**Correspondence Starts Here:**

**From:** Patrick Naughton-Doe [mailto:pnd2@me.com]

**Sent:** 27 February 2016 10:10

**To:** Community Rights <acv@sportengland.org>

**Cc:** Mike Ross <newlandlibdems@gmail.com>; Dave McCobb <davemccobb@hotmail.com>; 'Mathieson Karen (Councillor)' <Councillor.Mathieson@hullcc.gov.uk>

**Subject:** Former Newland Primary School - Sports pitch (Asset of Community Value Applciation)

Dear Sir

We have submitted an asset of community value nomination for the former Newland Avenue Primary School and are awaiting a decision. The school includes an all weather football pitch which is acknowledged by the Hull City Council to be a Community Asset but we understand the council are planning to refuse to accept the application and have decided not to canvass opinion from the users of the football pitch as they don’t regard them as legal users.

It sounds odd and I would appreciate your help and advice in relation the situation. The city lacks provision for all weather pitches and the ward in which the pitch is situated (Newland Ward) is singled out as having a lack of provision for football. ([Hull City Council Playing Pitch Strategy 2011- 2021](http://www.hullcc.gov.uk/pls/portal/docs/PAGE/HOME/COUNCIL%20GOVERNMENT%20AND%20DEMOCRACY/ABOUT%20HULL%20CITY%20COUNCIL/COUNCIL%20POLICIES%20AND%20PLANS/PLAYING%20PITCH%20STRATEGY/PLAYINGPITCHSTRATEGY_2011-2021.PDF)).

The council have already sold the school including the pitch subject to planning permission but no plans have as yet been submitted. As such there may be opportunity to challenge the planning application if it does retain the sports facilities for community use. There is no obvious green area in the local area where the pitch could be replaced as suggested by the NPPF if sports facilities are lost to development.

I am happy to forward any details you require and hope that you are able to help and support our application. If they do decide to refuse to accept the nomination I think it would be worth considering an appeal to challenge their interpretation of the Localism Act 2012.

Development brief (May 2014): “Grounds/landscape – The west yard is an all weather surface which is used by the Newland Youth Club and is a community asset.”

Development Prospectus (2015) “2. The disposal of the property will be subject to the vendor gaining approval under section 77 of the School Standards and Framework Act 1998 and Schedule 1 of the Academies Act 2010. This is required as part of the property was formerly a play area/sports pitch. An application is being submitted by the vendor [Hull City Council] and a favourable decision is expected to be readily forthcoming.”

Yours sincerely

Dr P Naughton-Doe

**From:** Community Rights [mailto:acv@sportengland.org]

**Sent:** Friday, March 11, 2016 9:27 AM

**To:** 'Patrick Naughton-Doe'

**Cc:** Mike Ross; Dave McCobb; 'Mathieson Karen (Councillor)'

**Subject:** RE: Former Newland Primary School - Sports pitch (Asset of Community Value Application)

Dear Patrick,

Thank you for contacting us in connection with the above site. I have set below some details on what is required of the Council in disposing of the site along with how we view the site and some information on ACVs

In order to dispose of playing field land on a Council owned school site, the Council would need to apply for Section 77 approval from the Secretary of State as indicated in the development brief. The Former Newland Primary School site is yet to be approved/declined for disposal. I have attached the Government’s guidance about disposal of playing field land.

As part of the S77 application process the Council would need to indicate if there are any authorised community users of the site, and if so, what effect the disposal proposals would have on those users, and if they could be accommodated elsewhere if the disposal proposals would displace them (see paragraphs 20-23 in the attached Guidance).

A S77 application also requires a 6 week consultation period with the local community about the disposal proposals. The Council should be able to advise if a S77 consultation process has already taken place.

The pitch has maximum dimensions of 25m x 35m, and so falls below the threshold (0.2Ha) for a pitch size for the site to be considered as a playing field. The site does not feature in our planning records. Given its small size the Council would not have been required to consult us upon the pitch’s creation, or indeed its loss.

An application be listed as an ACV is likely to have a better chance of succeeding if lodged by the community users of the pitch.

I hope this is helpful.

Kind regards

Brian

Whilst I was considering the response from Sport England I heard through the grapvine that the contract for the sale of the school had been signed and I wrote a quick message to Mike Ross to check if that was the case.

