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THE CABINET

**Wednesday, 11th March, 2015 at 8.15 pm in the Conference Room,
Civic Centre, Silver Street, Enfield, EN1 3XA**

AGENDA – PART 1 TO FOLLOW PAPERS

Please find attached the following report which was marked as “to follow” on the previously circulated agenda for the above meeting.

13. ACQUISITION OF LAND AT CHASE FARM HOSPITAL (Pages 1 - 20)

A report from the Director of Finance, Resources and Customer Services and Director of Schools and Children’s Services is attached. (Report No.190, agenda part two also refers) **(Key decision – reference number 4065)**

(Report No.186)
(8.55 – 9.00 pm)

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MUNICIPAL YEAR 2014/2015 REPORT No 186**MEETING TITLE AND DATE:****CABINET – 11th March 2015****JOINT REPORT OF:****Directors of:**

Schools and Children's Services
and Finance, Resources and
Customer Services

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Part: 1	Item No -13
Acquisition of Land at Chase Farm Hospital, Lavender Hill, Enfield, EN1	
WARD: Chase	
Cabinet Members consulted: Cllrs Taylor, Orhan & Stafford	

1. EXECUTIVE SUMMARY

- 1.1 This report proposes the approach to the acquisition of Land at Chase Farm Hospital to provide extra primary school places within the North Central Pupil Place Planning Area of the Borough.
- 1.2 Authority was sought and granted (Key Decision 3599) on the 22nd October 2014 to enter into negotiations to acquire the freehold interest of up to five acres of land of the 12 acre site at the Chase Farm Hospital.
- 1.3 A parcel of 3.87 acres (1.57ha) has been identified to provide a three Form Entry primary school (Subject To Planning Permission-STPP) to be purchased from the Royal Free London NHS Foundation Trust (RFLNFT).
- 1.4 The availability of this parcel of land at Chase Farm represents a unique opportunity for the Council to address an identified need for additional school places and to plan for the school to be integrated with new housing provision.
- 1.5 Acquisition of a further land parcel will be required from the Barnet, Enfield, and Haringey Mental Health Trust (BEHMHT) to facilitate the temporary school provision which Subject to planning permission is to be sited on partly on Council owned land, however due to site constraints additional adjoining land will be required.
- 1.6 A further strip of land will also be required to enable access and a roadway to be constructed as part of the final scheme which is yet to be granted any planning permission.
- 1.7 To satisfy the above two requirements a parcel of 0.5 acres of land and a further land parcel required for the highway configuration has been

identified and will be acquired by negotiation from the adjoining land owner BEHMHT.

- 1.8 The need for additional primary school places in the North Central planning area was identified in the July 2014 Cabinet report on school places as one additional Form of Entry (FE) required in September 2015 then a further FE by September 2019 to maintain enough surplus capacity to support parental choice. At that point the plans for housing development at Chase Farm were not known and it is estimated that this will create demand for one more primary form of entry. The total forecast demand is for an additional three forms of primary entry.
- 1.9 The purchase of this site will ensure the Council can continue to meet the statutory duty to provide sufficient places to meet anticipated demand for school places.
- 1.10 It is proposed to acquire the site to add to the operational School's education portfolio.
- 1.11 Approval is required to fund the acquisition using funding from the approved Schools and Children's Services (SCS) capital programme.

2. RECOMMENDATION

It is recommended that Cabinet:

- 2.1 approves the Council's acquisition of the freehold interest in the parcels of land owned by the RFLNFT and BEHMHT on the terms detailed within the Part 2 report and further approves the total acquisition budget also detailed within the Part 2 report and;
 - i) Approves the release of funds from the SCS Capital Programme to an upper limit as detailed within the Part II report for the acquisition of land.
 - ii) Delegates Authority to the Cabinet Members for Finance and Education, Children's Services and Protection in conjunction with the Directors of Finance, Resources and Customer Services and Schools and Children's Services to approve the final terms and structure of the transaction in accordance with the Council's Property Procedure Rules.
 - iii) Delegates Authority to the Directors of Finance, Resources and Customer Services and Schools and Children's Services for Approval to Procure and approval of expenditure for Pre-construction services up to the award of contract of final build contractor for the permanent school at Chase Farm in order to meet the opening deadlines for the school intake.
 - iv) Delegates Authority to the Cabinet Member of Finance and Education,

Children's Services and Protection in conjunction with the Directors of Finance, Resources and Customer Services and Schools and Children's Services to approve the award of contract of final build contractor(s) for both the permanent and temporary schools at Chase Farm in order to meet the opening deadlines for the school intake.

