and ‘academy’ in the legislation](#) above.

The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent; or
- direct that the playing field land, or any part of it, be transferred to a person concerned with the running of an academy school. This may be subject to

payment by that person or the Secretary of State of an amount that he considers appropriate.

Schools that are, or will be, closed (discontinuance)

If your school is, or will be closed, you must apply to the Secretary of State under Schedule 22 of the School Standards and Framework Act 1998 for him to exercise his powers under paragraph 5 in relation to publicly funded school land (both playing field and non-playing field land).

The Secretary of State may:

- require the land, or any part of it, be transferred to a local authority, subject to payment by that authority of such amount (if any) that the Secretary of State considers appropriate; or
- direct the land, or any part of it, be transferred to a person concerned with the running of an academy subject to payment by that person or the Secretary of State of such amount (if any) that he considers appropriate; or
- direct the applicant to pay a local authority (or, if the applicant is a governing or foundation body, to pay the Secretary of State) all or part of the value at that time of the whole or part of the land; or
- where the school closure is associated with statutory proposals to establish, or make an alteration to, another school - e.g. for a new or expanded maintained school - require the land or any part of it be transferred for that other school; or
- where trustees are the applicant and have power to use the land for another foundation, voluntary or foundation special school, direct them to exercise that power in a specified manner.

Part 1 (C) Land held for an academy

The freehold interest in land held for the purposes of an academy may be held by a local authority, an academy trust, trustees or other parties. An academy trust may hold the leasehold interest in its site.

Local authorities holding land on which an academy is situated should follow the guidance in [Part 1\(A\)](#) above.

If any other person holding land for the purposes of an academy is proposing to enter into a land transaction they should follow the guidance in this section.

Academy trusts who have a freehold or leasehold interest in their school site should follow the guidance in this section. Consent may also be required under the terms of their funding agreement and the Academies Financial Handbook and academy trusts should also follow the guidance in [Part 1\(D\)](#) below.

For the meaning of 'academy', see [The meaning of 'school', 'maintained school' and 'academy' in the legislation](#) above.

Disposal of playing field and non-playing field land

Any person holding publicly funded land for the purposes of an academy must notify the Secretary of State of any intention to dispose of playing field or non-playing field land under Part 3 of Schedule 1 to the Academies Act 2010, and must await the Secretary of State's decision on whether to use his powers before making the disposal.

For the meaning of 'disposal' in the Academies Act 2010, see [The meaning of 'disposal' in the legislation](#) above.

The Secretary of State may direct:

- that the land (or any part) be transferred to a local authority, subject to payment by that authority of such amount (if any) that the Secretary of State determines appropriate; or
- that the applicant pays all or part of the value of the whole (or any part) of the land to the Secretary of State or a local authority; or
- the land (or any part) be transferred to a person concerned with the running of an academy, subject to payment by that person or the Secretary of State of such amount (if any) that the Secretary of State determines appropriate; or
- if the land is playing field land, that the disposal is not made.

Change of use to non-academy purposes

Any person holding publicly funded land for the purposes of an academy who wants to change the use of the land so that it will no longer be used for academy purposes, must notify the Secretary of State under Part 3 of Schedule 1 to the Academies Act 2010. This applies to both playing field and non-playing field land.

In these cases, the change is treated as a disposal and the same directions are available to the Secretary of State. See the section on '[Disposal of playing field and non-playing field land](#)' above.

Change of use of playing field land

An academy trust does not itself need to apply to the Secretary of State to change the use of playing field land to a non-playing field use.

However, if the local authority is the freeholder, and the land is held for an academy, the local authority may need to make an application to change the use of playing field land to a non-playing field use under Section 77(3) of the School Standards and Framework Act 1998. This applies where the land has been used by a maintained school in the last 10 years. If this is the case, any change of use must not take place until the local authority has any necessary consent to change the use of playing field land. See [Part 1\(A\)](#) above for more details.

Part 1 (D) Requirements for academy trusts under the Academies Financial Handbook and the funding agreement

If you are an academy trust, in addition to the statutory requirements outlined in [section \(C\) Land held for an academy](#) above, you may be required to obtain consent to land transactions under the terms of the Academies Financial Handbook and your funding agreement.

[The Academies Financial Handbook](#) requires you to obtain consent of the Secretary of State before you:

- acquire a freehold of land or buildings
- dispose of a freehold of land or buildings
- take up a leasehold or tenancy agreement on land or buildings from another party for a term of seven or more years
- grant a leasehold interest, including a tenancy agreement, of any duration, on land and buildings to another party.

Your funding agreement may impose additional requirements to obtain consent for other land transactions involving publicly funded land, including:

- granting an easement over school land
- entering into a joint use agreement or community use agreement to allow a third party to share the use of school land
- entering a restriction on the title of land at the Land Registry
- granting any consent or licence
- parting with or sharing possession or occupation of land
- creating any liability burdening school land e.g. a charge
- entering into any onerous or restrictive obligations in respect of your school property. This may include entering into an easement over third party land for the benefit of the school land. We take the view that obtaining a licence in relation to third party land does not normally amount to an onerous or restrictive obligation in respect of your school property and therefore would not need the Secretary of State's consent under the funding agreement.

You should review the terms of the current [Academies Financial Handbook](#) and your funding agreement and seek your own legal advice to determine whether a particular transaction requires consent.

If the Secretary of State gives consent to a land transaction, you may be required to make follow up changes to your funding agreement. If this is the case you will be notified of what is required when your application has been assessed.

Part 2: Assessment criteria and information requirements

Part 2 is divided into twelve sections:

- [section \(A\)](#) is for disposals of non-playing field land (unless the transaction falls within sections D, E, F or G)
- [section \(B\)](#) is for disposals of playing field land (unless the transaction falls within sections D, E, F or G)
- [section \(C\)](#) is for disposals and discontinuance under Schedule 22
- [section \(D\)](#) is for applications to grant a standalone easement (if easements are contained in another document, such as a lease or transfer, use section A, B or C as appropriate)
- [section \(E\)](#) is for applications to grant solar panel leases
- [section \(F\)](#) is for applications to grant telecommunications leases
- [section \(G\)](#) is for applications to enter into joint use agreements
- [section \(H\)](#) is for change of use of playing field land
- [section \(I\)](#) is for change of use of school land for non-educational purposes
- [section \(J\)](#) is for acquisitions
- [section \(K\)](#) is for any other applications under an academy trust's funding agreement
- [section \(L\)](#) is for local authority appropriations

Part 2 (A) Applications to dispose of non-playing field land

Assessment criteria

The educational estate is an important and valuable long-term asset. There is a strong policy presumption against the loss of land from the educational estate, which should always be a last resort.

Your application to dispose of publicly funded non-playing field land will be assessed by the Secretary of State to see if the disposal is justified in the circumstances and to make sure it achieves the best value on the best possible terms.

The Secretary of State will consider the suitability of the land's use by an academy or to meet the demand for school places in the local authority area.

It is assumed that additional school places will be funded from basic need allocations and not from any systematic sale of land from the school estate.

Your proposals for spending the proceeds of the disposal will be assessed for value for money, necessity and probity. The Secretary of State expects capital receipts from the

disposal of publicly funded non-playing field land to be invested in capital projects. They should not be spent on routine revenue type maintenance or to address budget deficits.

Ensure you provide an explanation of why your proposed use of the proceeds is the best use. Capital projects should reflect best practice in procurement and design. Be prepared to explain all the options you considered for spending the proceeds and justify why you chose the expenditure you are proposing.

You should consider whether any proceeds from the disposal could be spent on improving the school's sports facilities, particularly if your school is below the guideline amount of playing field according to the guidelines. See [Part 3: Playing field land](#) for details on how to calculate your school's guideline area. Using proceeds to install artificial all weather pitches, which may count double for the purposes of calculating guideline areas, can significantly mitigate any under provision of playing field area.

Information and evidence required

You may wish to apply for a disposal at an early stage where certain information about the proposal is not yet known. Your application should explain whether any information requested cannot be provided for this reason. In these circumstances, any decision letter may include appropriate conditions.

Your application should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site and, if different, the area for disposal. If you are not the freehold owner of the land, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) a plan of the area to be disposed of, including details of its size in m²
- (c) an aerial satellite image of the school site with the area for disposal clearly identified
- (d) photographs of the area to be disposed.