**On 11 March 2016 at 16:07, Patrick Naughton-Doe <pnd2@me.com> wrote:**

**Dear Mike**

**I understand that the contract has been signed. Could you request sight of the bid that was successful and for a copy of the contract to be made public. I was given to understand the bid was confidential until exchange of contracts.**

**Thanks**

**Patrick**

**I then decided to write to Mike to see if he could find out about the need for Section 77 approval for the sale of the MUGA pitch.**

**Patrick**Email to Mike Ross, Local Lib Dem Councillor for the Newland Area

Sun 20/03/2016 09:58

From Dr P Naughton-Doe

On 20 March 2016 at 09:57, Patrick Naughton-Doe <pnd2@me.com> wrote:

Dear Mike

Do you happen to know if Section 77 approval has been requested. I believe there is some sort of legal restriction in place until March this year on the field. I am obviously concerned that the council will argue there is no authorised community users. However representations could still be made? There is a lack of all weather pitches in Hull and Newland ward.

Thanks

Patrick

**On 19 Mar 2016, at 07:55, Mike Ross <newlandlibdems@gmail.com> wrote:**

**Hi Patrick,**

**Just a quick update following a scrutiny meeting where this issue came up in discussion. Apparently the contracts have not yet been exchanged. The council was hoping to get it done last week, but the buyer is away, which has held it up. Have put in a request for the contracts, so will see where that gets.**

**Interestingly, Cllr Lunn in the meeting asked a question along the lines of whether the groups interested in the buildings had been in touch with the officer about the site. I have to say, I found it quite a dismissive attitude from her the way she was asking the questions.**

**Best wishes,**

**Mike**

**In response I wrote again to Mike this time explaining that I had sent a copy of the Draft Business Plan to Councillor Lunn which she had requested and was going to forward to Councillor Hale. I also asked for a a meeting that Councillor Lunn was referring to.**

**Mike**

**On 19 March 2016 at 10:41, Patrick Naughton-Doe <pnd2@me.com> wrote:**

**I sent Daren Hale a copy of the draft business plan but that was not acknowledged. Could you request a meeting with the Officer whoever that is. Thanks Patrick**

Mike responded and copied me into the email

Certainly.

Will copy you in and that way they can reply direct.

Mike

**Email from Mike Ross to John Hames**

**John,**

**Following on from the VFM scrutiny meeting last week, Dr Patrick Naughton-Doe has requested a meeting with yourself to discuss the issue further. I have copied Patrick into this email so you can make contact directly about any possible meeting.**

**Also, are you able to set out if section 77 approval has been or will be sought for the disposal?**

**Many thanks,**

**Mike**

**From:** Ross Michael (Councillor) [mailto:Councillor.Ross@hullcc.gov.uk]

**Sent:** Wednesday, April 6, 2016 9:47 PM

**To:** 'Patrick Naughton-Doe'

**Subject:** Meeting with John Haymes

Hi Patrick,

My apologies, I have been meaning to email you for a few days now but life has been very hectic.

I got in touch with John Haymes and requested a meeting for you, but I got the sense he was reluctant to meet -

“I am not sure what issue Dr Naughton –Doe has or what he wishes to discuss. I am aware that he doesn’t support the Council’s decision to dispose of Newland Buildings but I am not prepared to debate or justify that decision to him. The decision is a democratic one properly made by elected members and I am charged with implementing it .If his issue is unrelated to the proposed disposal then I’d be happy for him to email or phone me .”

He did, however, also give a response on the section 77 as follows -

“The Section 77 approval is not required if the disposal of the MUGA pitch is made 10 years or more after the school closed...which we can safely say takes us to August 2016. Legal Services more recent advice was that the expiry date is so imminent that it would be simpler to wait until August before disposing of the MUGA pitch area rather than expending resource time on an application to government. And this is therefore the approach we are taking...the imminent disposal does not include the MUGA pitch.”

Regards,

Mike

**Sent:** 06 April 2016 22:00

**To:** Ross Michael (Councillor)

**Subject:** RE: Meeting with John Haymes

Email in reply to Mike Ross

Mike

Thanks for trying.

3 quick points.

Who is Mr John Hames?

Can you ask Mr Hames what he means by suggesting the MUGA pitch is not included with the current sale? It was included with the prospectus and development brief.

Can Mr Hames clarify for me why there has not been a public consultation about the sale as would normally be expected with a development of this scale?

Much appreciated

Patrick

**From:** Ross Michael (Councillor) [mailto:Councillor.Ross@hullcc.gov.uk]

**Sent:** Wednesday, April 6, 2016 10:06 PM

**To:** Patrick Naughton-Doe

**Subject:** RE: Meeting with John Haymes

Hi,

John Haymes is a property officer at the council, so deals with property issues for the council’s portfolio.