2.2 Delegates authority to the Director of Schools and Children's Services to submit a detailed planning application for the redevelopment of the site.

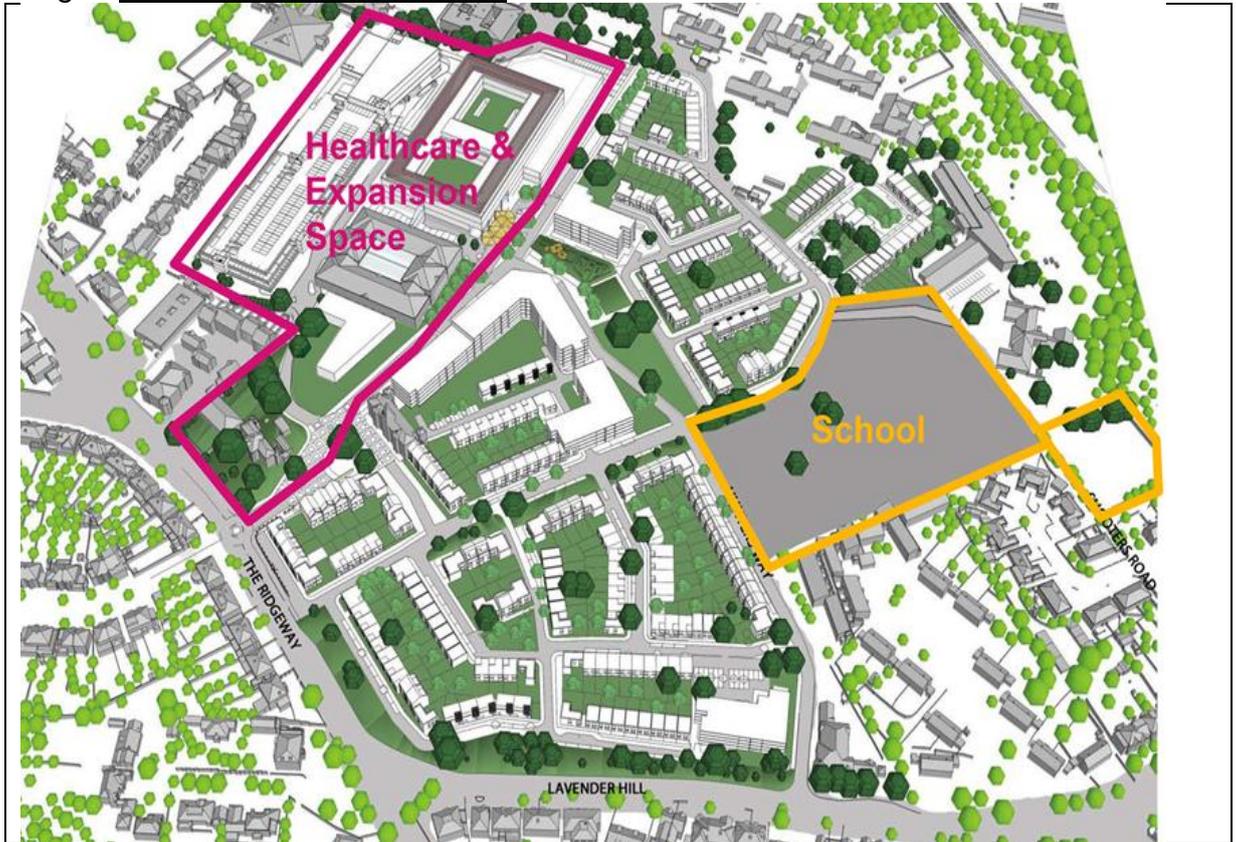
3. BACKGROUND

- 3.1 The Royal Free London NHS Foundation Trust (RFLNFT) are freehold owners of the 39.39 acre (15.94 ha) Chase Farm Hospital Site, in respect of which they have submitted an outline planning application for a development. The Council wish to acquire a 3.87 acre (1.57 ha) part of the Chase Farm Site to develop a 3 Form Entry primary school (3FE).
- 3.2 The proposed development will provide modern replacement hospital facilities to support the work of the Trust and meet the health care requirements of the local community. As part of the redevelopment, the health care facilities will be consolidated onto a smaller footprint with a development of 32,000sqm of new hospital facilities; as a result there will no longer be a need to occupy the whole Chase Farm site. The majority of the surplus land will be released for housing development (up to 500 units), the proceeds of which will be used to meet the capital costs of the new hospital and ensure that services are placed on a sustainable financial footing. The remainder of the site will be sold to the London Borough of Enfield (LBE) to enable a new primary school to be delivered.
