

CABINET MEETING: 17 JUNE 2021

THE EXPANSION AND REDEVELOPMENT OF CATHAYS HIGH SCHOOL

EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)

AGENDA ITEM:5

Reason for this Report

1. The purpose of this report is to inform Cabinet of the responses received following consultation on proposal regarding the expansion and redevelopment of Cathays High School and to seek authorisation to proceed, where appropriate to publish proposals in accordance with section 48 of The Schools Standards and Organisation (Wales) Act 2013.

Background

2. At its meeting on 17th December 2020, the Council's Cabinet agreed a recommendation to hold public consultation on the proposals to:
 - Expand Cathays High School from 1,072 places (5.5 Forms of Entry with 247 sixth form places) to 1,450 places (8 Forms of Entry with 250 sixth form places), from September 2023
 - Replace the Cathays High School buildings with new build accommodation on the Maindy Centre site adjacent to Crown Way and North Road
 - Expand the current Specialist Resource Base (SRB) for learners with Autism Spectrum Condition (ASC) from 16 to 50 places in purpose-built accommodation in the new school buildings
 - Upgrade community facilities in Cathays and Gabalfa through the significantly enhanced school facilities being made available for shared use with the wider local community
 - Provide space for the local community to continue to have access to off-road open spaces for informal leisure use, recognising this is the current use at the Maindy site.

Issues

3. The consultation period ran from 29 January until 19 March 2021.
4. The consultation process involved:

- Publication of a bilingual consultation document outlining background, rationale and implications to parents, Headteachers and Chairs of Governors of nearby schools, all Members of local wards, local residents and other stakeholders (a copy of the consultation documents can be seen at Appendix 1);
 - Publication of a bilingual summary document setting out the main points of the consultation document (a copy of the summary document can be seen at Appendix 2);
 - Publication of information in community languages upon request;
 - Consultation meetings via Microsoft Teams with Governors and staff at Cathays High School (notes from the meetings can be seen at Appendix 3);
 - Consultation meetings via Microsoft Teams with pupil representatives at Cathays High School, Albany Primary School, Allensbank Primary School and Gladstone Primary School (notes from the meetings can be seen at Appendix 4);
 - An online pupil survey for pupils at Cathays High School;
 - Public consultation meetings via Microsoft Teams Live Event at which the proposal was explained and questions answered (notes from the meetings can be seen at Appendix 5);
 - Drop-in sessions via Microsoft Teams where officers were available to answer questions (notes from the drop-in sessions can be seen at Appendix 6);
 - Letters setting out details of the proposal and where further information could be found were sent to local residents and businesses;
 - A consultation response slip for return by post or e-mail, attached to the consultation document
 - An online response from at www.cardiff.gov.uk/cathayshighproposals
5. In line with national Coronavirus restrictions that were in place during the consultation period all meetings took place virtually via Microsoft Teams and Microsoft Teams Live Event platforms.
 6. For stakeholders who did not have access to digital platforms the opportunity to discuss the proposed changes via telephone was available.
 7. The views expressed at Council organised meetings, drop in sessions, telephone calls, and on paper or electronically through the appropriate channels, have been recorded.

Responses received regarding the proposal during the consultation period

8. In total 494 responses were received including 194 online survey responses, nine email responses and 291 pupil survey responses.
9. Formal responses were received from:

