

Call-In request

Cabinet decision: 14th October 2026

Subject: Proposed disposal of Milton Road Fields, Radcliffe, for the Ash Grove Alternative Provision Academy

Submitted to: Chair of the Overview and Scrutiny Committee, Bury Council

Submitted by: Councillors Carol Birchmore, Ken Simpson, Mary Walsh, Des Duncalfe, Judi Sheppard and Mike Smith, Radcliffe First

Dear Chair of Overview and Scrutiny Committee,

Please find below a formal statement of grounds in relation to the request for call-in of Cabinet's decision of 14th October 2026 concerning the proposed disposal of Milton Road fields, Radcliffe.

We request scrutiny of whether the decision was reached following sufficiently comprehensive, transparent and evidence based assessments of the alternative sites, residents' objections, consultation findings, financial implications, environmental requirements and foreseeable impacts on neighbouring residents.

The purpose is not to challenge the need to provide suitable alternative education provision for children and young people who require it. That need is recognised. The issue is whether the decision to dispose of this particular site was reached following a sufficiently thorough, transparent and evidence-based assessment. Particular concern arises from the apparent omission from the published Cabinet report of hard-copy objections reportedly delivered to Bury Town Hall on 16th September 2026, including an open letter signed by 20 residents of Moorfield Sheltered Housing, Wordsworth Avenue, and other separately signed objections.

The absence of these representations from the published report does not, by itself, establish that they were not considered. However, it makes it important for the Council to establish what was received, how it was recorded and processed, and whether all qualifying statutory objections were properly considered before the decision was made.

The following statement sets out the grounds for scrutiny, the evidence requested and the actions sought from the Committee.

The scrutiny requested is intended to establish whether Cabinet had all relevant information before it, whether the applicable statutory and procedural requirements were met, and whether reconsideration or further work is necessary.

1. Alternative sites, educational provision and strategic asset management

The Cabinet report refers to a site-selection exercise involving a number of potential locations, with a RIBA Stage 0 feasibility assessment reportedly considering six sites. The proposed development requirements are understood to include approximately 9,267 square metres of accommodation and associated facilities.

Given the scale and long-term implications of the proposed disposal, scrutiny should establish whether the alternatives were assessed consistently and whether reasonable, deliverable alternatives were properly examined before Milton Road Fields was selected.

The following information is requested:

1. The full RIBA Stage 0 feasibility report, including the assessment criteria, scoring methodology, assumptions, constraints and conclusions for each site considered.
2. The reasons each alternative was discounted, including any consideration of site capacity, planning constraints, acquisition or development costs, access, infrastructure, timescales and delivery risks.
3. Whether the Council considered whether any alternative site, existing building or combination of sites could meet the educational requirement, and why those options were rejected.
4. Whether the feasibility assessment was updated to reflect relevant changes in site availability, costs, planning considerations or the Council's wider estate requirements before the Cabinet decision.
5. The chronology of the site search, including when each option was considered, when Milton Road Fields became the preferred site and when the decision to pursue its disposal was effectively settled.

There is also a wider question about the Council's strategic management of its property assets. New Summerseat House in Ramsbottom has reportedly been sold at auction for £1.575 million. This is not presented as evidence that the property would necessarily have been suitable for the proposed academy. Rather, it raises a legitimate question about how the Council evaluates, retains, disposes of and repurposes public assets when seeking to meet long-term service needs.

Scrutiny should therefore establish:

- How the Council's asset-disposal decisions relate to its long-term service and accommodation requirements.
- Whether potentially suitable existing assets were fully considered as part of the site-selection exercise.

- Whether the decision to dispose of Milton Road Fields was consistent with the Council's wider estate-management and financial strategies.
- Whether the Cabinet report adequately explained why the preferred site represented the most appropriate and deliverable option when compared with reasonable alternatives.

2. Disposal process, residents' objections and the apparent omission of hard-copy representations

A sealed envelope containing residents' representations was reportedly delivered personally to Bury Town Hall on 16th September 2026 by a Radcliffe First councillor and handed to a male security officer.

The envelope contained:

- An open letter signed by 20 residents of Moorfield Sheltered Housing, Wordsworth Avenue, raising concerns about the proposed disposal.
- Other separately signed objections submitted by residents.

These were distinct representations in addition to the objections submitted by email, raising concerns, including:

The loss of valued local green space and community asset.

The site's reported history of biodiversity enhancement investment involving Lancashire Wildlife Trust.

The relationship between the proposed loss of green space and the objectives of recent Pride in Place investment in the neighbourhood.

The potential effects of additional traffic, parking pressures, noise and safeguarding concerns of residents of the sheltered housing complex, including older people and residents with limited mobility.

