



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 from the Department for Education (DfE) 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

What is meant by holding land?

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 trustees hold part of the school site, 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.

What is meant by publicly funded land?

Land may be '**publicly funded land**' if it has been acquired or enhanced at public expense - for example, 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 a grant made by, a past funding authority such as the Funding Agency for Schools or because of a direction made by the DfE; or
- acquired or enhanced in value through capital expenditure by a local authority or grant from the DfE (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 about the DfE'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 to the School Standards and Framework Act 1998 applies to your land transaction (see [Part 1 \(B\)](#) below), you should consider the need to involve the local authority and potentially the Office of 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 are in legislation and can be found at:

- Schedule 1 to the Academies Act 2010;
- Section 77 of the School Standards and Framework Act 1998; and
- Schedule 22 to the School Standards and Framework Act 1998

For academy trusts, additional rules are found in the trust's funding agreement and the Academy Trust 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 Academy Trust 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, and the distinction between open and closed school sites

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, whether the school is still open or closed.

This also applies even where the land is currently used for the purposes of an academy.

The meaning of **maintained school** is found in section 20(7) of the School Standards and Framework Act 1998 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.

We take the view that use of land by a school is more than just physical/actual use and extends to whether the land is *capable* of use by a school unless there are obstacles which prevent that use. Examples of obstacles *may* include factors such as health and safety concerns or disproportionate cost implications, but we consider all circumstances of the case in determining whether such obstacles are justified in preventing the use of the land.

Schedule 22 to the School Standards and Framework Act 1998

Bodies or trustees to whom Schedule 22 to the School Standards and Framework Act 1998 applies (a governing body, foundation body, or trustees of a foundation, voluntary or foundation special school) are required to notify the Secretary of State prior to the disposal of non-playing field land at an **open** school.

If the proposed disposal also includes playing field land at an **open school**, then consent under Section 77 above may also be required.

In addition to this, those bodies or trustees must notify the relevant local authority prior to the disposal of the land as required under Schedule 22 to the School Standards and Framework Act 1998.

Bodies or trustees to whom Schedule 22 to the School Standards and Framework Act 1998 applies (a governing body, foundation body or trustees of a foundation, voluntary or foundation special school) are required to apply to the Secretary of State prior to the

disposal of any school land (including playing field land) where a school is **closing permanently** or where the disposal is of a former (now closed) school site.

Part 1 of Schedule 1 to the Academies Act 2010

Local authorities 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 to 19 academy** in the last eight years, whether still open or now closed, under Part 1 of Schedule 1 to the Academies Act 2010.

As above, we take the view that use of land by a school is more than just physical/actual use and extends to whether the land is *capable* of use by a school unless there are obstacles which prevent that use. Examples of obstacles *may* include factors such as health and safety concerns or disproportionate cost implications, but we consider all circumstances of the case in determining whether such obstacles are justified in preventing the use of the land.

The meaning of **school** is found in the Education Act 1996 and means an institution providing primary education, secondary education, or both. This includes both maintained schools and academies. 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 to 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 those who hold land for the purposes of an academy (other than a local authority). The meaning of **academy** is found in section 1 of the Academies Act 2010 and includes academy schools, 16 to 19 academies and alternative provision academies. Free schools, university technical colleges, and studio schools are academies.

The meaning of ‘disposal’

The definition of ‘disposal’ is different in section 142 of the School Standards and Framework Act 1998 to the definition that is given in 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, including 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 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. The meaning of ‘Disposal’ in Schedule 1 to the Academies Act 2010 does not include the grant or transfer of a charge or the grant, transfer or termination of an easement.

The table below shows the different types of disposals which may require the Secretary of State’s consent and the extent to which each act applies to those disposal types.

Disposal	School Standards and Framework Act 1998	Schedule 1 to the Academies Act 2010
selling or transferring a freehold or leasehold interest	Yes	Yes
granting of a new lease, including a sublease	Yes	Yes
granting or transferring a charge	Yes	No
exercising a break right in a lease	Yes	Yes
surrendering the whole or part of a lease of land	Yes	Yes
terminating a tenancy under the Landlord and Tenant Act 1954	Yes	Yes
entering into a contract to dispose of land	Yes	Yes
granting an option to acquire any interest in land	Yes	Yes

Disposal	School Standards and Framework Act 1998	Schedule 1 to the Academies Act 2010
granting an easement over school land or transferring or terminating an easement over other land which benefits school land	Yes	No
a compulsory disposal	Yes	Yes

Academies – Dealing with school land

For academy trusts there are restrictions on dealings with school land both in the funding agreement and Academy Trust Handbook. See [Part 1 \(D\)](#) below.

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.

Officials carry out a robust and thorough review of the information provided, and you are encouraged to submit your application as early as possible, particularly in complex cases, to allow sufficient time for proper consideration.

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.

Freedom of Information requests

Please note that, as a public body, DfE, may be required to disclose any of the information provided by you or correspondence with you under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

Public Sector Equality Duty

The Secretary of State will have regard to the public sector equality duty (as set out in s149 Equality Act 2010) as part of the decision-making process.

