

North Yorkshire Council

EXECUTIVE

18 FEBRUARY 2025

Transfer of part of former Lower Graham School site to the Coast and Vale Learning Trust by way of a standard Academy lease

Report of the Corporate Director - Resources

1.0 PURPOSE OF REPORT

- 1.1 To approve the grant of a standard academy lease over the part of the property as shown highlighted in pink on Plan 1 to the Coast and Vale Learning Trust, or a successor Trust. This is the first step to secure investment from the Department for Education for a new school to replace the current Scalby Secondary School.
- 1.2 To accept the surrender of the current academy lease that operates at Scalby School once the proposed new school is operational.

2.0 BACKGROUND

- 2.1 The Council owns the former Lower Graham School site, Lady Edith's Drive, Scarborough (the Site). The Site extends to approximately 7.01 hectares (17.32 acres) in total and is located towards the western edge of Scarborough bordered by residential properties to the north and Scarborough Hospital to the south-east.
- 2.2 In September 2017 the site was handed back to NYC's Property Service as a non-operational property following the consolidation of the services run by this school onto the adjoining secondary school site, known as Graham School.
- 2.3 The site remains predominantly non-operational since the closure, but part is now occupied by Springhead Sixth Form. The recommendations contained within this report do not affect those parts of the site that Springhead Sixth Form occupy.
- 2.4 Consideration has been given to potential alternative uses for the site, but it has now been determined that the Council has no immediate proposals for its use and that the part of the site extending to 5.74 hectares (14.19 acres) site, as shown on Plan 1, can be disposed of, with the remaining land being retained for Springhead Sixth Form as per paragraph 2.3.
- 2.5 Scalby School is based approximately 1.1km (0.7 miles) north of the site and is shown on Plan 2 and Plan 3. The school is in a residential area and has a detached playing field. In total Scalby School and playing field extends to 6.98 hectares (17.25 acres).
- 2.6 This school is currently leased to the Coast and Vale Learning Trust on a 125 year standard academy lease from August 2016. The identification of RAAC (Reinforced Autoclaved Aerated Concrete) having been used in the construction of the existing Scalby School building has resulted in the effective decommissioning of most of the building during the summer of 2023.

- 2.7 The school is currently operating on its site at Fieldstead Crescent in a mix of the current building alongside temporary classroom units and will continue to do so until a rebuild and/or relocation has been taken place.
- 2.8 The Department for Education (DfE) have undertaken to rebuild Scalby School as a project in the National School Rebuilding Programme. The rebuilding of the school at the existing site whilst the school remains operational would be extremely complex and therefore the DfE has sought to identify potential alternative permanent sites for the relocation of the school.
- 2.9 Once the proposed permanent new school has been rebuilt on the site provided by the Council, the current Scalby School will be decommissioned and will revert back to the Council by way of a surrender of the existing Academy lease.

3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 3.1 The proposal is effectively to carry out a permanent site swap with the Coast and Vale Learning Trust. NYC will provide the replacement school site to enable the re-building of Scalby School in a more cost effective and practical way. Upon completion the site of the former Scalby School will revert back to NYC.
- 3.2 The proposal will deliver the following:
- 3.2.1 A site for a new purpose built modern school to replace Scalby School
- 3.2.2 Significant investment from the DfE in North Yorkshire education subject to feasibility study.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 The proposals contained within this report would contribute to the Council's priority to ensure sufficient school places in the right locations of the right quality.
- 4.2 The proposed disposal of the former Lower Graham School site to the Coast and Vale Learning Trust will facilitate the development of a new, purpose built secondary school by the DfE to meet the requirements of Scalby School.
- 4.3 In addition, the Children and Young People's Service (CYPS) has identified a requirement for additional space to be provided to accommodate the sixth form provision of Springhead School, Scarborough. The proposals contained in this report would enable that provision to remain within its current temporary accommodation on a permanent basis.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Given the Sites previous educational use, it is of an appropriate size in a suitable location to deliver a replacement secondary school. Re-development within the existing Scalby School boundary is not a viable option due to the constrained nature of the school.
- 5.2 No other options have been identified in this part of North Yorkshire and within the Council's property portfolio to meet this need.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The site will be made available to the Coast and Vale Learning Trust by way of a standard academy lease. The lease will be for 125 years and at a peppercorn rent.

