

**CABINET MEETING: 25 FEBRUARY 2021**

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**21<sup>st</sup> CENTURY SCHOOLS, BAND B: REPLACEMENT WILLOWS  
HIGH SCHOOL**

**EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH  
MERRY)**

**AGENDA ITEM: 5**

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**Appendices 6, 7, 8 & 9 to this report are not for publication as they contain exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A to the Local Government Act 1972.**

**Reasons for this Report**

Cabinet to:

- (i) Acquire the freehold interests for land at Lewis Road, Splott, in line with Heads of Terms and an independent valuation to deliver the replacement Willows High School, subject to Ministerial approval of the Welsh Government Business Justification Case, and delegate authority to conclude the acquisition.
- (ii) Note that a non-statutory public engagement on the relocation of Willows High School will commence following the acquisitions.

**Background**

1. The Council has set out its vision to invest in its education estate to deliver “Inspiring, sustainable, community-focused schools in which children and young people can achieve their potential”. The rebuild and relocation of Willows High School to Lewis Road forms a critical part of delivering on this vision for the children, young people and communities of Adamsdown, Splott and Tremorfa.
2. A Cabinet report outlining the strategic investment in the city’s education estate through its Band B 21<sup>st</sup> Century School Programme was approved on 12 October 2017 (attached as **Appendix 1**).

3. This report outlined the challenges and opportunities facing Cardiff in the development of the education estate specific to the sufficiency, suitability and condition issues in Cardiff as assessed in 2017, which provided the basis of the funding request from Cardiff to Welsh Government under the Band B programme.
4. As part of the prioritisation of schools within the Band B capital investment programme, all properties across the school estate were given a rating from A to D for the following issues, with D being the worst category:
  - Sufficiency of places available;
  - Condition of the school buildings;
  - Suitability of the environment for teaching.
5. Willows High School is rated as a “D” category for condition, which means the buildings are life-expired. The Welsh Government is committed to removing all “D” condition schools from Wales. As a result, Willows High School was automatically prioritised for investment under Band B.
6. The school is also rated ‘D’ for suitability, with ‘unsuitable’ learning environments, which seriously inhibit the school’s capacity to deliver the curriculum.
7. The current Willows High School site is within the flood zone and is therefore not viable to be developed for a school at this time. It is anticipated that, following construction of the proposed new coastal defence wall, surveys would be commissioned for the flood boundary to be reassessed by Natural Resources Wales.
8. At its meeting on 11 July 2019 the Cabinet received a report requesting officers be authorised to consult on proposals for early years, primary school, secondary school and post-16 provision to serve Adamsdown and Splott.
9. The original proposals involved the expansion and transfer of secondary provision for 11-16 to 8 forms of entry (FE) and the establishment of a post 16 provision on the secondary site. It also proposed the closure of St Alban’s RC Primary School at the request of the Catholic Archdiocese and the expansion of Baden Powell Primary School to 3FE with investment to expand Tremorfa Nursery to become an integrated children’s centre. A copy of the 11 July 2019 Cabinet Report is included at **Appendix 2**.
10. The outcome of the consultation showed that the majority of stakeholders that responded opposed the Catholic Archdiocese’s proposed closure of St Alban’s RC Primary School.
11. The other key concerns raised by stakeholders during the consultation in response to these proposals raised included:

- Loss of Tremorfa Park and building on treasured open space, children's play facilities and sports pitches accessed by the community and local sports clubs;
  - Expansion of the secondary school in an area of deprivation with complex needs and whether families benefit from bespoke support and trusted relationships;
  - Co-location of the primary and secondary schools on a single site;
  - Traffic and transport concerns owing to the access and egress roads into the proposed site.
12. The children and young people that responded to the consultation echoed many of the concerns raised by other stakeholders particularly with regard to the perceived loss of parkland.
13. In addition, they were keen to record their views regarding how the site would look, feel and the facilities on offer to support learning. Key concerns specifically raised by school pupils included:
- the need to relocate the school off the floodplain as they were aware building was limited/could not take place on their existing site;
  - stressed the importance of larger rooms and wider corridors to allow for 'active learning' and to move around the school more easily together with a range of specialist facilities to prepare them appropriately as they were aware that this is going to be very important in helping to gain future employment;
  - keen to avoid any negative impact on the environment and wanted to know if there was an Eco-plan to produce something positive, such as sustainable lighting, which they also felt this would be beneficial to the wellbeing of the pupils and the environment.
14. During the consultation period, the Catholic Archdiocese advised that they no longer wished to progress the proposal to close St Alban's RC Primary School. As a result of the Archdiocese decision to withdraw the proposal, the proposed enlargement of Baden Powell Primary School would no longer be necessary, and the utilisation of buildings that would have been vacated following the closure of St Alban's RC Primary School to enlarge Tremorfa Nursery School would not be possible.
15. At its meeting on 23 January 2020, Cabinet received a report setting out the outcome of the consultation (**Appendix 3**). Following consideration of the decision of the Archdiocese and taking into account the key concerns raised by stakeholders, the Cabinet resolved to not progress the proposals. Cabinet also authorised officers to bring forward a further report setting out details of revised proposals for the provision of education places in Adamsdown and Splott.
16. Consistent with the decision made by Cabinet on 23 January 2020, the Council has taken into account the feedback from the consultation and changing projection data in bringing forward this proposal for relocating Willows High School at the appropriate size in new build facilities. This

proposal located at the new site available at Lewis Road will provide considerably improved facilities and exciting opportunities to build links with local businesses and sports facilities.