2 - General

- (a) a full description of the proposed disposal
- (b) information about how the land is currently used. If it is not currently used for any purpose, state why and provide details of any running costs
- (c) details of how the disposal will benefit the school
- (d) an explanation of why the proposed terms of the disposal are the appropriate terms for the transaction, including details of the legal, financial (including taxation) and property advice that you have taken to establish this

- (e) details of what other options were explored, rejected and why. For example, an application to sell or lease a caretaker's property should explain why the property could not be used for staff accommodation or teaching space
- (f) whether the school will have any continued use of the land following the disposal, and if so, on what terms
- (g) details of any other users, for example community users, who will be affected by the disposal
- (h) a description of any expenditure the school will be responsible for as part of the proposals
- (i) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (j) confirmation that the transaction does not present any conflicts of interest including confirmation that the purchaser is not a related party
- (k) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (l) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (m) the school's current amount of playing field land, in m². This is needed for all types of applications, including non-playing field land
- (n) the school's PAN
- (o) confirmation that you have met your safeguarding requirements in relation to the proposals
- (p) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) an explanation of how you have assured yourself that the consideration received represents best value ('best value', in this context, will normally be the best price reasonably obtainable in the market or the open market value, but may, exceptionally, include other benefits which can be assessed in monetary terms as a result of the inclusion of voluntary conditions in the disposal transaction which benefit the land retained)
- (b) a recent (within the last 3 months) red book valuation report undertaken by an independent registered valuer licensed by the Royal Institution of Chartered Surveyors (RICS) of the estimated open market value of the land or building to confirm either the sale price or the rental value. If you are selling a property for which there is a significant number of comparables, such as a caretaker's house on the residential market, you may provide three opinions of value from property agents in the area instead of a valuation report
- (c) any other information which demonstrates how the disposal will achieve best value (including, where applicable, open marketing), and details of any advice

- received which might affect those matters (for example if there is a purchaser with a special interest which might result in a higher capital receipt)
- (d) a costed programme of works the school intends to carry out using the proceeds of the disposal
 - (e) details of how proposals for the reinvestment of the proceeds represent value for money – this could include details of a competitive procurement process, cost benchmarking information, return on investment calculations
 - (f) if it is thought the land includes publicly funded land, details of the public investment in the land together with your proposal for the apportionment of value.

4 - Main terms of the disposal

You should provide details of the key terms of any transfer, lease or other disposal. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available.

- (a) if it is a **sale of land**, include:
 - the sale price
 - the buyer
 - the key terms
 - any unusual terms or any ongoing obligations which affect the school after the sale
 - if a leasehold interest is being sold, the key terms and a copy of the lease
- (b) if it is the **grant of a lease**, include:
 - the length of the lease, including any contractual rights to extend the term
 - the tenant
 - the rent
 - the timing and basis of any rent review arrangements
 - details of any service charge and its coverage
 - any break rights
 - confirmation that the tenant's right to security of tenure under the Landlord and Tenant Act 1954 will be excluded
 - who is responsible for repair
 - who is responsible for insurance and who pays for this
 - can the tenant transfer the lease or underlet. If yes, do you have any control (as landlord) over this process and is your consent required
 - any other key terms

Part 2 (B) Applications to dispose of playing field land

Assessment criteria

The department has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in case of playing field land. Access to playing fields and

sporting provision within the school estate should be retained and preserved for future generations, and any loss of such land should be mitigated by other improvements to sports provision.

Applications that reduce the amount of playing field land below the guideline amount, as detailed at [Part 3: Playing field land](#), are unlikely to be approved save in exceptional circumstances.

Your application to dispose of publicly funded playing field land will be assessed by the Secretary of State to make sure it achieves the best value on the best possible terms in the circumstances. The benefits to the school or other schools in the area should outweigh the strong presumption against the loss of playing field land.

The Secretary of State will consider whether the school could have put the land to an alternative school use. The Secretary of State will consider the suitability of the land's use by an academy or to meet the demand for school places in the local authority area based on evidence of consultation.

It is assumed that additional school places will be funded from basic need allocations and not from any systematic sale of land from the school estate.

Your proposals for spending the proceeds of the disposal will be assessed for value for money, necessity and probity. The Secretary of State expects capital receipts from the disposal of publicly funded playing field land to be spent on capital projects which improve sporting provision. They should not be spent on routine revenue type maintenance or to address budget deficits.

You should first consider reinvesting any proceeds back into sports facilities at the school or surrounding schools on improving sport and sports provision. Where site constraints limit the amount of space, innovative sports builds should be considered. Using proceeds to install artificial all weather pitches, which may count double for the purposes of calculating recommended areas, can significantly mitigate any under provision of playing field area.

Ensure you provide detailed costings and an explanation of why your proposed use of the proceeds is a good use. It should reflect best practice in procurement and design. Be prepared to explain all the options you considered for spending the proceeds and justify why you chose the expenditure you are proposing.

Information and evidence required

You may wish to apply for a disposal at an early stage where certain information about the proposal is not yet known. Your application should explain whether any information

requested cannot be provided for this reason. In these circumstances, any decision letter may include appropriate conditions.

Your application should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site and, if different, the area for disposal. If you are not the freehold owner of the land, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) a plan of the area to be disposed of, including details of its size in m²
- (c) a plan showing the external areas of the school site (and where relevant pitch layouts) before and after the transaction
- (d) an aerial satellite image of the school site with the area for disposal clearly identified
- (e) photographs of the area to be disposed.

2 - General

- (a) a full description of the proposed disposal
- (b) the type of playing field land to be disposed of according to the five types of playing field (see [Part 3\(A\)](#))
- (c) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (d) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (e) the school's current amount of playing field land and the school's amount of playing field land following the disposal (both in m² and both broken down according to the five types of playing field (see [Part 3\(A\)](#))
- (f) the school's PAN
- (g) a description of the school's access to any other playing field provision, together with copies of any agreements to use such provision
- (h) information about how the land is currently used. If it is not currently used for any purpose, state why and provide details of any running costs
- (i) details of how the proposed disposal will benefit the school
- (j) an explanation of why the proposed terms of the disposal are the appropriate terms for the transaction, including details of the legal, financial (including taxation) and property advice that you have taken to establish this
- (k) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (l) confirmation that the transaction does not present any conflicts of interest including confirmation that the purchaser is not a related party
- (m) details of what other options were explored, rejected and why

- (n) whether the school will have any continued use of the land following the disposal, and if so, on what terms
- (o) the impact on the delivery of the sports curriculum following the disposal
- (p) a detailed assessment of how you are intending to mitigate the operational/curriculum impact of the loss of playing field
- (q) confirmation that you have met your safeguarding requirements in relation to the proposals
- (r) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Existing users and other schools' needs

- (a) details of any other schools in the area which use the playing field land
- (b) radius map to show primary schools (including special schools and academies) within a half-mile radius and secondary schools (including special schools and academies) within a 1 mile radius of the disposal site, with a document which demonstrates how much playing field each local school has and its guideline amount of playing field (both in m²)
- (c) details of any agreements in place with other community users of the playing field land, for example, after-school activities and out-of-hours clubs and in relation to each of those agreements:
 - whether the proposal will result in the permanent loss of playing field land currently used by community users, if so
 - what alternative arrangements have been made to ensure these users will be able to continue to operate effectively somewhere else and on the same terms
 - where it is not possible to ensure community users can continue to operate effectively, set out the reasons why.

4 - Consultation

Unless you have been advised by the department that you do not need to carry out a consultation, provide:

- (a) evidence of adequate consultation, meeting the following requirements:
 - the public consultation period is expected to be no less than 6 weeks, 4 of which should be in term time
 - possible methods of consulting include use of the local press, direct contact with parties such as staff, pupils, parents, other local maintained schools and academies and local authorities, and inviting the public to a meeting
 - you should provide evidence of the means of consultation and the results including any objections

- consultation should be open and transparent, meaning that you should have consulted relevant stakeholders on any proposal before requesting consent to dispose of any playing field land
 - consultation is to be within one year of any application for consent to dispose of the land, so that it reflects the up to date views of local people.
- (b) evidence of the results of consultation (both in full and a summary) with:
- the headteacher
 - the chair of the governing body
 - the academy trust (if applicable)
 - parents of pupils attending the school
 - trustees of the school (if applicable)
 - any group or organisation with permission to use the playing field
 - the local community generally
 - any minor authority in whose area the playing field is situated
 - the local authority in whose area the playing field is situated and adjacent local authorities likely to be affected
 - any publicly funded primary schools (including special schools and academies) within a half-mile radius and secondary schools (including special schools and academies) within a mile radius of the playing field if their current playing field provision falls below the guideline area. Any such local schools should be consulted and the land for disposal offered to those schools and written evidence obtained from the chair of governors of those schools that they do not wish to use the area.

5 - Finance

- (a) an explanation of how you have assured yourself that the consideration received represents best value ('best value', in this context, will normally be the best price reasonably obtainable in the market or the open market value, but may, exceptionally, include other benefits which can be assessed in monetary terms as a result of the inclusion of voluntary conditions in the disposal transaction which benefit the land retained)
- (b) a recent (within the last 3 months) red book valuation report undertaken by an independent registered valuer licensed by the Royal Institution of Chartered Surveyors (RICS) of the estimated open market value of the land to confirm either the sale price or rental value
- (c) any other information which demonstrates how the disposal will achieve best value (including, where applicable, open marketing), and details of any advice received which might affect those matters (for example if there is a purchaser with a special interest which might result in a higher capital receipt)
- (d) a detailed, costed programme of works the school intends to carry out using the proceeds of the disposal, including sums which will be spent on improving and/or enhancing sport facilities at the school or surrounding schools

- (e) details of how proposals for the reinvestment of the proceeds represent value for money – this could include details of a competitive procurement process, cost benchmarking information, return on investment calculations
- (f) if it is thought the land includes publicly funded land, provide details of the public investment in the land together with your proposal for the apportionment of value.

6 - Main terms of the disposal

You should provide details of the key terms of any transfer, lease or other disposal. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available.