- 6.2 The proposed lease will only be entered into in the event that there is certainty that the new school will be delivered. In addition, the proposed lease is conditional on being granted Secretary of State consent for the disposal of the current Scalby School site. Further details on this point are included in Section 7 of this report.
- 6.3 By transferring this site to the DfE, North Yorkshire will benefit from significant direct investment from the DfE for the delivery of this new school.
- 6.4 Once the transfer of the site has taken place the Council will benefit from annual revenue savings associated with managing the site as a vacant property.
- 6.5 No financial consideration will change hands between the parties for the new academy lease or for the surrender of the existing lease.

7.0 LEGAL IMPLICATIONS

- 7.1 Local authority land is leased to an academy trust on a 125 year lease for a peppercorn rent. Although the requirement for a 125 year lease is not contained in statute it is the Department of Education's expectation.
- 7.2 This arrangement must also comply with the Local Government Act 1972 and specifically section 123(2) which mandates that a council must not dispose of land for a consideration less than the best that can be reasonably obtained, except with the consent of the Secretary of State. Under the various Education Acts, local authorities require the consent of the Secretary of State to dispose of any interest in land.
- 7.3 Disposal or appropriation of land (including buildings) used for any school (including any academy) in the last eight years requires Secretary of State consent. This is a requirement under Schedule 1 of the Academies Act 2010. As the site the Council is making available has been non operational since September 2017, it is approaching eight years since it has been in educational use and as such the Council will shortly no longer need to seek Secretary of State consent for its disposal. Making the Lower Graham site available is conditional on the Secretary of State granting an appropriate consent to dispose and change of use of the Scalby School site in due course.
- 7.4 Similarly the proposed transaction is conditional on the Council being put in an equivalent position in relation to section 77 of the School Standards and Framework Act 1998 whereby if a school playing field has not been used as part of a maintained school for a period of 10 years no consents to dispose of that land are required. In this regard the site being made available would have a further two years remaining from now before the 10 year period expires. The Council is seeking an appropriate consent to dispose and change of use when Scalby School reverts.
- 7.5 The conditions outlined in paragraphs 7.2 and 7.3 are non-negotiable for the Council and an application will be submitted for the consent to dispose and consent for change of use of the site in the coming weeks. Obtaining both consents in advance ensures the Council has flexibility of use of the site in future.
- 7.6 It should be noted that the Secretary of State has the power to force a transfer of the land that has been wholly or mainly used as a school by making a scheme under the Academies Act 2010, but this must be done within the 8 year period from when the land was no longer used wholly or mainly for the purposes of a school.
- 7.7 It should be noted that there are currently no plans in place for the redeployment of the Scalby School site once it reverts to the Council. Any decisions in relation to the future use of the

site will be subject to further decisions in line with the Council's Redeployment process at the time.

8.0 EQUALITIES IMPLICATIONS

8.1 The proposal will ultimately improve the provision of education to young people where there is a need to address the known RAAC issues at the existing Scalby School site.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 The matters subject to this decision, being a land transfer, do not give rise to Climate Change implications.

9.2 The re-development of the site by the DfE may give rise to climate change implications, however, this will be assessed through the Planning process and addressed in accordance with the Planning policy that is in place.

10.0 REASONS FOR RECOMMENDATIONS

10.1 The Proposed Transaction should proceed as detailed in the report to enable the Council to improve the provision of education to pupils at Scalby School and to attract significant investment from the DfE in Education provision for North Yorkshire.

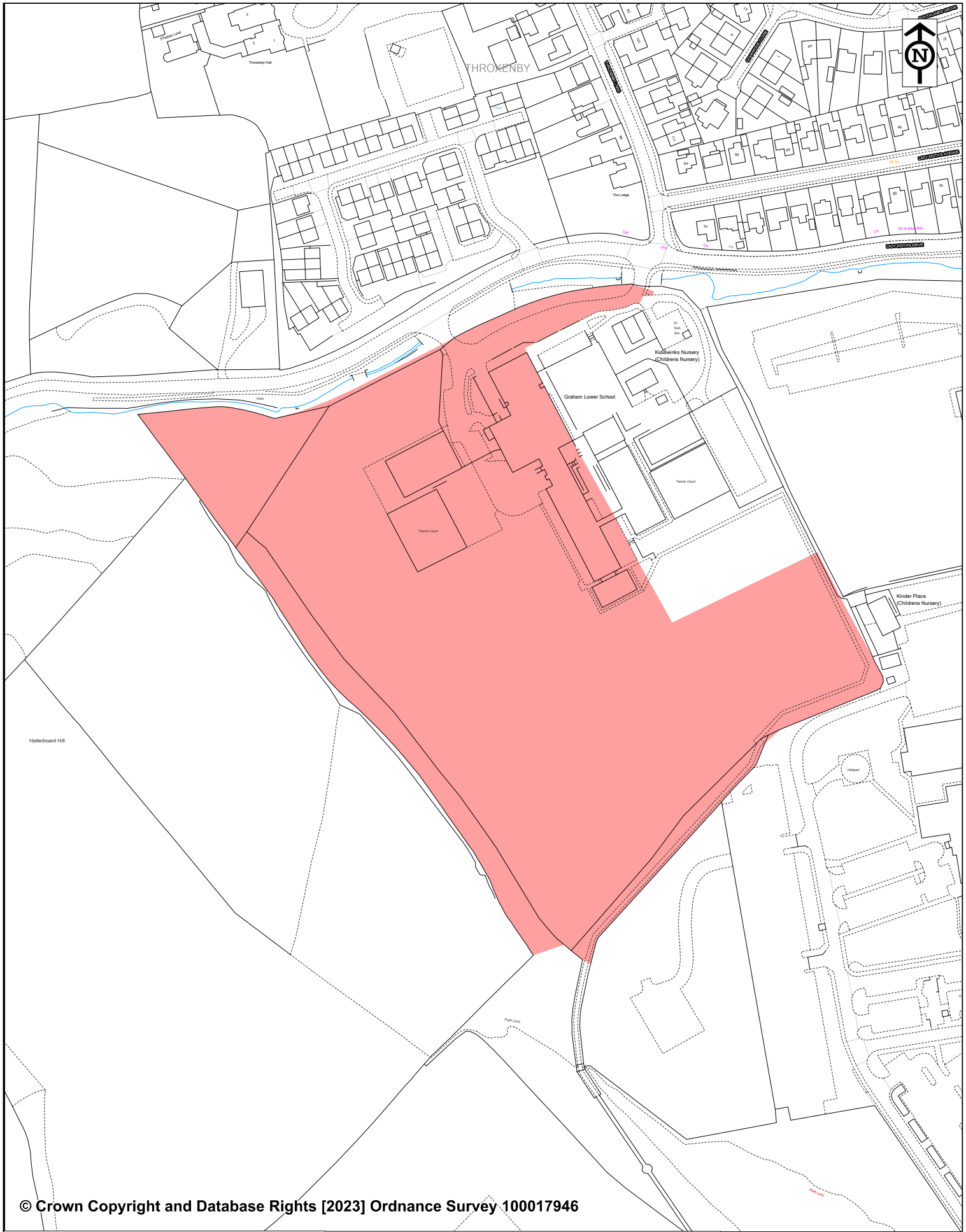
11.0 RECOMMENDATION

- i) That the proposed grant of a standard academy lease of the site to the Coast and Vale Learning Trust, or a successor Trust, is approved and the surrender of the current lease over Scalby School site is accepted by the Executive on Terms to be agreed by the Corporate Director - Resources.

Gary Fielding
Corporate Director – Resources
County Hall
Northallerton
30th January 2025

Report Author – Philip Cowan
Presenter of Report – Philip Cowan

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

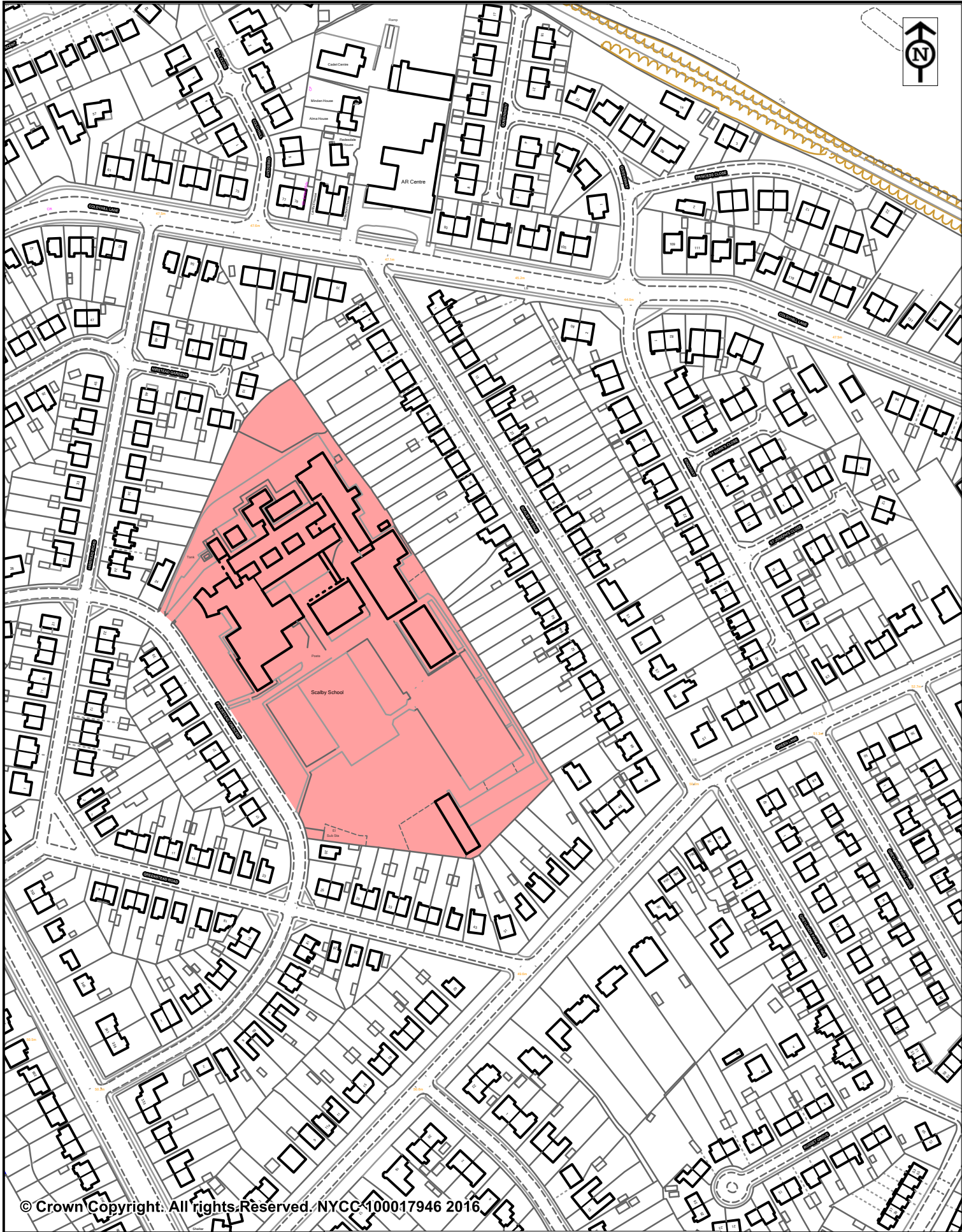


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Former Raincliffe School Site
 Area shaded pink - 57,424sqm or 14.19acres

Scale: 1:2500
 Drawn: DD
 Date: January 2025
 Dwg No: 9481
 OS Grid: 501554 488606



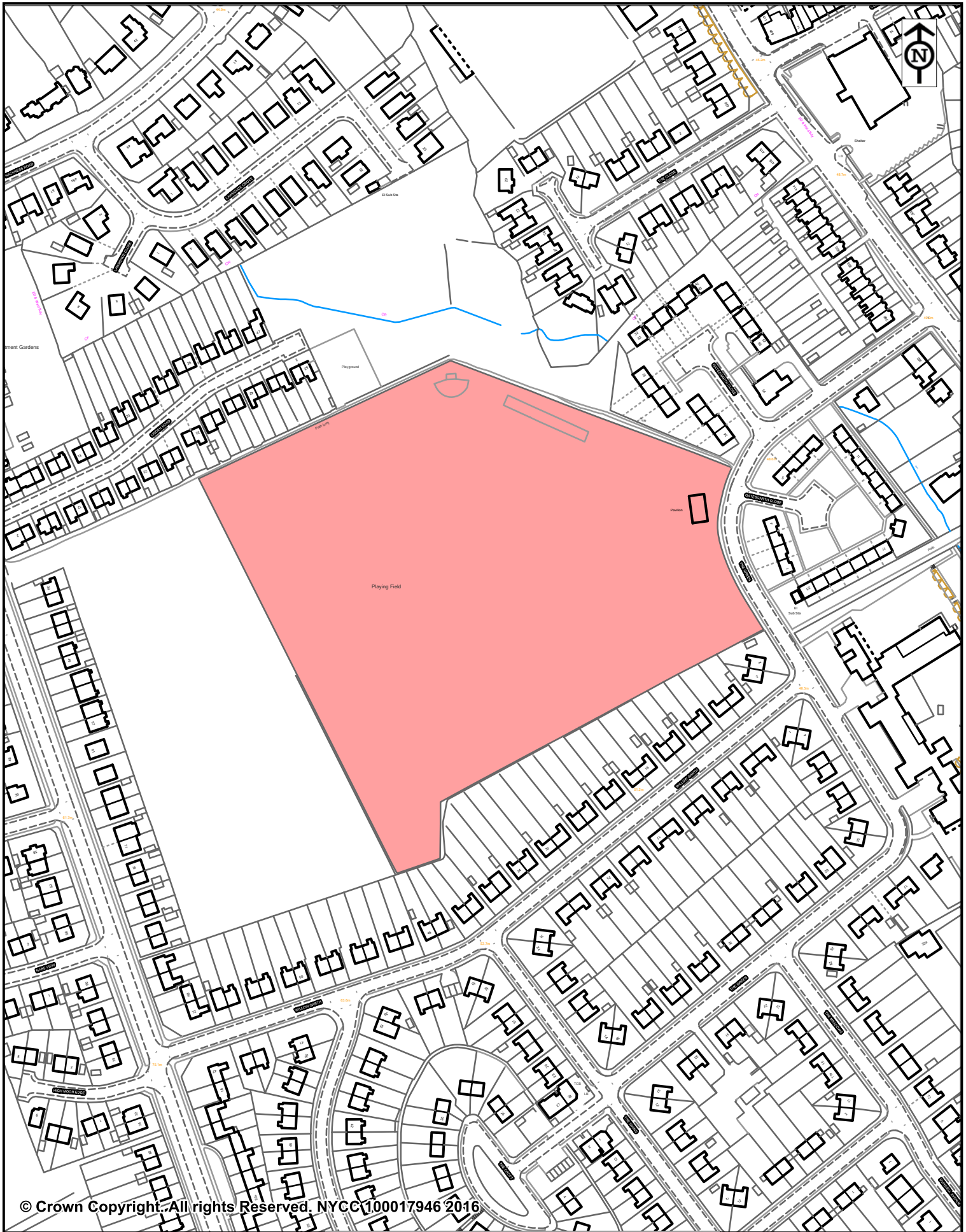
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North Yorkshire
County Council

Scalby School - NYCC to Academy Trust
Area highlighted in pink = 2.67hectares

Scale: 1:2500
Drawn: KA
Date: 15/03/2016
Dwg No: 6624
OS Grid: 501943 489804



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Scalby School - NYCC to Academy Trust
 Area highlighted in pink = 4.31 hectares

Scale: 1:2500
 Drawn: KA
 Date: 15/03/2016
 Dwg No: 6625
 OS Grid: 501474 489625