Applicants will be required to provide either an equalities impact assessment/analysis or to give details of the impact of the land transaction on all individuals with protected characteristics under s149 Equality Act 2010.

Further guidance can be found in [The Equality Act 2010 and schools](#).

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 to make a direction and notify you of their decision. You must not enter into the land transaction until you receive a decision letter informing you whether 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 or commence any works until you have received written notification of the Secretary of State's decision.

You should not allow third parties into occupation of school land unless you have consent. This includes neighbouring landowners 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.

DfE routinely monitors compliance with any conditions referred to in the decision letter. You may be required at a future date to provide evidence of satisfaction of those conditions.

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.

Other consents

Any land transaction decision does not obviate the need for any other consents that may be required, such as planning permission, consent from your landlord if there is a lease of the land involved or significant change approval.

Timing of applications relative to planning permission

The process outlined in this guidance is separate from the requirements for obtaining planning permission. There is no guarantee that consent will be given to a land transaction even if planning permission has been granted.

Planning applications can be costly. You should consider the financial implications of applying for planning permission ahead of obtaining a land transaction decision.

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 professional 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. It includes the type of information and evidence you will need to provide for the most common types of application.

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 (other than a local authority)
- [section \(D\)](#) is an additional section for academy trusts, and includes requirements under the funding agreement and the Academy Trust 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 thirteen sections:

- [section \(A\)](#) is for disposals of non-playing field land
- [section \(B\)](#) is for disposals of playing field land
- [section \(C\)](#) is for disposals under Schedule 22
- [section \(D\)](#) is for applications to grant a standalone easement
- [section \(E\)](#) is for applications to grant solar 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
- [section \(N\)](#) is for applications to grant leases for school-based nurseries

Note there is no section (M). This is deliberate because the section lettering links to the application form lettering for each type of land transaction referred to above.

You may need to refer to more than one section depending on the nature of your proposed land transaction(s). For example, if you are disposing of land for a solar installation on non-playing field land, you will need to refer to Part 2 [section \(A\)](#) and [section \(E\)](#).

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). Note: Part 4 does **not** apply to academy trusts.

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 \(A\)](#) for schools converting to academy status

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

Relevant legislation and publications

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 Academy Trust Handbook](#)

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 (other than a local authority)
- [section \(D\)](#) is for academy trusts and includes the requirements under the funding agreement and the Academy Trust 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 whether it ceases to be capable of school use or not.

Any transfer of land by a local authority to comply with a statutory obligation when providing sites for schools or requiring a transfer of land when schools change status (such as when a school becomes a foundation school) 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 to 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 to 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 this 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 to 19 academy in the last eight years, whether still open or now closed.

For the meaning of 'school' or '16 to 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 proposed 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 the 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 to 19 academy in the last eight years, whether still open or now closed.

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

In response to a notification from the local authority, the Secretary of State may 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, to a person concerned with running an academy. Any use of the power would allow the local authority to make representations. The Academies (Land Transfer Schemes) Regulations 2012 set out the documents and other information that the local authority would have to provide, if requested.

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.

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'](#) above.

Disposal of non-playing field land at operating schools

If you wish to dispose of publicly funded non-playing field land at an open school, you must give the Secretary of State notice of your intention to do so under Schedule 22 to 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.

You must await the Secretary of State's decision on whether to use their powers before making the disposal.

If the Secretary of State does not make a direction, then you are required under Schedule 22 to the School Standards and Framework Act 1998 to notify the local authority of your intention to dispose of the land.

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

Under Schedule 22 to 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 (as opposed to closed or closing) schools

If you wish to dispose of publicly funded playing field land at an open school, 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 they consider appropriate.

Disposal of playing field and non-playing field land at schools that are, or will be, closed

If your school is, or will be closed, you must apply to the Secretary of State under Schedule 22 to the School Standards and Framework Act 1998 for them to decide whether to exercise their powers under paragraph 5 in relation to publicly funded school land. You must await the Secretary of State's decision on whether to use their powers before making the disposal.

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 the Secretary of State 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 by parties other than a local authority

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 publicly funded 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 Academy Trust 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 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 of school land 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 to non-playing field land for academy purposes

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 land use. For example, where an additional classroom block is proposed to be built on an area of playing field land.

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 land 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 Academy Trust Handbook and the funding agreement

If you are an academy trust, in addition to the statutory requirements outlined in Part 1 [\(C\) Land held for an academy by parties other than a local authority](#) above, you may be required to obtain consent to land transactions under the terms of the Academy Trust Handbook **and** your funding agreement.

[The Academy Trust 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 7 or more years
- grant a leasehold interest, including a tenancy agreement, of any duration, on land and buildings to another party.

Most funding agreements will require you to obtain consent of the Secretary of State for other types of land transactions, 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 against the title to school land at the Land Registry
- granting any consent or licence in respect of school land (licence in this context means an occupational licence only and will not normally apply to hire agreements or a licence for works)
- parting with or sharing possession or occupation of school land

- entering into any onerous or restrictive obligations in respect of school land.

