

From: **Matt Dunkley CBE, Corporate Director for Children, Young People and Education**

To: **Richard Long, Cabinet Member for Education and Skills**

Subject: **Purchase of Land South of Seal Drive in Sevenoaks**

Classification: **Unrestricted Paper**  
**Appendix A is 'Commercial in Confidence'**

Future Pathway: **Cabinet Member Decision**  
of Paper

Electoral Division: **Sevenoaks, Margaret Crabtree**

**Summary:**

This report informs the Cabinet Member of a proposal to purchase of land south of Seal Drive in Sevenoaks.

**Recommendation:**

The Cabinet Member for Education and Skills is asked to:

- Agree to fund the purchase the land south of Seal Drive in Sevenoaks for use as a playing field extension
- Authorise the Director of Infrastructure, in consultation with Cabinet Member for Education and Skills and the Deputy Leader and Cabinet Member for Finance, Corporate and Democratic Services to enter into the necessary contracts and legal agreements for the works..

## 1. Introduction

- 1.1. The Wildernesse School site was developed in 2016 for a new 4FE Trinity School and for a 3FE satellite expansion for the Weald of Kent Grammar School for girls. In 2017, Trinity school expanded to 6FE. It is proposed that a satellite of a boy's grammar school will be co-located at the site as well..
- 1.2. The playing field facilities presently at the site are shared use. While there is sufficient sports provision on site, it requires careful scheduling as the schools need to timetable appropriately to ensure their curriculums are not adversely impacted. This need for collaborative planning will only be exacerbated if the site were to be used by three separate parties. This would mean that sports areas would be in use nearly all the time during the school year.
- 1.3. A timely opportunity arose where land adjacent to the school was offered for sale by the Royal Society for Blind Children. The land measures about 9.4 acres and would support the provision of a further 2 or 3 pitches. Initial feasibility has determined that the existing gradients on the ground are not excessive and the requirement for levelling appears within acceptable parameters.
- 1.4. The land has a contiguous boundary with the playing fields of Trinity School and the satellite expansion of the Weald of Kent Grammar School.

- 1.5. KCC recently completed a consultation on the establishment of a Boys' Grammar satellite of the Tunbridge Wells Grammar School for Boys. Although the provision of 3FE of boy's selective places is not dependent on the acquisition of this land and the decision as to whether the provision will be approved is yet to be taken, the purchase and use of this land as playing fields for the existing schools on site would also be of benefit to the additional 3FE selective provision if progressed, and will result in all three provisions having access to a much greater offer for outdoor sports.

## **2. Alternative Proposals**

- 2.1. There are no options. The potential to acquire this land was an unexpected opportunity.
- 2.2. This needs to be considered as urgently as possible. It is an excellent opportunity to acquire a valuable and useful asset, that will enhance the school sports experience for more than two thousand local school students, as well as the wider local community. If this acquisition is not progressed at pace, the vendor is likely to seek alternative buyers.

## **3. Financial Implications**

### **3.1. Capital**

A study has been carried out which provides an estimate of the cost of acquisition. That amount is commercially sensitive at this time and will be met from the CYPE Basic Need Capital Budget. The amount of the funding required is in Appendix 1 which is **exempt** and **Commercial in Confidence**. However, the availability of funding through the Basic Need Programme Budget has been confirmed by the KCC s151 Officer.

The site is currently fenced and laid to meadow grass and woodland. It will require some remediation, levelling and forming. Funding for this will be sought through Community Infrastructure Levy, or if this is unsuccessful, it will be included as part of the planned re-development of existing sports facilities on the site, funded from the CYPE Capital Programme.

### **3.2. Revenue Funding:**

The maintenance of the additional sports facilities will be through the schools' budgets, facilitated by a joint agreement between all parties.

### **3.3. Assets**

The land would be Freehold as an asset to KCC. It is situated on a private residential road in a prime area on the rural fringe of Sevenoaks town.

## **4. Kent Policy Framework**

- 4.1. Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)'.

## **5. Legal Implications**

- 5.1. The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that "Children and Young People in Kent get the best start in life". Ensuring that students have sufficient access to sports is a curriculum issue and a key part of providing sufficient school places

5.2. Section 14 (2) of the Education Act 1996 states that:

*The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.*

This includes the requirement to secure sufficient sports and physical education facilities to deliver the curriculum.

5.3. Contracting would be through KCC framework building contractors.

5.4. There is a restrictive covenant on the land. Professional advice has been sought to determine whether the use of the land that KCC is proposing fits within the constraints of the covenants. Additional information is at Appendix 1, which is exempt and **Commercial in Confidence**

## 6. **Equalities implications**

6.1. An Equality Impact Assessment has been completed and identified no negative impacts. It is attached as Appendix 2

## 7. **Data Protection implications**

7.1. An impact assessment identified no adverse implications as KCC did not handle any personal data relating to this decision.

