

**CABINET MEETING: 15 JULY 2021**

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**ENGLISH-MEDIUM PRIMARY SCHOOL PROVISION TO SERVE  
PARTS OF CREIGIAU & ST FAGANS, PENTYRCH, RADYR AND  
MORGANSTOWN**

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

**AGENDA ITEM: 3**

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**Reason for this Report**

1. To enable the Cabinet to consider a recommendation to hold a public consultation on a proposal to increase the number of primary school places at Pentyrch Primary School from 140 places to 210 places and to establish nursery provision of 48 part-time places at the school.
2. For Cabinet to note the revenue implications and capital implications arising from expansion of school provision.

**Background**

**New housing developments in North West Cardiff**

3. A number of new housing developments have been proposed in North West Cardiff in recent years which will increase the number of children in the area seeking school places, and will impact on the availability of school places.
4. The Council's Supplementary Planning Guidance sets out the circumstances in which the Council could seek s106 contributions from developers towards school facilities. In order to achieve contributions from developers, the Council would be required to evidence that any obligation meets the following criteria:
  - Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in case and kind to the development.
5. S.106 Contributions may only be sought when the schools local to a development will continue to be fully subscribed, and there is a need to expand provision either by expanding existing schools or building new schools. Land, building or financial contributions must be directly proportionate to the needs arising from a development. S.106 contributions do not allow the Council to invest in schools to resolve existing needs that have been identified.

6. The Council's Education Infrastructure Plan, included in the Deposit LDP in 2013, highlights planned investment / development proposals and identifies future infrastructure requirements based on Cardiff's projected level and distribution of growth.
7. Cardiff' Local Development Plan (LDP) 2006 – 2026 identified key strategic sites to deliver 41,100 new dwellings in Cardiff including
  - Strategic site C – North West Cardiff to provide up to 5,000 dwellings during the LDP period but potentially up to 7,000 overall.
  - Strategic site D – North of Junction 33 on the M4 to provide circa 2000 dwellings
  - Strategic site E – South of Creigiau to provide circa 650 dwellings
8. New primary schools to serve the Strategic Site C were detailed in the Local Development Plan as a policy requirement for essential infrastructure necessary to support the development.
9. Outline planning consent for the construction of up to 630 dwellings on Land North and South of Llantrisant Road site, the first phase of the Plasdŵr development on Strategic site C, was granted by the Council's Planning Committee on in February 2016.
10. The Goitre Fach Farm development of up to 260 dwellings also forms part of Strategic Site C. Outline consent for Goitre Fach Farm, adjacent to Llantrisant Road, was given in April 2017.
11. A S.106 agreement for the development secures financial contributions to address a projected shortfall of places arising from the additional children who would be resident on the new development.
12. As at June 2021, 179 dwellings on the Goitre Fach Farm development were occupied. Information supplied by the developers of Goitre Fach Farm, and by the lead developer of the first phase of the Plasdŵr development suggests that c1,000 dwellings will be occupied by Summer 2023.
13. The development North of Junction 33 is also underway and the developer has indicated that 250 dwellings will be complete by early 2023.
14. These developments will increase the number of children in the area seeking school places in the area, which will have an impact on the availability of places in existing schools.
15. New school places may either be provided through the expansion of existing schools (where a site is capable of accommodating additional pupil places), or through the provision of new build schools.
16. Following a public consultation in September 2019, the Council's Cabinet approved the establishment of a new two form entry dual stream primary school

to serve the initial phases of the Plasdŵr development at its meeting of 24 June 2020. This school will provide one form entry Welsh-medium and one form entry English-medium with a significant use of Welsh places, and will also provide 96 part-time nursery places. A copy of Cabinet Report of 24 June 2020 is attached as Appendix 1.

## **Issues**

### **Schools serving the area**

17. The communities of Creigiau and St Fagans, Pentyrch, and Radyr and Morganstown are served by a number of English-medium, Welsh-medium and dual stream primary schools.
18. These include Bryn Deri Primary School, Danescourt Primary School, Pentyrch Primary School, Radyr Primary School and Tongwynlais Primary School (English-medium), Ysgol Gymraeg Coed-Y-Gof (Welsh-medium) and Ysgol Gynradd Gwaelod y Garth and Creigiau Primary School (Dual stream).
19. The Goitre Fach Farm development falls within the catchment areas of Pentyrch Primary School and Ysgol Gymraeg Coed-Y-Gof.
20. A map indicating the location of, and catchment areas of, English-medium primary schools is attached as Appendix 2. A map indicating the location of, and catchment areas of, Welsh-medium primary schools is attached as Appendix 3.