You should review the terms of the current [Academy Trust Handbook](#) and your funding agreement and seek legal advice where necessary 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.

Certain land transactions are needed to allow for pupil/site expansion. In addition to your application for consent to the land transaction, you may also need to apply for significant change approval. Please check the guidance [here](#) and if in doubt consult with your contact in Regions Group.

Part 2: Assessment criteria and information requirements

Part 2 is divided into thirteen sections:

- [section \(A\)](#) is for disposals of non-playing field land
- [section \(B\)](#) is for disposals of playing field land
- [section \(C\)](#) is for disposals under Schedule 22
- [section \(D\)](#) is for applications to grant a standalone easement
- [section \(E\)](#) is for applications to grant solar 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
- [section \(N\)](#) is for applications to grant leases for school-based nurseries

You may need to refer to more than one section depending on the nature of your proposed land transaction(s). For example, if you are disposing of land for a solar installation on non-playing field land, you will need to refer to [section \(A\)](#) and [section \(E\)](#).

Note there is no section (M). This is deliberate because the section lettering links to the application form lettering for each type of land transaction referred to above.

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 another school or to meet the demand for school places in the local authority area. The Secretary of State will also consider the suitability of land for uses in line with current priorities (such as nursery provision or SEND).

It is presumed 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.

Overage or contingent payments will be considered as part of the proceeds of sale and provision should be made to invest these in capital projects too.

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.

Restrictions on use of school premises as part of a land transaction proposal

Sale of alcohol on school premises as part of a land transaction proposal is generally not permitted, and we would not usually consider any land transaction which includes proposals for the sale of alcohol.

In some cases, exceptional circumstances may exist where the sale of alcohol could be considered. In order for this to be considered, you would need first to provide evidence that you can meet the following minimum set of criteria:

- the sale of alcohol takes place on land that is clearly demarcated from the main school site, with appropriate safeguarding measures in place, including a separate entrance, and where the facility is entirely fenced off from the main school site; and
- the sale of alcohol is ancillary to proposals that deliver a clear benefit to the school, for example through sporting provision from a commercial provider and access to sports facilities; and
- the sale of alcohol only takes place outside school hours; and
- the sale of alcohol is not advertised or otherwise promoted, other than internally within the demarcated area, and is covered during any school use.

Transfers at nil value

The Secretary of State expects that a disposal of publicly funded school land to another public body for educational use or purpose will be at **nil value** save for costs. The policy position is that the public purse should not be required to pay twice for a land asset, and there should be no profit from that land's return or continued use.

Information and evidence required

You can 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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) a plan of the area to be disposed of, including details of its size in m²
- (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) 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 are aware of and intend to obtain all other consents necessary for your proposal
- (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 PAN
- (l) confirmation that you have met your safeguarding requirements in relation to the proposals and how
- (m) 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
- (n) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (o) information relating to the [Public Sector Equality Duty](#)

3 – Finance

The financial information below will not be required where there is a disposal to another public body for educational purposes at nil value.

- (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)
- (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 also includes privately funded land, provide details of the apportionment of value between the public and private elements

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.

- (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 DfE has a clear policy presumption against the loss of publicly funded school land, which is particularly strong in the 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 or reprovision of sports and/or outdoor recreational facilities.

Applications that reduce the amount of playing field land below the guideline amount, as detailed at [Part 3: Playing field land](#), are only likely to be approved 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 another school or to meet the demand for school places in the local authority

area. The Secretary of State will also consider the suitability of land for uses in line with current priorities (such as nursery provision or SEND).

It is presumed 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 and recreation provision. They should not be spent on routine revenue type maintenance or to address budget deficits.

You should first consider reinvesting any proceeds on improving sports or outdoor recreational facilities at the school or surrounding schools. Where site constraints limit the amount of space, innovative sports builds should be considered. Using proceeds to install artificial all-weather pitches, grass pitches or multi use games areas (MUGAS) which may count double for the purposes of calculating recommended areas, can significantly mitigate any under provision of playing field area.

You should provide as much detail as possible regarding the use of the proceeds. 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. In some circumstances, a proportion of the proceeds may be used for school improvement projects.

Restrictions on use of school premises as part of a land transaction proposal

Sale of alcohol on school premises as part of a land transaction proposal is generally not permitted, and we would not usually consider any land transaction which includes proposals for the sale of alcohol.

In some cases, exceptional circumstances may exist where the sale of alcohol could be considered. In order for this to be considered, you would need first to provide evidence that you can meet the following minimum set of criteria:

- the sale of alcohol takes place on land that is clearly demarcated from the main school site, with appropriate safeguarding measures in place, including a separate entrance, and where the facility is entirely fenced off from the main school site; and
- the sale of alcohol is ancillary to proposals that deliver a clear benefit to the school, for example through sporting provision from a commercial provider and access to sports facilities; and
- the sale of alcohol only takes place outside school hours; and

- the sale of alcohol is not advertised or otherwise promoted, other than internally within the demarcated area, and is covered during any school use.