- 3.3 A Delegated Authority decision, KD3599, gave authority to commence negotiations with the Trust to enable the Council to acquire the land; this decision was based on a previous Cabinet Paper that was presented on the 23rd of July 2014 which considered Report No.15 – The Strategy and Approach to Delivering Pupil Places. The report highlighted the requirement for an additional 1FE Primary School in the North Central Enfield Pupil Place Planning Area delivered by September 2015. A further form of entry will be required by 2017 and another by 2019. These figures are subject to review as they do not take into account some other large housing developments yet to be submitted for planning approval.
- 3.4 The Cabinet Paper identified that after feasibility for the expansion of two schools in the Chase Ward the end result was that there were no viable options. Both sites required additional land acquisitions to increase available space to make the expansions feasible, and the negotiations to acquire the said land proved unsuccessful. The Council's education strategy identifies a significant increasing need for the provision of school places in this area and this proposal to acquire the land at Chase Farm Hospital will enhance the education portfolio and will provide the flexibility in the future to meet increases in demand.

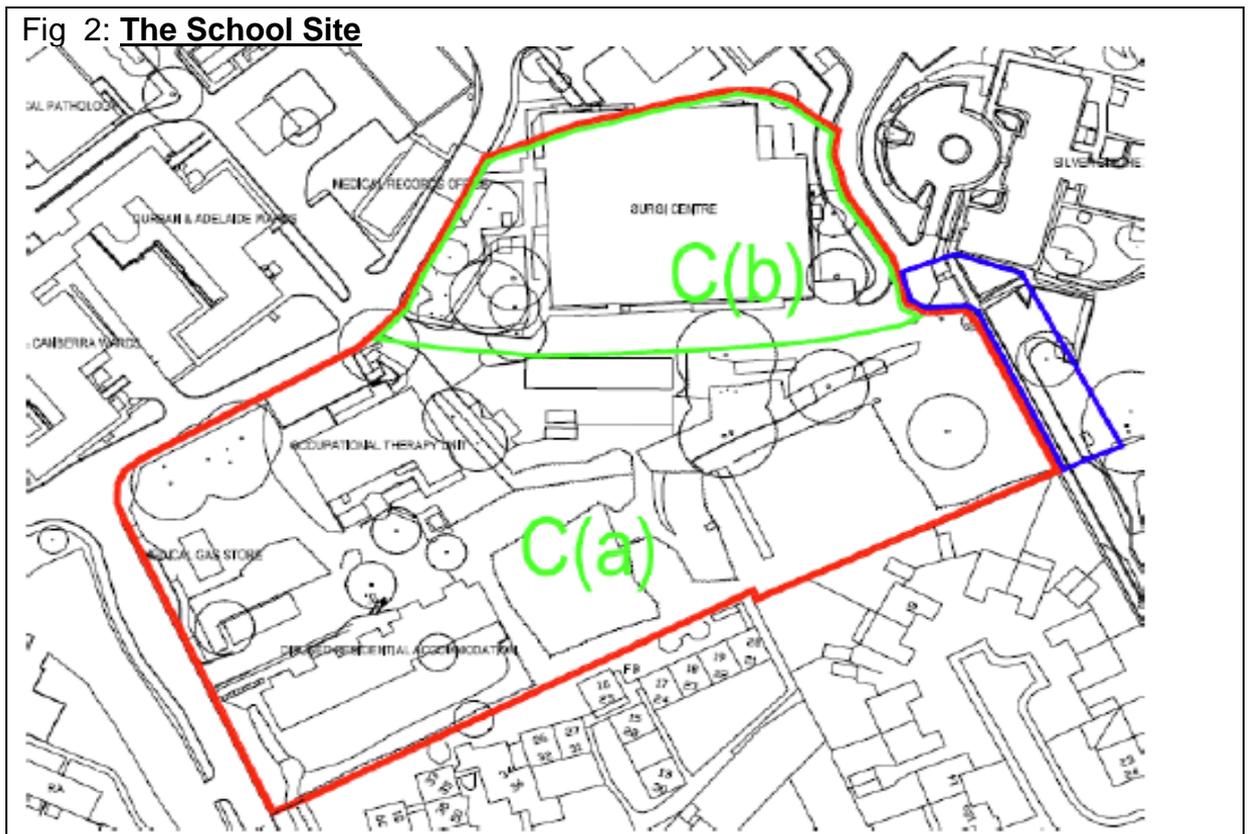
Location:

- 3.5 The School Site is located within the current Chase Farm Hospital some 1.8 miles north-east of Enfield Town Centre. The 3.87 acre (1.57ha) site is shown overlaid set in the context of the wider Chase Farm site (Figure.1)

Fig 1: **Chase Farm Hospital Site**



- 3.6 The plan overlaid titled the School Site shows it divided into 2 parts; C(a) and C(b).