### **Establishing local demand for primary school places**

21. When considering likely demand for places city wide, and within the locality of North West Cardiff, 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.
22. 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.
23. The number of children generated by a residential development will vary depending on the type and size of the dwellings of which it comprises. In order to be able to project a typical yield from a development, an initial assessment of the number of children likely to be generated by a proposed housing development is made based on yield factors derived from the most recent Census statistics and Number on School Rolls (NOR) data for Cardiff.
24. Full information regarding projections and forecasts prepared relevant to the area and the methodology used to establish likely demand are set out in Appendix 4.

### **City-wide sufficiency of primary school places**

25. City-wide intakes to primary education in September 2021 to September 2023 are projected to reduce significantly as a consequence of a further fall in the birth rate and changes to migration patterns, which are evidenced in data published by the Office of National Statistics and the most recent NHS GP registration data sets. However, changes to populations are not consistent in all parts of the city.
26. Overall existing capacity in the mainstream primary sector is projected to be sufficient to accommodate demand in existing residential areas of the city until at least 2024, in each language medium. Additional primary school provision is planned to serve new housing developments in the north east and north west of the city. In order to allow for changes in population as birth rates and migration changes, a reasonable level of surplus places must be retained.
27. Whilst changes to school catchment areas could provide a temporary balance in the supply of and take up of places in areas of new housing, the rate of house completion and planned new provision would mean that such changes would not be sustainable and further changes would be necessary within a short period. This would be excessively disruptive and would not assist parents in planning education for their families.
28. Timing of any new or expanded provision to serve new housing developments must therefore take account of the growing number of surplus places in existing schools to ensure that the additional provision is sustainable from the time of implementation, and that existing provision remains viable if some parents in existing communities seek to take up places in the additional provision.

## Local sufficiency of primary school places

29. The work undertaken to establish the likely demand for places in English-medium primary school places in the communities of Creigiau and St Fagans, Pentyrch, and Radyr and Morganstown indicates that there will be a shortfall of places at Pentyrch Primary School to serve its catchment area in future years.
30. New housing from the LDP strategic and non-strategic sites, ahead of new school will have a significant and direct impact on the take up of places at Pentyrch Primary School and on the overall surplus in the wider area.
31. An evaluation of different educational settings (i.e. English-Medium, Welsh-Medium, faith and voluntary aided schools) has been undertaken based on historical take up of places in the catchment and how place availability would drive parental preference.
32. Historically around half of the children residing in the catchment area for Pentyrch Primary School have attended the school with others attending the English-medium or Welsh-medium streams at Creigiau Primary School and Ysgol Gynradd Gwaelod y Garth, or other English-medium primary schools including Bryn Deri and Radyr Primary School. There are no children attending Ysgol Coed Y Gof from this area.
33. In the period January 2016 to January 2020, the total number of children resident in the catchment area of Pentyrch Primary School taking up Reception places in English-medium community primary schools exceeded the Published Admission Number at the school of 20 places, fluctuating between 21 and 29 pupils.
34. The projected yield of primary school age children from the Goitre Fach Farm development, at the time of the assessment being undertaken in 2016, was projected at 10 children per year group. Projections taking account of NHS GP registration data in 2016 indicated that the number of children in the area, taking up English-medium community places, would reach or exceed the number of places at Pentyrch Primary School.
35. Projections taking account of the most recent NHS data supplied in 2020 show that there will be a slight fall in the number of pupils of Reception age in the next three intakes city-wide, and in the local area, due to the declining birth rate. The number of pupils from within the Pentyrch Primary School catchment area, resident in existing housing, will be between 18 and 20 from 2021/2022 to 2023/2024. Data for the cohorts due to enter primary education beyond 2023/2024 is not yet available.
36. The recent and projected demand for English-medium community primary school places in the Pentyrch Primary School catchment area, at entry to primary education, are summarised in the table below.

Recent and Projected take up of English-medium Reception places by children resident in the catchment area of Pentyrch Primary School and on the Goitre Fach Farm development									
	Recent take up of places (PLASC)					Projected take up and yield of pupils			
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Pentyrch Catchment	21	24	29	22	25	16	20	18	19
Goitre Fach Farm	0	0	0	1	2	6-10	6-10	6-10	6-10
Total	21	24	29	23	27	22-26	26-30	24-28	25-29

37. In the Pentyrch Primary School catchment area, the projected number of children taking up Reception places in English-medium primary schools is expected to increase from 22-26 pupils in 2020/ 2021 to 25-29 pupils in 2023/ 2024.

