

**Report to CABINET**

**Approval of Heads of Terms for a lease agreement with the SofS and free school trust for the former North Chadderton Lower School site, Oldham, OL9 0JY (Asset L00183)**

**Portfolio Holder:**

Cllr Arooj Shah, Leader and Cabinet Member for Economic and Social Reform; Cllr Shaid Mushtaq (Cabinet Member of Education and Skills);

**Officer Contact:**

Emma Barton, Director of Economy

**Report Author:** Andrew Hall, Principal Regeneration Officer

Ext. 3456

**13 December 2021**

---

---

**Reason for Decision**

The purpose of the report is to seek approval to the Heads of Terms attached to this report, which will trigger the Department for Education (DfE) to undertake feasibility and site investigations on the above site.

**Recommendations**

It is recommended that the Council proceed;

- To delegate final authority to the Director of Economy to enter into an agreement with the DfE for the long-lease of the asset.
- Authorise the Director of Legal Services or his nominated representative to sign and/or affix the Common Seal of the Council to any documents required to give effect to these recommendations.

---

**Approval of Heads of Terms for a lease agreement with the SofS and free school trust for the former North Chadderton Lower School site, Oldham, OL9 0JY, Asset L00183****1 Background**

- 1.1 The asset comprises the site of the former North Chadderton Lower School; together with an adjoining area of landscaped land. The site can be accessed off junction 21 of the M60 and is located fronting Broadway; close to the A627M. The facilities formerly provided by the school have been replaced on the North Chadderton Upper School site, and consequently the lower school site is cleared and surplus to the Council's requirements.
- 1.2 The site is surrounded by Chadderton Cemetery to the west; areas of open space to the north and south, and the fire station to the east; across Broadway. In 2017, the Council, in accordance with statutory procedures, advertised its intention to dispose of the public open space at the south of the school site (formerly asset L00701 and now incorporated within L00183). One objection was received from the Ramblers Association, but formal Council approval was given for the disposal of the whole site in November 2017.
- 1.3 Since then, the site has been considered for the development of a new primary school for Chadderton. The Council received confirmation on the 5th February 2021, that the Secretary of State for Education (SofS), had decided that the application made for 'Chadderton Primary Academy: Mainstream, non-faith mixed primary school with nursery provision in Oldham' at this site should proceed to the next stage of the process, the pre-opening phase. It is proposed that this land will be the permanent site for a new free school, Chadderton Primary Academy.

**2 Current Position**

- 2.1 The Heads of Terms (See Appendix 1) for the new school site have been provisionally agreed and now need to be approved. They are between the Council, The Harmony Trust Ltd and the Secretary of State for Education.
- 2.2 In approving the Heads of Terms Oldham Borough Council agree to enter into an Agreement for Lease with the SofS. Oldham will grant a 125 year peppercorn lease of the school site to the free school trust or other party (at the direction of the SofS) on satisfaction of the conditions precedent set out in para 19 of the heads of terms.
- 2.3 The lease will be granted before the main construction works begin. The intention is that the SofS will procure the construction works on the site. Following completion of these works, the free school trust will occupy and operate its school from this site in accordance with the terms of the lease.

**3 Options/Alternatives**

- 3.1 Option 1 - The Council could choose to do nothing and not approve the Heads of Terms. The Council would not benefit from a new primary school to be paid for by the DfE. The Council would need to pay for a new school to be able to accommodate the primary school places.

---

3.2 Option 2 - Approve the Heads of Terms. This option will provide the borough with a new primary school, paid for by the DfE, and meet the need for additional school places.

4 **Preferred Option**

4.1 Option 2 - Approve the Heads of Terms. This option will provide the borough with a new primary school, paid for by the DfE, and meet the need for additional school places. Given. The detailed heads of terms are set out in Appendix One.

5 **Consultation**

5.1 None.

6 **Financial Implications**

6.1 As set out in Part B of this report.

6.2 As set out in Part B of this report.

7 **Legal Services Comments**

7.1 As set out in Part B of this report

8. **Co-operative Agenda**

8.1 The Council are seeking to work co-operatively with the Harmony Trust for a new free school, Chadderton Primary Academy. The school will help to satisfy the demand for primary school places within the Borough.

9 **Education and Early Years Comments**

9.1 The SCAP survey submitted to the Department of Education this Summer suggests that demand will outweigh the number of places in the Chadderton area by the time the 2024 Reception cohort is in Year 1. We feel the forecasts strengthen the need for more provision in the area both to support the LA's statutory duties around school places but to also provide more choice and local schooling for families in the area. The LA's preferred option for the new school is a 1FE primary with resourced provision alongside that. This will help support other local schools sustainability whilst also increasing provision for local SEND pupils. The school should be built in a way to allow easy expansion in the future should additional demand be created by further housing

9.2 In addition, failure to secure a new school in Wave 14 will mean that the only option available to the Local Authority would be to seek to open a new primary school via the 'academy presumption' route. This would incur significant costs (around £12Million) for which there would be insufficient basic needs funding. The 'academy presumption' route also requires the LA to 'front fund' the school which would bring additional financial pressures to the DSG (Dedicated School Grant).

[Andy Collinge, Head of Education Support Services]

10 **Property Implications**

- 
- 10.1 Contained within this report (Andrew Hall)
- 11 **Procurement Implications**
- 11.1 There appear no direct procurement matters – the Department for Education (DfE) will undertake feasibility and site investigations. Any works will be procured by a separate entity.
- 12 **Risk Assessments**
- 12.1 N/A
- 13 **Environmental and Health & Safety Implications**
- 13.1 None.
- 14 **Equality, community cohesion and crime implications**
- 14.1 If implemented, the proposals would seek to deliver a new primary academy school in Chadderton, whilst also increasing provision for local SEND pupils.
- 15 **Equality Impact Assessment Completed?**
- 15.1 No.
- 16 **Key Decision**
- 16.1 Yes
- 17 **Key Decision Reference**
- 17.1 ESR-07-21.
- 18 **Background Papers**
- 18.1 None.
- 19 **Appendices**
- 19.1 Appendix One – Heads of terms.  
As set out in Part B of this report