- (a) if it is a **sale of land**, include:
 - the sale price
 - the buyer
 - the key terms
 - any unusual terms or any ongoing obligations which affect the school after the sale
 - if a leasehold interest is being sold, the key terms of the lease and a copy of the lease
- (b) if it is the grant of a lease:
 - the length of the lease, including any contractual rights to extend the term
 - the tenant
 - the rent
 - is there a rent review and if so, when and on what basis
 - is there any service charge and what does this cover
 - any break rights
 - confirmation that the tenant's rights to security of tenure under the Landlord and Tenant Act 1954 will be excluded
 - who is responsible for repair
 - who is responsible for insurance and who pays for this
 - can the tenant transfer the lease or underlet. If yes, do you have any control (as landlord) over this process and is your consent required
 - any other key terms

Part 2 (C) Disposals and discontinuance under Schedule 22

Governing bodies, foundation bodies or trustees of foundation, voluntary or foundation special schools must, under Schedule 22 of the School Standards and Framework Act 1998:

- a) give the Secretary of State notice of their intention to dispose of publicly funded non-playing field land at an operating school

- b) give the Secretary of State notice of their intention to use publicly funded non-playing field land at an operating school for purposes not connected with the provision of education in a school or an academy; and
- c) apply to the Secretary of State for him to exercise his powers in relation to publicly funded land (playing field land and non-playing field land) at a school which is or will be closed (discontinuance).

For Schedule 22 discontinuance applications, please contact the Department by emailing Land.TRANSACTIONS@education.gov.uk to discuss the Secretary of State's information requirements.

For Schedule 22 applications to use publicly funded non-playing field land at an operating school for purposes not connected with the provision of education in a school, please follow the guidance on assessment criteria and information and evidence requirements at [Applications to change the use of school land for non-educational purposes](#).

For applications to dispose of publicly funded non-playing field land at operating schools which require notification under Schedule 22, the assessment criteria and information and evidence requirements are as follows:

Assessment criteria

The Secretary of State will consider the suitability of the land's use for an academy and may direct that the land be transferred to a person concerned with the running of an academy. This may be subject to payment by that person or the Secretary of State of an amount that the Secretary of State determines appropriate.

Information and evidence required

These applications have reduced information requirements because the Secretary of State is only required to decide whether to direct that the land be transferred to a person concerned with the running of an academy.

Your application should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site
- (b) a plan showing the non-playing field area for disposal, including details of its size in m²
- (c) an aerial satellite image of the school site with the area for disposal clearly identified
- (d) photographs of the area to be disposed.

2 - General

- (a) a full description of the proposed disposal and the reasons for it
- (b) information about how the land is currently used
- (c) details of how the proposed disposal will benefit the school.

3 - Main terms of the disposal

You should provide details of the key terms of any transfer, lease or other disposal. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available.

Part 2 (D) Applications to grant standalone easements

Assessment criteria

The Secretary of State will assess the impact of the grant of an easement over publicly funded school land on the use and development of the school site both now and in the future. There is a clear policy presumption against the loss of the use of school land, which is particularly strong in case of playing field land. Any loss of use of school land or restriction on its use associated with the grant of an easement should be proportionate to the benefits of granting the easement and appropriately mitigated. It is expected that suitable 'lift and shift' provisions to allow future development of the site will be included where necessary and that access to the school site during school hours is minimised and subject to the school's safeguarding measures.

Your application to grant an easement over publicly funded school land to a third party will be assessed by the Secretary of State to see if the disposal is justified in the circumstances and to make sure it achieves the best value on the best possible terms. The Secretary of State may take account of wider benefits in terms of infrastructure and development. The Secretary of State will take into account the statutory rights of the third party in relation to the easement, which should be referred to in your application with an explanation of how these are reflected in any payment to be made by the third party.

You will need to demonstrate that the easement is necessary to the school and that the route is the least disruptive to the school. If the easement is to benefit land not used by the school, such as a nearby housing development, you will need to demonstrate why alternative routes were not chosen and the cost savings to the third party from routing the easement across school land.

Your proposals for spending any proceeds of the disposal will be assessed for value for money, necessity and probity.

Information and evidence required

Your application should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site. If you are not the freehold owner of the school site, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) an aerial satellite image of the school site with the area affected by the easement clearly identified
- (c) a plan of the school site showing the area(s) affected by the easement (both the route of the easement and any areas affected by rights granted) and details of the size of those area(s) in linear metres and m²

2 - General

- (a) a full description of the proposal, including what the easement is for and who will benefit from it
- (b) information about how the areas affected by the easement are currently used, including whether or not the areas affected are playing field land
- (c) details of the impact of the grant of the easement on the school's use of the areas affected
- (d) details of what other options for routing the easement were explored, rejected and why
- (e) details of any works being carried out as part of the proposals
- (f) confirmation that you have met your safeguarding requirements in relation to the proposals
- (g) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (h) confirmation that the transaction does not present any conflicts of interest including confirmation that the grantee is not a related party
- (i) details of any statutory rights benefiting the third party in relation to the proposals and the grant of the easement, including details of the applicable legislation
- (j) if the easement affects playing field land:
 - a. the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
 - b. the full calculation of the school's guideline area of playing field (see [worked examples](#))
 - c. the school's current amount of playing field land, in m²
- (k) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) if any expenditure by the school is associated with the grant of the easement, provide details and an explanation of how it is being funded
- (b) where the easement benefits other land, provide a recent (within the last 3 months) valuation report prepared by an independent registered valuer licensed by the RICS of the estimated open market value of the easement
- (c) if the school is receiving any payment in exchange for granting the easement:
 - a. an explanation of how you have assured yourself it represents value for money
 - b. details of how the school intends to reinvest the payment
 - c. details of how proposals for the use of the payment represent value for money
- (d) if it is thought the land includes publicly funded land, provide details of the public investment in the land together with your proposal for the apportionment of value.

4 - Main terms of the disposal

You should provide details of the key terms of the easement. Provide a copy of the heads of terms (if any) and copies of the draft documents if they are available. Include:

- (a) the duration of the easement. If the easement will be in perpetuity please state this
- (b) details, by reference to a plan, of the rights that the grantee will have over the school site or any part of it, including access, parking, carrying out works, clearing vegetation etc, including details of the obligation by the grantee to make good any damage caused and to comply with safeguarding requirements
- (c) any unusual terms or any ongoing obligations which affect the school
- (d) an explanation of why the proposed terms are the appropriate terms for the transaction, including details of the legal, financial and property advice that you have taken to establish this
- (e) evidence that the impact on future development of the site has been appropriately considered, including any termination rights and/or lift and shift provisions in the lease.

Part 2 (E) Applications to grant solar panel leases

Assessment criteria

The department agrees that solar is a good technology and a sustainable renewable energy. It is one of several different energy saving solutions which can help you to reduce both their energy consumption from the grid and their carbon footprint. You are

encouraged to take a holistic approach towards their energy management planning and to focus on reduction first before investment in technology.

You are reminded to consider all grant or public funding options available to them in this sector at the relevant time for example, Salix, and any central framework offering.

Often the starting price paid for electricity generated by solar in a commercial arrangement is set by reference to the amount paid by the school for its mains electricity. You are reminded to consider what they are paying for mains electricity and what savings can be made by switching to a lower tariff. The [School Switch service](#) helps you to achieve greater value for money when buying your energy and is a good starting point to compare prices.

If your application is for the grant of a lease of space for solar panels on publicly funded school land, it will be assessed against five parameters:

- you can demonstrate the benefits of the proposal for your school including but not limited to the savings in running costs and reduction of your carbon footprint
- the terms of the contract and lease are not unduly onerous or unusual (note we will require a lease of the land concerned and not a licence or any other type of occupational agreement)
- the terms do not expose your school to unmanageable financial or operational risks
- you can evidence your efforts to secure public funding first in preference to any other financing arrangement and can demonstrate the benefit of your chosen deal and why this offers the best value for money
- you can demonstrate that you have a comprehensive energy saving and reduction strategy in place.

Your application to grant a solar panel lease over publicly funded school land to a third party will be assessed by the Secretary of State to see if the disposal is justified in the circumstances and to make sure it achieves the best value on the best possible terms.

Information and evidence required

Your application should include:

1 - Plans and photographs

- (a) a plan of the school site showing the solar panel area and the area affected by rights granted in the solar panel lease, including details of the size of those areas in m²
- (b) an aerial satellite image of the school site with the area affected by the solar panels clearly identified
- (c) photographs of the proposed location of the solar panels.

2 - Title

- (a) up to date copies of your Land Registry title entries and plan of the school site. If you are not the freehold owner of the school site, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) a copy of your lease and lease plan of the school land if you hold the school site under a long lease
- (c) if applicable, your landlord's consent for the alterations to your building and the proposed underletting to the solar energy provider.

3 - General

- (a) a full description of the proposed disposal and how it will benefit the school
- (b) information about how the land is currently used and details of the effect of the disposal on the school's use of the land
- (c) how you have reached the decision to move to solar and why, including details of what other options and electricity deals were explored and rejected
- (d) evidence of your energy management plan and what steps you are taking/have taken in terms of energy efficiency and carbon reduction
- (e) the school's PAN
- (g) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (f) confirmation that the transaction does not present any conflicts of interest including confirmation that the solar energy provider is not a related party.