I’ll see what I can find out on the other points. The MUGA is an interesting one in that I don’t see either how they can be selling the buildings without disposing of the MUGA too in that it is on the same site.

On consultation, do you have any examples to compare it too? I am not aware in Hull where there has ever really been much formal public consultation on the disposal of a property like this. Not to say it shouldn’t happen, but I haven’t much experience of it in Hull.

Best wishes,

Mike

**From:** Patrick Naughton-Doe [mailto:pnd2@me.com]

**Sent:** 06 April 2016 22:22

**To:** Ross Michael (Councillor)

**Subject:** RE: Meeting with John Haymes

Thanks Mike,

Yes the MUGA pitch is odd. Anything you can find out from that angle would be helpful.

In terms of consultation I’m looking at the HCC Local Plan LP03 P48 in respect of the development brief and that it should be subject to public consultation. It’s their own policy they appear to be riding roughshod over.

There is a lot more of that from where I’m standing. The planning officer I spoke with said the development brief was full of gold nuggets that need to be raised. So many important issues that will need to be addressed by the plans. There should be consultation. The council should be acting as honest broker between the community and the developer. It is not just me we have 800 signatures asking for consultation. What are they afraid of? They have a policy that suggest there should be consultation.

Thanks

Patrick

**From:** Ross Michael (Councillor) [mailto:Councillor.Ross@hullcc.gov.uk]

**Sent:** Wednesday, April 6, 2016 10:27 PM

**To:** Patrick Naughton-Doe

**Subject:** RE: Meeting with John Haymes

Hi,

With you now on the consultation aspect. I can imagine they would argue it doesn’t fall into the category of property needing it, but still correct to pursue the point – not least for the fact it is there in policy as you say.

Will see what I can find out.

Mike

**From:** Patrick Naughton-Doe [mailto:pnd2@me.com]

**Sent:** 06 April 2016 22:36

**To:** Ross Michael (Councillor)

**Subject:** RE: Meeting with John Haymes

Dear Mike

1: The council decided there needed to be a development brief – they would not have gone to the trouble of doing it if there were not reasons for it! The reasons for a development brief are set out by the council in the attached document.

Included in the document is the paragraph about public consultation.

Public consultation

“1.5 The City Council promotes public consultation in

the process of planning and implementing

development. Accordingly, development briefs are the

subject of public consultation appropriate to the nature

and scale of the proposal.”

Can John Haymes and HCC please help me understand why their so called “democratic process” has failed to abide by their own policies to include public consultation.

Thanks

Response from Mike Ross

Hi,

Sent through your questions to John. Response as below –

“I sympathise with Dr Naughton–Doe in trying to make sense of planning and property processes which are separate and distinct.

His question about the MUGA pitch is understandable and is a property issue. The disposal of the MUGA area is caught by statutory provisions about disposing of former school premises within 10 years of the cessation of school use. The marketing particulars alluded to this and at that time we thought we would be applying for consent .However the time it has taken to complete the marketing ,and subsequent detailed negotiation of terms and contract documentation, has caused our Legal Services to advise that rather than expend resources applying for consent it would be in the Council’s better interests to not dispose of the MUGA area until after the 10 years has expired. This is at the end of this July. We can enter into arrangements to dispose of the MUGA before this date but cannot effect the disposal itself until after July.

It is not the case that disposals of property warrant consultation with the general public. The democratic process is that decisions on disposals of corporate properties are taken by elected members and/or in accordance with such scheme of delegations which have been approved by the Council. As you know, the disposal of Newland Buildings is supported by a cabinet decision which has been reaffirmed on more than one occasion.

The marketing of the property was conducted openly and widely promoted by NPS through site signage, website , emails to developers and agents etc and was prominently reported in the local media. There was no adverse reaction experienced throughout the marketing process or during the selection of the preferred purchaser...in which elected members were involved. Subsequently there were the unsuccessful efforts to have the building registered as a community asset , one led by Dr Naughton-Doe.

I think Dr Naughton-Doe may be thinking of the planning process in terms of public consultation on development proposals? We have not yet seen the start of the planning process in respect of the purchaser’s proposals for Newland Buildings .I understand that the purchaser’s intention is to submit a pre-app in the near future but I have no date for this. Subject to the pre-app a full application will be made .I do know that the purchaser is considering holding a public information event prior to the application being heard .Clearly planning is a separate process and any queries about this or the preparation of briefs etc must be directed to the Planning Office.”

For me, this whole issue is now very much centred around planning and the grounds to oppose the application on. I saw this week that the committee turned down the application for flats at I think another former school, so there is hope yet.

Best wishes,

Mike