## **Issues**

### **Sufficiency of mainstream secondary school places / population changes and impact on provision required**

17. When considering likely demand for places across the area, a number of factors have been used to inform projections and forecasts, including:
  - Recent and historic numbers on roll taken from verified PLASC (Pupil Level Annual Census) for Cardiff schools;
  - Recent and historic populations known to be living in each area utilising NHS data;
  - Recent and historic numbers and percentages of children attending English-medium and Welsh-medium community and faith places in Cardiff;
  - Recent and historic numbers and percentages of children transferring from primary schools in Cardiff to secondary schools elsewhere.
18. Forecasts have been prepared based on:
  - Current residential populations;
  - Likely child populations from the future residential developments currently in construction and proposed;
  - Likely demand if parental take-up patterns were to remain consistent with the most recent years applying these trends to the relevant populations in future years;
  - Likely demand if parental take-up patterns at entry to secondary schools were consistent with the type of primary school (English-medium community, Welsh-medium community or Faith) attended, applying this information to the relevant populations in future years.
19. Additional information, regarding projections and forecasts prepared relevant to the area, and the methodologies used to establish likely demand are set out in **Appendix 4**.

### **Summary of recent and forecast demand for places at entry to secondary education**

#### **Take up of secondary school places city-wide**

20. The five secondary schools included in Cardiff's Band B 21st Century schools programme, including Cathays High School, were proposed to expand from a combined capacity of c35.5FE to c44FE. These proposals took account of the projected increasing intakes to secondary education

in a number of areas of Cardiff in the period until 2024, and the continuing need for these places in the period that follows.

21. Cardiff's expected level of growth in this period, in existing communities, is significant. It is evident that, separate to pupil forecasts based on existing housing, additional secondary school places will be required to accommodate children from new housing developments in the catchment areas of some existing schools.
22. Dwelling completions in Cardiff have significantly increased in recent years. The 1,444 completions in 2018/19 (43% higher than 2017/18) contrast with the previous 9 years where completions averaged 725 units per annum, with no year above 1,000 units for this period. Construction has now started or is about to start on most of Cardiff's strategic housing sites and it is expected that housing completions over the remaining 6 years of the Local Development Plan period will increase significantly.
23. The 2019 landbank for housing in Cardiff numbered 24,944 dwellings. Approximately 1,600 additional dwellings in Butetown, 1,800 in Grangetown, 800 in Canton, 600 in Llandaff and 700 in Cathays (mainly in the city centre) have planning permission or are on sites allocated in the LDP. Each of these communities lie within the catchment areas of the schools included within the Band B programme.
24. As detailed in **Appendix 4**, the city-wide forecast demand for places at entry to secondary education from existing housing will increase by circa 150 children per year group within the Band B investment period, until 2024, as a consequence of larger cohorts promoting from primary education, and reduced outflow to out of county provision. City-wide intakes from existing housing are at lower levels in the years that follow.
25. The current and projected demand for places at entry to secondary school within the neighbouring catchment areas of Cardiff High School and Fitzalan High School exceed the number of places available at each school.
26. Planned housing developments within the Fitzalan High School catchment area, including those with outline or full planning permission, will impact neighbouring English-medium community schools and must be considered when planning provision.
27. The Cabinet has authorised officers to consult on a separate proposal to permanently expand Cathays High School to 8FE to meet the projected demand for places from within its catchment area and to also accommodate excess demand for places from other neighbouring catchment areas.
28. Consultation on changes to English-medium community secondary school catchment areas would be required at the appropriate time in order to provide a suitable balance in the supply of and take-up of places. Catchment areas are only part of the school admission oversubscription criteria and being resident within a catchment area is not a guarantee of

admission. The Council has to ensure sufficient place in the secondary sector regardless of catchment boundaries.

### **Take up of places - Willows High School catchment area**

29. The Willows High School catchment area comprises the primary school catchment areas of Adamsdown Primary School, Baden Powell Primary School, Moorland Primary School and Stacey Primary School, which serve Adamsdown and Splott. The area is also served by St Albans RC Primary School, Tredegarville Primary School, Ysgol Glan Morfa. St Peter's Catholic Primary School, located within the Plasnewydd ward, also serves the area and is in close proximity to Adamsdown. A map of the Willows High School catchment area is attached as **Appendix 5**.
30. The Adamsdown and Splott areas are within the catchment area of Ysgol Gyfun Gymraeg Bro Eder, and are also served by St Illtyd's Catholic High School and St Teilo's Church in Wales High School.
31. Earlier proposals for the replacement of Willows High School identified that an English-medium community secondary school of 6FE to 7FE, providing 180-210 places per year group, would be sufficient to serve the existing Willows High School catchment area alone. This took account of the take up of places in English-medium and Welsh-medium community primary schools, and in faith-based primary schools, and the proportion of children transferring to each type of secondary school in previous years, and projections which took account of this.
32. The more recent take-up of English-medium community primary school places by children who are resident within the existing Willows High School catchment area has averaged 199 per year group. This has fluctuated between 166 and 225 pupils in the period 2016 - 2020.
33. Take up of Welsh-medium Reception places in the area increased from 34 children in 2018/19 to 47 children in 2019/20, accounting for 13% of children in the NHS GP dataset. The Welsh Government has set transformational targets within its Cymraeg 2050 policy, which require an increase in the proportion of each school year group receiving Welsh-medium education from 22 per cent nationally in 2015/16 to 25-29 per cent by 2031, and then to 40 per cent by 2050. It is implicit within the aims and targets in the strategy that Cardiff is expected to increase the take up of Welsh-medium places in all areas of the city.
34. The average intake over the last 3 years at entry to Reception year within the Willows High School catchment area is 206 pupils (approximately 7FE). Consistent with populations elsewhere, there is a significant fall in projected Reception intakes in 2023/24, in the cohort that would promote to secondary education in 2030/31. Data is not yet available for cohorts that would enter primary education in 2024/25 and beyond.
35. On average, 158 children per year group have transferred to English-medium community secondary schools and 80 children per year group have transferred to English-medium faith-based secondary schools in

recent years. The remaining young people transfer to Welsh-medium secondary schools.

36. There is no significant difference in the number of children in Year 6 cohorts and in the following year's Year 7 cohorts in this area - i.e. almost all children resident in the area continue to attend community or faith schools in Cardiff when they transfer to secondary education.
37. Forecasts indicate that, in the Band B investment period, 150-189 English-medium community secondary school places will be required to serve the existing Willows High School catchment area, either at the school or at other English-medium community schools. This takes account of c80 places being taken up within Faith-based schools by pupils resident in the area. Intakes are projected to peak at 189 in 2023 but reduce thereafter to 171 in 2024 and no more than 165 in the period 2024 - 2029.
38. Intakes to secondary education from 2028 are based on NHS data for pre-school children and reflect the recent parent preferences for English-medium community, Welsh-medium or faith schools as a proportion of the primary school intakes, and could therefore change.
39. Pupil preference patterns in the Willows High School area indicate that a significant proportion of applicants state a preference for, and gain admission to, other community secondary schools. Parental preferences for other neighbouring schools in the most recent intakes have meant that less than 70% of pupils in the area, who have enrolled at an English-medium community school, are at Willows High School.
40. The future planning of places must take into account the impact of a new-build 21<sup>st</sup> Century school in the Willows High School catchment area, and Band B proposals for other secondary schools, and how this may affect parental preferences. The distribution of capacity between Willows High School and neighbouring schools must take account of parental preference patterns and should also retain sufficient surplus capacity across the wider area to respond to potential future population changes.
41. There are no large planned residential developments within the Willows High School catchment area that would significantly increase the child population within the area. There are also no significant housing developments currently planned nor included with in the adopted LDP for the Willows High School catchment area.
42. Taking the above information into account, an English-medium community secondary school of 6FE, providing 180 places per year group, would be sufficient to serve the existing Willows High School catchment area during the Band B investment period and beyond.
43. The existing Willows High School buildings are assessed as having a capacity of 1,121 places, allowing for up to 224 pupils to be enrolled in each year group. Reducing the school to 900 places would enable up to 180 pupils to be enrolled in each year group.

44. The School Organisation Code allows Local Authorities to reduce the physical capacity of a mainstream school, without the need to publish a statutory proposal, where the proposed capacity will be greater than the highest number of pupils on roll at the school at any time in the previous two school years. The number of pupils enrolled in 2018, 2019 and 2020 was 518, 619 and 665 respectively.
45. Local Authorities must ensure that proposals take account of capacity in other schools serving the area, including faith-based schools, and should not result in excess surplus capacity overall. Consolidating Willows High School at 6FE of entry whilst expanding Cathays High School to 8FE, each in new-build 21st Century school buildings, would provide a reasonable level of surplus places locally and over the combined area to respond to an uplift in parental preferences for admission to each of the schools.
46. In summary, based on the population projections, historic take up of places in the area and the potential for an uplift parental preference following investment, 6FE capacity (180 places per year group for pupils aged 11-16) is expected to be sufficient to meet the demand for places from within the existing catchment area of Willows High School in the Band B period. Capacity of 6FE would:
- Create an efficient class organisation.
  - Provide sufficient capacity to allow the projected number of local children requiring a place in an English-medium community high school to attend.
  - Ensure that citywide capacity would be balanced in light of proposed changes to school capacities in other parts of the city, and pupil numbers entering secondary education reducing from 2024.
47. The city-wide transfer rate in English-medium secondary schools, from Year 11 into sixth forms within schools, averages 54%. This suggests that that the number of sixth form places that would serve a fully subscribed secondary school of 6FE would be fewer than 200 places.
48. Research suggests that the minimum size of sixth form provision should be no less than 200 places, and that a sixth form of fewer than 250 places may not provide sufficient funding to support a broad range of relevant courses and qualifications without the need for financial subsidy from 11–16 funding or alternative sources.
49. There was a largely positive response to the question posed during consultation regarding the concept of introducing post 16 provision on the site with the high school provision, although there were few responses overall. However, there were limited views regarding what was missing currently from the offer that students are able to access from the Adamsdown, Splott and Tremorfa areas; what was needed to add to existing opportunities available nearby and how new facilities would impact positively and make a tangible difference.

50. The reduced of the school size of 6FE, as a result of decreased forecasted take up of places in area, combined with the options already available to the community for Post 16 in neighbouring areas, could mean that any on-site Post 16 provision could struggle to attract sufficient students to ensure its viability. Priority would be given to developing stronger partnerships with post 16 providers to improve careers and options guidance signposting, and enhanced support would be put in place to improved transitions.

### **The proposed new school**

51. The new school would be located on Lewis Road, Splott, and would have easy access to high quality new sports facilities locally. These facilities would be available for use by the whole community outside of core school hours.
52. Pupils would remain at the existing Willows High School site until the new school build is complete to minimise the potential for disruption.
53. The new school would have a reduced capacity of 900 places for learners aged 11 to 16, which exceeds the number of pupils enrolled at the school in recent years.
54. The proposal:
- Provides a permanent solution to the educational and business needs;
  - represents good value-for-money by addressing longer-term condition issues;
  - provides sustainable, local facilities designed to achieve a high quality effective educational environment;
  - provides facilities aligned with strategic aims of the Council;
  - provides facilities which are energy efficient, mitigating running costs and detrimental environmental impact.

### **Forming partnerships and improving outcomes**

55. Willows High School is currently categorised as yellow and has been removed from Estyn monitoring. Recent results show an improvement on previous years. However, progress is still required regarding the outcomes for pupils, attendance, support for vulnerable pupils and transition arrangements.
56. In 2019/2020, from a potential 9.2FE of eligible pupils resident in the Willows catchment, c5.6FE (60%) choose to take up places in EM community schools. Of these, Willows succeeded in attracting 3.7FE (40% of its total catchment population). A further 1.4FE attended the school who were resident elsewhere.

57. In the September 2020 intake, from a potential 9.6FE of eligible pupils in the Willows catchment, Willows has succeeded in attracting 3.2FE in 2019/20 (33%). A further 0.9FE attend the school who are resident elsewhere.
58. A consistent message that has come through pre-consultation with schools in the area and latterly the public during the formal consultation, is that there is a the need to build confidence in Willows High School as a trusted local education provider that is welcoming to all, delivers inspiring high quality learning opportunities, is trusted to deliver good education outcomes for its pupils and further improve standards.
59. The wider school community has spoken about the challenges of working in the area in terms of achieving parental buy in and trust. There are also more unique complexities presenting in the cohort, including the particular needs of the traveller community located within the catchment area.
60. The Council is keen to support Willows High School develop a new aspiring vision that may include opportunities to work with one or more partner schools from within the city.
61. Community access to the new build facilities, and opportunities for use of these by third party organisations, will be a key consideration when designing the new site. These will be developed to enable maximum flexibility, including allowing for opportunities to deliver some satellite post 16 classes where appropriate in partnership with current providers to expand/further enhance the existing offer in the city.

### **The importance of transformational change**

62. The new learning campus delivered on Lewis Road, combined with the benefits derived through collaboration with local industry partners, would create the challenging, supportive and stimulating opportunities, which engender aspiration and achievement. The aim of the proposal is to transform the aspirations and achievements of learners in the area.
63. The Council's proposals for Band B of the 21st Century Schools Programme, and the Cardiff 2030 strategy, clearly state the link between improving the environment for learning and raising standards of achievement.
64. Cardiff is well placed to develop innovative partnerships between schools, businesses, universities and other bodies in the city. In recent years such partnerships have strengthened with considerable potential for further impact.
65. This has been evidenced locally with the successful establishment of the 'Creative Partnership' (which comprises of school representatives together with creative industry leaders) that is integral to how the new Cardiff West Community High School (CWCHS) plans and educates their

learners. This partnership was developed to harness the potential to provide an exciting new offer to young people and to respond to the employment opportunities presented by expanding 'creative economy' as one of Wales' fastest growing sectors.

66. Cardiff is a growing city in both population and economic terms. The creative economy is just one of the growing sectors that is presenting fresh opportunities that may not have been present in the past.
67. The evolution and embedded partnership approach is by no way exclusive to CWCHS. It is a model of partnership which could be replicated and developed further, with other sectors in the regional economy e.g. science, technology, and engineering.
68. The proposed investment to develop and deliver an improved education offer for Adamsdown and Splott that would look to build on the principles behind the successful Creative Partnership at CWCHS and maximise the fresh approach to developing and delivering a specialised range of learning opportunities in purpose-built facilities.
69. Industry partnerships mean that learners in Cardiff are able benefit from a rich curriculum which delivers 'real world' learning opportunities. The curriculum and subjects offered are designed to maintain a strong focus on competencies which support young people to become work ready, e.g. focus on communication; team working; flexibility; adaptability; and entrepreneurialism.
70. This model also ensures that students benefit from an improved understanding of the careers available within the sector to make more informed choices with a bias towards innovation and problem solving, encouraging students to take managed risks and developing their confidence to enter a fast changing employment market.
71. The new school will demonstrate its firm commitment to working in partnership with an industry (to be determined and agreed) from the outset in order to:
  - Put industry at the heart of learning, developing problem solving, tenacity, resilience and innovation, and promoting creativity through links between schools and the designated sector economy.
  - Broaden horizons so all young people have the opportunity to fully engage in the cultural, social and economic life of Cardiff.
  - Ensure business activity that fully reflects the changing face of Wales is at the core of its offer.
72. In doing this we would expect to realise the following benefits:
  - Young People would be inspired by opportunities designed to foster their independence and develop their skills to be resilient, innovative and problem solving learners.

- Communities would be empowered through meaningful projects and activities with employers and partners in the designated sector.
- The city would be enhanced by a dynamic economy underpinned by a vibrant education system.

### **Admissions and Catchment areas**

73. The relevant changes to the Council's policy on the admission of children to schools as a result of these proposals relate to the proposed change in the Published Admission Number of Willows High School from 224 places to 180 places.
74. Consultation on the 2023/24 admission arrangements for community schools will take place in autumn 2021 – spring 2022 in accordance with the requirements of the Admissions Code. This consultation would include the proposed changes to Published Admission Numbers.
75. It is proposed that the admission number of 180 places would be implemented from September 2023, in accordance with the requirements set out in the School Organisation Code.
76. Detailed information regarding admission arrangements is contained in the Council's Admission to Schools booklet, and this information can be viewed on the Council's website ([www.cardiff.gov.uk](http://www.cardiff.gov.uk)).
77. Consultation on changes to English-medium community secondary school catchment areas would be required at the appropriate time, when 21st Century school proposals are sufficiently progressed, in order to provide a suitable balance in the supply of and take up of places.

### **Land Matters**

78. Land requirements for a 6FE school is 65,000m<sup>2</sup> - 83,265m<sup>2</sup> (c16 acres – 20.35 acres) following Building Bulletin Guidelines 98 for Secondary Schools in Wales.
79. The Council has considered a number of sites to include the existing school site, Tremorfa Park and other Council owned sites across the immediate wards to include Adamsdown, Splott and Tremorfa. Given the land requirement to deliver a school compliant with BB98, the search has been expanded to land not currently in within the ownership of the Council.
80. Following an initial assessment of the long list, Tremorfa Park was originally put forward as a short list option for the new school, as noted in the previous consultation. This is a large site, with a central location in the catchment. The land is owned by CCC, which means there would be no capital expenditure to purchase the land. However, it was clear from the consultation that there were significant concerns about building on this community asset and keeping the park land available for future users.

81. The land required to support the preferred option outlined in this paper f is enclosed in Confidential **Appendix 6** 'School Land'.
82. A schedule of the land assembly is outlined within the confidential **Appendix 7** together with a brief summary of the heads of terms agreed with each party.
83. As part of the Council's due diligence on acquisition, external valuer's reports are included in confidential **Appendix 8** together with the agreed Heads of Terms. Delegation to officers is required to agree final detail of the heads of terms through to legal completion.
84. A summary of the Land Assembly costs are included in confidential **Appendix 9**.
85. The proposed school location to the south west of the existing Willows High School catchment area a is easily accessible for the catchment population with a range of active transport routes already upgraded to support the recent new-build primary school which is in close proximity. The school is within 3 miles for all homes within the catchment area. There are public transport options should families prefer their children to use a public bus to get to school.
86. The Planning Department are aware of the emerging proposals and are very supportive of the principle of a school in this brownfield location, and recognise the wider potential regeneration, community and place making benefits of the scheme, subject to further discussion. Formal processes are in place with Planning colleagues in advance of any formal application. The development has the opportunity to deliver wider community and economic regeneration "uplift" as well as promoting active travel and supporting the emerging SW Metro proposals.
87. Ministerial approval has been given for the allocation of funds, subject to an approved Welsh Government Business Justification Case, which is currently under consideration by the Education Minister.

#### The current Willows High School site

88. The transfer of Willows High School to the new site would mean that its current site would be vacated.
89. The current Willows school site has been considered and discounted for redevelopment. Under Planning Policy Wales TAN15, it has been noted as a highly vulnerable development, such as a school, should not be permitted at this site. Refurbishment of the current building has been discounted as in the most recent property survey, by Faithful and Gould in 2017 it was rated as Condition D (End of life) and Condition C for Suitability, with a backlog of maintenance set at £3,842,505 in 2017.

90. The Council is undertaking flood consequence assessments and a feasibility to establish the use of the existing Willows High School site following the construction of the new school buildings. If the site is not suitable for development, the Council is keen to create open access space, continue the use of sporting opportunities and recreational facilities investigate opportunities and to improve the cycle superhighway.
91. The emerging Coed Caerdydd Project, which seeks to increase tree canopy across the city from 19% to 25 % by 2030 provides an opportunity for woodland creation and there is scope to maximise community involvement in delivery of such using the Willows High School as a candidate site.
92. Formal arrangements exist at present for facilities at Willows High School to be used by Bridgend Street Football Club. These facilities would be retained and a new agreement made.
93. The Council is investigating whether Flying Start services provided on the Willows High School site could be transferred to an alternative location, ideally before the closure of the Willow High School buildings.

### **Community Engagement**

94. A public engagement exercise, with stakeholders including school staff, pupils, governors and the wider community served by Willows High School, would be undertaken following the acquisition, to help shape the proposals for replacing the existing school buildings with a new 21<sup>st</sup> Century School.

### **Local Member consultation**

95. Local members have been consulted on the proposals.

### **Scrutiny Consideration**

96. The Children and Young People's Scrutiny Committee will consider these proposals on 23 February 2021.

### **Reason for Recommendations**

97. To progress the acquisition of the site as outlined in **Appendix 6** in order to facilitate the development of new-build secondary school facilities school for the Adamsdown, Splott and Tremorfa areas in order to contribute toward the Council's aspiration of delivering inspiring, sustainable, community-focused schools in which children and young people can achieve their potential.

### **Financial Implications**

98. This report recommends the acquisition of sites in readiness for use in a future 21st Century Schools project. This decision would enable officers

to proceed with land acquisitions and commit the Council to capital expenditure as per the Willows Site Summary in **Appendix 9**.

99. At present, the preferred funding strategy for the Willows High scheme remains the WG's revenue funded Mutual Investment Model (MIM). This will mean the new building will be constructed on the acquired sites via a Special Purpose Vehicle, with the Council making a net contribution of 19% (with WG providing 81% of the revenue funding required) towards the annual unitary charge for a period of 25 years.
100. Whilst the funding required for the Council's contribution to the new build will be made available via the SOP Revenue Reserve, there is currently no identified funding for the recommended land transactions set out in this report.
101. Welsh Government are considering a business case to initially fund these acquisitions, but then utilise the Band B capital programme to fund these acquisitions. In principle the Council will fund the Capital intervention rate of 35% and will reprioritise the current Band B schemes to make the funding available.
102. As noted within the report one of the sites is currently opted to tax. Further work will be required to determine the impact of VAT on each of the sites in relation to whether the site is opted, if this status can be disapplied and the impact of future planned use or commercial arrangements in each case. This could impact the Council's partial exemption calculation or result in irrecoverable VAT payments on construction or future income streams and requires consideration prior to acquisition.
103. Specialist tax and VAT advice has been sought to establish the implications of purchase options. The VAT risks will remain until the site acquisitions are complete and tenants are in place.

## **Legal Implications**

### **Property**

104. Section 120 of the Local Government Act 1972 enables the Council to acquire land for either (a) the benefit, improvement or development of its area or (b) for any of its functions under any enactment. The Council's Disposal and Acquisition of Land Procedure Rules requires the decision maker to have regard to advice from a qualified valuer, to ensure value for money.
105. External legal advice has been obtained in connection with this matter and contained in Confidential **Appendix 8**.
106. The Cabinet needs to take account of the Council's fiduciary duties to the local residents and taxpayers. As such, proper consideration needs to be given to the risks, rewards and potential future liabilities of the proposals

which are the subject of this report. The issue concerns whether the potential risks and liabilities described in the report and in Confidential Appendix 15 are proportionate to securing the stated school development objectives and thereby in the best interests of the local taxpayers and residents.

### Equalities & Welsh Language

107. In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, (b) Gender reassignment, (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief –including lack of belief.
108. An equalities impact assessment is attached to this report in Appendix 10 and the decision maker should have regard to the same in reaching its decision.
109. The decision maker should be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

### The Well-being of Future Generations (Wales) Act 2015

110. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The wellbeing objectives are set out in Cardiff's Corporate Plan 2020 -23.
111. When exercising its functions, the Council is required to take all reasonable steps to meet its wellbeing objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the wellbeing objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
112. The wellbeing duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take

account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
113. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible on line using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

#### **Policy and Budget Framework**

114. The decision maker must be satisfied that the proposal is within the Policy and Budget Framework, if it is not then the matter must be referred to Council.

#### **Traffic Regulation**

115. The Council as the 'Traffic Authority' has a discretionary power to make 'traffic regulation orders' where it appears to the Council expedient to make the order for any of the purposes specified under Section 1 of the Road Traffic Regulation Act 1984 Act ("the 1984 Act").
116. Full legal advice should be sought on the proposed traffic regulation orders, as the same are developed but it should be noted that in making any traffic regulation order the Council must comply with the procedure set out in the Act and the regulations made there under. This process involves at statutory consultation exercise, with associated rights of objection. If objections are received, they must be duly considered and following such consideration the potential exists that the traffic regulation order may be made, be made but in modified form or not proceeded with at all.

#### **HR Implications**

117. Whilst the proposal for replacement of Willows High School at 6FE, represents a reduction in the published admissions number for the school, the current data suggests that the school is not currently at full capacity and may increase in size over the coming year given local pupil projections.
118. In light of this, the Governing Body will need to consider this potential expansion and ensure their staffing structure is sufficient to address this. Where this results in a need to recruit additional members of staff, these vacancies should be redeployment opportunities for any staff on the

redeployment register in line with the School Redeployment and Redundancy Policy.

119. Further HR implications of the new school will be determined as the project develops. The Governing Body and the school's leadership team may require HR advice, guidance and support to ensure that its staffing structure is appropriate for a new build school, and in particular this will include the consideration of estates and facilities requirements linked to community use.
120. There will need to be high levels of consultation with staff and trade union colleagues to support a smooth transition to the new school site.

### **Property Implications**

121. The Strategic Estates Department have been closely involved in considering the proposals in particular the property requirements. Much of the property matters and implications are identified and discussed in the body of this report and also in further detail in the Confidential Appendices.
122. Where there are resultant land transactions, or further negotiations or valuations required to deliver these proposals, they should be done so in accordance with the Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

### **Traffic and Transport Implications**

123. The Council's policy is to increase the overall share of daily journeys that are made by sustainable modes of transport – walking, cycling and public transport. Many journeys to school are very short. 75% of journeys to education in Cardiff are within 3km of people's homes. More of these journeys could be made by active modes if improvements could be made to the safety of roads and routes for walking and cycling within school catchment areas. The health and wellbeing benefits of enabling children to travel actively and independently to school, as opposed to being escorted by car, are well documented and evidenced.
124. The adopted Local Development Plan sets a target to achieve a 50:50 split between journeys by car and journeys made by foot, cycle and/or use of public transport by 2026.
125. The Council's Transport White Paper, published earlier this year sets more ambitious modal shift targets and seeks to achieve over 60% of daily work trips to be made by sustainable modes of travel by 2025 with this share increasing to around 75% by 2030.
126. The Transport White Paper includes the commitment to "Develop Active Travel Plans and accessible walking and cycling routes for all schools by working with children, teachers, parents and governors to promote walking, scooting and cycling to and from schools".

127. The new school developments being brought forward as part of the Council's Band B programme provide the opportunity to deliver on this commitment and provide examples of best practice in terms of integrating new schools and active travel infrastructure.
128. Key to this will be ensuring that the design and layout of buildings and the site access arrangements prioritise travel by active and sustainable modes. Other critical elements will be the location of access points in positions which take account of the alignment of the surrounding network of roads and pathways and which serve to minimise walking and cycling distances and avoid unnecessary detours for people travelling. In terms of the proposed site, a key challenge will be ensuring that safe and attractive active travel routes can be integrated within the dense network of streets in Adamsdown, Splott and Tremorfa which form a large part of the school catchment area.
129. Whilst it is less than one mile from the existing school to the proposed site, the new school would be slightly further away from parts of the existing catchment area where there is the highest concentration of current pupils. This potentially lengthens the school journey for slightly more pupils and underlines the necessity of providing new and improved routes to maximise opportunities for active travel and to encourage pupils to travel to school by walking, cycling and scooting.
130. The provision of on-site facilities, such as secure cycle parking spaces and lockers for storage of cycling clothes and equipment will also be essential.
131. Cycle and scooter parking provision must meet the minimum requirements set out in the Council's Managing Transport Impacts SPG and the site must be able to accommodate increases in scooter and cycle parking to meet future demand.
132. Cycle parking must be covered and secure and be sited in a convenient location within the site which is easy for pupils for access and where it benefits from surveillance. Sheffield stands are recommended. Tiered cycle parking will not be acceptable.
133. Vehicular access to the school site will need to be limited to staff and vehicles requiring access for essential servicing. The SRB pupil learner transport will need appropriate facilities for drop-off and pick-up. However, facilities for general pick up and drop off of other pupils by car should not be provided.
134. On-site car parking should be in accordance with the Council's Managing Transport Impacts Supplementary Planning Guidance (2018). The maximum car parking requirements for schools within the SPG is one parking space per 30 pupils and this would apply to the mainstream school provision at the site. Parking on street near the school will be discouraged through the introduction of appropriate parking restrictions. The Council is currently introducing School Streets in selected suitable locations; the use of Traffic Regulation Orders to restrict vehicular access on streets outside schools at morning drop-off and afternoon pick-up times. This approach

could potentially be used to restrict parking and access associated with a new school at the site.

135. Transport mitigation for the development will be identified through the Transport Assessment (TA) process, which will inform the proposals submitted for planning permission.
136. The traffic impact on the highway network including potential changes to the road layout will need to be fully assessed. Potential closures may be required over parts of Lewis Road, Titan Road, Keen Road and Portmanmoor Road where they cross or encroach on the site. A closure to a through route with appropriate restrictions is likely to reduce existing traffic volumes and speeds and prevent traffic taking short cuts. Changes to the local road network may require specific mitigation measures to accommodate existing walking and cycling routes as well as for facilitating new desire lines for school-related journeys. The opportunity for use as active travel routes to connect to adjacent amenities and sports facilities at Cardiff Central Sport and Community Centre (CCSCC) for use by the school should be maximised.
137. Proposed changes to the local road network require mitigation to accommodate localised alternatives to existing neighbouring business access routes, to be confirmed as part of the TA process.
138. Road closures and other changes would involve traffic orders and associated legal processes, both requiring sufficient lead-in time and financial resources.
139. Mitigation measures may be required to address potential increased traffic levels around school start and end times past the neighbouring Ysgol Glan Morfa and on East Tyndall Street and Walker Road which are already heavily trafficked.
140. The TA will identify necessary works associated with required vehicular access onto the site and off-site highway measures including any safety measures, traffic calming and facilities for pedestrians, cyclists and scooting including crossing facilities for all active travel modes. The transport team will require very early engagement with the designers and transport consultants for the project to ensure that appropriate facilities to support sustainable travel are considered at the outset of the project and incorporated into the site master plan.
141. In addition to highways measures within the immediate vicinity of the school gates, this work will need to identify other off-site improvements, including linkage with existing active travel routes and the provision of new routes, necessary to maximise opportunities for pupils to travel to school by walking, cycling and scooting, and for those using public transport.
142. Improved routes required for the existing catchment are likely to include links through Moorland Park (with Moorland Primary School adjacent) and with Ysgol Glan Morfa and beyond to the wider area.

143. Opportunities to make existing roads and streets safer for active travel by managing vehicle speeds and filtering out through traffic will be investigated as part of the Transport Assessment. Work to develop the new Active Travel Network Map for Cardiff as required under the Active Travel Act is now underway. This will identify measures and schemes to expand Cardiff's existing active travel network and provide better off road and on road active travel routes to key trip destinations including schools. The outputs of this work will be useful in informing the infrastructure measures required off-site to maximise access to the new school by active modes.
144. Both main walking routes to the proposed site from the concentrated distribution of pupils' homes in the existing catchment involve going under railway bridges which have been subject to flooding in the past. Improvements would be required to ensure flood-resistance is designed in to these routes for pedestrians and cyclists.
145. Learner Transport is currently provided by a number of taxis transporting pupils with Additional Learning Needs (ALN/SLN). Consideration will be required to where these can pick up and drop off on the proposed site in a safe area segregated from the main stream pupil entrances to avoid pedestrian and vehicle conflict.
146. Currently no pupils (other than the SRB and main stream pupils with special needs) are eligible for Learner Transport and so appropriate provision would need to be made for use of public transport services to access the school site. This would include safe waiting facilities for pupils and staff using scheduled and additional school bus services with safe pedestrian access to bus stops at locations convenient to the school, and crossings appropriate to the desire lines, type and level of use.
147. The new school would potentially serve pupils from the Butetown area. The Council is developing a segregated cycle route along the Tyndall Street corridor which could form part of a safe cycling route to school for pupils living in Butetown. However additional segregated cycling infrastructure would be required to enable pupils cycling from Butetown to safely navigate the area around the 'Magic Roundabout' and to provide an onward segregated route along the Ocean Way corridor. This needs to be investigated through the TA process.
148. The Council is committed to ensuring that every school in Cardiff has an Active Travel Plan by 2022. Such a plan identifies actions by the school to support and encourage active travel to school and will also identify any improvements to on-site and off-site infrastructure required to facilitate active journeys.
149. All schools developed under Band B will need to have such a plan in place from the outset of their operation. The Active Travel Plan for the replacement Willows school site should be informed by the Transport Assessment and developed with full involvement of the pupils and staff at the existing school site and pupils and staff in the feeder school populations. The Active Travel Plan for the new school should be linked to

the Active Travel Plans for the feeder or cluster schools. This will help to encourage active travel across each age group and ensure that all pupils entering the new school are equipped with the skills they need to travel to school by active modes. The Council's Active Travel Plans officers can support the development of the Active Travel Plan.

150. Other support can be offered through the Council's Road Safety Team which delivers National Standards Cycle Training to schools in Cardiff.

### **Equality Impact Assessment**

151. An initial Equality Impact Assessment has been carried out. It concluded that the proposed changes would not negatively affect a particular group in society. Where particular groups are identified as being impacted, mitigating actions have been identified. This assessment will be reviewed after the consultation. Further equality impact assessments would also be carried out if the proposal goes ahead.
152. A Statutory Screening Tool including Equality Impact Assessment is attached as **Appendix 10**.

### **RECOMMENDATIONS**

The Cabinet is recommended to:

1. Agree that the freehold interests for the land at Lewis Road, Splott be acquired in line with Heads of Terms and an independent valuation, subject to Ministerial approval of the Welsh Government Business Justification Case.
2. delegate authority to the Director of Economic Development (in consultation with Director of Education) for all matters relating to the acquisition of land.
3. Note that officers will bring forward a report advising Cabinet of responses received following a public engagement exercise.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Melanie Godfrey</b> Director of Education & Lifelong Learning
	19 February 2021

*The following appendices are attached:*

Appendix 1: Cabinet Report, 12 October 2017

Appendix 2: Cabinet Report, 11 July 2019

Appendix 3: Cabinet Report, 23 January 2020

Appendix 4: Projected availability of and demand for primary school and secondary school

Appendix 5: Map of English-medium community primary and secondary school catchment areas

Confidential Appendix 6: School Land (confidential item)

Appendix 7: Schedule of the land assembly (confidential item)

Appendix 8: Due Diligence, Valuer's Report and Heads of Terms (confidential item)

Appendix 9: Land Assembly Acquisition Costs summary (confidential item)

Appendix 10: Statutory Screening Tool including Equality Impact Assessment