



The School Land General Disposal and Change of Use (Childcare) Class Consent 2024

1. The Secretary of State for Education, in exercise of the powers conferred by section 77(5) of the School Standards and Framework Act 1998 and paragraph 8 of Schedule 1 to the Academies Act 2010, hereby grants the following consent.

2. This consent comes into force on 1st December 2024 and may be cited as “The School Land General Disposal and Change of Use (Childcare) Class Consent 2024”.

3. In this consent:

- ‘**the 1998 Act**’ means the School Standards and Framework Act 1998;
- ‘**the 2010 Act**’ means the Academies Act 2010;
- ‘**the Area Guidelines**’ mean the Department for Education’s “*Area Guidelines for Mainstream Schools*” (Building Bulletin 103) or “*Area Guidelines for SEND and Alternative Provision*” (Building Bulletin 104), as appropriate;
- ‘**body**’ means a local authority, a governing body of a maintained school, a foundation body, or the trustees of a foundation, voluntary or foundation special school;
- ‘**change of use**’ means any action (other than the making of a disposal) intended or likely to result in a change of use falling within section 77(3) of the 1998 Act;
- ‘**disposal**’ means any action falling within section 77(1) of the 1998 Act or paragraph 4(1) of Schedule 1 to the 2010 Act;
- ‘**excluded lease**’ means, in relation to a tenancy granted for a term of years certain, that the landlord and the tenant have agreed, in accordance with section 38A(1) of the Landlord and Tenant Act 1954, that the provisions of sections 24 to 28 of that Act will be excluded in relation to that tenancy;
- ‘**the guideline amount**’ means the recommended minimum size of playing fields as described in the Area Guidelines;
- ‘**playing fields**’ has the same meaning as in section 77(7) of the 1998 Act;
- ‘**proprietor**’ has the same meaning as in section 579(1) of the Education Act 1996;
- ‘**relevant childcare**’ means—

- (a) early years provision in respect of which a person is required to be registered under Chapter 2 of Part 3 of the Childcare Act 2006, and
 - (b) early years provision in respect of which, but for section 34(2) (exemption for provision for children aged 2 or over at certain schools) of the Childcare Act 2006, a person would be required to be registered under Chapter 2 of Part 3 of that Act;
- '**school**' has the same meaning as in section 4 of the Education Act 1996 but, other than in relation to playing fields provided by a body other than a local authority, also includes a 16 to 19 Academy (as defined in section 1B of the 2010 Act).

4. Consent is hereby granted to the disposal or change of use of land to which section 77(1) or (3) of the 1998 Act or paragraph 4(2) of Schedule 1 to the Academies Act 2010 applies and which is of a description specified in the Schedule to this Order.

5. This consent is granted subject to the conditions that a body disposing or changing the use of land adheres to any relevant guidance published from time to time by the Secretary of State and provides the Secretary of State with the following information:

- a) the location and area (in square metres) of the land subject to disposal or change of use;
- b) the area (in square metres) of the remaining playing fields (not subject to disposal or change of use);
- c) the total site area of the school (in square metres);
- d) the number of pupils on the school's roll and the age range;
- e) the date or proposed date of the disposal or change of use;
- f) an explanation as to why the body considers that the disposal or change of use is covered by a class consent, including a reference to the applicable paragraph(s) in the Schedule;
- g) a plan clearly identifying the area subject to disposal or change of use in relation to the whole of the school site; and
- h) the written support of the headteacher (or principal) and proprietor.

Schedule

1. The change of use of playing fields for the purposes of relevant childcare provided that:
 - a) the loss of playing fields is either:
 - i) 5% or less of the school's existing amount of playing fields; or
 - ii) up to 15% of the school's existing amount of playing fields where the school will continue to meet at least 100% of its guideline amount following the change of use; and
 - b) neither this nor any other general consent order has been relied on for another change of use or disposal¹ of playing fields at the same school site within the past three years.
2. The disposal of land by granting or renewing a lease for the purposes of relevant childcare provided that:
 - a) any loss of playing fields is either:
 - i) 5% or less of the school's existing amount of playing fields or
 - ii) up to 15% of the school's existing amount of playing fields where the school will continue to meet at least 100% of its guideline amount following the disposal;
 - b) if the land to be leased includes playing field, neither this nor any other general consent order² has been relied on for another change of use or disposal of playing field land at the same school site within the past three years;
 - c) the lease is an excluded lease, and its term does not exceed 30 years;
 - d) any rent or other income accruing from the lease is reinvested in the school's revenue budget; and
 - e) any premium or other capital receipt paid in consideration of the lease is reinvested in school capital projects.

Signed



Dated: 12th November 2024

Louise Whitesman, Deputy Director, Estates Legal, Land and Planning

¹ other than for a restriction

² other than for a restriction