

REPORT TO: Executive Board

DATE: 5 September 2013

REPORTING OFFICER: Strategic Director – Children & Enterprise

PORTFOLIO: Children, Young People and Families

SUBJECT: Consideration of the outcome of the Section 77 consultation on the proposal to change the use of Fairfield High School Playing field (Peel House Lane)

WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 This report provides a summary of the outcome of the Section 77 consultation on the proposal to change the use of Fairfield High School Playing field (Peel House Lane) to cemetery and residential development. It also seeks permission to submit a Section 77 application.

2.0 RECOMMENDED: That Executive Board

- 1) considers the response to the consultation; and
- 2) gives approval to submit a Section 77 application to change the use of Fairfield High School Playing Field (Peel House Lane) to cemetery and residential development.

3.0 SUPPORTING INFORMATION

3.1 On 28th March 2013 Executive Board considered a report on the Peel House Lane Site and recommended its future use for cemetery and housing development. The report advised that permission would need to be sought to change the use of the playing fields and that a Section 77 application would need to be completed and submitted for consideration by the Secretary of State. Prior to the submission of the application a six weeks public consultation had to be undertaken.

3.2 The Section 77 guidance advises that the Secretary of State has a general presumption against the need to change the current pattern of school playing field provision by disposal or change of use. Consideration will be given to what is best for pupil's education and their wider school life. In reaching a decision the Secretary of State will consider the information provided by the Local Authority, any objections along with the views of the advisory panel and department official.

3.3 It is anticipated that the receipts from the sale of the land would pay for the creation of the cemetery, removal of the existing buildings, highways infrastructure and provided enhanced educational facilities at Fairfield Infant and Junior Schools.

4.0 CONSULTATION

4.1 In line with the Section 77 Guidance a letter outlining the proposed change of use was sent to the following people along with a copy of the notice (See Appendix A and B):

- Staff, Governors and Parents at Wade Deacon High School;
- Headteacher and Governing Bodies of Fairfield Infant and Junior School;
- Authorised users of the field; and
- Houses in close vicinity of the playing field.

4.2 In addition, the notice was placed in the local newspaper and on the Halton Borough Council Website. The notice was also displayed in the following public places:

- School gates;
- Children Centres;
- Community Centres;
- Health centre and pharmacy next to the site;
- Libraries; and
- Direct Link

4.3 The consultation commenced on 5th June for a six week period closing on 17th July 2013. Anyone wishing to respond to the consultation was advised to put their comments in writing by either e-mail or letter to Mark Reaney, Operational Director Legal and Democratic Services.

4.4 Four responses were received to the consultation. A response was received from the Headteacher of Fairfield Infant and Junior schools supporting the proposal. One response had no objection to the development of a cemetery but was concerned at the plan to build more housing. Another respondent suggested building more flats instead of a cemetery and the fourth respondent raised her concerns about not directly receiving notification of the proposal. This respondent did not oppose the development but wanted assurances about drainage systems and speeding traffic. Appendix C provides the details of the responses received to the consultation.

4.5 The Section 77 application has now been completed and is attached at Appendix D. Approval is now sought from Executive Board to submit the application to the Secretary of State for consideration.

5.0 **POLICY IMPLICATIONS**

5.1 None

6.0 **FINANCIAL IMPLICATIONS**

6.1 There is no identified Council budget for a new cemetery. It is proposed that capital is to be generated for the Cemetery development, and associated works, including the removal of existing buildings, via a residential development on the fronting Peelhouse Lane land. A cemetery development to provide capacity for 50 years would release 11.35 acres for residential development.

6.2 The land would be placed on the open market for sale in accordance with standing orders. It is anticipated that the receipts from the sale of the land would pay for the creation of the cemetery, removal of existing buildings, highways infrastructure and associated works and provide an enhanced educational facility at Fairfield Infants and Juniors and improve the vehicle access arrangements to the Fairfield Infants and Junior Schools.

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children and young people**

Proceeds from the sale of the site will be used to invest in enhanced educational facilities at the Fairfield Infant and Junior School site.

7.2 **Employment, Learning and Skills in Halton**

N/A

7.3 **A Healthy Halton**

N/A

7.4 **A Safer Halton**

N/A

7.5 **Halton's Urban Renewal**

The reallocation of the Fairfield High site for cemetery and residential will

allow the wider Halton Borough Council aims to be achieved.

8.0 EQUALITY AND DIVERSITY

8.1 Consideration to access issues is given in all building projects.

9.0 REASON(S) FOR DECISION

9.1 To allow use of the Council's land to generate capital receipts needed to bring forward the Cemetery and Fairfield Infants and Juniors site.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 Alternative solutions would be to look at other uses for the land. However, a 50 year capacity cemetery is required and there are few other location options. In addition the housing solution would provide the funds to undertake the work and any surplus could be used to contribute to the Fairfield Infant and Fairfield Junior schools project. To not use the surplus land for housing would require additional funds to be made available to undertake the works needed at the cemetery and nothing would be left for the Schools.

11.0 IMPLEMENTATION DATE

11.1 The Section 77 application will be sent to the Secretary of State on 6th September 2013.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Executive Board Report – Peel House Lane – 28 th March 2013	Halton Borough Council Website	Ann McIntyre – Operational Director – Rutland House, Runcorn