- Local Members – Cllr Rhys Taylor & Cllr Ashley Wood (Gabalfa Ward)
 - Estyn
 - Cathays High School Governing Body
 - Cathays High School Headteacher
 - Gladstone Primary School Chair of Governors
 - Whitchurch High School Headteacher
 - Cardiff Ajax Cycling Club
 - Cardiff Junior Triathlon Club
 - Whitchurch Cycling Club
10. The response from Estyn sets out its view that the proposal is likely to maintain at least the current standards of education and provision in the area.
 11. Full copies of the formal responses can be seen at Appendix 7.
 12. Views were sought from interested stakeholders via an online survey and a hard copy version of the survey within the consultation document.
 13. Of the 194 respondents to the wider stakeholder survey, just under a half (47.4%) agreed with the proposal to increase the number of spaces at Cathays High School, this figure rises to three in five (59.7%) if the respondents that selected no opinion are excluded from the analysis.
 14. A half (50.0%) of respondents support the proposal to transfer Cathays High School into a new building with upgraded community facilities, this figure rises slightly (56.1%) if no opinion responses are discarded.
 15. Over a half (56.5%) of respondents agree that the number of places in the Specialist Resource Base at Cathays High School should increase from 16 places to 50 places. However, if no opinion responses are excluded from the analysis, agreement with this increases to around four in five (82.0%).
 16. Of the nine E-mail responses received, three were formal responses and six were from stakeholders who identified themselves as residents.
 17. The views expressed in the wider stakeholder survey reflect those raised in the e-mail responses received.
 18. The details presented in this report, represent the views expressed during the consultation process. These include the wider stakeholder survey, formal responses, e-mail responses, views expressed at public meetings, drop in sessions, telephone calls and pupil consultation meetings.
 19. A summary of the responses received from all stakeholders, and appraisal of views expressed, can be seen at Appendix 8.

20. A summary analysis of the responses received are included in Appendix 9.

Views expressed

21. Reasons for supporting the proposed changes included:
- addressing the suitability and condition of the existing buildings;
 - the school will benefit significantly from a new school building and enhanced community facilities;
 - the new facilities will be integral to ensuring the school continues the journey as an excellent school. It will allow the school to develop the new curriculum for Wales with flexible and purpose-built facilities;
 - the school will be able to use these facilities to ensure the very best teaching and learning in every classroom and that the school continues to be an inclusive and welcoming community;
 - improved access to outdoor facilities;
 - the provision of additional Additional Learning Needs (ALN) places in new, purpose-built facilities will allow the school to use their expertise and experience to support more young people who would otherwise not be able to access the facilities and provision.
22. Whilst there was support for the redevelopment of the school there were a number of concerns raised related to:
- the need to increase the number of places at the school to the level proposed;
 - insufficient information being available during the consultation e.g. site plan;
 - the potential loss of existing community green space;
 - continued access to the existing leisure centre facilities;
 - a pre-existing land covenant;
 - the loss of the Maindy Velodrome as a valued local community resource;
 - the new cycling track proposed at the International Sports Village should be in addition to existing facilities in Cardiff. The replacement of an existing facility that is well located and fit for purpose, with an alternative edge of city location is not appropriate.
 - the potential loss of the existing BMX track
 - uncertainty around the future of the existing school site;
 - the impact on the local community of the proposed expansion of Cathays High School;
 - the potential for increased traffic in the local area and the impact of this as a consequence of increased pupil number and changes to the road network;
 - potential changes to Crown Way and/ or to New Zealand Road;
 - potential disruption during construction for pupils and local residents
 - pupil behaviour;
 - potential for increase litter in the local area
23. A number of alternative suggestions were put forward. These included:

- Retain the status quo;
- Refurbish the existing buildings;
- Expanding and redeveloping Cathays High School on its existing site;
- Utilising the Maindy Barracks site for a new build school;
- Utilising the Companies House site for a new build school;
- Utilising the Heath Hospital site for a new build school;
- Expanding provision elsewhere local to the pupil population.

Cathays High School Pupil representation

24. Officers met virtually with members of the Cathays High School, School Council to discuss the proposals and gather their opinions.

25. The points raised by the pupils included the following:

- A new building would improve education
- A bigger school would provide more places for those needing them
- A new building would provide a better environment for pupils and access for the community to facilities
- Additional ASC places would be good
- Improved physical and mental wellbeing
- Space for creative subjects
- Hub for community providing space during the weekend/holidays
- Any new school build would need to be sustainable and environmentally friendly
- What would happen to the old school?
- The size of school could be daunting for some pupils
- The existing school building has a lot of history which would be lost
- Most of the children already at Cathays High School would not benefit from the new school
- Potential disruption during construction
- Potential for increased traffic
- Pupils would like to be involved in the development of any plans taken forward

26. Notes of the meeting can be seen at Appendix 4.

Cathay High School Pupil Survey

27. An online pupil survey sought the views of pupils at Cathays High School on the proposed changes, any changes or alternatives to the proposals, what pupils like and dislike about their current schools and what pupils would like to see in any new build school.