Transfers at nil value

The Secretary of State expects that a disposal of publicly funded school land to another public body for educational use or purpose will be at **nil value** save for costs. The policy position is that the public purse should not be required to pay twice for a land asset, and there should be no profit from that land's return or continued use.

Information and evidence required

You can 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

- 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
- a copy of your lease and lease plan of the school site if you hold the school site under a lease
- a plan of the area to be disposed of, including details of its size in m²
- a plan showing the external areas of the school site (and where relevant pitch layouts) before and after the transaction
- an aerial satellite image of the school site with the area for disposal clearly identified
- photographs of the area to be disposed

2 - General

- a full description of the proposed disposal
- the type of playing field land to be disposed of according to the five types of playing field (see [Part 3 \(A\)](#))
- 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)
- 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 maintenance 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 are aware of and intend to obtain all other consents necessary for your proposal
- (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 and how
- (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
- (s) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (t) information relating to the [Public Sector Equality Duty](#)

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 one-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 similar terms
- where it is not possible to ensure community users can continue to operate effectively, set out the reasons why

4 - Consultation

Purpose

The purpose of carrying out a consultation in relation to the disposal of playing field land is to ascertain whether there are any current third-party users of the disposal land and whether there is potential for future educational use of the disposal land.

Process for carrying out consultation

Unless you have been advised by the DfE that you do not need to carry out a consultation in relation to your application, you should carry out a consultation in accordance with the steps outlined below:

- (a) Provide evidence of adequate consultation meeting the following requirements:
 - the consultation period should be no less than 6 weeks, 4 of which should be in term time
 - you should provide evidence of the means of consultation (for example direct emails, parental newsletters) and the results, including any objections
 - consultation should be open and transparent, meaning that you should have consulted relevant stakeholders on any proposal before submitting any application for consent to dispose of any playing field land
 - consultation should have been carried out within one year of submitting any application for consent to dispose of the playing field land
- (b) Provide evidence of the results of consultation with the following stakeholders:
 - the headteacher of the relevant school where the disposal land is situated
 - the chair of the governing body (if applicable) of the school where the disposal land is situated
 - the academy trust (if applicable)
 - trustees of the school where the disposal land is situated (if applicable)
 - parents of pupils attending the school where the disposal land is situated
 - any organisation with permission to use the playing field
 - the local authority in whose area the playing field is situated and adjacent local authorities likely to be affected
 - any other relevant stakeholder that the applicant considers should be consulted in the circumstances

- any publicly funded primary schools (including special schools and academies) within a half-mile radius of the disposal land if their current playing field provision falls below the guideline area
- secondary schools (including special schools and academies) within a one-mile radius of the disposal land if their current playing field provision falls below the guideline area

(c) The playing field disposal land should be offered **at nil value** (save as to costs) to those local schools referred to in (b) and written evidence obtained from the headteacher and the chair of governors/trustees of those schools that they do not wish to use the land

Interaction with planning consultation

Development on playing field land may require planning permission, which might require a separate public consultation under planning law. The Secretary of State's decision on the disposal of playing field land is based solely on educational need, not on planning considerations. Planning considerations are not relevant to the disposal decision and the Secretary of State has no statutory powers to intervene in such matters.

5 - Finance

The financial information below is not required where there is a disposal to another public body for educational purposes at nil value.

- (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)
- (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 also includes privately funded land, provide details of the apportionment of value between the public and private elements

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.

(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 under Schedule 22

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.

In the case of closed school sites, the Secretary of State has additional powers to direct the land.

Information and evidence required

These applications have reduced information requirements. 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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) a plan showing the non-playing field area for disposal, including details of its size in m²
- (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 and the reasons for it
- (b) information about how the land is currently used
- (c) if applicable details of how the proposed disposal will benefit the school
- (d) if applicable confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (e) information relating to the [Public Sector Equality Duty](#)

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.

You are also reminded of the requirements under Schedule 22 of the School Standards and Framework Act 1998 to notify the relevant local authority prior to the disposal of non-playing field land at an operating school.

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 the 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 consider 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.

We recommend that you apply for the Secretary of State's consent to the grant of the easement prior to allowing any enabling or other works on the school site.

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 copy of your lease and lease plan of the school site if you hold the school site under a lease

- (c) an aerial satellite image of the school site with the area affected by the easement clearly identified
- (d) 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 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 and how
- (g) confirmation that you are aware of and intend to obtain all other consents necessary for your proposal
- (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:
 - 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)
 - the full calculation of the school's guideline area of playing field (see [worked examples](#))
 - 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
- (l) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (m) information relating to the [Public Sector Equality Duty](#)

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:
 - an explanation of how you have assured yourself it represents value for money
 - details of how the school intends to reinvest the payment
 - details of how proposals for the use of the payment represent value for money

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. 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.

Part 2 (E) Applications to grant solar leases

The assessment criteria, information and evidence required in relation to non-playing field land (see [Part 2 \(A\)](#)) and playing field land (see [Part 2 \(B\)](#)) applies equally to applications to grant solar leases.

