CABINET

Acquisition of former WH Shaw Pallet Works, Huddersfield Road, Diggle for replacement Saddleworth School [Saddleworth North]

Report of Portfolio Holder: Cllr Amanda Chadderton, Cabinet Member for Education and Safeguarding

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Reason for Decision

The purpose of the report is to seek approval for the Council to acquire a legal option in respect to an alternative area of land within the former WH Shaw Pallet Works site. This would ensure that, following completion of the Education Funding Agency’s ongoing feasibility work, any site identified as being the most suitable for the development of a replacement Saddleworth School, can be delivered by the Council.

Recommendations

It is recommended that the Council note the contents of the report. A further report outlining the financial transactions of proceeding with the scheme is detailed in a separate report which would be considered under Part B.
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1 Background

1.1 On 15 April 2014, the Council entered into a conditional contract (that is conditional upon the Council serving notice on the other that the Council wishes to proceed to completion) (“Contract”) to acquire a portion of the former WH Shaw Pallet Works site in Diggle (see Appendix One). This Contract responded to the request from the Education Funding Agency (EFA) to acquire this area of the site following the production of a ‘Control Option’ showing how a replacement Saddleworth School could be developed on the land (see Appendix Three).

1.2 Following exchange of this Contract and the subsequent completion of a letter in accordance with S.151 of the Local Government Act 1972 – which confirmed that the Council had the commitment and funding in place to carry out a range of accommodation works in support of the proposed School development – the EFA continued to progress their feasibility with a view to obtaining final sign off.

2 Current Position

2.1 In recent weeks, the Council have been contacted by the EFA to ascertain whether or not it would be possible to obtain a legal option (or replacement conditional contract) to acquire a slightly different portion of the former WH Shaw Pallet Works. This area is situated to the rear of the subject site and is shown in Appendix Two.

2.2 In the event that the Council were able to obtain a legal option/conditional contract in respect to this area of land, the EFA confirmed that they would be able to progress and complete the feasibility, having looked at four site options.

2.3 In order to deliver certainty over all of the sites being reviewed by the EFA, officers have approached the landowner – WRT Developments – to ascertain whether or not they would be prepared to sell the ‘backland’ to the Council in lieu of the frontage plots. Following a positive response from the landowner, officers have provisionally agreed the heads of terms.

3 Options/Alternatives

3.1 There are a range of options available to the Council and these can be summarised as follows;

- Do Nothing
- Progress the Current Option
- Proceed to Acquire an Option to Acquire the Backland
4  **Preferred Option**

4.1 It is considered preferable for the Council to proceed to obtain an option via a replacement conditional Contract in respect to the back land at the former WH Shaw Pallet Works. In acquiring such an option, this does not legally tie or bind the Council into acquiring the site – it would merely give the Authority the ability to acquire the subject area of land should the EFA’s feasibility confirm this area as the most suitable site for a replacement Saddleworth School.

5  **Consultation**

5.1 None.

6  **Financial Implications**

6.1 The full financial implications are discussed in a closed report that would be considered in Part B of the meeting.

7  **Legal Services Comments**

7.1 The full legal implications are discussed in a closed report that would be considered in Part B of the meeting.

8  **Co-operative Agenda**

8.1 The Council are seeking to work co-operatively with the School and the EFA who are administering the Priority Schools Building Programme on behalf of the Government.

9  **IT Implications**

9.1 None.

10  **Property Implications**

10.1 The full property implications are discussed in a closed report that would be considered in Part B of the meeting.

11  **Environmental and Health & Safety Implications**

11.1 None.

12  **Equality, community cohesion and crime implications**

12.1 None.

13  **Equality Impact Assessment Completed?**

13.1 No.
14 Key Decision

14.1 Yes.

15 Key Decision Reference

15.1 The report has not been included on the Key Decision Document and is to be considered as urgent business, in order to support the EFA and have legal certainty of the ‘backland’ at Diggle, the Council need to have completed all legal documents by mid-August 2014. This would allow the EFA to complete their feasibility by early September 2014 as planned.

The report will be considered under Rule 17 of the Council’s Constitution whereby an agreement has been obtained from the Chair of the Overview and Scrutiny Board. Where Rule 17 applies the decision is exempt from call-in.

16 Background Papers

16.1 None.

17 Appendices

17.1 Appendix One – Frontage plot at Diggle
Appendix Two – Backland at Diggle
Appendix Three – Original Control Option for frontage at Diggle