The cabinet report appears to refer to 20 email objections, but the published material does not appear to identify or account for the separate hard-copy representations described above.

It is therefore necessary to establish whether these documents reached the appropriate Council officers, were formally logged and retained, and were included in the material considered by officers and Cabinet before the decision of 14th October 2026.

The concern is not based solely on the fact that the representations are not individually reproduced in the Cabinet report. It is that their receipt, treatment and consideration cannot be established from the published material currently available.

3. Application of Section 123 of the Local Government Act 1972

Section 123(2A) of the Local Government Act 1972 provides a statutory procedure for the proposed disposal of public open space, including advertisement and consideration of objections received in accordance with the statutory process.

Scrutiny should establish:

1. The precise statutory notice period and deadline applicable to the proposed disposal.
2. Whether the hard-copy representations delivered on 16th September 2026 were received within the applicable period.
3. How many separate hard-copy objections were contained in the envelope, in addition to the open letter signed by 20 Moorfield residents.
4. Whether each representation was logged, scanned, retained and forwarded to the appropriate officers.
5. Whether the representations were treated as objections under the applicable statutory process and, where relevant, whether their content was summarised or otherwise brought to Cabinet's attention.
6. Whether officers and Cabinet considered the substance of these representations before the decision was taken.
7. If the representations were not included in the published report, why they were omitted and where, if anywhere, their consideration is documented.
8. Whether any corrective action is required if relevant objections were not properly considered before the decision.

The Council should provide a clear account of the chain of custody of the documents, from delivery at Town Hall through to their receipt, recording and consideration by the relevant decision-makers.

If qualifying objections were received within the statutory period but were not considered as required, this may raise a substantive question about compliance with Section 123(2A). That question should be resolved by examining the actual records and applicable requirements, rather than assuming either compliance or non-compliance.

Public meeting held on 29th September 2026

A public meeting concerning the proposal was held on 29th September 2026, shortly after the published statutory objection deadline is understood to have fallen on 24th September 2026.

Residents reportedly attended and completed feedback forms. It is important to establish what purpose this meeting served, how the feedback was handled and whether it informed the final decision.

Scrutiny should ask:

- What was the stated purpose and scope of the meeting on 29th September?
- What issues, objections and alternative suggestions did residents raise?
- How were the feedback forms collected, recorded, analysed and retained?
- Was a summary of the feedback prepared, and was it provided to officers and Cabinet before the decision?
- Did the meeting take place while the proposal remained genuinely open to reconsideration?
- Did residents' feedback lead to any further investigation, amendments, mitigation measures or changes to the proposal?
- If concerns were not acted upon, what reasons were recorded?
- How did the meeting and the feedback received influence the final Cabinet report and recommendation?

If the meeting was intended to inform the decision, the Council should be able to demonstrate how residents' views were considered. If it was not intended to influence the disposal decision, the Council should explain its purpose and how that purpose was communicated to attendees.

The timing of the meeting does not itself establish a procedural failure. However, it makes it particularly important to clarify the relationship between the statutory objection process, the public meeting and the final decision.

Residents' substantive concerns

The representations raised concerns about the potential loss of open space and the effects of the proposed development on neighbouring residents and the surrounding area. Issues identified include traffic, parking, noise, residential amenity, safeguarding and the circumstances of older or potentially vulnerable residents.

The Council should demonstrate how these matters were considered when deciding whether to dispose of the land for the proposed purpose. Where particular matters are to be assessed through subsequent planning or technical processes, scrutiny should establish which issues were relevant to the disposal decision itself and whether any unresolved matters could materially affect the suitability or deliverability of the chosen site.

4. Human rights, equality and the circumstances of vulnerable residents

The proposed development may affect people living close to the site, including residents of Moorfield Sheltered Housing. The Council should demonstrate that it identified and considered relevant impacts on neighbouring residents before deciding to dispose of the land.

Article 8 of the European Convention on Human Rights, given effect through the Human Rights Act 1998, may be relevant where a decision affects respect for private and family life or the home. The Equality Act 2010, including the Public Sector Equality Duty under Section 149, may also be relevant to the extent that the Council's functions and the circumstances of affected people engage those duties.

This submission does not presume that either duty has been breached. It asks whether the relevant considerations were properly identified and addressed.

Scrutiny should request clarification of:

1. Whether any human-rights, equality or other relevant impact assessment was undertaken in connection with the proposed disposal.
2. Whether the Council identified the potential effects on older, disabled or otherwise vulnerable neighbouring residents.
3. Whether residents' concerns about noise, disturbance, traffic, access, privacy and the use of their immediate surroundings were considered.
4. What evidence and advice informed the Council's assessment of these matters.
5. Whether any relevant assessment was available to Cabinet before the decision was taken.
6. Whether further assessment is required before the Council makes any subsequent or irreversible commitments.