## 8. **Views**

### 8.1. **The Local Member**

Mrs Crabtree has been informed of the proposal.

## 9. **Area Education Officer:**

9.1. This purchase is an unexpected opportunity that is separate from the KCC proposal KCC that has run a consultation on a 3FE satellite expansion of Tunbridge Wells Grammar School for Boys on this site. The decision is yet to be made.

9.2. The extant provisions on site, a 3FE Weald of Kent Grammar School satellite and the 6FE Trinity School on the Wilderness site are in agreement that this purchase would be an excellent way of increasing the sports offer of both schools. Site analysis had identified that there was sufficient space for sports provision, although it was acknowledged that usage would be heavy and require coordination between the provisions on site.

9.3. KCC were notified by the Trinity School of the potential to purchase a site of approximately 9 acres, that was immediately adjacent to the eastern site boundary.

- 9.4. Site survey and feasibility studies were conducted and the conclusion was that at least two full size rugby, hockey or football pitches could be situated on the land. The land could also offer opportunities for cross country running around the perimeter, offering a total running distance of more than 1.5 km, across a challenging mix of vegetation, gradients and direction changes.
- 9.5. Other opportunities for use included Forest School Teaching. This is a specialised learning approach that sits within and complements the wider context of outdoor and woodland education. It has a holistic, sensory and structured approach and is frequently seen as being of special benefit to children with disabilities and those whose learning is challenged in other ways. The abundant, established woodland, particularly in the western edge and the central copse, provide excellent opportunities for Forest School teaching.
- 9.6. The land would also provide learning opportunities as a wildlife habitat. A feasibility study indicated that the site is a habitat, or potential habitat for many types of flora and fauna. These would be of tremendous interest to the Forest School and as study material for biology and humanities students.
- 9.7. There is also scope for additional community use. There is demand for sports facilities in Sevenoaks and the schools on the site would work together to make certain areas of the site available for hire by the local community, when and where it is appropriate, i.e. when not in use by the schools. Additional sports pitches would result in the existing facilities being not overused.
- 9.8. The history of nearby Dorton House and the care and teaching of blind and partially sighted children by the Royal Society for Blind Children is one that KCC would like to perpetuate. To this end, the schools on the site would be willing, by prior arrangement, to make available such sports or forest school facilities that might be of use to the RSBC, as part of their Health and Well-being Club programme.
- 9.9. This is a true windfall opportunity that will not appear again. I therefore support the proposal that this land is purchased for additional school and community sports facilities.

## **10. Conclusions**

- 10.1. The purchase of this land would massively enhance the sports offer for the schools that are currently on site and for any provisions that subsequently situated there.
- 10.2. The land is at a very fair market rate for a very large plot on the fringes of Sevenoaks town. Such an opportunity will not occur again and although the provisions on site are adequate for up to 12FE of secondary provision, this additional land will greatly benefit up to 2000 local students and the wider community.

## **11. Recommendations**

The Cabinet Member for Education and Skills is asked to:

- Agree to fund the purchase the land south of Seal Drive in Sevenoaks for use

as a playing field extension

- Authorise the Director of Infrastructure, in consultation with Cabinet Member for Education and Skills and the Deputy Leader and Cabinet Member for Finance, Corporate and Democratic Services to enter into the necessary contracts and legal agreements for the works.

## **12. Background Documents**

12.1. Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement 2015-2020.

<http://www.kent.gov.uk/about-thecouncil/strategies-and-policies/corporate-policies/increasing-opportunitiesimproving-outcomes>

12.2. Kent Commissioning Plan for Education Provision.

[www.kent.gov.uk/educationprovision](http://www.kent.gov.uk/educationprovision)

12.3. Equality Impact Assessment - attached as Appendix 2

## **13. Contact details**

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## Appendix 1 – COMMERCIAL IN CONFIDENCE

### The Site

The site is about 9 acres in size, with three grassed areas, a central wooded copse and surrounded on three sides by mature woodland. The covenants that apply to the land indicate that the site is actually two separate plots of land, if housing was to be the eventual use.

The land would support the provision of a further 2 or 3 sports pitches.

A vehicular access to the site exists off the A25. This access has an old iron gate and dropped kerb. Although some improvement work might be required, this gate could be used as an entry for mowing and other maintenance vehicles. It is not envisaged that this would be the main access.

There is a second access leading straight off the Wilderness site school field. This would be best used as the main pedestrian access and is accessible from the main school car park.

A third access exists off Seal Drive. Seal Drive is a private road and if this access was used, there might be the possibility of incurring road maintenance charges from the road owner. This access would likely be unnecessary and could be fenced off.