- 3.7 On part C(b) there is a hospital building called the “Surgicentre” for which the RFLNFT require continued use for a limited period. It has been agreed in principle that following the Council’s acquisition of the site, parcel C(b) is to be leased back to RFLNFT at a peppercorn rent until 1 September 2018 with the right for the freeholder to extend the term if required. The future use of this part would be external play space for the new 3FE primary school.
- 3.8 On the remainder of the site there are a collection of dilapidated buildings, including residential properties, garages, a medical modular building and a swimming pool, which are nearing the end of their useful economic life. These will have to be demolished by approved contractors as they contain asbestos and other harmful contaminants.
- 3.9 The land itself has a very steep gradient and slopes downwards north to south which will require levelling before any construction takes place. On part of the site to the south there is subterranean drainage system that serves the hospital. This cannot be built upon and will remain in situ. The plan below shows the School Site and its purpose is to show various constraints upon the land.

Fig 3. Constraints Plan



The various constraints are as follows;

- **A** – This land can be developed with immediate effect.
- **B** – This land has on it the Surgicentre and thus is not able to be developed until the lease has ended.
- **C** – This land cannot be developed to two storeys due to rights of light issues with neighbouring properties but could be used as open space.
- **D** – This land cannot be developed due to below ground drainage systems.
- **E** – Whilst the school is being developed by the Council this site is to accommodate a temporary school building. On completion of the primary school, the temporary school will be demolished and this site will be used as open play space.

- 3.10 The School site will be accessed via Lavender Hill and will form a new one way system into the site through Hunters Way exiting via Shooters Road, with a controlled access for the School and the Oaks Nursing Home, BEHMHT owned.
- 3.11 Plot E is a 0.2 hectare parcel of land owned freehold by the Council and is proposed for the temporary school (see Figure 4). The site is currently grassland maintained by the Council. Existing residential development is located immediately adjacent to the south and west, while existing hospital buildings lie to the north. A series of allotments occupy land immediately to the east. The site is already well-screened by mature vegetation and is visually and physically contained by the rail line to the east.
- 3.12 In discussions with the BEHMHT, they are willing to dispose of a further parcel of land directly adjacent to the temporary school site equalling approximately 0.2 hectares in size. Not acquiring this land is seen as a lost opportunity to enhance the land for the temporary provision as well as the future permanent school. This proposition will not only alleviate planning concerns (as it is not classed as green belt land for planning purposes) but should adequately create an external school playing field with increased environmental and health benefits in the longer term for pupils.
- 3.13 The site for the temporary school is further hindered by a 'Critical Drainage Area' identified by AECOM, who undertook a desktop environmental assessment of the area on behalf of the RFLNFT. The wider area contributes to an off-site surface water flooding problem to the south of the main Chase Farm Hospital site. The area would need to be constructed with an enhanced SUDs system whose mechanism allows run off water to be taken into channels and filtrated through onto a SUDs area.
- 3.14 The site has a degree of contamination associated with hospital use over the previous decades, however the contamination will require remedying and this is being costed and allowed for in any land transaction.

Fig 4. **Extract from LBE Local Plan Showing site within Green Belt**



- 3.15 The valuation approach, methodology and financial justification for recommending the acquisition of School Site and further land parcels is detailed within the Part 2 Report.
- 3.16 The Council's appointed Valuers, GVA Grimley have carried out initial site appraisals with valuations and reported the outcomes back to Strategic Property Services and are detailed within Part 2 Report.

Strategic Need

- 3.17 The London Borough of Enfield has a statutory responsibility to provide enough school places to meet demand in the Borough. Where the figures reported carry any risk of supply being insufficient the Department for Education will contact the Director of Schools and Children's Services to seek re-assurance that this statutory responsibility will still be met.
- 3.18 Feasibility into the expansion of two schools (Chace Community and Chase Side Primary) in the area proved there was no adequate opportunity to expand. In the interim as feasibility was progressing an opportunity to bid for Targeted Basic Need (TBN) from Central Government was submitted. With the standard Basic Need allocation from the Government being insufficient to fund the provision of additional primary school places a number of applications were submitted, both Schools were

successful in obtaining the funds bid for, however there were a number of conditions linked to the receipt of TBN, one of which is the requirement for the funding to be spent by the 31st August 2015.