If the Council considers that a particular assessment was unnecessary, it should explain the basis for that conclusion.

5. Safeguarding, residential amenity and operational considerations

The proposed use of Milton Road Fields needs to be considered not only in terms of whether the site can physically accommodate the development, but also whether it can support the intended educational provision while managing foreseeable effects on the surrounding community.

Issues requiring examination include:

- Traffic generation and access arrangements.
- Arrival and departure arrangements for pupils, staff and visitors.
- Parking, drop-off and pick-up activity.
- Noise and disturbance during operating hours.
- The management of movement around the site and the boundary with neighbouring properties.
- Safeguarding arrangements and the relationship between the proposed use and the surrounding residential environment.
- The feasibility, cost and effectiveness of proposed mitigation measures.

Scrutiny should establish which of these matters were assessed before the disposal decision, which remain unresolved and whether any unresolved matters could materially affect the site's suitability or the viability of the proposal.

Where detailed arrangements are properly matters for a later planning application or operational design, the Council should distinguish those future decisions from issues that needed to be understood before committing to dispose of the land.

The objective is not to pre-empt the planning process. It is to establish whether Cabinet had sufficient information to make a reasoned decision about the disposal of this particular site.

6. Open space, flood risk and environmental considerations

The proposed disposal raises questions about the loss of open space and the environmental and technical implications of developing Milton Road Fields.

Scrutiny should establish:

1. The planning policy and land-use status of the site, including the relevance of any applicable open-space policies.
2. Whether the Council assessed the effect of losing the land as open space and considered the availability and accessibility of alternative provision.
3. Whether any existing or proposed biodiversity work, including reported involvement or proposals associated with the Lancashire Wildlife Trust, has been documented and considered.
4. Whether the Council has identified any funding conditions, commitments or restrictions that could be affected by the disposal or development.
5. What flood-risk and surface-water drainage information was available when Cabinet made its decision.

6. Whether advice from the Lead Local Flood Authority and other relevant technical bodies has been obtained or is still required.
7. What drainage, biodiversity net gain and other environmental requirements may affect the cost, design or deliverability of the scheme.
8. Whether the relevant national planning policies and any applicable flood-risk assessment requirements have been identified and taken into account at the appropriate stage.

The Council should distinguish clearly between the decision to dispose of the land and any later planning decision. Nevertheless, if known environmental or technical constraints could materially affect whether the proposed development is feasible, those constraints are relevant to understanding the risks attached to the disposal decision.

The scrutiny process should establish whether these matters were adequately understood and disclosed to Cabinet, and whether any further work is required before the Council proceeds.

7. Financial implications, borrowing and value for money

The Cabinet report is understood to refer to a project cost of approximately £17 million, additional prudential borrowing of £13.616 million and additional recurring revenue costs estimated at £1.14 million annually for 40 years from 2029/30.

Given the scale and duration of these financial commitments, scrutiny should establish whether Cabinet had a sufficiently complete understanding of the project's financial implications and whether the financial case was considered alongside reasonable alternative sites.

The following information is requested:

- The full capital-cost breakdown and the assumptions underpinning the estimated project cost.
- The basis of the additional borrowing requirement, including the relevant financing assumptions.
- The projected recurring revenue costs and the basis for the stated 40-year period.
- The whole-life cost comparison between Milton Road Fields and the other sites assessed.
- Any allowance for site preparation, remediation, drainage, access, environmental mitigation and other site-specific costs.

- The principal financial and delivery risks, including contingencies and the potential consequences of cost increases or delays.
- The extent to which any additional costs or risks associated with the preferred site were reflected in the comparative appraisal.
- The basis on which the Council concluded that the proposal represented value for money and an appropriate use of public resources.

Scrutiny should also establish whether the financial assessment considered the opportunity cost of disposing of the land and whether the Council's wider asset-management strategy was reflected in the decision.

The aim is to determine whether the preferred site was selected on the strength of a robust comparative assessment, rather than simply whether a financial case for the project as a whole exists.

8. Transparency, decision-making and outstanding approvals

For scrutiny to be effective, members need access to the evidence that informed Cabinet's decision and a clear understanding of which issues have been resolved and which remain outstanding.

Subject to applicable legal restrictions, scrutiny should request the relevant records, including:

- The full site-selection and feasibility assessment.
- The record of the statutory disposal notice and objections received.
- The record of the hard-copy representations reportedly delivered on 16th September 2026.
- The analysis of the public meeting held on 29th September 2026 and the feedback received.
- Relevant environmental, flood-risk, equality, human-rights, safeguarding and residential-amenity assessments.
- The comparative financial appraisal and whole-life cost assessment.
- The reasons for rejecting alternative sites.
- The recorded reasons supporting the selection of Milton Road Fields.
- Any relevant legal or governance advice that can properly be disclosed.
- Details of outstanding approvals, conditions and further decisions required before disposal or development can proceed.