28. A total of 291 Cathays High School pupils completed the survey.

29. Three quarters (75.9%) of pupils agreed with the proposal to increase the number of places at Cathays High School. However, if no opinion responses are discarded this figure rises to over nine in ten (91.6%).

30. The reasons given for supporting the proposed expansion of the school included increased space, better facilities and the opportunity for a greater number of children to attend a good school.
31. Those who did not support the expansion had concerns about the increased number of pupils resulting in less individual attention.
32. More than four in five (87.4%) pupils responding to this question agreed with the proposal to transfer Cathays High School into a new building with upgraded community facilities. This figure increase to 98.0% if no opinion responses are discarded from the analysis.
33. The reasons given for supporting the transfer to new build accommodation included an improved learning environment and the current facilities were outdated and not fit for purpose.
34. Those who did not support the transfer to new build accommodation thought that the school was fine as it is.
35. Two thirds (67.0%) of pupils responding to this question agreed with the proposal to increase the number of places at the Specialist Resource Base. This figure increase to 96.9% if no opinion responses are discarded from the analysis.
36. The reasons given for supporting the expansion of the SRB provision included the opportunity for children in Cardiff with ALN needs to attend the school and the need to focus on non-mainstream children.
37. Those who did not support the expansion, felt that the proposed increase in numbers was too great.
38. Details of the pupil survey can be seen at Appendix 9

Albany Primary School representation

39. Officers met with Year 6 pupils at Albany Primary School via Microsoft Teams to discuss the proposal and gather their opinions following their return to school.
40. The pupils were excited by the idea of new school building/facilities.
41. The points raised by the pupils related to school facilities (classrooms, gaming room, outdoor space, energy efficiency). The pupils were concerned that the school would take a long time to build and they would not benefit from it.
42. Notes of the meeting can be seen at Appendix 4.

Allensbank Primary School representation

- 43. Officers met with Year 5 pupils at Allensbank Primary School via Microsoft Teams to discuss the proposal and gather their opinions following their return to school.
- 44. The pupils liked the idea of a new school building/facilities.
- 45. The points raised by the pupils related to the retention of the skate park (BMX track), the size of the school and classrooms, the proposed timescale, continued access to the leisure centre provision, what will happen to the existing Cathays High School building and whether there will be opportunities for pupils to be part of the design process.
- 46. Notes of the meeting can be seen at Appendix 4.

Gladstone Primary School representation

- 47. Officers met with Year 6 pupils at Gladstone Primary School to discuss the proposal and gather their opinions following their return to school.
- 48. The pupils liked the idea of a new school building/facilities overall and thought it was a good idea to increase the number of places as this would ensure that all children who wanted to go to Cathays High School could do so. They thought that increasing the number of SRB places was a good idea and that the community would benefit by having access to the school facilities outside of school hours.
- 49. They were however concerned about the potential of increased traffic, overcrowding and the proposed transfer of the cycle track to Cardiff Bay.
- 50. Notes of the meeting can be seen at Appendix 4.

Response to views expressed

- 51. The Council welcomes the expressions of support for the proposals.
- 52. It is however acknowledged that there are a number of concerns raised particularly around the need for school places, the level of detailed information in respect of the proposed school buildings and site provided during the consultation, the potential impact on open access space, the future of the velodrome/BMX track, a pre-existing land covenant, existing leisure centre facilities, the future use of the existing school site, potential disruption to the school and wider community during construction, pupil behaviour and littering and traffic management.

School Places

- 53. The consultation document set out the need for additional school places. Forecasts suggest that rebuilding Cathays High School with 240 places in each year group would provide enough places to serve the existing Cathays High School catchment area and the wider area.

54. Current data shows a secondary school with three forms of entry (90 places per year group) would have enough places for the existing Cathays High School catchment area.
55. There are currently no large planned housing developments within, or close to, the Cathays High School catchment area. However, there are planned housing developments in the north east and south of the city. This will significantly increase pupil numbers in neighbouring school catchment areas.
56. Cathays High School is well placed to meet excess demand for places from other catchment areas. Expanding Cathays High School would increase places to serve the central areas of Cardiff.
57. A new Cathays High School with 240 places in each year group would:
 - create an efficient class organisation
 - provide sufficient capacity for local children expected to want an English-medium community high school place, and
 - contribute some additional places to meet the projected demand from the wider area.