- 3.19 The TBN funding totalled £6.457m, in addition to the above, the Council included within its 2013/14 to 2016/17 Capital Programme indicative funding of £7.8m, subject to re-costing at feasibility and procurement stages to progress construction to provide 2FE in this Planning Place Area, which the two Schools could have provided.
- 3.20 Due to the complex nature of the expansions at both schools and lack of any viable opportunity for land assembly, an alternative was sought. On the 1st July 2014, the Barnet & Chase Farm Hospitals NHS Trust became part of the RFLNFT. Following that transfer and the RFLNFT rationalising their site an opportunity was presented to the Council to acquire part of the hospital site for a Primary School to fulfil the anticipated need for pupil places in the North Central Pupil Planning Area.
- 3.21 The Greater London Authority population projections and the associated School Roll Projections are used to assess the future demand for school places, which is then compared with current capacity, capacity soon to be available (i.e. where building works are underway to deliver extra provision) and planned capacity (i.e. where there is a specific plan and funding available for extra provision). This assessment includes both Council funded projects and academy or free school projects.
- 3.22 The assessment is undertaken on an area basis for primary school places using six primary place planning areas: the Council receives the school roll projections from the GLA by those established geographies. The Chase Farm site is within the North Central planning area. The North Central area of the borough is one of particular demand, compounded by the lack of available options to deliver school expansions. The area is shown on Figure 5 overleaf.
- 3.23 The assessment was reported in the July 2014 Cabinet report on pupil places which set out the demand for the North Central area as one additional form of entry for September 2015 to meet demand and create some surplus to support parental choice, then a further additional form of entry from September 2019 to maintain a degree of surplus capacity to help provide an element of parental choice. This is shown in Figure 6 overleaf.

Fig 5. **North Central Pupil Planning Area**

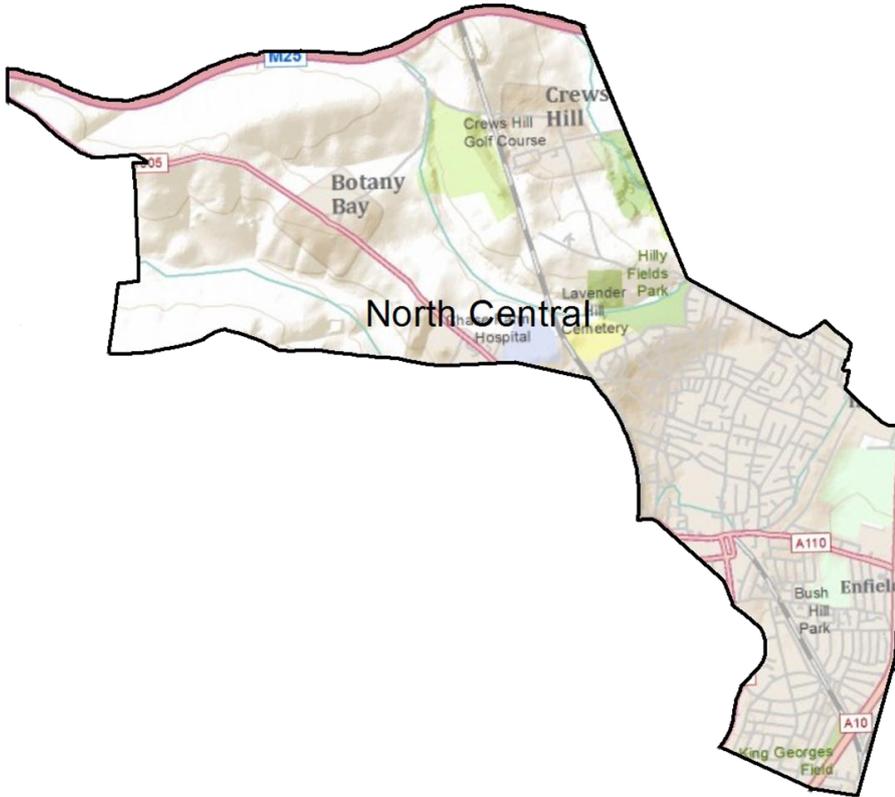
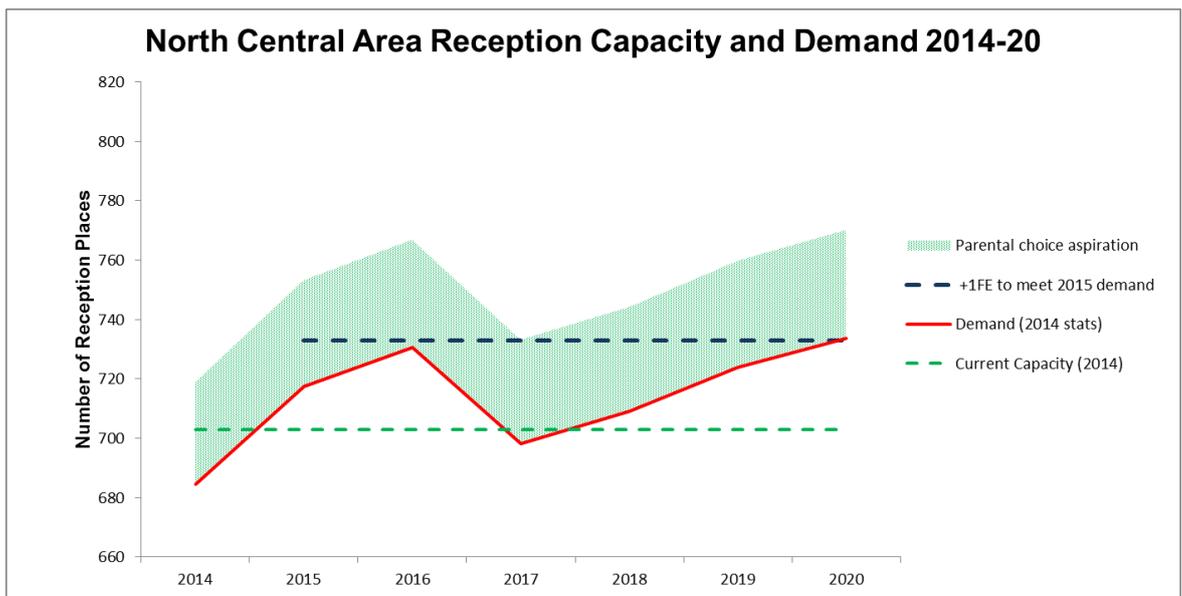