### **Pentyrch Primary School**

38. Pentyrch Primary School is located on Bronllwyn in the village of Pentyrch.
39. The published capacity of the school is 140 places (Reception-Year 6), enabling up to 20 children to enrol at entry to Reception year. There is currently no nursery provision within the school and children taking up nursery places either do so at a local private provider or commute to provision outside of Pentyrch.
40. An Estyn inspection in July 2017 judged the school's performance as adequate and their prospects for improvement as unsatisfactory and the school was then placed into special measures.
41. A temporary Executive Headteacher arrangement has been in place at the school since 2017.
42. A follow up monitoring report in October 2018 assessed that sufficient progress in relation to the recommendations highlighted in the core inspection had been accomplished and withdrew its special measure status.
43. Since 2017 the school has been in a formal collaboration with Llanishen Fach Primary School, with a leadership team working across both schools. Pentyrch Primary School has made great progress on its continuous improvement journey, working closely with Llanishen Fach Primary School on joint school improvement priorities.

44. The Governing Body of Pentyrch Primary School has agreed to proactively explore arrangements to federate the school with another ahead of the proposed capital investment.
45. The Pentyrch Primary School buildings are considered to be generally in satisfactory condition although areas warrant attention. The overall classification in October 2018 was assessed as C for condition and B for suitability.

### **Proposed expansion of Pentyrch Primary School**

46. The proposal to expand the school from 140 places (0.7FE) to 210 places (1FE) would provide sufficient places for children resident in existing housing within the school's catchment area, and children resident in the new housing development at Goitre Fach Farm.
47. The proposed expansion would also provide some surplus places in the short term to meet the needs of the wider North West Cardiff LDP sites prior to the completion of the proposed new schools at Plasdŵr. Additional primary school provision south of Llantrisant Road is planned at a later stage of the Plasdŵr development.
48. Schools receive the majority of their funding based on the number of pupils on roll. Schools also receive other funds for items such as premises costs including heating, lighting, cleaning and maintenance.
49. The additional revenue costs of the increased pupil numbers would be met through the school funding formula.
50. The following benefits would be expected to result from the proposed expansion of Pentyrch Primary School:
  - By increasing the school to a one form of entry school it permits for greater flexibility and opportunity for pupils owing to an enhanced and more secure financial resource base.
  - Investment in school buildings enabled, to improve the overall learning environment.
  - It would provide a greater degree of stability at all levels of leadership including maintaining a full and stable complement of school governors.
  - The ability to employ more teaching and support staff would allow the one form entry school to cover a wider range of curriculum expertise, provide more opportunity for staff to engage in professional development and facilitate higher standards and improved outcomes for pupils.
  - Allow for a greater number of children to benefit from the education on offer at the site and provide greater opportunities for pupils and staff.
  - Support the school to maintain and continue to build on its excellent standards as the new curriculum in Wales is introduced.
  - Create sufficient capacity to meet the English-medium community pupil demand adjacent to the Goitre Fach Farm development.

## **Nursery Provision**

51. Children in Cardiff can attend a part-time nursery place in school from the start of the term after their third birthday. They must attend the nursery class for at least five half days a week. There are no catchment areas for nursery classes.
52. Currently Pentyrch Primary School serves only children aged 4-11 years. Families resident in Pentyrch seeking nursery places either take up places in a private nursery setting or travel out of Pentyrch.
53. It is proposed that 48 part time nursery places are provided to develop continuity and progression in children's learning from the age of three.
54. The establishment of nursery provision at the school would provide a consistent approach to teaching and planning, and would contribute to raising standards across the school.
55. Admissions to the proposed nursery provision at the school would be administered by the Council in accordance with the admissions policy applicable to community schools in Cardiff.
56. The following benefits would be expected to result from the establishment of nursery provision at the school:
  - Additional English-medium nursery places serving local families;
  - Continuity of provision to support and embed the ethos and culture of the school;
  - The development of strong and effective parental links from the earliest possible opportunity can be supported;
  - Ease of transition for a nursery-aged child when promoting to Reception class (where Reception admission application has been successful);
  - Early identification of vulnerable groups, so needs of children can be identified as early as possible;
  - It would provide an opportunity for children to attend nursery at the same site as their older siblings. This should impact positively on parents' time and reduce the logistical difficulties that seeking an alternative child care provider may cause;
  - By having an early years unit within the school, pupils' well-being and learning will be advantaged. Continuity and progression between Early Years and Foundation Phase will be secured, enhancing the opportunity to appropriately address individual developmental and cultural needs.