Detailed plans for new buildings and school site

58. The consultation sought views at the formative stage on school organisation proposals to expand school provision and to relocate the school on the adjacent site at the Maindy Centre.
59. As set out during the consultation, any design taken forward would be developed in partnership with the school and the appointed contractor at a later stage and would be subject to statutory planning processes which allow for all interested parties to comment on and inform what is delivered.
60. However, the views expressed during the consultation regarding the uncertainty around the site layout and the implications for access to open space are acknowledged. Further work has been undertaken to produce an indicative red line boundary map for the proposed school site and indicative building footprint, which takes account of views submitted during consultation. This identifies the extent of the open access space that would be available, and includes the retained leisure centre and BMX track areas outside of the development boundary, the require land for the school and remaining community open access land. As part of the project the Council is intending to landscape parts of the open access areas to provide the most appropriate and usable area possible, subject to design. The open space areas would be in addition to the facilities that would be provided within the boundary of the school that would be available to the community outside of school hours. Comparative red line boundary maps for the existing arrangements and the redeveloped sites are attached as Appendix 10

Open Access Space

- 61. A number of responses to the consultation raised concerns in respect of uncertainty around the extent of open space available for use by the local community.
- 62. Issues related to open access space are addressed at paragraph 60 and within Appendix 10.

Velodrome/ BMX Track

- 63. A number of responses to the consultation raised concerns in respect of the loss of the velodrome from the Maindy Centre site, and whether this track would be replaced.
- 64. The Council's Cabinet considered a report on 18 March 2021 A Cabinet report from March 2021 detailing its Velodrome and International Sports Village (ISV) Development Strategy. This report set out the proposal to relocate the cycle track to the ISV, and the Cabinet approved in principle the plans for the new Velodrome. The proposal is part of the overall improvement of facilities and links to the cycle superhighway and local cycling groups have been consulted as part the development of the proposal. The Cabinet Report is attached as Appendix 11.
- 65. If the proposal to relocate the velodrome were to go ahead, this would be in place before development on the Maindy Centre site, with no loss of cycling facilities.
- 66. The Council has engaged with local cycling clubs and governing representative bodies to understand the required design of the new facility so it will meet their expectations. These discussions will continue whilst the detailed designs are developed for submission to the Local Planning Authority. The existing facility at Maindy Leisure Centre will remain open until the new facility is completed and open for business to maintain continuity of provision.
- 67. As outlined in the consultation document, the BMX track is expected to be retained in its existing position, but could potentially be relocated elsewhere on the Maindy site or current school site should it be deemed beneficial to the project and the community.

Land Covenant

- 68. A pre-existing land covenant sets out that the Maindy Centre land is restricted to use for park, open space, recreation and playground.
- 69. Where the Council proposes to obtain planning permission to redevelop its land, the Council would use its powers to appropriate land for planning purposes to override covenants or other third party interests at the appropriate stage of the planning process for the development.

70. As the land forms part of a recreation ground the Council would advertise its intention to appropriate for a period of two consecutive weeks and take into account any representations made, before making a final decision to appropriate the land for this purpose. This is the recommended means of overcoming title difficulties which might otherwise frustrate the development land under the proposed planning permission which is intended for the benefit of the Council's area.

Existing Leisure Facilities

71. As set out during the consultation there are no proposed changes to the existing leisure centre facilities. The Council agreed in 2016 that the leisure and sporting facilities at Maindy Centre would be operated by Better Leisure (GLL) and a long term lease arrangement is in place. As part of a revised lease the school will continue to have access to indoor facilities at Maindy Centre and an arrangement will be explored with GLL for the shared use of the carpark outside of the school day. Car parking spaces dedicated for use by patrons of the leisure centre would be retained.

The future use of the existing school site

72. A number of responses to the consultation queried the future use of the existing school site and whether this site may be considered for the location of a new primary school.
73. As set out in paragraph 59, further work has been undertaken to produce an indicative red line boundary map for the proposed school site. The existing school site is to be retained in order that the proposed expanded school may meet the site area requirements set out in Building Bulletin guidance for schools on confined sites. This indicative boundary also identifies a large area of community space, outside of the school and leisure centre boundary, of c13,500m² to be retained. This represents an increase in unrestricted access open space available for use by the local community. Further consideration of the layout of the site would be necessary at the design stage.