In addition, the assessment criteria and matters outlined in this section ([Part 2 \(E\)](#)) specific to this type of lease also apply.

Assessment criteria

DfE is committed to working with schools to reduce emissions and energy bills and to supporting the growth of renewables.

On 16 July 2026, the government announced its proposals for a solar PPA pilot across schools and colleges. It is hoped that all schools will have the opportunity to procure renewable energy in this way from the 2027/28 financial year.

For further details please see [Funding for installing solar PV on schools and colleges gov.uk guidance](https://www.gov.uk/guidance/funding-for-installing-solar-pv-on-schools-and-colleges).

DfE will consider applications to install solar outside of the pilot once the DfE PPA and linked land lease templates are published on GOV.UK (the aim is to publish in Autumn 2026).

Once the templates are published, any school outside of the pilot project wishing to install solar and grant a lease of school land, must apply for SoS consent in the usual way. Applications will only be considered for approval where the DfE template PPA and land lease are used and where the roof(s) are in good condition and suitable for a solar installation.

Applicants must be able to demonstrate:

- the benefits of the proposal to the school including but not limited to the savings in running costs and carbon footprint reduction
- that the arrangement offers value for money
- the terms do not expose you or your school to unmanageable financial or operational risks

DfE's preferred approach is that solar is installed on a rooftop or alternative structure rather than installing solar at ground level rendering school land unusable.

Your application to grant a solar 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

In addition to the information and evidence required and set out in [Part 2 \(A\)](#) or [Part 2 \(B\)](#), depending on whether the solar lease is of non-playing field land or playing field land, then your application should also include:

1 - Finance

- (a) details of any expenditure associated with the grant of the solar lease, and an explanation of how the proposals are being funded
- (b) details of the cost to the school to include:
 - your current retail electricity tariff and VAT if payable
 - your solar tariff and VAT if payable. If a discounted rate, the reference point for the discount
 - discount to retail tariff percentage

- where the school has made a financial contribution to the installation, confirm the amount, source of funds and the impact on the solar tariff
- details of any charges to the school over and above the solar tariff
- the percentage of the school's annual electricity consumption that will be met by the solar equipment
- the forecast carbon saving for the school (in the first year and over the lifetime of the contract)
- the forecast energy bill saving for the school (in the first year and over the lifetime of the contract).

2 - Operational and Technical

- (a) details of the type of surveys carried out to determine the suitability of the site for the proposals during feasibility stage and during the detailed investigations (as a minimum we would expect health and safety, site surveys and where applicable, roof condition and structural surveys)
- (b) if any of the buildings or roofs affected are under warranty or guarantee, you should check and confirm that the installation will not invalidate those warranties/guarantees.

3 - Provider

- (a) details of the solar provider including what type of entity it is together with details of its name, registered office address, and number (as applicable)
- (b) if a Community Benefit Scheme (CBS) or similar cooperative or mutual society/association:
 - will the school/trust become a member of the CBS?
 - will the school benefit from any profit share and what is the estimated profit share over the lifetime of the contract?
 - are there any restrictions on how the school can reinvest the profits?

4 - Main terms of the disposal

As part of the pilot referred to above, DfE has developed a PPA and land lease template which will be published following a period of testing. Applications will only be considered where the DfE PPA and land lease templates are used. You should provide a copy of both documents with your application to allow DfE officials to compare these against the DfE templates.

Part 2 (F) Applications to grant telecommunications leases

The assessment criteria, information and evidence required in relation to non-playing field land (see [Part 2 \(A\)](#)) and in relation to playing field land (see [Part 2 \(B\)](#)) applies equally to applications to grant telecommunications leases.

In addition, the assessment criteria and matters outlined in this section ([Part 2 \(F\)](#)) specific to this type of lease also apply.

Assessment criteria

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 the best value on the best possible terms.

The Secretary of State will assess the impact of the proposal on the use of the school site both now and in the future. It is expected that the arrangement will give a school landowner flexibility for roof, building and site repairs and allow for relocation of the equipment where necessary. The school landowner should be able to terminate the agreement for the purposes of expansion/development/site reconfiguration in the future.

You will need to confirm:

- you have taken advice in respect of the rent/premium proposed from either an independent telecoms expert or valuer with market knowledge
- the site is suitable for the equipment
- you have addressed any safeguarding or other operational issues (for example controls over access onto the school site to access the telecommunications site)
- the installation and equipment comply with all applicable legislation (including planning consent where needed and the International Commission on Non-Ionizing Radiation Protection (ICNIRP))
- if there are any objections to the proposal

Information and evidence required

In addition to the information and evidence required and set out in [Part 2 \(A\)](#) or [Part 2 \(B\)](#) depending on whether the telecommunications agreement/lease is of non-playing field land or playing field land then your application should also include:

1 - Title

- (a) a copy of any existing telecommunications agreement or lease

2 - General

- (a) details of any tribunal proceedings
- (b) details of how the operator will gain access to and from the equipment in practice
- (c) the impact of the proposal (if any) on future development/expansion
- (d) why this location was chosen