## **Impact on existing school provision**

57. Whilst the expansion of Pentyrch Primary School and the establishment of nursery provision at the school would provide additional places in high quality accommodation, this may have a differential impact on other local schools.



58. The schools potentially at risk of reduced intakes as a direct result of the new school provision may be those in closest proximity to the new school provision. In the case of Pentyrch Primary School, a number of children from the catchment area of the school take up places at the nearest alternative schools. The English-medium primary provision within closest proximity to Pentyrch Primary School are the English-medium stream at Creigiau Primary School, Bryn Deri Primary School, Danescourt Primary School and Radyr Primary School.
59. Whilst these schools may be affected by proposals for an expansion at Pentyrch Primary School, the effect on pupil intakes at these school as a result of the expansion of Pentyrch Primary School may be mitigated by other pupils from neighbouring communities taking up places at those schools, and by children resident on the new housing developments at Plasdŵr and north of Junction 33.
60. School preference data will therefore be monitored closely to enable the review of school capacities and admission arrangements and to ensure that other schools in neighbouring communities are supported appropriately.

### **Implications for secondary school provision**

61. The catchment English-medium and Welsh-medium secondary schools for this area are Radyr Comprehensive School and Ysgol Gyfun Gymraeg Plasmawr respectively.
62. Whilst Radyr Comprehensive School is almost fully subscribed, the demand from within the catchment area for English-medium places at entry to secondary education is below the Published Admission Number of 210 places.
63. Almost a fifth of pupils that attend Radyr Comprehensive School commute from the adjacent catchment area of Cantonian High School. Demand from within the existing catchment area for English-medium places at entry to secondary education at Cantonian High School is also below the current Published Admission Number of 181 places.
64. Projections indicate that demand from existing housing within the catchment areas of both Radyr Comprehensive School and Cantonian High School will not exceed the number of places available.
65. Proposals to expand Cantonian High School from six to eight forms of entry (a Published Admission Number of 240 places) were approved by the Welsh Government in 2020. This would provide sufficient capacity to accommodate all pupils in existing housing within its catchment area whilst also providing additional capacity to manage excess demand in other areas.
66. The Council is also progressing works to replace existing accommodation at Radyr Comprehensive School with new facilities that would support increased intakes to the school of up to 240 pupils (8 Forms of Entry).

67. The additional demand for English-medium secondary school places from within the early phases of the Plasdŵr development or increased numbers progressing from Pentyrch Primary School can therefore be accommodated within the existing secondary school provision.
68. Whilst Ysgol Gyfun Gymraeg Plasmawr is also highly subscribed, the demand from within its existing catchment area for Welsh-medium places at entry to secondary education is below the Published Admission Number of 210 places.
69. Additional secondary school provision is identified in the Outline Planning Application for the Plasdŵr development and is proposed in later phases of the Plasdŵr development.

### **Admission arrangements and catchment areas**

70. There are no plans to change the Council's policy on the admission of children to community schools as a result of this proposal.
71. In accordance with the requirements of the Welsh Government's Admissions Code, Admissions arrangements for the 2023/2024 school year in which revised arrangement would take effect, would be subject to consultation in the period between 1 September 2021 and 1 March 2022, and determined by 15 April 2022.
72. The increased Published Admission Number, from 20 places to 30 places, would apply to all year groups from Reception to Year 6 for admissions from September 2023.
73. 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)).

### **Local Member Consultation**

74. Local members for Creigiau & St Fagans, Pentyrch and Radyr / Morganstown to be consulted.

### **Impact of the proposal on Welsh Language**

75. It is anticipated that this proposal will not have an impact on the Welsh Language.
76. The Council works closely and constructively with partners on its Welsh Education Forum, which includes representatives of nursery, primary, secondary and further education, childcare, RhAG and the Welsh Government. The Forum actively informs the planning of Welsh-medium places, to continue to drive the Council's plan to sustainably increase the number of learners within Welsh-medium schools and those learning Welsh in English-medium schools.