Potential Disruption during construction

74. In respect of concerns raised around disruption on and around the Cathays High School site during the construction period, the Council has significant experience of delivery building projects on the sites of occupied schools and any work carried out on the site would be managed effectively to ensure the continued delivery of high education standards and that safety and safeguarding standards are maintained.

Pupil behaviour and littering

75. The school is actively managing issues that have been raised regarding litter. The school has restricted use of the entrance on New Zealand Way to Sixth Form pupils only at the beginning and end of the school day, and as supervised access at lunchtimes. A member of the site team now

clears litter on New Zealand Road, the lane and Crown Way. The school is developing a programme to reduce the quantity of litter around the site.

76. The proposed new site will be bigger with better catering facilities. There is an expectation that more pupils would remain on site during the day which has a number of potential benefits such as safeguarding and the minimising of littering.

Traffic Management

77. The consultation document noted that the expansion of school, utilising the Maindy Centre site and the existing school site may necessitate the closure of part of Crown Way to vehicles. A number of responses to the consultation queried changes that may be made and the potential impact on traffic elsewhere in the local community.
78. Transport mitigation for the development would be identified through the Transport Assessment process, which will inform the proposals submitted for planning permission (subject to approval to progress to implementation) at a later stage of the planning process for the school.
79. The assessment identifies works associated with improving vehicular access and off-site highway measures including a school safety zone, traffic calming and pedestrian crossing facilities. Further transport assessment work will be required to support the detailed proposals for the new school site and to inform the future planning application for the development.
80. In addition to highways measures within the immediate vicinity of the school gates, this work will need to identify other off-site improvements which can help to increase opportunities for pupils to travel to school by walking and cycling.
81. The Council is committed to ensuring that every school in Cardiff has an Active Travel Plan by 2020. All schools developed under Band B will need to have such a plan in place from the outset of their operation and therefore, in the event the proposed development proceeds, it would need to be supported by an Active Travel Plan, which should be informed by the Transport Assessment.

Alternative Options

82. Retaining the school at its current capacity in its existing buildings would not allow for the projected increase in pupils requiring secondary school places in coming years.
83. Refurbishment of the existing buildings would address the capacity needs at Cathays High School for its catchment population but would not result in the increase in the number of English-medium places required at secondary age over a wider area.

84. Whilst the existing Cathays site could potentially be used to accommodate a replacement school building, the current site would still be insufficient in size to allow the new school to be built whilst the school remains operational. This would result in pupils having to be accommodated off site for the duration of any new build resulting in significant disruption to education and increased costs.
85. The alternative site options put forward during the consultation are not in Council ownership or available for consideration.

Community Impact

86. The following are taken into account when considering a proposal: Public Open Space, parkland, noise and traffic congestion. Officers will work with schools, local members and any community group to make sure that the proposal avoids negative impacts if possible.
87. Cathays High School enables a number of community organisations to make use of its site outside of school hours. These organisations will be consulted on the proposed changes and consideration will be given to how to support these organisations in the proposed new build school.
88. The open space at Maindy is currently used for informal leisure by the local community – exercise, dog walking, access between Gelligaer Street and Crown Way/North Road, and general leisure activities. It is recognised this is one of few open spaces for residents in Cathays, Maindy, and Gabalfa and therefore the new development will provide space and access for the community to continue these informal activities in community green spaces. In addition, it is proposed that the playground at Gelligaer Street will remain, the BMX track for community use will be retained or relocated elsewhere on the Maindy or current school site, and open-access MUGAs will continue to be provided.
89. With significant sports and wider leisure provision now established, or being developed, in many schools a key objective is to enable third party to access the sports facilities at schools, on a sustainable financial basis.
90. Welsh Government's aim for shared facilities in community-focussed school are to:
- Provide opportunities for the local community and sports organisations to participate in sport and physical activity for health improvement and development of their skills, particularly amongst low participant groups;
 - Operate in line with the national agenda for sport taking into account nationally adopted strategies;
 - Generate positive attitudes in sport and physical activity by young people and reducing the dropout rate in sports participation with age;
 - Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;

- Use the facilities to encourage the range, quality and number of school sports club links and to stimulate competition that is inclusive of young people and adults;
 - Provide affordable access to the facilities and to be self-financing and cost neutral in the first instance, generating sustainable income for the school in the future.
91. The development of a viable model for all schools across the city to be accessed by the communities which they serve is needed.