3 - Finance

- (a) if any expenditure is associated with the grant of the telecommunications lease, an explanation of how the proposals are being funded
- (b) a recent valuation report by a specialist telecommunications surveyor. The surveyor must provide advice on the estimated consideration determined under the Digital Economy Act 2017 with commentary on case law and, if appropriate, market value if any existing agreement falls under the Landlord and Tenant Act 1954. If future legislation removes assessment on open market value, the valuation should be based on consideration. On new sites the report should also include an assessment of compensation
- (c) details of how the school intends to use the rental income or capital receipt

Please note this information is required for all agreements including renewals

4 - Operational and Technical

- (a) details of how you will meet your safeguarding requirements in relation to the proposals (both during installation and thereafter) and how
- (b) details of the type of surveys carried out to determine the suitability of the site for the proposals during feasibility stage and during the detailed investigations (as a minimum we would expect health and safety, site surveys and where applicable, roof condition and structural surveys)
- (c) if rooftop, please confirm the impact of the equipment on any building or roof warranties/guarantees and any other plant and equipment

We would expect the telecommunications operator to be responsible for repair, maintenance, and insurance of the equipment throughout the contract period.

5 - Main terms of the disposal

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

You should consider the implications of allowing the installation on the school site, having regard to the extent of the network operator's statutory rights set out in the Electronic Communications Code (Code). The rights given to the operator in the lease should not go beyond what it is entitled to under the Code.

We would strongly recommend that you take legal **and** specialist telecoms surveyor's advice on the terms of the agreement/lease (and **before** you apply to the DfE for consent to the disposal).

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 Academy Trust 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.

DfE 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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) a plan of the school site marking the area affected by the joint use, including details of its size in m²
- (d) an aerial satellite image of the school site with the area/s affected by the joint use clearly identified

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, give 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 and how
- (m) confirmation that you are aware of and intend to obtain all other consents necessary for your proposal
- (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
- (t) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (u) 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
- (v) information relating to the [Public Sector Equality Duty](#)

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 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

4 - Main terms of the disposal

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

DfE 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 or outdoor recreational facilities.

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 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.

Consent (subject to the applicant satisfying certain requirements) to a change of use of playing field land to accommodate an expansion in pupil places at the same school site is included in a General Consent Order. Applicants should consider if they can satisfy those requirements and if they can, they should notify DfE that they are relying on the consent contained in the relevant General Consent Order. See [Part 4](#) of this guidance for details.

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.

You are reminded that that all new accommodation, refurbishment, and external works proposed must comply with current DfE standards specifications and requirements.

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 both the school site and if different, the playing field area for change of use. 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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) a plan of the school site detailing external areas (and where relevant pitch layouts) before and after the transaction
- (d) an aerial satellite image of the school site with the area for change of use clearly identified
- (e) 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) 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
- (d) 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](#))
- (e) the school's PAN, and the school's future PAN if this is expected to increase
- (f) the total area of playing field land subject to the change of use in m²
- (g) type of playing field land subject to the change of use (according to the five types of playing field – see [Part 3 \(A\)](#))
- (h) 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 \(A\)](#)))
- (i) details of how the change of use will impact on the delivery of the sports curriculum and recreational use (for example any reduction in usage or change in the type of activities that can be carried out because of the change of use or any mitigating factors).
- (j) details of any other schools using the playing field
- (k) 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 similar terms;

- where it is not possible to ensure community users can continue to operate effectively, set out the reasons why.
- (l) confirmation that you have met your safeguarding requirements in relation to the proposals and how
- (m) a description of the school's access to any other playing field provision together with copies of any agreements to use such provision
- (n) details of any proposals to improve and/or enhance sport facilities at the school or surrounding schools to mitigate the loss of playing field
- (o) confirmation that you are aware of and intend to obtain all other consents necessary for your proposal
- (p) if the change of use relates to a significant change application, provide details of that application and the Regional Director's confirmation letter
- (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
- (q) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (r) information relating to the [Public Sector Equality Duty](#)

3 - Finance

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

Part 2 (l) 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. DfE 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:

Your application 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 if different, the area for change of use. 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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) a plan of the school site detailing the layout before and after the transaction
- (d) an aerial satellite image of the school site with the area affected clearly identified
- (e) 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) (if applicable) 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
- (g) (if applicable) 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](#))
- (h) (if applicable) the school's current amount of playing field land, in m² 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 \(A\)](#))
- (i) (if applicable) details of how the change of use will impact on the delivery of the sports curriculum and recreational use (for example any reduction in usage or change in the type of activities that can be carried out because of the change of use or any mitigating factors)
- (j) (if applicable) details of any other schools using the playing field 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 similar terms;
 - where it is not possible to ensure community users can continue to operate effectively, set out the reasons why
- (k) the school's PAN and the school's future PAN if this is expected to increase

- (l) (if applicable) a description of the school's access to any other playing field provision together with copies of any agreements to use such provision
- (m) (if applicable) details of any proposals to improve and/or enhance sport facilities at the school or surrounding schools to mitigate the loss of playing field
- (n) confirmation that you are aware of and intend to obtain all other consents necessary for your proposal
- (o) confirmation that you have met your safeguarding requirements in relation to the proposals and how
- (p) confirmation that the transaction does not present any conflicts of interest including confirmation that any other party is not a related party
- (q) 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
- (r) confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- (s) information relating to the [Public Sector Equality Duty](#)

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 Academy Trust 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 Director 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 fully considered 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.