A valuation was undertaken. The value based on the heads of terms negotiated was in the region of **£600,000**.

The land was been offered for purchased under a closed bid process. KCC put in a bid offering **£600,000** and the bid was accepted by the vendor.

### Work Required

The land is currently fenced off on all four sides. The existing fencing would need to be upgraded in places to reflect safeguarding.

The eastern boundary has an access gate to the Wilderness site playing fields. There would be a requirement to improve this access to allow mowing and maintenance vehicle access to the land, and provide a pedestrian access for school and out-of-hours community use.

Initial feasibility has determined that the existing gradients on the ground are not excessive and the requirement for levelling appears within acceptable parameters.

### Estimated Project Costs

#### Capital acquisition

The land will be held as a freehold KCC asset.

Cost of land:	£600,000
SDLT:	£20,000
Legal and surveyor costs:	£4,000+VAT
<b>Total</b>	<b>£624,800</b>

## **Capital works**

Following acquisition, it is KCC's intention to secure Planning consent for the creation of formal playing pitches on the site for use by schools on the Wilderness site with provision for use by the wider community.

The costs for the works are not yet ascertained. Once known, the funding for this will be sought through the Community Infrastructure Levy, or if this is unsuccessful, it will be included as part of the planned re-development of existing sports facilities on the site, funded from the CYPE Capital Programme.

## **Revenue**

The land is fenced and is presently secure and has been held by the current owner at a nil cost for several years, therefore in its current state would have a relatively low holding cost beyond periodic grass cutting.

Once in use:

- The users will be the schools that are sited on the Wilderness site and the use will be managed by all users collaboratively to avoid clashes.
- The site will not be leased to the users, but a memorandum of understanding will be created to ensure that use is fair and equitable to all parties.
- Under the terms of the memorandum of understanding, maintenance of the sports facilities so created would be the responsibility of the users, determined equitably according to the size of the school or provision.

## **Tax / VAT**

The land has not been opted to tax and no VAT will be payable on the purchase price.

## **Legal Implications**

The land would become a Freehold KCC asset.

There is a restrictive covenant on the land pertaining to building work. The covenants may well apply to the use that KCC have envisaged and may render it difficult for a buyer to use the land in the manner KCC are proposing. KCC is seeking professional advice.

Notwithstanding the above, KCC has powers under the Local Government Act that allow the local authority to override the covenant, if necessary. KCC would likely be liable to pay compensation to affected neighbours. Professional advice has been sought to determine the level of compensation that would be properly payable to residents whose properties would then be adjacent to a playing field, rather than housing, which would appear to be the original intended use of this land

## KENT COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT

**Directorate:**

- *Children, Young People and Education*

**Name of policy, procedure, project or service**

- *Purchase of Land South of Seal Drive in Sevenoaks*

**What is being assessed?**

- *Land Purchase Project*

**Responsible Owner / Senior Officer**

- *Ian Watts, Area Education Officer – North Kent*

**Date of Initial Screening**

*8 April 2020*

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1	Ian Watts	20 04 2020	





## **Summary and recommendations of equality analysis/impact assessment.**

### **Proposal**

This EIA assesses the KCC proposal to purchase of land south of Seal Drive in Sevenoaks as a playing field extension.

### **Background**

The Wildernesse School site was developed in 2016 for a new 4FE Trinity School and for a 3FE satellite expansion for the Weald of Kent Grammar School for girls. In 2017, Trinity school expanded to 6FE. It is proposed that a boy's grammar school will be co-located at the site as well.

The playing field facilities presently at the site are shared use. While there is sufficient sports provision on site, it requires careful scheduling as the schools need to timetable appropriately to ensure their curriculums and children and young people are not adversely impacted. This need for collaborative planning will only be exacerbated if the site were to be used by three separate parties. This would mean that sports areas would be in use nearly all the time during the school year and create more challenges in providing the opportunity to make reasonable adjustments for children, young people and staff with disabilities.

A timely opportunity arose where land adjacent to the school was offered for sale by the Royal Society for Blind Children. The land measures about 9.4 acres and would support the provision of a further 2 or 3 pitches. Initial feasibility has determined that the existing gradients on the ground are not excessive and the requirement for levelling appears within acceptable parameters.

The land has a contiguous boundary with the playing fields of Trinity School and the satellite expansion of the Weald of Kent Grammar School.

KCC recently completed a consultation on the establishment of a Boys' Grammar satellite of the Tunbridge Wells Grammar School for Boys. Although the provision of 3FE of boy's selective places is not dependent on the acquisition of this land, it will result in all three provisions having access to a much greater offer for outdoor sports.

### **Summary of equality impact**

No adverse impacts have been identified at this stage.

