

Delegated Decision

11th April 2024

**Appropriation of Part of Beamish
Primary School Land (0411S01) to Open
Space Act 1906**



Case Management Ref: APR9386

Regeneration, Economy and Growth

**Anna Wills, Asset Strategy and Property Manager, Corporate
Property and Land**

Electoral division(s) affected:

Stanley

Purpose of the Report

1 The purpose of the report is to seek approval to:

Appropriate the land edged red at Appendix 2, known as Beamish Primary School from Education Act 1996 to Open Space Act 1906 for the purposes of a recreation ground.

Executive summary

- 2 The land edged red on the attached plan amounting to 1.344 Acres is currently held under Education and is part of Beamish Primary School.
- 3 This section of land is fenced off from the school and the school do not maintain it nor do they use the field.
- 4 The school is undergoing an academy transfer and do not want this section of land to be included in the transfer.
- 5 The school have advised they have never maintained the land and the fence separating the site from the school has been there since at least 2009. As a result, DfE approval is not required for this change.
- 6 The land will now be held as Open Space Amenity, realigned to Neighbourhoods and Climate Change, and maintained by Clean and Green.

Recommendation

- 7 It is recommended to agree to appropriate the land as shown edged red on the plan attached from Education Act 1996 to Open Space Act 1906 for the purpose of Open Space.

Background

- 8 Following a project delivered by the Corporate Property and Land service, the legal reason for holding each asset has been identified and recorded.
- 9 The legal reason for holding an asset relates to the original act that the asset was acquired under and any subsequent appropriations, which would result in an alteration to the holding act.
- 10 Where the use of the land asset changes, or it is going to change, from its original/existing purpose, the statutory act under which it's new purpose will fall will also, in most circumstances, change and, if this is the case, an Appropriation will be required.
- 11 If a local authority determines that it is necessary to transfer land from one purpose or function to another, (Appropriate) it may do so in accordance with s122 of the Local Government Act 1972.
- 12 An Appropriation report is required, where a change of occupier results in a change of holding act, and deals with the following changes:
- (a) Identifies the existing holding act and the new holding act under which the asset is held;
 - (b) confirms agreement from the service to realignment of the asset to the new service area, including identification of cost centre;
 - (c) identification of budget;
 - (d) identification of who will be managing the asset;
 - (e) property type alteration, to reflect new use;
 - (f) property name alteration, to reflect new use.
- 13 The above changes are necessary, so that records are up to date and capital accounting reflects the correct property type and land user. This will assist with improved budget allocation and the alleviation of gaps in management of assets.

Background papers

- None

Other useful documents

- None

Appendices

- Appendix 2 – Plan of site
- Appendix 3 – Councillor Consultation

Author(s)

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Appendix 1: Implications

Legal Implications

Legal implications are covered in the body of the report.

Finance

Cost centre to be re-aligned to C&G - 010301

Consultation

Councillors James Rowlandson Portfolio Holder for Resources, Investment and Assets and local members Angela Hanson and Carl Marshall were consulted with no objections.

James Young has confirmed that his team are only responsible for the play area on the site. They are not aware of any community uses, however as the site is open anyone could be using the site for football training etc.

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None

Human Rights

None

Crime and Disorder

None

Staffing

The maintenance of the site will be the responsibility of Neighbourhoods and Climate Change.

Accommodation

None

Risk

None

Procurement

None

Appendix 2: Plan



Beamish Primary School.

Plan Ref: ARC-24-070. Paper Size: A4. Scale: 1:1,250

Total Area Coloured Red: 5438.65 m², 1.344 Acres or thereabouts.

Based Upon O.S Map: NZ2153. Date: 21/02/2024.

UPRN : 0411S01 (Part)



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