If you are buying land or buildings at auction, you must apply for consent first and your application will be assessed against the criteria set out in this section. You should flag in your application form that you propose to acquire at auction and confirm the date of the auction. You should **not** bid for land or buildings at auction unless you have the Secretary of State's consent.

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.

To ensure consistency the Secretary of State **requires** any lease granted by a local authority to an academy trust for use as an academy to be for a term of 125-years at nil value **and** to follow the [DfE academy model lease](#) and, for free schools, the [DfE free school model lease](#).

This requirement applies to all leases granted by a local authority to an academy regardless of whether the proposal relates to an academy conversion.

The model lease **must** be used in its standard form. DfE will only **consider** amendments and/or a shorter term in exceptional circumstances where it is necessary to address specific site or case-related issues.

In all other cases, the Secretary of State's **recommends** use of the DfE 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 Academy Trust 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

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 copy of your lease and lease plan of the school site if you hold the school site under a lease
- (c) 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
- (d) 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 Director'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 and how
- (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

(m) information relating to the [Public Sector Equality Duty](#)

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

The Secretary of State expects that an acquisition of publicly funded school land from another public body for educational use or purpose will be at **nil value** save for costs. The policy position is that the public purse should not pay twice for a land asset, and there should be no profit from that land's return or continued educational use.

The financial information at c) and d) above will not be required where the acquisition is from another public body for educational purposes at nil value.

4 - Main terms of the acquisition

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

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 (a licence is an occupational licence only and will not apply to hire agreements or a licence for works).
- 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

Your application should include:

1 - Plans and photographs

- up to date copies of the Land Registry title entries and plan of the school site
- up to date copies of the Land Registry title entries and plan of the affected area, including details of its size in m²
- a copy of your lease and lease plan of the school site if you hold the school site under a lease
- photographs of the affected area

2 - General

- a full description of the proposal and the reason for it
- details of how the proposal will benefit the school
- 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
- 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) where relevant
- the full calculation of the school's guideline area of playing field (see [worked examples](#)) where relevant
- the school's current amount of playing field land, in m² where relevant
- the school's PAN
- confirmation that you are aware of and intend to obtain all other consents necessary for your proposal
- confirmation that you have met your safeguarding requirements in relation to the proposal and how
- confirmation that the transaction does not present any conflicts of interest including confirmation that the other party is not a related party
- 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
- confirmation that the governing body or chair of trustees approves the proposals in a letter of support
- information relating to the [Public Sector Equality Duty](#)

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 including a copy of the heads of terms (if any) and copies of the draft documents for the transaction.

Additional information required for applications for consent to enter a restriction on title in favour of The Football Foundation (FF) if it is contributing to new pitch costs:

- a red line plan showing the area to be included within the restriction and details of what these areas comprise. We would normally expect the restriction to relate only to the new pitch and any ancillary areas that are essential to its operation
- a copy of the FF's grant offer letter and any specific conditions of that grant funding
- a copy of the FF's General Terms and Conditions subject to which the grant offer was made
- a copy of the populated FF project plan template which includes income and expenditure forecasts for the project
- details of community use of the pitches including who the community users are, the times and basis of use
- a copy of the Community Use Agreement if applicable
- an explanation as to how you will ensure pupil safeguarding is maintained when the pitch is used by community groups

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.

DfE 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 or outdoor recreational facilities.

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 playing field land, 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) recent (within the last 3 months) 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
- (k) information relating to the [Public Sector Equality Duty](#)

Part 2 (N) Disposal of school land for a school-based nursery

Assessment criteria

The government has committed to the creation and expansion of school-based nurseries (SBN), which are expected to play a crucial role in improving access and outcomes for children and families, particularly in deprived areas. Whilst the creation or expansion of a SBN may still require consent from or a notification to the Secretary of State, responsible bodies should use [Form N](#) which supports this government initiative by adopting a streamlined approach to such applications.