KCC Background documents are:

Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020).

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/increasing-opportunities-improving-outcomes>

Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND Strategy)

[www.kent.gov.uk/sendstrategy](http://www.kent.gov.uk/sendstrategy)

## Screening Grid

Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what?  b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative		
<b>Age</b>	No	Medium	None		Yes. This project will have a positive impact on the families living in Sevenoaks district. It will provide additional sports capacity for secondary school aged young people and offers the potential for community use.
<b>Disability</b>	No	Medium	None		<p>Yes. The two provisions on site, are fully inclusive with accommodation being fully accessible and compliant with the Equality Act 2010.</p> <p>The sports facilities will benefit all students including those with SEN and/or disability. There is currently an all-weather pitches on the Wildernesse site and there will be 2 multi use games areas, which can be more beneficial to students with some disabilities.</p> <p>Discussion is underway to open the new facilities to the Royal Society for Blind Children for their sporting events outside of school hours, as part of their Health and Well-being Club programme.</p>
<b>Sex</b>	No	Low	None	N/A	Yes. KCC has held dialogue with the schools and identified which sports are promoted at their school. The purchase of

Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what?  b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative		
					the land would facilitate additional pitches and grassed areas which could be marked for hockey, athletics, rugby or football or several smaller training areas. The additional land would also offer opportunities for cross country running around the perimeter,
<b>Gender identity/transgender</b>	No	Low	None	N/A	Yes, all schools have an open and supportive outlook towards gender identity. Sports are for all students, regardless of gender identity.
<b>Race</b>	No	Low	None	N/A	Yes, the purchase would benefit all secondary aged children within the local community providing more options and choices for their future.
<b>Religion or belief</b>	No	Low	None	N/A	Yes, the schools all use admission criteria that will not disadvantage any faith, or people of no faith.
<b>Sexual orientation</b>	No	Low	None	N/A	N/A
<b>Pregnancy and maternity</b>	No	Low	None	N/A	A wider and more comprehensive sports offer could mean that students and staff have access to tailored physical activity during pregnancy.
<b>Marriage and</b>	N/A	N/A	N/A	N/A	N/A

Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what?  b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative		
Civil Partnerships					

## Part 1: INITIAL SCREENING

Low	Medium	High
Low relevance or insufficient information / evidence to make a judgement.	Medium relevance or insufficient information / evidence to make a Judgement.	High relevance to equality, / likely to have adverse impact on protected groups

**Proportionality** - Based on the answers in the above screening grid what weighting would you ascribe to this function – **LOW**

### Beneficiaries

- Local secondary school children and their families
- The Local Authority
- Local community and sports clubs
- The Royal Society for Blind Children

### Consultation and data

- No consultation is required.

### Information about the Schools

- Trinity School is a 6FE co-ed secondary faith school for students aged 11-19.
- Weald of Kent Grammar school provides secondary school places for girls aged 11-19. The provision on the Wilderness site is a 3FE satellite provision
- KCC is consulting on a 3FE provision for boys on the site, as a satellite for a local grammar school.

### The Community - Sevenoaks

BME	4,864	4.2%
English as an additional language	893	7.2%
Children in "Poverty"		11.8%
Children In Care (including Unaccompanied Asylum Seeking Children)		1.6%
Number of school age children	12,323	
Free school meals	1,129	9.2%
Primary SEN Need	1,669	13.5%
SEN - No statement	1,106	9.0%
SEN - Statement	563	4.6%
Autistic Spectrum Disorder	305	18.3%
Hearing Impairment	7	0.4%
Moderate Learning Difficulties	182	10.9%
Multi Sensory Impairment	6	0.4%
SEN Support	73	4.4%
Other	49	2.9%
Physical Disability	150	9.0%
Profound & Multiple Learning Difficulties	66	4.0%
Social, Emotional & Mental Health	233	14.0%

Speech, Language & Communication Needs	313	18.8%
Severe Learning Difficulties	63	3.8%
Specific Learning Difficulties	199	11.9%
Visual Impairment	12	0.7%

For more detail on the community, visit:

<http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/area-profiles>

## Potential Impact

### Adverse Impact:

No adverse impacts have been identified at this stage.

### Positive Impact:

The main positive impacts identified is the increase in the sporting facilities for the needs of students with disabilities and/or SEN, boys and girls, with and without faith-based backgrounds.

## JUDGEMENT

Option 1 – Screening Sufficient YES/NO

Option 2 – Internal Action Required YES/NO

Option 3 – Full Impact Assessment YES/NO

## Equality and Diversity Team Comments

## Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

### Senior Officer

Signed: Name: Ian Watts

Job Title: AEO North Kent Date:

### DMT Member

Signed: Name: David Adams

Job Title: Interim Director Education Date:

### Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications