
Parsons Down Land Appropriation

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	16 March 2021
Portfolio Member:	Councillor Ross Mackinnon
Report Author:	Neil Obbard – Education Development Officer
Forward Plan Ref:	ID3988

1 Purpose of the Report

To seek approval to appropriate a section of the Council's land (Transport and Countryside) in order to facilitate the rationalisation of the Parsons Down Junior and Infant Schools on Lower Way in Thatcham.

2 Recommendations

The Council resolves

- 2.1 To authorise the appropriation of a section of Open Space land (currently under the control of Transport Countryside) in order to enable the Parsons Down Rationalisation Project to utilise this area for the use of foundation stage play area, under the provision of section 122 of the local government Act 1972 to enable the council to override third parties rights and easements.
- 2.2 That in doing so the Council has considered the provisions of the Equality Act 2010 and Human Rights Act 1998, so far as they might be applicable in deciding whether or not to authorise the appropriation, and with regard to Article 1 of Protocol 1 Part II of Schedule 1 of the Human Rights Act 1998, it is considered that in balancing the rights of the individuals who may be affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference of individual rights is justified in the interests of rationalisation of the Parsons Down Schools.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	It is not believed that this land appropriation will involve compensation. Powers of appropriation allow the council to extinguish rights of way, covenants and other 3rd party benefits but subject to compensation where the owners of those rights are known. In the case of this appropriation there is a restrictive

Parsons Down Land Appropriation

	covenant on the land not to build any structure on the land. The land is to be used as public open space. However this would be extinguished if appropriated.			
Human Resource:	None			
Legal:	None			
Risk Management:	The potential risk in the refusal of the appropriation of the land. The early years secure external area (an area for the purposes of delivering the curriculum) would have to be re-sited to another location compromising the design of the school which would delay the project and increase the financial pressure on the schools budgets			
Property:	N/A			
Policy:	N/A			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				None
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				None

Environmental Impact:				None
Health Impact:				None.
ICT Impact:				None
Digital Services Impact:				None.
Council Strategy Priorities:				<p>“Support everyone to reach their full potential and support everyone on their learning journey to achieve their best” and “by providing good accommodation that meets the needs of schools, we give them the opportunity to focus on improving outcomes and attainment for all children and young people”. By providing this strip of land it is providing the Parsons Down Partnership of schools the best location for their reception and infant play area. This will assist the schools staff team to function effectively and effectively, providing them the opportunity to deliver high quality education.</p> <p>“Making West Berkshire a great place” – By providing a rationalised site for the partnership this will provide purpose built accommodation designed for the needs of the schools. This in turn provides the schools team the opportunity to work and focus on delivering high quality levels of education to the pupils of the schools within West Berkshire.</p>
Core Business:				None
Data Impact:				None

Consultation and Engagement:	<p>Shiraz Sheikh - Legal Services Manager Governance & Environment</p> <p>Michelle Sherman - Chartered Legal Executive – Governance & Environment</p> <p>Paul Hendry – Countryside Manager</p>
-------------------------------------	--

4 Executive Summary

- 4.1 This report seeks the approval of the Councillor Ross Mackinnon to authorise the appropriation of land controlled by the Council (Countryside) as Open Space on Lower Way Thatcham (appendix C).
- 4.2 To assist with the rationalisation capital project of the Parsons Down Junior and Infant school site to enable the school to function efficiently and effectively as single form of entry primary schools.
- 4.3 If the section of land is appropriated then this will allow the school to locate the foundation play secure external area in a logical and clear position which will be of benefit to the partnership of schools and pupils.

5 Supporting Information

Introduction

- 5.1 This report seeks the approval of the council to authorise the appropriation of land owned by the Council (Highways and Countryside) as Open Space on Lower Way Thatcham to facilitate the development on the existing Parson Down Partnership Schools site.

Background.

- 5.2 The Parsons Down Partnership is made up of two schools. An Infant school and a Junior school on the same geographical site. The site was originally designed as a 3FE (Form Entry) site with a pupil capacity of 630 pupils. Currently the schools are operating as a 2FE site the pupil capacity of 420. Due to the changing demographics of the local area and falling pupil numbers across Thatcham the rationalisation projects aim is to reduce the schools size further to 1FE but to ensure the external space of the school can accommodate a 2FE school for potential future growth. The financial burden of continuing to operate two separate school sites with buildings capable of intake of 3FE will continue to have a significant impact on the schools desire to deliver outstanding quality educational needs to mainstream infant/ primary school aged pupils in the local area.

- 5.3 A feasibility study for the project (appendix B) has been produced with consultation with the stakeholders, to evaluate the best method of combining the two schools within the partnership to allow the schools to reduce in size from 2FE to 1FE. This will allow the partnership to operate in a financially efficient manner enabling the partnership to move out of deficit budget and providing the schools more opportunity to positively develop with improved facilities and reduced maintenance burdens. The external space of the schools will be kept at a 2FE size to allow potential future expansion. Providing the schools with a logical and practical flow has been a key design element and this includes the location of the classrooms. With the reception and infant classrooms situated to the south of the remaining junior school building it is logical to keep the associated secure outdoor area as close to this location as possible. This is the reason for the request of the appropriated strip of land. The strip of land will provide the space needed, in the right location for the younger class groups to access this area with ease without having to travel further than required.

Proposal.

- 5.4 The proposal is that the strip of land is appropriated to education to enable the Foundation Stage secure external area to be located close to the Foundation Stage classrooms

6 Other options considered

- 6.1 The other option to appropriating the land is to locate the early years play area to the western corner of the current junior school building. As the Foundation Stage curriculum takes place both inside and outside and thus direct access to a secure area is required to enable a “free flow” between classroom and external area.

7 Conclusion

- 7.1 The appropriation of the strip of land will provide a significant benefit to the school. It will allow the school to operate in a logical orderly way and support the school team to assist in providing high quality education for its pupils. Other options would compromise the Foundation Stage teaching and learning or increase cost due to increased remodelling works.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – 6004-F-01 Rev D – Feasibility Report
- 8.3 Appendix C – 6004-P-116 Proposed Site Plan
- 8.4 Appendix D – 6004-W-140A - Proposed Site Plan – Foundation External Area

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☐

Delays in implementation could have serious financial implications for the Council ☒

Delays in implementation could compromise the Council's position ☒

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected:

Thatcham West

Officer details:

Name: Mr Neil Obbard
Job Title: Education Development Officer
Tel No: 01635 519306
E-mail: neil.obbard@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	To permit the appropriation of a strip of land from Highways open space to Education
Summary of relevant legislation:	Section 122 of the local government Act 1972
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of Budget Holder:	Mark Lewis
Name of Service/Directorate:	Education
Name of assessor:	Neil Obbard
Date of assessment:	05/11/2020
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New or proposed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?

Parsons Down Land Appropriation

Aims:	To appropriate a strip of land on the southern Boundary of the Parsons Down Partnership of Schools to provide an area for Foundation Stage external area.
Objectives:	To gain approval to appropriate the land.
Outcomes:	To provide a necessary secure external area for the foundation stage.
Benefits:	It will provide a secure external foundation stage area. As the Foundation Stage curriculum takes place both inside and outside and thus direct access to a secure area is required to enable a “free flow” between classroom and external area.

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)

Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments:		

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

Yes ☐ No ☒

N/A

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
N/A	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Neil Obbard

Date: 30/11/2020

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Appendix B

6004-F-01 Rev D – Feasibility Report

Attached

Appendix C

6004-P-116 Proposed Site Plan

Attached

Appendix D

6004-W-140A - Proposed Site Plan - Foundation External Area

Attached