4 - Finance

- (a) if any expenditure is associated with the grant of the solar panel lease, give details and an explanation of how the proposals are being funded
- (b) details of what alternative public funding and other options you have considered and tried to secure e.g. School Switch/Salix loan/other public sector grant funding and why was this the preferred choice
- (c) how and why this proposal offers the best terms and represents the best value for money for the school
- (d) details of the financial model to include:
 - Current retail electricity tariff and state if VAT is payable in addition to the tariff
 - The upfront cost of the equipment and installation
 - How the scheme is financed and how long it will take to repay that finance
 - Solar tariff and any VAT payable in addition. If this is a discounted rate, what is the reference point for the discount
 - Discount to retail tariff percentage

- If the tariff will increase over the arrangement, confirm on what basis and how any increase is calculated
- What happens if the mains electricity price drops below the price paid by you for the electricity consumed from electricity generated by the solar equipment
- Whether you pay for the electricity generated or electricity consumed (we would expect you to pay only for the electricity consumed)
- Give details of any charges to the school over and above the solar tariff
- Number of panels
- Roof space or land space in m²
- Size/capacity of system (kWp)
- Estimated annual solar generation (kWh)
- Power available to the school each year (kWh) and % of annual solar generation
- Confirmation that school has first call on electricity generated
- Estimated annual solar consumption by school in kWh and % of annual solar generation
- Annual income to solar energy provider from energy sold to school
- Annual income to solar energy provider from energy sold back to the grid
- Carbon saving for school (annual and over lifetime of agreement)
- Forecast energy bill saving (annual and over lifetime of agreement) for the school. Is the saving fixed or guaranteed
- Estimated shelf life of the solar panel equipment and warranty cover period
- Break-even point for solar energy provider in terms of repayment of capital cost, investors, and any bank finance/loans.

5 - Operational

- (a) if you are restricted by the terms of the lease from building on other areas of the site in the future, provide details and a plan showing the affected areas
- (b) are you entitled to make further agreements with other solar energy providers during the life of the lease
- (c) are you a member of the Risk Protection Arrangement (RPA) or covered by an insurance provider? Have you notified the RPA or your insurance provider of the proposal to see if there is any impact
- (d) confirmation that you have met your safeguarding requirements in relation to the proposals
- (e) details of any health and safety issues before during and after the installation and how these will be dealt with
- (f) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

6 - Provider

- (a) provide a statement from your accounting officer that you have carried out a financial analysis and assessment of the adequate financial standing of the solar energy provider
- (b) if different from the solar energy provider, who will you enter the contract with and why is this a different entity
- (c) if a Community Benefit Scheme (CBS):
 - The name of your CBS, registered office address and number
 - Will your school become a member of the CBS
 - A copy of the CBS rules
 - Details of at what stage profits go to the CBS
 - How the profits are distributed in the CBS and amongst its members
 - How much does the school stand to gain
 - What can the school use the profits for and whether they be reinvested in the school for any purpose.

7 - Technical

- (a) details of the type of surveys carried out to determine the suitability of the site for the proposals during the feasibility stage and during the detailed investigations and provide the results (as a minimum we would expect health and safety, and where applicable, roof condition and structural surveys to be carried out)
- (b) if any of the roofs benefit from a guarantee, confirmation that the works will not invalidate the guarantee
- (c) who will be installing the solar panels, and if they will provide any warranties/guarantees in relation to them
- (d) evidence that the impact on future development of the site has been appropriately considered, including any termination rights and/or lift and shift provisions in the lease.

8 - Main terms of the disposal

You should provide details of the key terms of the disposal. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction.

Part 2 (F) Applications to grant telecommunications leases

Assessment criteria

If your application is for the grant of a lease of telecommunications equipment over publicly funded school land, you should consider the implications of allowing the installation on the school property, having regard to the extent of the network operator's statutory rights set out in the Electronic Communications Code.

Your application could relate to one of several scenarios, including:

- the grant of a lease of telecommunications equipment on your school site for the first time (and likely to comprise 5G equipment)
- the renewal of an existing lease under which the operator has statutory rights to remain in occupation
- where there is existing telecommunications equipment on your school site, the grant of a lease to a communications infrastructure company which becomes the operator's landlord

Your application to grant a lease of telecommunications equipment over publicly funded school land will be assessed by the Secretary of State to see if the disposal is justified in the circumstances and to make sure it achieves best value on the best possible terms.

As a minimum your application will need to provide evidence to demonstrate the following:

- you have taken advice in respect of the rent/premium proposed from either an independent telecoms expert or valuer with local market knowledge
- the suitability of the roof (or land if not a lease of roof space) for the equipment has been adequately evidenced (and, for rooftop sites, an appropriate survey confirms there is no impact on the structural integrity of the roof)
- the siting of the installation and terms of the agreement adequately protect the school against disruption to future redevelopment or reconfiguration of the school site and to the carrying out of roof/building repairs. This may be achieved by siting equipment on a standalone mast rather than on rooftop space. If the mast is to be installed on the building, the school has provided a comprehensive and reasonable explanation as to why the mast must be on the building and cannot be placed elsewhere
- you include suitable lift and shift provisions and/or landlord's break rights into the agreement to allow the telecoms equipment to be moved in the event of redevelopment
- you have addressed any safeguarding or other operational issues which arise
- the installation complies with all applicable legislation (including planning consent where needed and the International Commission on Non-Ionizing Radiation Protection (ICNIRP))

- that responsibility for and the cost of installing, maintaining and insuring the equipment remains with the operator
- you confirm that there are no significant objections to the proposal

Your proposals for spending the proceeds of the disposal will be assessed for value for money, necessity, and probity. Ensure you provide an explanation of why your proposed use of the proceeds is the best use. Be prepared to explain all the options you considered for spending the proceeds and justify why you chose the expenditure you are proposing.

You should consider whether any proceeds from the disposal could be spent on improving the school's sports facilities, particularly if your school is below the guideline amount of playing field (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area).

Information and evidence required

Your application should include:

1 - Plans and photographs

- (a) a plan of the school site showing the telecommunications equipment area and the area affected by rights granted in the telecommunications lease, including details of the size of those areas in m²
- (b) an aerial satellite image of the school site with the area affected by the telecommunications equipment clearly identified
- (c) photographs of the equipment if already in situ or photographs of the proposed location for the new installation.

2 - Title

- (a) up to date copies of the Land Registry title entries and plan of the school site. If you are not the freehold owner of the school site, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) a copy of your lease and lease plan if you hold the school site under a long lease
- (c) if applicable, your landlord's consent for the alterations to your building and the proposed underletting to the operator
- (d) a copy of any existing telecommunications lease
- (e) copies of any relevant correspondence between you and the operator.

3 - General

- (a) a full description of the proposed disposal

- (b) information about how the land is currently used and details of the effect of the disposal on the school's use of the land
- (c) details of how the disposal will benefit the school
- (d) an explanation of why the proposed terms of the disposal are appropriate for the transaction, including details of the legal, financial (including taxation) and property advice that you have taken
- (e) evidence that you have selected the best possible location for the equipment
- (f) details of what other options were explored, rejected and why
- (g) details of any other users, for example community users, who will be affected by the disposal
- (h) details of any works being carried out as part of the proposals
- (i) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (j) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (k) the school's current amount of playing field land, in m²
- (l) the school's PAN
- (m) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (n) confirmation that the transaction does not present any conflicts of interest including confirmation that the parties are not related parties.

4 - Finance

- (a) if any expenditure is associated with the grant of the telecommunications lease, an explanation of how the proposals are being funded
- (b) how you have assured yourself that the consideration received represents best value ('best value', in this context, will normally be the best price reasonably obtainable in the market or the open market value)
- (c) a recent (within the last 3 months) valuation report prepared by a specialist telecommunications valuation surveyor. The surveyor must be an independent registered valuer licensed by the RICS. The surveyor must provide advice on the proposal itself and on the estimated open market value or rental value of the disposal together with any other information which demonstrates how the disposal will achieve best value
- (d) details of how the school intends to use the rental or capital proceeds of the disposal
- (e) details of how proposals for the use of the proceeds represent value for money
- (f) if it is thought the land includes publicly funded land, provide details of the public investment in the land together with your proposal for the apportionment of value.

5 - Operational

- (a) confirmation that there is no impact on insurance

- (b) confirmation that you have met your safeguarding requirements in relation to the proposals
- (c) details of any health and safety issues before during and after the installation and how these will be dealt with.

6 - Technical

- (a) copies of the surveys/inspection reports carried out to determine the suitability of the site for the proposals (as a minimum we would expect health and safety, and where applicable, roof condition and structural surveys to be carried out)
- (b) confirmation that the installation will not invalidate any guarantees
- (c) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

7 - Main terms of the disposal

Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available. Include:

- (a) the term of the lease including any contractual rights to extend the term
- (b) the tenant
- (c) the rent or premium
- (d) is there a rent review and if so, when and on what basis
- (e) who is responsible for installation, repair and maintenance of the equipment
- (f) who is responsible for the repair and maintenance of the building and roof (or land if not a lease of the roof space)
- (g) who is responsible for insurance of the equipment and who pays for this
- (h) who is responsible for insurance of the building (or land if not a lease of the roof space) and who pays for this
- (i) what contributions does the tenant make to the maintenance and repair of any other areas over which they have use, such as accessways
- (j) can the tenant transfer the lease or underlet. If yes, do you have any control (as landlord) over this process and is your consent required
- (k) the circumstances in which the lease can be terminated and by whom and the consequences of doing so
- (l) a detailed description of the operator's rights over the school site and rights of entry
- (m) a detailed description of your rights to enter the roof space or other land demised during the lease term
- (n) details of your rights to carry out works which affect the installation during the lease term and any consequences (financial or otherwise) of doing so

- (o) if you are restricted by the terms of the lease from building on other areas of the site in the future, or you are obliged not to interfere with the installation or obstruct it, provide details and a plan showing the affected areas
- (p) details of lift and shift provisions and/or break rights to allow for works and future development of the school site
- (q) any unusual terms or any ongoing obligations which affect the school.

Part 2 (G) Applications to enter into joint use agreements

Assessment criteria

Schools commonly share facilities with other schools and/or the community which can be an efficient use of public resources. Agreements to share facilities are often called joint use agreements. Other names include shared use agreements and community use agreements. For the purposes of this guidance, any agreement to share facilities (both land and buildings) with a third party is referred to as a joint use agreement.

Sometimes a joint use agreement is collateral to a lease. If so, you may already be making an application for consent to the grant of or taking up of a lease, if it relates to publicly funded land. Your application in relation to the joint use aspects can be considered alongside the lease.

Sometimes, academy trusts will create a subsidiary company to manage the facility. Academy trusts should also check their funding agreement and the Academies Financial Handbook for advice on this.

Sometimes the joint use agreement is being proposed as part of a leisure complex and may involve building on publicly funded school playing field land. If so, you should check [Part 1: Do I need to involve the Secretary of State?](#) to establish whether consent is needed to change the use of school playing field land.

The department has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in case of playing field land. Access to playing fields and sporting provision within the school estate should be retained and preserved for future generations, and any loss of such land should be mitigated by other improvements to sports provision.

Your application to enter into a joint use agreement in relation to publicly funded facilities will be strengthened if it provides clear evidence of the benefits to pupils. The school's liabilities for managing, maintaining and replacing facilities must be reasonable and affordable. Where losses arise, the academy trust should not use its General Annual Grant to subsidise the facilities for the community's benefit and, if necessary, be free to close the facilities, partially or completely.

Academy trusts should not agree to enter a joint use agreement in relation to publicly funded facilities as part of any application for planning permission, without the prior consent of the Secretary of State.

Information and evidence required

Your application should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site. If you are not the freehold owner of the school site, please provide details of the freehold owner and Land Registry title entries and plan of the freehold
- (b) a plan of the school site marking the area affected by the joint use, including details of its size in m²
- (c) an aerial satellite image of the school site with the area/s affected by the joint use clearly identified
- (d) a copy of the proposed planning application if the joint use agreement will be, or is likely to be required as part of that application.

2 - General

- (a) a full description of the proposed facilities (by type and the areas in m²) and the hours each will be used by the school and by the third party
- (b) information about how the land is currently used
- (c) details of the effect of the joint use on the school's use of the land for the duration of the agreement
- (d) details of how the joint use agreement allows the school to respond to any changing requirements for space in the future
- (e) details of how the joint use will benefit the school
- (f) confirmation of whether the joint use agreement is linked to a lease and, if so, giving details of the application for consent to that lease
- (g) confirmation of how the facilities are to be managed and by whom
- (h) an explanation of why the proposed terms of the joint use agreement are the appropriate terms for the transaction, including details of the legal, financial (including taxation) and property advice that you have taken to establish this
- (i) details of what other options were explored, rejected and why
- (j) details of any other users who will be affected by the joint use agreement
- (k) details of any works being carried out as part of the proposals
- (l) confirmation that you have met your safeguarding requirements in relation to the proposals
- (m) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)

- (n) confirmation that the transaction does not present any conflicts of interest including confirmation that the parties are not related parties
- (o) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (p) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (q) the school's current amount of playing field land, in m²
- (r) the school's PAN
- (s) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) where any facilities are being built or refurbished, the outline specification of the works, the costs and details of who is paying for them
- (b) details of the future costs of the facilities and who bears these costs. This should include a detailed budget estimate of the running costs of the facilities for the duration of the shared use (or a minimum of 10 years if open ended), including the management, lettings, repairs, heating, maintenance and replacement of facilities, and the sources of funding to pay for them
- (c) evidence of the advice you have received from a relevant professional (normally a Chartered Surveyor or accountant) that the budget is reasonable and that the liabilities falling to the school are affordable and fairly balanced between the school's use and the third party use
- (d) where the joint use is over facilities on school land as part of a wider development on non-school land, evidence from a Registered Valuer of the benefit to the non-school land in having facilities located on school land
- (e) details of how any proceeds from the joint use arrangements will be spent
- (f) details of how proposals for the reinvestment of the proceeds represents value for money
- (g) if it is thought the land includes publicly funded land, provide details of the public investment in the land together with your proposal for the apportionment of value.

4 - Main terms of the disposal

Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available. Include:

- (a) the term of the agreement
- (b) the parties
- (c) the key terms
- (d) the financial obligations of both parties

(e) any unusual terms or any ongoing obligations which affect the school.

Part 2 (H) Applications to change the use of playing field land

Assessment criteria

The department has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in case of playing field land. Access to playing fields and sporting provision within the school estate should be retained and preserved for future generations, and any loss of such land should be mitigated by other improvements to sports provision.

Applications that reduce the amount of playing field land below the guideline area, as detailed in the calculation found in [Part 3\(B\)](#), are unlikely to be approved, save in exceptional circumstances.

Your application to change the use of publicly funded playing field land will be assessed by the Secretary of State to see if the proposals are justified in the circumstances and to make sure it achieves the best value on the best possible terms.

Your application should include an options appraisal that details the other options and designs considered to avoid or minimise changing the use of playing field land and gives reasons for rejecting other options.

If your application relates to an increase in the school building(s) gross internal floor area and/or footprint, you should provide:

- a comprehensive details of your existing accommodation. You can use the department's [Net Capacity Assessment Method](#) for this.
- a detailed schedule of the new accommodation proposed following the change of use. If you are a mainstream school, please use the [DfE Schedule of Accommodation tool](#) for this
- an evaluation of the existing building(s) which demonstrates the consideration given to internal reconfiguration of the building(s).

You should say why it was not practicable to build on other parts of the school site, such as building upwards on existing foundations, building a taller building on a smaller footprint or building on non-playing field land. This information is required even where the change of use is driven by basic need and/or the expansion of popular and high performing schools.

You will need to demonstrate the mitigation measures that will be put in place to offset the loss of playing field land.

The Secretary of State will also consider the suitability of the land's use by an academy.

Information and evidence required:

You should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of both the school site and the playing field area for change of use
- (b) a plan of the school site detailing external areas (and where relevant pitch layouts) before and after the transaction
- (c) an aerial satellite image of the school site with the area for change of use clearly identified
- (d) photographs of the playing field area affected.

2 - General

- (a) a full description of the proposed change of use and the reason for it
- (b) details of how the proposed change of use will benefit the school
- (c) a costed options appraisal that details:
 - what other options and designs were considered to avoid or minimise changing the use of playing field land
 - the options rejected and why, demonstrating and evidencing all of the options and designs you considered
 - if to meet basic need, the options considered and rejected to accommodate this on other sites in the local area
- (d) if your application relates to an increase in the school building(s) gross internal floor area and/or footprint:
 - a comprehensive list of your existing accommodation. You can use the department's [Net Capacity Assessment Method](#) for this.
 - a detailed schedule of the new accommodation proposed following the change of use. If you are a mainstream school, please use the [DfE Schedule of Accommodation tool](#) for this
 - an evaluation of the existing building(s) which demonstrates the consideration given to internal reconfiguration of the building(s)
- (e) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area), based on the school's current capacity and based on the future capacity if this is to increase following the change of use
- (f) the full calculation of the school's guideline area of playing field, based on the school's current capacity and the school's future capacity if this is expected to increase (see [worked examples](#))
- (g) the school's PAN, and the school's future PAN if this is expected to increase
- (h) the total area of playing field land subject to the change of use in m²

- (i) type of playing field land subject to the change of use (according to the five types of playing field – see [Part 3\(A\)](#))
- (j) the school's current amount of playing field land and the school's amount of playing field land following the change of use (both in m² and both broken down according to the five types of playing field (see [Part 3\(A\)](#))
- (k) details of how the change of use will impact on the delivery of the sports curriculum (for example any reduction in usage or change in the type of activities that can be carried out as a consequence of the change of use or any mitigating factors).
- (l) details of any other schools using the playing field
- (m) details of any community users using the playing field
- (n) a description of the school's access to any other playing field provision together with copies of any agreements to use such provision
- (o) details of any proposals to improve and/or enhance sport facilities at the school or surrounding schools to mitigate the loss of playing field
- (p) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (q) if the change of use relates to a significant change application, provide details of that application and the Regional Schools Commissioner's confirmation letter
- (r) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) an explanation of how the proposals are being funded
- (b) if it is thought the land includes publicly funded land, provide details please of the public investment in the land together with your proposal for the apportionment of value.

Part 2 (I) Applications to change the use of school land for non-educational purposes

Assessment criteria

Your application to change the use of publicly funded school land for non-educational purposes will be assessed by the Secretary of State to see if the proposals are justified in the circumstances. The department has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in case of playing field land. You will need to demonstrate why it is more appropriate to use the land for the non-educational purpose than to keep it in school use.

Information and evidence required:

You should include:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of both the school site and the area for change of use
- (b) a plan of the school site detailing the layout before and after the transaction
- (c) an aerial satellite image of the school site with the area affected clearly identified
- (d) photographs of the area affected.

2 - General

- (a) a full description of the proposed change of use and the reason for it
- (b) details of how the proposed change of use will benefit the school
- (c) the total area of land subject to the change of use in m²
- (d) a description of the land's current school use, including its use by any other schools or community users
- (e) if applicable, the type of playing field land subject to the change of use (according to the five types of playing field – see [Part 3\(A\)](#))
- (f) the school's guideline area of playing field, in m²
- (g) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (h) the school's current amount of playing field land, in m²
- (i) the school's PAN
- (j) details of any proposals to mitigate the loss of land
- (k) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (l) confirmation that you have met your safeguarding requirements in relation to the proposals
- (m) confirmation that you have all permissions and consents needed to agree to the transaction (including from your landlord and any third parties as appropriate)
- (n) confirmation that the transaction does not present any conflicts of interest including confirmation that any other party is not a related party
- (o) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) an explanation of how the proposals are being funded.

Part 2 (J) Acquisitions

Assessment criteria

The requirement to seek consent for acquisitions applies to academy trusts, under their funding agreement and the Academies Financial Handbook.

Your application to acquire land and/or buildings will be assessed by the Secretary of State to see if the proposals are justified in the circumstances and to make sure they achieve the best value on the best possible terms.

You must show good reason for wanting to acquire additional property, particularly where the purpose is outside the core functions of the academy trust. Additional property brings with it additional financial and other liabilities. If additional premises are needed to accommodate additional pupils you will usually need to have received approval for this significant change from the Regional Schools Commissioner and for any increase to PAN from the local authority, if required.

You should explore alternative options for meeting the required objective and be able to show that the option you have chosen is the most suitable way forward. You should explain why your existing site cannot accommodate what is required.

If you are acquiring property at some distance from your main site(s), such as activity centres, you will need to demonstrate that you have given proper consideration to the amount of use you will get from the property, the logistics of getting to it and the cost of maintaining and securing it. You will need to make a strong case for acquiring a permanent or long term interest in such property rather than hiring it as needed. If the financial viability of the acquisition depends on hiring it to third parties you should demonstrate that this is fully costed and that the market exists. If you plan to enter into a joint use agreement in relation to the new property, you should refer to [Part 1\(D\)](#) to decide whether consent is required for the joint use agreement and make a linked consent application if necessary.

You should have explored alternatives and be able to demonstrate that the option chosen represents best value. This goes beyond simple headline cost and looks at whether the option chosen is proportionate to the identified need. There will, of course, be constraints around what is available to you and on what terms in the local market. You will need to describe these issues, with evidence, and how they have affected your choice.

You would need to show that the purchase price or rent is value for money. This will normally mean that you should obtain a red book valuation by a RICS registered valuer, independent of the proposed seller or landlord.

You will need to provide an estimate of the cost of making what you acquire fit for purpose and how this will be met. A derelict building, or one designed or configured for another purpose, or bare land, may need considerable investment over and above the purchase price. You will need to provide estimates of these costs and explain how they will be funded.

You should take your own legal and professional advice on the terms of the acquisition and be able to demonstrate that the terms are the most suitable ones. The Secretary of State recommends that any lease should follow the [DfE academy model lease](#).

You should disclose any related party aspect of the transaction and ensure that the transaction complies with the related party transactions requirements in the Academies Financial Handbook.

If the Secretary of State gives consent to an acquisition, you may be required to make follow up changes to your funding agreement. If this is the case you will be notified of what is required when your application has been assessed.

Information and evidence required:

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site
- (b) up to date copies of the Land Registry title entries and plan of the area for acquisition (if only part of the title is to be acquired you will need to outline this on the plan), including details of its size in m²
- (c) photographs of the area to be acquired.

2 - General

- (a) a full description of the proposed acquisition and the reason for it
- (b) details of how the proposed acquisition will benefit the school
- (c) details of any other options explored to meet the required need
- (d) details of the land's current use and its proposed use by the school, with details of any planning consents required
- (e) a description of the type of land being acquired (i.e. whether it is buildings, access, playing field etc), and for playing field give a breakdown of the type of playing field (see [Part 3\(A\)](#)) and the size in m² of each area
- (f) if the acquisition relates to a significant change application, details of that application and the Regional Schools Commissioner's confirmation letter
- (g) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (h) the full calculation of the school's guideline area of playing field (see [worked examples](#))

- (i) the school's current amount of playing field land, in m²
- (j) the school's PAN
- (k) confirmation that you have met your safeguarding requirements in relation to the proposals
- (l) confirmation that the transaction does not present any conflicts of interest including confirmation that the party selling or letting the property is not a related party.

3 - Finance

- (a) details of the expected expenditure associated with the acquisition, both in the initial purchase and the ongoing running costs/liabilities, together with any relevant condition information such as surveys
- (b) an explanation of how the proposals are being funded and the impact of the acquisition on the trust's finances
- (c) how you have assured yourself that any consideration paid represents best value
- (d) a recent (within the last 3 months) red book valuation report prepared by an independent registered valuer licensed by the RICS of the estimated open market value of the property, together with any other information which demonstrates how the acquisition will achieve best value. If you are purchasing a property for which there is a significant number of comparables, you may provide three opinions of value from property agents in the area instead of a valuation report.

4 - Main terms of the acquisition

You should provide details of the key terms of the purchase, new lease, easement or other acquisition. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available.

- (a) if you are making a freehold **purchase of land**, include:
 - the purchase price
 - the key terms
 - the seller
 - any unusual terms or any ongoing obligations which affect the school after the purchase, such as ongoing liability for defects or contamination
- (b) if you are **taking up an existing or a new lease**, provide a copy of the lease and specify:
 - the length of the lease, including any contractual or statutory rights to extend the term
 - the landlord
 - the rent
 - is there a rent review and if so, when and on what basis
 - any service charge or ground rent and an estimate of the annual cost

- any break rights
 - who is responsible for repair and to what standard
 - who is responsible for insurance and who pays for this
 - can you transfer the lease or underlet
 - any other key terms
- (c) if you are **entering into an easement** over third party land for the benefit of the school land, include:
- the duration of the easement. If the easement will be in perpetuity please state this
 - the key terms
 - details, by reference to a plan, of the rights that you will have over the third party land and details of the obligations you are undertaking, for example to make good any damage caused or contribute to repair and maintenance costs
 - any unusual terms or any ongoing obligations which affect the school.

Part 2 (K) Any other application under an academy trust's funding agreement

Your funding agreement may require you to obtain consent of the Secretary of State before entering into other land transactions involving publicly funded land which do not fall into the other categories described in this [Part 2](#). Examples of such land transactions may include:

- entering a restriction on the title of land at the Land Registry. This includes applications to enter a restriction on title in favour of organisations such as The Football Foundation
- granting a consent or licence
- parting with or sharing possession or occupation of land in any other way than discussed above, for example by granting a licence of land to a third party
- entering into any onerous or restrictive obligations in respect of school land.

Information and evidence required

1 - Plans and photographs

- (a) up to date copies of the Land Registry title entries and plan of the school site
- (b) up to date copies of the Land Registry title entries and plan of the affected area, including details of its size in m²
- (c) photographs of the affected area.

2 - General

- (a) a full description of the proposal and the reason for it

- (b) details of how the proposal will benefit the school
- (c) a description of the type of land affected (i.e. whether it is buildings, access, playing field etc), and for playing field give a breakdown of the type of playing field (see [Part 3\(A\)](#)) and the size in m² of each area
- (d) the school's guideline area of playing field, in m² (see [Part 3\(B\)](#) for how to calculate the school's guideline playing field area)
- (e) the full calculation of the school's guideline area of playing field (see [worked examples](#))
- (f) the school's current amount of playing field land, in m²
- (g) the school's PAN
- (h) confirmation that you have all permissions and consents needed (including from your landlord and any third parties as appropriate)
- (i) confirmation that you have met your safeguarding requirements in relation to the proposal
- (j) confirmation that the transaction does not present any conflicts of interest including confirmation that the other party is not a related party
- (k) where works are being carried out, confirmation that the works comply with all applicable legislation, including Construction (Design and Management) Regulations 2015 (CDM) and/or planning requirements.

3 - Finance

- (a) details of the financial aspects of the proposal
- (b) an explanation of how the proposals are being funded and the impact on the trust's finances
- (c) how you have assured yourself that the consideration received or paid represents best value, including any valuation evidence or other information which demonstrates how the proposals will achieve best value.

4 - Main terms

You should provide details of the key terms of the transaction. Provide a copy of the heads of terms (if any) and copies of the draft documents for the transaction if they are available.

Part 2 (L) Appropriation of school land by a local authority

Assessment criteria

An appropriation has the potential to take land out of school use permanently. Applications can range from a small area of land proposed for highways use, to a whole school site, which the local authority would like to use for a leisure centre or housing. Many of the criteria used to assess an application for consent to the disposal of school

land will be relevant to an appropriation, including those specific to playing fields where an appropriation affects such land.