Fig 6: **North Central Area Primary Place Capacity and Demand to 2020**



3.24 It should be noted that the 2014 demand forecast of need for the additional two forms of primary entry in the North Central area by 2019 did not take account of new pupils arising from the new Chase Farm residential development itself (up to 500

units). The Chase Farm development will create an additional demand for school places of at least 1FE at primary age. Therefore the total forecast demand for the North Central area is for a 3FE primary school.

- 3.25 Approval from the Education Funding Agency and the Minister for Education was granted on the 7th August 2014 to redirect the TBN funding from the two schools to the Chase Farm Hospital Site, where it was also agreed that the funds can be used to resource the land acquisition.
- 3.26 The above points demonstrate a strategic pupil place need in the planning area and the acquisition of the Chase Farm School Site would go a long way to alleviate this pressure for several years to come.
- 3.27 To enable the Council to deliver the additional permanent pupil places, it is necessary to start the design and procurement phases for the delivery of the school. However, no contracts for the building will be entered into with the contractor until a further report on delivery and long term management of the school is finalised in the summer of 2015.

4. PROPOSAL

- 4.1 To purchase the freehold interest in the School Site including additional parcels of land at a price not exceeding the maximum price detailed in Part 2 of this report and enter into a short term leaseback arrangement outside the Landlord and Tenant Act 1954 of the Site 'C(b)' as depicted in Figure 2 at a peppercorn rent for a period not exceeding 48 months.
- 4.2 A further report will be produced in the summer to consider the options for the funding of the construction of the school and its long-term management.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not trying to acquire the land is considered a lost opportunity to add flexibility to the education portfolio.
- 5.2 Officers have considered using other education facilities owned by the Council for expansion to try and increase the number of forms of entry. Many of these are too small and on restricted sites and some sites were earmarked for other types of development. Several sites not in the Council's ownership were also considered, but many of these were too costly given their residential potential or the land owner was unwilling to enter into formal discussions with the Council. At the appendices are the results of an extensive sequential test for alternative sites and expansion areas.

6. REASONS FOR RECOMMENDATIONS

- 6.1 This is a rare opportunity in the Enfield property market. The acquisition will mean that there will be a sufficient supply of pupil places to match the anticipated demand within the North Central Pupil Planning Area for several years to come.

- 6.1 This is the only viable site now and in the future that could support a 3FE Primary School that will come forward in this Pupil Planning Area to satisfy the need.
- 6.2 The acquisition of the Chase Farm School Site (s) will satisfy the requirements for space standards as set out within the guidance set by the Department for Education (BB103).

7. KEY RISKS

See Part 2.

8. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

8.1 Financial Implications

See Part 2.