Where information is withheld, the Council should identify the applicable reason, subject to its legal obligations.

Scrutiny should also clarify the status of any remaining approvals and commitments, including whether any steps have already been taken following the Cabinet decision and whether further commitments can appropriately be deferred while the call-in is considered.

9. Formal requests to the Overview and Scrutiny Committee

In light of the issues set out above, the Committee is respectfully asked to:

1. Examine the adequacy of the site-selection process.

Obtain and review the full feasibility assessment and comparative appraisal of the alternative sites, including the reasons for rejecting them and the basis for selecting Milton Road Fields.

2. Examine the Council's strategic asset management.

Establish whether potentially suitable existing assets were fully considered and whether the disposal decision was consistent with the Council's wider property and financial strategies.

3. Investigate the handling of residents' hard-copy objections.

Require officers to establish the number and nature of the representations reportedly delivered in a sealed envelope to Bury Town Hall on 16th September 2026, including the open letter signed by 20 Moorfield Sheltered Housing residents and the other separately signed objections. Confirm how the documents were received, logged, retained, distributed and considered, and whether the applicable statutory requirements were met.

4. Establish how statutory objections were considered.

Clarify the applicable Section 123 objection deadline, determine whether qualifying objections were received within the statutory period, and establish how their substance was brought to the attention of officers and Cabinet.

5. Examine the purpose and outcome of the 29th September public meeting.

Obtain the feedback forms, meeting records and any subsequent analysis or officer responses, and establish how the feedback influenced the decision-making process.

6. Examine the implications for neighbouring residents.

Consider whether the likely effects on residential amenity, traffic, parking, noise and vulnerable residents were sufficiently assessed before the disposal decision.

7. Examine relevant equality and human-rights considerations.

Establish what assessments and advice were available to Cabinet and whether further work is required to discharge any applicable duties.

8. Examine environmental and technical constraints.

Review the available information on open-space policy, flood risk, drainage, biodiversity and other relevant requirements, distinguishing between matters relevant to disposal and those reserved for subsequent planning or technical approval.

9. Review the financial case.

Examine the capital and recurring revenue costs, borrowing assumptions, whole-life costs, risks and comparative value-for-money assessment.

10. Determine whether Cabinet had sufficient information to make its decision.

Establish whether all material objections, relevant alternatives, financial implications and foreseeable risks were adequately considered and reported.

11. Consider the appropriate outcome of the call-in.

If scrutiny identifies material omissions, procedural deficiencies or a need for further assessment, consider whether the decision should be referred back to Cabinet for reconsideration, with appropriate recommendations and any further information required.

12. Clarify the position while scrutiny is undertaken.

Confirm the effect of the call-in under the Council's applicable procedure and, where procedurally possible, ensure that further commitments are deferred pending the Committee's consideration and any resulting reconsideration.

The Committee is also asked to ensure that its findings and any recommendations clearly identify the evidence relied upon and explain how the issues raised have been resolved.

10. Conclusion

The need to provide suitable alternative education is not the central dispute. The central question is whether Milton Road Fields is the right site and whether the decision to dispose of it was reached through a complete, transparent and properly evidenced process.

There are legitimate questions about the assessment of alternative sites, the management of public assets, the handling of residents' representations, the purpose and outcome of the public meeting, the effects on neighbouring residents, environmental constraints and the long-term financial implications.

Of particular importance is the need to establish what happened to the hard-copy objections reportedly delivered to Bury Town Hall on 16th September 2026. These included an open letter signed by 20 residents of Moorfield Sheltered Housing, together with other separately signed objections. The Council should establish whether these representations were properly recorded and considered, and explain why they do not appear to be accounted for in the published Cabinet report.

Residents must have confidence that representations submitted through a statutory process are handled properly and that concerns raised through public engagement are genuinely considered. Where a decision has significant and potentially lasting consequences for public land and neighbouring communities, that confidence depends on a clear record of the evidence considered and the reasons for the decision.

The Committee is therefore asked to examine the decision objectively, establish the relevant facts and determine whether the Cabinet decision should stand or be referred back for reconsideration.

This submission seeks a fair, evidence-based scrutiny process that recognises the educational need while ensuring that the choice of site, the statutory process and the interests of residents have all been properly addressed.

Submitted by: Councillors Carol Birchmore, Ken Simpson, Mary Walsh, Des Duncalfe, Judi Sheppard and Mike Smith, Radcliffe First

Date: 18th October 2026