The department has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in case of playing field land. Access to playing fields and sporting provision within the school estate should be retained and preserved for future generations, and any loss of such land should be mitigated by other improvements to sports provision.

If your proposal to appropriate land will be followed by a disposal of it, you should submit a linked application for the [disposal of non-playing field land](#) or [disposal of playing field land](#) as appropriate.

Secretary of State's requirements

Applications for consent to appropriations will be strengthened where the Secretary of State is satisfied:

- that the land is genuinely no longer required for school purposes. Where the area served by the school extends beyond the local authority's own boundaries, the Secretary of State will expect that the local authority has consulted with those other local authorities, including under any compulsory purchase powers
- that the benefits of the alternative proposed use outweigh the loss of the land to the school and to the wider school estate
- that other available options for meeting the required need have been assessed and evaluated
- if there is any impact on the school estate, and in particular on playing field, that adequate mitigation measures will be provided

Although they do not usually result in capital receipts, some appropriations may result in commercial advantages for the local authority, which would not have been possible to achieve without the use of school land. In some circumstances, it may be appropriate for the Secretary of State to seek certain protections and mitigation measures for the benefit of the school or the educational estate more widely.

These may include:

- if the appropriation results in the local authority realising the value of the asset or otherwise results in significant cost savings (for example, by not having to purchase another site), the Secretary of State may, as a condition of providing consent, require that a proportion of that value should be reinvested into the educational estate

- if the appropriation results in a loss of playing field, the Secretary of State may, as a condition of providing consent, require the local authority to provide alternative facilities, or to mitigate the loss of playing field land by paying for new or improved facilities at the school in question and/or at other schools

Information and evidence required

Local authorities applying for consent to the appropriation of school land should provide the following:

- (a) the same information as would be required for a disposal of school land (playing field or non-playing field land as appropriate – see [Part 2\(A\)](#) and [Part 2\(B\)](#) above), as if the area for disposal were the area for appropriation
- (b) if the appropriation is part of a wider scheme, plans of the land included in the wider scheme
- (c) evidence of the results of consultation (both in full and a summary) with the headteacher and the chair of the governing body or the academy trust (as appropriate) of the school affected
- (d) information about the land's current use and why there is a need to appropriate the land
- (e) details of the last use for school purposes of the land to be appropriated
- (f) clear and robust evidence that the land is not required for educational purposes
- (g) details of the alternative use proposed and the plans for the land in the future, including details of any proposals to develop or market the land in the future
- (h) information about how the decision was made by the local authority to appropriate the land, including all relevant evidence, minutes of meetings, reports, decisions, surveys etc. and details of the process that was followed, including any consultation or public notice
- (i) red book valuations of the land by a RICS registered valuer in both its existing use and its use as proposed under the appropriation. Where the land is to be appropriated for development, include a detailed appraisal of the residual land value
- (j) proposals for measures to mitigate the loss of land to the school and/or the wider educational estate. Such measures should be based on the market value of the land in the use to which the land is to be put and not in its current educational use.

Part 3: Playing field land

This section explains:

- (A) the [definition of playing field land](#) including the five different types of playing field land
- (B) [how to provide your playing field area statistics](#), including information about measuring your school's current playing field area, calculating the recommended amount according to the Department's guidelines and what playing field land statistics to provide with your land transaction application
- (C) the role of the [School Playing Field Advisory Panel](#) in considering applications for disposal of playing field land.

Part 3 (A) Definition of playing field land

For the purpose of land transactions which are not required under statute, '*playing fields*' are defined in Section 77(7) of the School Standards and Framework Act 1998 and Schedule 1 para 17(8)(a) to the Academies Act 2010.

The definition is described as "land in the open air which is provided for the purposes of physical education or recreation".

The Department considers 'physical education' and 'recreation' to mean team games, non-team games, informal and social activities and the study or enjoyment of the natural environment.

This definition only applies under the specific provisions of these sections of the Acts. The definition does not have a wider application and specifically does not generally apply to required statutory transfers of local authority land for foundation and voluntary schools.

Five types of playing field within the definition

There are five types of playing field within the definition. These are:

- (i) Soft outdoor PE area
- (ii) Hard outdoor PE area
- (iii) Soft informal and social areas
- (iv) Hard informal and social areas
- (v) Habitat areas

Please refer to [Building Bulletin 103 or Building Bulletin 104](#), as appropriate for your particular school, for descriptions of the features of each of the five types of playing field land.

The definition of playing field land does not include

- land on which a building or other structure stands including sports halls and indoor swimming pools
- caretaker's houses and the gardens connected to them
- access land, including entrance paths, roads, and related landscaping other than that related to play and social areas available to pupils
- parking areas and drop off spaces
- refuse and recycling areas

Part 3 (B) How to provide your playing field area statistics

Measuring your school's current amount of playing field land

In all land transaction applications, whether or not they involve playing field land, you will be asked to provide details of your school's current amount of playing field land, in m². Even if the application relates to non-playing field land, this information is used to enable the Secretary of State to understand how the school meets its curriculum needs and whether measures should be taken to improve sporting provision.

When measuring your playing field land, the surface of artificial all weather pitches may be included at double their superficial area, as all weather pitches can be used more than a grass pitch throughout the year.

Area guidelines for playing field land at existing schools

In all land transaction applications, you will be asked for your school's guideline amount of playing field land and the Department will consider the current amount of playing field land against the guideline amount.

Even if the application relates to non-playing field land, this information is used to enable the Secretary of State to understand how the school meets its curriculum needs and whether measures should be taken to improve sporting provision.

Some schools may not be able to meet the guidelines, but they are still expected to have access (including possible hire of facilities off-site) to meet their curriculum needs. Any application where the playing fields do not meet the guidelines should include a statement of how the curriculum needs will be met either on site or at off-site facilities.

The guideline amount of playing field land is calculated using the school capacity, an area per pupil and a base area.

The capacity of the school

First, you need to establish the number of pupils which your school site is capable of accommodating. This is the school's stated capacity, meaning the physical capacity of its buildings. Do not use the number of pupils on roll. The school's stated capacity is generally taken from [Get Information About Schools](#). Nursery, pre-school and reception places should be the full-time equivalent where children may attend for part of that day. Care should be taken to ensure that any sixth form places (the maximum the school will take) are added to the capacity figure on Get Information About Schools if not already included.

For all schools, including special schools, alternative provision schools and pupil referral units, if there is no approved increase in pupil numbers, the number of pupils is then multiplied by 105%. This reflects the reality that schools sometimes accept more pupils than their stated capacity. Round up to the nearest whole pupil number. If the local authority or Regional Schools Commissioner has approved an increase in pupil numbers, the capacity is not multiplied by 105%. Instead, the number of pupils to use is the maximum approved number of pupils. Use this maximum approved number of pupils even though it may not be reached for several years following the approval.

For a mainstream school, you will need to know the number of pupils which your school site is capable of accommodating at each educational key stage.

Whilst your calculation uses the school's stated capacity, when you submit your application, you should also provide your PAN.

The area per pupil

Once you have established the capacity of the school, broken down by key stage in mainstream schools, the capacity is multiplied by a per pupil area. The areas per pupil are:

- For mainstream schools:
 - Early years (nursery and pre-school): 6m²
 - Reception and Key Stage KS1: 11m²
 - KS2 – KS4 as well as pupils in the sixth form: 50m²
- For special schools:
 - with only pupils at KS1 or below (whether the school has formal team games or not): 18m²
 - with any pupils at KS2 or above, without formal team games, for pupils of any age: 18m²
 - with any pupils at KS2 or above, with formal team games, for pupils of any age: 24m²
- For alternative provision schools and pupil referral units: 18m²

The base area

Each school has a single base area of either 2,000m², 5,500m² or 9,000m². The base areas are as follows:

- For mainstream schools:
 - Which do not teach above KS2: 2,000m²
 - Which teach KS3, KS4 and post 16: 9,000m²
 - Which are all through schools: 9,000m²
- For special schools:
 - without formal team games: 5,500m²
 - with formal team games: 9,000m²
- For alternative provision schools and pupil referral units: 5,500m²

When you provide your base area for a special school, alternative provision school or pupil referral unit, we may request further information about the site and/or pupil need.

How to calculate the guideline area of playing field at a school applying for consent to a land transaction

To calculate the guideline area of playing field at your school, work out the relevant number of pupils at the school, multiply it by the appropriate area per pupil, and add the correct base area for your school. This will give you the guideline area in m².

Some worked examples

A mainstream primary school with a capacity of 420 pupils and a 30-place nursery with no expansion plans

As there are no expansion plans, the number of pupils is the stated capacity, multiplied by 105%.

Early years pupils: 30 stated capacity (x105% = 32)
 $32 \times 6\text{m}^2 = 192\text{m}^2$

Reception and KS1: 180 stated capacity (x105% = 189)
 $189 \times 11\text{m}^2 = 2,079\text{m}^2$

KS2: 240 stated capacity (x105% = 252)
 $252 \times 50\text{m}^2 = 12,600\text{m}^2$

Total **pupil area**: $192\text{m}^2 + 2,079\text{m}^2 + 12,600\text{m}^2 = 14,871\text{m}^2$

Plus **base area**: 2,000m²

Total guideline area of playing field: 16,871m²

A mainstream secondary school with a capacity of 1,200 pupils with a 250-place sixth form, but with the local authority's approval to expand to a capacity of 1,500 pupils with a 350-place sixth form

As this is a mainstream school and with an approved expansion, the number of pupils is the approved expansion figures of 1,500 pupils and 350 sixth form pupils. There is no need to multiply by 105%.