Wellbeing of Future Generations

92. In line with the Well-being of Future Generations Act Cardiff's Band B programme is committed to providing Local Schools for Local Children, together with encouraging use of sustainable modes to travel to schools, such as walking and cycling. Each School project takes into account key transport issues when they are being designed and the firm need to provide safer routes to encourage walking, cycling and other active travel modes to schools.
93. With the current investments in ICT across the city, student movements may be further reduced as mobile technology develops further allowing for flexible teaching methods. These have the potential to result in a more efficient Travel Plan and further contribute to the Council's targets to reduce its carbon emissions.
94. In order to maximise the long-term impact of this significant investment, any design taken forward for each school included in this proposal would be developed to ensure the delivery of high quality modern facilities that are able to respond to the current pupil populations needs and support the delivery of effective teaching and learning methods. They would also incorporate the flexibility to take account of changes depending on need as time progresses; such as changing demographics and pupil numbers, changing curriculum and changing types of pupil needs.
95. The project will consult with all statutory bodies when developing a planning application to ensure that environmental and biodiversity impacts are fully considered.

Local Member consultation

96. Local members were consulted as part of the consultation. A formal response from Cllr Rhys Taylor & Cllr Ashley Wood is included at Appendix 7.

Reason for Recommendations

97. To meet the demand for English-medium secondary school and post 16 places in the Cathays High School catchment area and neighbouring communities, and to meet demand for additional Specialist Resource Base (SRB) places for learners with Autism Spectrum Condition city-wide.

Financial Implications

98. The reason for this report is to highlight post consultation feedback and seek approval to publish proposals in relation to Cathays High school. At present this would not result in a commitment of capital expenditure. There are no capital financial implications directly arising from this report but once a site plan is finalised, it will be necessary for a full financial evaluation to be undertaken. The aim of this will be to provide assurance that the scheme remains affordable once all relevant costs and contingencies for potential changes in delivery timescales have been incorporated.
99. The preferred funding strategy for this particular scheme remains the WG's revenue funded Mutual Investment Model (MIM). This will mean the new building will be constructed via a Special Purpose Vehicle and the Council will make 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. The funding required for the Council's contribution will be made available via the SOP Revenue Reserve, which also meets revenue costs arising in relation to programme delivery and capital financing.
100. Other capital costs, including those directly connected to the new school, such as FFE and ICT, as well as other costs not directly connected to the new building, such as associated transport infrastructure works, will not qualify for MIM funding. These costs may still be within the scope of the 21st Century Schools Programme and will be funded via the traditional capital route, with WG contributing towards 65% of the costs. Further work is required to understand the full extent of these particular costs, however the Band B capital programme currently includes an estimated allocation for these works. However these will need to be balanced against other Band B priorities and must remain affordable within the overall Band B envelope. If necessary, the programme may need to be reviewed, and certain schemes slipped to future iterations of the 21st Century Schools Programme, in order to accommodate additional costs arising. In addition, any capital required for maintaining the current schools in the interim will need to be met from within existing resources.
101. As well as the capital expenditure commitments directly connected to the main scheme, there would also be expenditure incurred in relation to the replacement cycle track, current contributions are set at £2.4 million. Funding will need to be identified from within existing Council resources or match-funded via external grant funding, if applicable. Traffic management costs that fall outside of the red line boundary for the school site will also require careful consideration, as these would fall outside of MIM funding. Further to the capital costs highlighted above, there would also be significant revenue expenditure implications, both connected to the project delivery and on an ongoing basis, once the new facility is operational. Use of MIM funding would not be available for costs in relation to any site acquisitions or preparations, and no funding has been identified for these costs at present.

102. There continues to be a significant risk surrounding the planned achievement of capital receipts underpinning the overall Band B programme. The total target of £25 million in the current financial model is required prior to the end of 2023/24. The planned community use of part of the current Maindy site would decrease the affordability of the overall programme and may result in additional delays or cancellation of other planned schemes.
103. Any revenue expenditure implications connected to Cathays High School capital project would need to be funded from within the SOP Revenue Reserve, including any costs that will be incurred in advance of the scheme commencing. Any additional operational costs would be met from within the delegated school budget, including those relating to any projected increases in pupil numbers, which would need to be considered as part of the Council's annual budget setting process. Similar consideration would need to be given to the impact upon school transport budgets, particularly in light of the proposed increases to ALN provision as part of this scheme.

Legal Implications

104. Under the Education Act 1996, the Council has a general statutory obligation to promote high standards of education and to provide sufficient school places for pupils of compulsory school age.
105. A local authority can make school organisation proposals, including regulated alterations to a maintained school, under sections 42-44 of the Schools Standards and Organisation (Wales) Act 2013.
106. The proposals set out in the report must be considered having regard to the provisions of the 2013 Act and the School Organisation Code 2018, which sets out factors to be considered in respect of different proposals, the statutory procedures, legal requirements and guidance.
107. The Council is required, prior to publishing its proposals, to undertake a consultation on its proposals in accordance with section 48 of that Act and the School Organisation Code 2018. Following the public consultation, the Council is required to publish and circulate to all interested parties (listed in the Code) a consultation report:
- (i) summarising each of the issues raised by consultees;
 - (ii) responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons;
 - (iii) setting out Estyn's response to the consultation in full; and
 - (iv) responding to Estyn's response by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons.
108. The consultation report may also make recommendations to the Cabinet about how to proceed, i.e. to publish the proposals as consulted on with

any appropriate modifications, to abandon the proposals and retain the status quo or to significantly recast the proposals and re-consult.

109. This Cabinet report, together with the appendices, constitutes the required consultation report; and seeks the Cabinet's approval to proceed to publish the proposals, with the modifications set out. In considering this matter, the Cabinet is required to review the proposals, having regard to all further relevant information put forward during the consultation period (and otherwise).

Land matters

110. The Council has power to appropriate any land held by it for planning purposes pursuant to s122 of the Local Government Act 1972 to facilitate the development of that land. An implication of such appropriation is that it may be used to override third party interests in land, such as covenants, that may otherwise interfere with development, and converting those rights to an entitlement to compensation. Where any land to be appropriated forms part of an open space, the Council is required to first advertise the appropriation for two consecutive weeks in a newspaper circulating in the locality of the land. It is understood that a further decision will be made regarding this process and considered in detail at a later date when planning proposals for the development are finalised.

Statutory process for school proposal

111. If the Cabinet decides to proceed, the proposals must be published within 26 weeks from the end of the consultation period (unless an extension of time is obtained from the Welsh Ministers). Proposals must be published by way of a statutory notice, allowing a minimum of 28 days for objections ('the Objection Period'). The content of the statutory notice, manner of publication and persons to be notified are prescribed in the Code.
112. Within 16 weeks from the end of the Objection Period, the Council must conscientiously consider any objections received and determine whether or not to implement its proposals (under section 53 of the 2013 Act). Members will note that the recommendation is for Cabinet to receive a further report at that stage.
113. If any objections are received during the Objection Period, the Council is required to publish an Objections Report summarising all objections made (and not withdrawn) and its response to those objections. The Objections Report must be published within 7 days from the date of the Council's determination of the proposals, and made available to the interested parties listed in the Code. At the same time as publishing the Objections Report, the Council must also notify its decision to the Welsh Ministers, the school governing body and all interested parties listed in the Code.

114. If the proposals are taken forward, the admission arrangements, including admission numbers and catchment areas, will need to be determined, following consultation, in accordance with the School Admission Code and the Education (Determination of Admission Arrangements) (Wales) Regulations 2006.
115. In considering the proposals, the Council must have regard to its public sector equality 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. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
116. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty.
117. An Equalities Impact Assessment should be carried out to identify the equalities implications of the proposed decision, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
118. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its proposals upon the Welsh language.
119. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how the proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.
120. The decision makers must be satisfied that the proposals fall within the Council's approved policy and budget framework.
121. Further legal advice, including advice in relation to planning, transport and land matters, will be provided as proposals are progressed.

HR Implications

122. The full HR implications of the development of the new school would be determined as the project develops. The Governing Body and the school's leadership 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.

123. The Governing Body and the school's leadership team would also need to consider whether any staffing changes are required to support the use of school premises by the wider community. HR People Services will provide advice and support as necessary.
124. In the event that any vacancies arise, these should be considered as redeployment opportunities for staff on the school redeployment register.
125. In addition, full consultation with staff and trade union colleagues would be needed to ensure there is a smooth transition into the new school building.

Property Implications

126. The Estates team are aware of the covenants and will work with the Education and Legal teams as and when appropriate.
127. In addition, there are other land matters relating to the relocation of the Velodrome which is subject to further land negotiations which Estates will manage in conjunctions with other Council departments.
128. Depending on the option, there may be a land disposal of part of the site and the Estates team will address this as and when the site becomes formally surplus.
129. There is a lease matter to address with the adjoining Leisure Centre and negotiations are underway with the occupier and Estates will liaise with the client department being Parks.

Traffic and Transport Implications

130. 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.
131. The Council's Transport White Paper sets a much more ambitious modal shift target 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.
132. Achieving this target will require changes to the way children travel to school by reducing journeys by car and maximising trips by walking and cycling.
133. Transport mitigation for the development will be identified through the Transport Assessment process, which will inform the proposals submitted for planning permission (subject to approval to progress to implementation).

134. The Transport Assessment will assess the movement impacts of the development and identify the on-site and off-site measures required to mitigate these impacts and accord with the Council's transport and planning policies which seek to maximise travel by sustainable modes and achieve a significant shift away from car travel.
135. The Transport Assessment work will help inform the design of the new school development. As well as identifying measures to accommodate vehicular access to the site, it will also identify on-site and off-site infrastructure to facilitate journeys to school by active travel. These may include measures such as cycle lanes, speed reduction features, restricted access for vehicles, parking controls and new crossing facilities. Opportunities for connecting the site to existing and planned future active travel routes (as identified on the existing Active Travel Integrated Network Map and the planned Active Travel Network Map which is set to replace it by 2022) will need to be identified within the Transport Assessment. Facilities to accommodate access to school by public transport will also need to be identified within the Transport Assessment.
136. The Council is committed to ensuring that every school in Cardiff has an Active Travel Plan by 2022. All new schools will need to have such a plan in place from the outset of their operation and therefore, in the event the proposed development proceeds, it would need to be supported by an Active Travel Plan, which will be informed by the Transport Assessment.
137. Feedback from the consultation regarding Crown Way is noted. Any changes to Crown Way will need to be informed by the Transport Assessment and by further consideration of the best options for layout and design of the new school development.

RECOMMENDATIONS

Cabinet is recommended to:

1. Authorise officers to issue a statutory notice to:
 - Expand Cathays High School from 1,072 places (5.5 Forms of Entry with 247 sixth form places) to 1,450 places (8 Forms of Entry with 250 sixth form places), from September 2023
 - Replace the Cathays High School buildings with new build accommodation on the Maindy Centre site adjacent to Crown Way and North Road
 - Expand the current Specialist Resource Base (SRB) for learners with Autism Spectrum Condition from 16 to 50 places in purpose-built accommodation in the new school buildings

2. Note that prior to implementation of the proposals a further report will be provided to the Cabinet providing details of any objections received, the proposed responses to those objections and recommendations for implementation or otherwise of the proposals.

SENIOR RESPONSIBLE OFFICER	Melanie Godfrey Director of Education & Lifelong Learning
	11 June 2021

The following appendices are attached:

The following background papers have been taken into account

- Appendix 1 – Consultation Document
- Appendix 2 – Summary Document
- Appendix 3 – Notes of meetings with Cathays High School Governing Body and Cathays High School Staff
- Appendix 4 – Notes of pupil engagement
- Appendix 5 – Notes of public meetings
- Appendix 6 – Notes of drop in sessions
- Appendix 7 – Formal responses received
- Appendix 8 – Summary of consultation responses
- Appendix 9 – Summary analysis of consultation responses
- Appendix 10 – Indicative red line boundary
- Appendix 11 – Cabinet Report, 18 March 2021
- Appendix 12 – Statutory Screening Tool and Equality Impact Assessment