77. The teaching of the Welsh language in an English-medium setting is subject to the requirements of the National Curriculum.
78. The Council, and its partners on the Welsh Education Forum, are committed to driving the increase in number of pupils educated through the medium of Welsh, to meet the targets within Cardiff's WESP, and to meet the targets set out in the Welsh Government's Cymraeg 2050 strategy.
79. The proposal does not seek to change the number of Welsh-medium primary places available in this area. The Pentyrch Primary School catchment area will continue to be served by Ysgol Creigiau and Ysgol Gymraeg Coed Y Gof. There are currently sufficient places at Ysgol Creigiau and Ysgol Coed Y Gof to accommodate children from within each catchment area in coming years,
80. The Council also determined a proposal in 2020 for a new dual stream 2FE primary school, 1 FE as Welsh-medium and 1 FE as English-medium with a significant use of Welsh. It is anticipated that this school will serve not only the children from the Plasdŵr housing development, but will also increase the take up of places from the surrounding area.
81. The Council's aspirations for increasing the number of Welsh speakers, and the Welsh Government's Cymraeg 2050, propose a significant change. Cymraeg 2050 sets national targets of educating 40% of learners in Welsh-medium schools, and a further 30% of learners being educated in English-medium schools being fluent in Welsh. The latest data shows that c18% of Cardiff children entering primary education are educated in Welsh-medium schools or classes.
82. The Council monitors birth rates, the yield from proposed housing and the patterns of take-up in Welsh-medium provision at primary and secondary age, with a view to bringing forward appropriate plans to meet any increased demand.
83. In accordance with the timetable set by Welsh Government, the Council is working closely with its partners on the Cardiff Welsh Education Forum to develop the new ten year WESP for the city. It is expected the plan will be available for public consultation in autumn 2021 before being submitted for approval to the Welsh Government in early 2022. The first ten year Plan will commence on 1 September 2022 and expire on 31 August 2032.

### **Learner Travel Arrangements**

84. Walking Route Assessments have been undertaken to assess the suitability of routes to schools for Active Travel and have identified that there is no safe walking route between the Goitre Fach Farm development and Pentyrch Primary School. There is no continuous footway in place, nor proposals in the near future, for a footway to this school or to any other school.

85. There is an understanding that in some rural areas a safe walking route is not always possible. Any pupils affected by the proposals would be offered the same support with transport as is provided throughout Cardiff in line with the same criteria that apply across Cardiff. Transport would only be supplied by the Council in accordance with its current policy.
86. The Council's transport policy for school children can be viewed on the Council's website [www.cardiff.gov.uk/schooltransport](http://www.cardiff.gov.uk/schooltransport).
87. There are no plans to change the Council's transport policy for school children.
88. Children resident in the Goitre Fach Farm development would therefore be eligible for free home to school transport to the nearest appropriate school, at the time of application.
89. As in this case, where a safe walking route is not available, the 'nearest appropriate school' would be the nearest by driving distance rather than by walking or as the crow flies. Assuming that children resident in Goitre Fach Farm development would go to Pentyrch Primary School, suitable facilities would be required at the school to accommodate this service.
90. The council's Transport team would need to apply for revenue budget to fund the appropriate sized vehicles to cater for the required numbers of pupils. The numbers could be expected to increase each year until full occupation of the school is reached, but this would depend on the form of expansion of the school through the year groups.

## **Community Impact**

91. The following are taken into account when considering a proposal: Public Open Space, parkland, noise and traffic congestion. Officers will work with schools and any community group to make sure that the proposal avoids negative impacts if possible.
92. Currently, no groups use the facilities beyond the normal day to day operations of the school community.
93. It is acknowledged that there may be a slight increase in traffic for short periods of the school days, however this would be mitigated were possible by working with the school to promote the Council's Active Travel Plan. It is therefore not anticipated that there would be a detrimental effect to the community from the proposal.
94. The introduction of nursery provision and more primary school places in this area would be a benefit to many in the local community and would support the 21st Century Schools Programme Vision for Cardiff which aims to have schools of the right size and in the right place. It seeks to place schools at the heart of their communities with a shared responsibility for all children and young people in the area.

