

Building for the future

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As the new year comes into view, many schools will be considering plans to build or to extend their facilities next year. It's important to be aware of the consents that may be required, in addition to planning permission, well in advance, so that works are not delayed.

Trust leaders often have experience of construction projects and are comfortable procuring project managers, architects and contractors. However, they should not forget that the permission of their landlord or the Secretary of State may well also be required to carry out building works. So that projects run to deadlines, trusts should consider at an early stage:

1. whether the trust owns the property's freehold or occupies under a lease;

If the trust holds a lease, the lease should be reviewed to check whether the landlord (often the local authority,) needs to approve any works. (The Department for Education model lease requires the landlord's consent for new buildings, and for external or structural alterations to existing buildings.)

2. whether the works involve 'playing field land'. The relevant legislation widely defines 'playing field land' as basically any external area that is, or has been in the last ten years, used for recreational purposes. If the works do involve playing field land, the consent of the Secretary of State will be needed to the build.

This consent can take several months to obtain, and the works cannot begin without it. So the earlier application is made, the better.

We would advise that trusts consider the need for these consents at the very beginning of the works procurement process. Failure to obtain the necessary consents could give rise to serious risks, even the removal of the works. For detailed advice on any matter please contact [Chris Emm](#) or [Peter Jackson](#).

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