8.2 Legal Implications

- 8.2.1 Section 1 of the Localism Act 2011 gives Councils the power to do anything which private individuals generally may do, provided it is not otherwise prohibited by law and subject to public law principles.
- 8.2.2 Additionally, section 120 of the Local Government Act 1972 specifically empowers Councils to acquire by agreement any land required for the purposes of their general functions, e.g. as local education authority, and for the benefit, development or improvement of their area. The action recommended in this report is within those powers.
- 8.2.3 The lease back to RFLNFT of site C(b) will need to be on terms excluding the protection of the Landlord and Tenant Act 1954 in order that the Council can be certain of obtaining possession when the lease ends.
- 8.2.4 Planning consent will be required for the proposed development and there will be associated legal agreements required in that respect.
- 8.2.5 All legal documentation connected with the land acquisitions and lease back, any planning consent granted and all contracts connected with the development of the site should be in a form approved by the Assistant Director, Legal and Governance Services

8.3 Property Implications

8.3.1 As embedded in this report.

8.3.2 External consultants (GVA Grimley) have completed development appraisals that estimate the market value of the land. These independent development appraisals state the maximum that should be paid for the freehold interest in the land.

8.3.3 Once acquired the site will need to be made secure and buildings demolished as part of a wider redevelopment scheme.

8.3.4 Assignable warranties will be made available so the Authority can rely upon the Environmental reports compiled by AECOM and Curtins Consulting Ltd on behalf of the RFLNFT.

8.3.5 Full due diligence of the site and surrounding area has been undertaken with no major abnormal results reported back. The Council's Environmental consultants have come back with detailed report on the findings of both AECOM and Curtin's Consulting with a cost estimate to remediate the site fully with a removal of soft spots and deleterious materials across the site and then importing a granular fill over the site topped with an upgraded gas retardant membrane.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

The purchase of The School Site will assist in the delivery of the Council's education policy and improvement action being taken in this Pupil Planning Area.

10. EQUALITIES IMPACT ASSESSMENT

The proposed purchase will not cause a change to policy, budgets or service delivery and therefore an Equalities Impact Assessment is not considered necessary.

11. PUBLIC HEALTH IMPLICATIONS

In the short term after acquisition, the school site will need to be made secure including any buildings. An approved contractor will need to be appointed to demolish the buildings due to the asbestos prevalent in these types of properties. All health and safety precautions should be undertaken by the contractor, including eventual disposal.

In the longer term the School will deliver through efficiencies and secure by design a safe and secure environment to educate the young persons of Enfield.

12. IMPACT ON COUNCIL PRIORITIES

12.1 Fairness for All

The purchase of the land and additional parcels will increase flexibility in the education portfolio.

12.2 Growth and Sustainability

The purchase of the land will lead to increased flexibility of the education portfolio and service demand for pupil places for years to come.

12.3 Strong Communities

Improving educational outcomes assists in the creation of a stronger community, including the new community being developed with the Chase Farm site.

13. HR IMPLICATIONS

13.1 Delivering this school development scheme within the tight time constraints together with various other complex projects and schemes in the pipeline will require additional resources, initially will be met from within existing sources, however specialist areas where delivery is concerned may need to be met from external sources.

13.2 As the projects(s) evolve there will be a requirement at different stages for further skill sets to complete various tasks, this could be achieved either through the Strategic Partnership Co-Sourcing agreement or through another short term agreement.

BACKGROUND PAPERS

See Part 2.

Appendix 1- SITE SEQUENTIAL TESTING

Alternative Sites Assessment

Site Search Area

There is a strong educational and town planning rationale for the provision of primary schools as locally as possible to the population served. For example, the NPPF encourages the location of primary schools within walking and cycling distance of pupil's homes. Accordingly, it is important that the need for a new primary school within the North Central Pupil Place Planning area is met within that catchment (see Figure 1 above). The search for alternative sites to accommodate a new school has therefore been restricted to the North Central area.

School site requirements

The site requirements for the primary school can be summarised as follows:

- The Department of Education's area guidelines for mainstream schools (BB103) seek a site area of 2.1 hectares for a 3FE primary school.
- The school building and playing fields should be on a single site for efficiency, safety and optimum curriculum outcomes.
- The site must be available in time for the temporary school to be completed for September 2015.

Assessment of alternative sites

Three categories of alternative sites to accommodate the school within the North Central area were considered:

Existing School Sites,
Other LBE-Owned Sites,
and Non LBE-Owned Sites.

The sites were assessed against a number of criteria, including: site size and configuration, accessibility, availability (e.g. ownership, usage, legal constraints) and planning policy constraints (e.g. open space, conservation). The results of the assessment of alternative sites carried out by Officers are summarised below.