KS3, KS4 and post 16: expanded capacity $1,500 + 350 = 1,850$

Total **pupil area**: $1,850 \times 50\text{m}^2 = 92,500\text{m}^2$

Plus **base area**: $9,000\text{m}^2$

Total guideline area of playing field: 101,500m²

A special school with formal team games, with a capacity of 150 pupils, without expansion plans

As there are no expansion plans, the number of pupils is the stated capacity, multiplied by 105%.

Total **pupil area**: $158 \times 24\text{m}^2 = 3,792\text{m}^2$

Plus **base area**: $9,000\text{m}^2$

Total guideline area of playing field: 12,792m²

An alternative provision school, with a capacity of 80 pupils, but with the local authority's approval to expand to a capacity of 88 pupils

Total **pupil area**: $88 \times 18\text{m}^2 = 1,584\text{m}^2$

Plus **base area**: $5,500\text{m}^2$

Total guideline area of playing field: 7,084m²

What playing field land statistics to provide with your land transaction application

When making an application, you should tell us:

- your school's guideline area of playing field in m^2
- the full calculation of your school's guideline area of playing field
- your school's current amount of playing field land, in m^2
- your school's PAN.

Part 3 (C) The School Playing Field Advisory Panel

Applications for disposals of playing field land made under Section 77(1) of the School Standards and Framework Act 1998 and under Schedule 1 to the Academies Act 2010 are referred to the School Playing Fields Advisory Panel in the first instance, except:

- where the disposal meets the requirements of the Section 77 GCO (whether the applicant is applying under Section 77 or under Schedule 1)
- where the disposal does not result in a loss of playing field from the school estate and no objections have been raised during consultation with relevant parties; and
- where the disposal is necessary as a direct result of a central capital funding programme project.

The purpose of the Panel is to provide the Secretary of State with independent and objective advice on the extent to which each application meets current policy and legislation. The Panel makes a recommendation to the Secretary of State, who will consider the Panel's independent advice, along with the information provided with the application.

The Panel comprises one representative from each of Fields in Trust, Learning Through Landscapes, the Local Government Association, the National Association of Headteachers and Sport and Recreation Alliance. Sport England attends in an observer capacity.

Applications that are not considered by the Panel

- notifications under the General Consent Orders
- change of use of school playing field land for educational purposes
- disposals of playing field land that is not publicly funded
- charges on land
- restrictions on land
- transfers of school land to another publicly funded school.

The publication of all disposals of playing field land

A [list of all playing field land disposals](#) since 2010 where consent has been approved is published and is regularly updated.

Part 4: General Consent Orders

Part 1 of Schedule 1 to the Academies Act 2010 requires local authorities to obtain the consent of the Secretary of State for any disposal or appropriation of publicly funded school land. Section 77 of the School Standards and Framework Act 1998 requires local authorities, governing bodies of maintained schools, foundation bodies, and trustees of maintained schools to obtain consent for the disposal or change of use of any publicly funded playing fields. Both acts allow the Secretary of State to grant a general consent to specific classes of disposal he would commonly expect to approve – this is done through General Consent Orders (GCOs).

GCOs are used to allow certain types of minor land transactions - for example, disposals granting access to utility companies, short-term changes of use, and like for like swaps.

You will need to carefully consider whether the transaction that you are undertaking will fall within a GCO. Where such a general consent is granted, you do **not** need to make a full formal application but instead need only to inform the department that you are applying a GCO using the [notification form](#).

Upon receipt of a notification of a GCO, the department has the right to review the notification to ensure that the transaction adheres to the specific criteria set out in the GCO. You will be notified if your transaction does not meet the criteria for using a GCO.

If the transaction meets the requirements of the GCO, the department will acknowledge receipt of your notification by issuing an acknowledgement letter. Upon receipt of the acknowledgement letter you are able to enter into the land transaction.

The current GCOs can be found [here](#).

Part 5: How to apply

Applications and notifications to the Secretary of State for Land Transactions

Applications for Secretary of State's consent and notifications of land transactions to the Secretary of State should be made using the forms found [here](#). Choose the appropriate form for your land transaction. Forms should be completed electronically and emailed to Land.TRANSACTIONS@education.gov.uk

The available forms are:

Form	Type of application	When to use
A	Non-playing field disposals	Use this form for all disposals and appropriations involving non-playing field only (except applications to dispose of non-playing field land at operating schools which require notification under Schedule 22 only – see guidance at Part 2 (C)). In these cases, use form C below)
B	Playing field disposals	Use this form for all disposals and appropriations of playing field or which involve both playing field and non-playing field
C	Disposals under Schedule 22 only	Use this form for any application to dispose of non-playing field land at an operating school which requires notification under Schedule 22 only (see guidance at Part 2 (C))
D	Easements	Use this form, instead of Form A or B, for the grant of a standalone easement over any school land
E	Telecoms	Use this form, instead of Form A or B, for a disposal of any school land for the purposes of the installation or retention of telecoms equipment
F	Solar panels	Use this form, instead of Form A or B, for a disposal of any school land for the purposes of the installation or retention of solar panels
G	Joint use agreements	Use this form where you intend to enter into a joint use agreement in relation to school land

H	Change of use of playing field land	Use this form for an application to change the use of school playing field land to another school use
I	Change of use of school land for non-educational purposes	Use this form for an application to change the use of school land for non-educational purposes
J	Acquisitions	Use this form if you are an academy trust intending to acquire an interest in land for school purposes
K	Other land transactions under the funding agreement	Use this form if you are an academy trust and you intend to carry out a land transaction which requires consent under your funding agreement but does not fall within the categories described on the other forms
L	Appropriations	Use this form if you are a local authority making an appropriation

For Schedule 22 discontinuance applications, please contact the Department by emailing Land.TRANSACTIONS@education.gov.uk to discuss the Secretary of State's information requirements.

If your proposals involve more than one land transaction, for example, a land swap which involves acquisition and a disposal, you should complete one form for each aspect and send them in together.

Attach all supporting documents and evidence required for your application to the email. Your application will not be processed unless all supporting information is received.

Once all information is received your application will be allocated to a member of the Land Transactions Team to be processed and you will be contacted by the team member dealing with your application to confirm that the process of reviewing your application is underway.

Notifications of use of a General Consent Order

Notifications of use of a General Consent Order should be made using the notification form found [here](#) and be emailed to: Land.TRANSACTIONS@education.gov.uk.

Enquiries

Enquiries about land transactions should be made by email to:

Land.TRANSACTIONS@education.gov.uk

Please note that the department cannot provide legal advice.

Part 6: Transactions outside the scope of this guidance

Part 6 (A) Schools converting to academy status

A body transferring school land and buildings to an academy trust company where a school is converting to academy status does not need to apply separately for consent to the transfer: it should instead be considered as part of the conversion. The transfer may be via a freehold transfer, the grant of a lease, or a supplemental land agreement. Similarly, no application is needed for consent to any other land transactions related to the conversion, for example where the academy trust grants a lease to a third party, provided the related land transaction is agreed by the Department at the point of conversion and will be in place when the academy opens. These consents are dealt with in a different way as part of agreeing the documentation for the conversion and do not require a land transaction application.

Please see [Academy conversion: land transfer advice](#) for more information.

Part 6 (B) Statutory transfers for voluntary and foundation schools

In certain circumstances a local authority will be placed under a statutory duty to transfer land it has provided for a school. Any interest in land and buildings that a local authority has to transfer pursuant to a statutory obligation is then to be held by trustees on trust for the purposes of the school or, if the school has no trustees, by the governing body of the school for the purposes of the school.

Any transfer of land to comply with a statutory obligation in these circumstances does not require the prior consent of the Secretary of State and there is no need to submit an application.

Part 6 (C) Transfers of land from one academy trust to another academy trust

When an academy transfers between academy trusts, land transaction consents connected to the transfer of land from one academy trust to the other are dealt with in a different way as part of agreeing the documentation for the transfer and do not require a separate land transaction application.

If you have a query about a land transaction consent for a particular academy that is due to transfer to another trust, please contact your DfE project lead.

Part 6 (D) Section 554 orders

In certain circumstances, Section 554 of the Education Act 1996 enables the Secretary of State to make fresh provision for the endowments of trusts held or used for the provision of religious education, where those trusts have subsequently failed, by allowing the endowment to be used for appropriate educational purposes.

So far as educational charitable trusts associated with voluntary, foundation or former grant-maintained schools are concerned, a failure usually occurs when the school closes, moves to a new site or part of the site is no longer used as the trusts require. If the criteria set out in the 1996 Act are met, the Secretary of State may make a statutory instrument which makes fresh provision (i.e. new trusts) allowing the endowment to be used for appropriate educational purposes; the new trusts will usually authorise the diocese to sell the property and use the proceeds of sale to benefit other schools within the diocese. This statutory instrument is called a section 554 order or education endowment order.

Detailed information for dioceses about the procedures and legislation governing Section 554 orders is contained in [advice for diocese: Section 554 orders](#).

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