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
- (b) a plan of the affected area, including details of its size in m²

2 - General

- (a) a full description of the proposal and the reason for it and the benefits for your school
- (b) details of how you are providing the space (e.g. are you reconfiguring an existing building or installing a demountable unit or constructing an extension or new building)
- (c) why this location was chosen
- (d) a description of how the area is currently used and if this is new lease or a renewal of an existing lease
- (e) the type of land affected (i.e. whether it is playing field land or not and if the former the type of playing field and impact on curriculum delivery (if any))
- (f) an explanation as to how you have met your safeguarding requirements in relation to the proposal and how
- (g) confirmation that the governing body or chair of trustees approves the proposals in a letter of support

3 - Finance

- (a) details around how the proposal will be delivered and funded (e.g. through DfE school-based nursery capital grant scheme or otherwise)
- (b) how you have assured yourself that the consideration received or paid represents best value
- (c) for profit making nurseries only, 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 the rental value. If you are leasing space 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

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

Part 3: Playing field land

This section explains:

- the [definition of playing field land](#) including the five different types of playing field land
- [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 DfE's guidelines and what playing field land statistics to provide with your land transaction application
- 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 land transactions which are not statutory transfers as described in [Part 6 \(B\)](#) below, '*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".

DfE 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 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 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, involving playing field land, you will be asked to provide details of your school's current amount of playing field land, in m².

When measuring your playing field land, the surface of artificial all-weather pitches or multi use games areas (MUGAs) may be included at double their superficial area, as these can be used more than a grass pitch throughout the year.

To count as double their superficial area, the artificial grass pitch or MUGA needs to comply with DfE's technical requirements for artificial grass pitches and MUGAs contained within the [Technical Manual](#)

Area guidelines for playing field land at existing schools

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

Some schools may not be able to meet the guidelines, but they are still expected to have access to facilities (such as 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 can accommodate. 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 Director 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 can accommodate 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 to 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 m²
- the full calculation of your school's guideline area of playing field
- your school's current amount of playing field land, in m²
- your school's PAN

Part 3 (C) The School Playing Field Advisory Panel

Purpose and membership of the Panel

The Panel provides the Secretary of State with independent and objective advice on the extent to which an application referred to it meets current policy and legislation.

The Panel makes a recommendation to the Secretary of State, who will consider its independent advice along with any relevant information provided with the application and officials' recommendation.

The Panel comprises a representative from each of the following organisations:

- Fields in Trust
- Learning Through Landscapes
- The Local Government Association
- The Trust Network
- Sport and Recreation Alliance
- Sport England attends as an observer

Disposals of playing field land considered by the Panel

The Panel considers the following disposals of playing field land:

- Permanent disposal of playing field land (freehold disposal or appropriation); or
- Grant of a lease of playing field land for a term of 30 years or more (including where the school retains use of the land); or
- Grant of a lease to a commercial entity for a term of 8 years or more where school use of the land is significantly restricted; or
- Any other case where officials consider it should be referred to the Panel (for example: where a case is considered novel and/or contentious).

The Panel does not consider cases where the disposal of playing field land meets the requirements of either [The School Playing Fields General Disposal and Change of Use Class Consent \(No 7\) 2023](#) or [The Academies General Disposal and Appropriation Class Consent \(No 4\) 2023](#).

In the case of an academy trust, the Panel does not consider cases where the disposal would have met the requirements of either GCO had the GCO applied to academy trusts in the same way it applies to local authorities.

The published list of disposals of playing field land

A list of playing field land disposals considered by the Panel is published on [GOV.UK](https://www.gov.uk)

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 they 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 DfE that you are applying a GCO using the [notification form](#).

Upon receipt of a notification of a GCO, DfE will 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, DfE will acknowledge receipt of your notification by issuing an acknowledgement letter. Upon receipt of the acknowledgement letter, you can enter into the land transaction.

If the transaction does not meet the requirements of the GCO, you will need to make a full application.

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 on [Submit a school land transaction proposal](#). Choose the appropriate form for your land transaction.

Use the [Land transaction portal](#) to complete forms for disposals and acquisitions (Forms A, B and J).

Use the [Customer Help Portal](#) by selecting Education Estates' > 'Managing Buildings and Land' > 'Land Transactions for all other application forms.

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 land 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 (except applications to dispose of land which require notification under Schedule 22 only – see guidance at Part 2 (C)). In these cases, use Form C below).
C	Disposals under Schedule 22 only	Use this form for any application to dispose of land which requires notification under Schedule 22 only (see guidance at Part 2 (C)).
D	Easements	Use this form for the grant of a standalone easement over any school land.
E	Solar	Use this supplemental Form E , in addition to Form A or B, for a disposal of any school land for the purposes of the installation or retention of solar equipment. Upload it as a supplemental document through the portal with your Form A or B.

Form	Type of application	When to use
F	Telecoms	Use this supplemental Form F , in addition to Form A or B, for a disposal of any school land for the purposes of the installation or retention of telecoms equipment. Upload it as a supplemental document through the portal with your Form A or B.
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. If you are also completing a Form A or Form B as part of this application, you can upload this Form L through the portal with your Form A or B.
N	Nursery leases	Use this form instead of Form A or B for a disposal of school land for a school-based nursery.

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. If one of those applications is submitted through the Land Transaction portal, you can upload additional forms as supplemental documents through the portal.

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.

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 submitted using the [Customer Help Portal](#)

Enquiries

Any enquiries should be made via the [Customer Help Portal](#)

Please note that DfE 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 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 DfE 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 a land transaction 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 dioceses: Section 554 orders](#).



Department for Education

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