Existing School Sites

In recent years a number of primary schools have been tested through feasibility then expanded to create additional capacity. In the North Central area, George Spicer was recently expanded, as was Worcester's, which partly serves the North Central area. The ongoing demand for additional primary provision in the North Central area was established in 2013, with a number of options earmarked for feasibility at that time. These schemes were:

- The expansion of Chace Community Secondary School into an all-through school with two forms of entry at primary (+2FE capacity in the area);
- The expansion of Chase Side Primary School into a three forms of entry (+1FE capacity in the area); and
- The expansion of St John's primary School into a full one form of entry intake (+0.5FE capacity in the area).

Each of these schemes was tested through feasibility work and proven not to be feasible, for the reasons outlined in the table below:

Project	Extra Capacity	Description of feasibility work
Chace Community	+2FE primary capacity	Assessment of the existing site concluded that there was not enough land available to expand to provide primary accommodation and give flexibility to allow a further secondary expansion if required post-2018. A land acquisition of an adjacent site was the route to addressing this issue and it was potentially available through the market. However enquiries and initial discussion with the owner did not result in any progress and initial design work to “integrate” primary accommodation on the current site resulted in substantially higher costs and could still not leave enough space to support a future secondary expansion. On that basis the project was proven unfeasible.
Chase Side	+1FE primary capacity	Expansion of primary accommodation for this school was always dependent on a land acquisition. Initial discussions were held with the landowner and some progress was made. However further discussions led to the conclusion that the landowner was not interested in selling on a timescale that matched the need to provide places. On that basis the project was proven unfeasible.
St John's	+0.5FE primary capacity	As a Voluntary Aided school the London Diocesan Board of Schools undertook feasibility work for this scheme. The outcome was that a significantly higher budget would have been required than provided by government funding. On that basis the project was proven unfeasible.

In addition to the three schemes that were explored to expand existing primary schools, LBE Officers also undertook a desktop review of the potential to expand all of the other school sites that serve the North Central area. This review indicated that there are no schools with enough spare developable land, or opportunities to acquire additional land, to support primary expansion. A summary of the desktop review is provided below:

School	Findings
Enfield Grammar Lower School (Academy)	Expansion not possible due to significant issues stemming from the listed nature of the buildings
Enfield County School	Expansion not viable based on discussions undertaken with school
St Andrew's CofE Primary	Expansion not viable based on discussions undertaken with school
St George's RC	Expansion not possible due to site size and configuration
St Anne's Catholic High School	Site too small
The Raglan Junior School	Expansion not possible due to site size and configuration
Bush Hill Park Primary	Expansion not possible due to site size and configuration
George Spicer Primary School	Expansion not possible due to site size and configuration

School	Findings
George Spicer Primary School Annexe	No further expansion possible following recent provision of new annexe
Enfield County School	Expansion not possible due to conservation issues, playing field usage and planning policy constraints (designated Local Open Space)
Lavender School	Expansion not possible due to access issues, playing field usage and planning policy constraints (designated Local Open Space)
St Michaels CofE Primary	Expansion not possible due to site size and configuration
St Johns CofE Primary	Expansion not possible due to site size and configuration

Other LBE-Owned Sites

The results of the assessment of LBE-owned sites to accommodate the primary school are summarised below:

Site	Findings
Enfield Playing Fields / QE2 Stadium	Development prevented by planning policy (entire site is Metropolitan Open Land) and historic covenant
Bush Hill Park	Development prevented by planning policy (designated Local Open Space)
Holtwhites Hill Sports Ground	Site not available due to long-term lease and development prevented by planning policy (designated Local Open Space)
Hilly Fields Park	Development prevented by planning policy (entire site is within the Green Belt and designated Local Open Space)
North Enfield Recreation Ground	Development prevented by planning policy (designated Local Open Space)

Non LBE-Owned Sites

The results of the assessment of Non LBE-Owned sites to accommodate the primary school are summarised below:

Site	Findings
British Legion, Holtwhites Hill	Not available currently and site too small for 3FE Primary School
Acorn Car Site	Acquisition not viable due to multiple ownerships and long-term leases, also costly remediation of contamination required
Comfort Hotel	Acquisition not viable as site recently sold to a hotel consortium

Conclusion

LBE Officers have undertaken assessment of alternative sites to accommodate a primary school within the North Central planning area. This assessment has considered the potential to expand existing schools, as well as the ability to develop a new school on land owned by LBE or other parties. The assessment has concluded that there are no sites capable of meeting the needs of the school due to constraints arising from site size/configuration, availability, accessibility, and/or planning policy.

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