95. Existing local nursery provision could be disadvantaged by the introduction of nursery provision on the school site, however this would only affect children from aged 3 years and upwards who have a statutory right to attend a part time nursery from the start of the term following their third birthday.
96. In a semi-rural area such as Pentyrch, the School Organisational Code recognises that schools may also be the main focal point for community activity, and any changes to provision could have implications beyond the issue of the provision of education.
97. The Council must also take into consideration any detrimental impact that could be caused to the community if the expansion did not go ahead, in the context of expected new or expansion in neighbouring communities.
98. A community impact assessment would be updated through the consultation process and beyond.

### **Wellbeing of Future Generations**

99. In line with the Well-being of Future Generations Act, the Council 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.
100. In light of the pandemic and 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.
101. In order to maximise the long-term impact of this significant investment, any design taken forward in this proposal would be developed to ensure the delivery of high quality modern facilities that are able to respond to the current pupil population 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.

### **Scrutiny Consideration**

102. The Children and Young People's Scrutiny Committee will consider this report on 13 July 2021. Any comments received will be circulated at the Cabinet meeting

### **Reason for Recommendations**

103. To provide English-medium community primary school places to serve parts of

Creigiau and St Fagans, Pentyrch, Radyr and Morganstown.

### **Financial Implications**

104. This report recommends that the published admission number for Pentyrch Primary School be increased to a full form of entry (from 140 to 210 pupil places). As schools' revenue budgets are predominantly predicated on the basis of pupil numbers, any increase in pupil numbers would mean that the revenue budget for Pentyrch would increase in comparison to previous years. Current published admissions figures reflect present schools intake, and the impact on surrounding primary and secondary schools has been shown to be limited. It is important that the impact on neighbouring schools, whose pupil numbers could reduce as a consequence of this expansion, is continued to be monitored closely and any financial impacts managed appropriately.
105. This recommendation does not, in itself result in any direct financial implications. However, any building works or adaptations required will need design/ cost development and will need to consider a range of financial aspects, including S.106 funding available alongside the affordability and prioritisation of this project against ongoing Education capital schemes.
106. In terms of revenue implications, the resources required to fund the additional places at Pentyrch Primary will need to be met from within the existing delegated schools budget, with additional consideration required for the new nursery provision and transport implications, once the engagement exercise has concluded and options have been determined.

### **Legal Implications**

107. 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. Parents have a right to express a preference for the school they wish their child to attend under section 86 of the School Standards and Framework Act 1998, but this does not provide a right to attend a certain school, as applications can still be refused where this would prejudice the provision of efficient education or the efficient use of resources.
108. A local authority can make school organisation proposals, including making 'regulated alterations' to a community school under sections 42-44 of the Schools Standards and Organisation (Wales) Act 2013. The proposals set out in the report constitute 'regulated alterations' and 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. Where an increase in a school's capacity is proposed, the Council must have regard to evidence of current or future need/demand in the area for additional places, with reference to the school's language category (and religious character / gender intake if applicable). The Code includes specific factors to be considered in relation to proposals to add nursery classes. Cabinet will need to be satisfied that all relevant factors are properly considered in relation to the proposals.

109. 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. The recommendations seek authority to carry out that statutory consultation. Case law has established that the consultation process should:
- (i) be undertaken when proposals are still at a formative stage;
  - (ii) include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
  - (iii) provide adequate time for consideration and response; and
  - (iv) ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.
110. The School Organisation Code sets out further detailed requirements and guidance in relation to the statutory consultation, including the requirement for publication of a consultation document (and the contents of that document), a minimum 42 days consultation period including at least 20 school days, and a list of statutory consultees, including parents, pupils, governing bodies, religious bodies, the Welsh Ministers and Estyn.
111. The Council has secured financial contributions under a section 106 agreement for Education purposes. The agreement permits the spending of the contribution in improving provision of school places at Pentyrch Primary school and/or within three miles of the school.
112. 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.
113. 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. 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. 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.

114. 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.
115. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how the proposals will contribute towards meeting its wellbeing 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.
116. Following the public consultation, the Council is required to issue a consultation report, setting out the issues raised by consultees and its response to those issues. At that stage, a further report is to be submitted to the Cabinet to decide how to proceed.
117. Further legal advice will be provided as proposals are progressed.

### **HR Implications**

118. HR People Services will work with the Governing Body to address the HR implications arising from the school expansion and the introduction of a nursery and the resulting need for additional staffing.
119. HR People Services will work with the Governing Body to prepare a timetable for recruitment, taking into account ratio requirements and nursery intakes. A Framework has been produced which sets out how the HR implications of any School Organisation & Planning proposal will be managed, as part of this Framework where a school is increasing in size, HR People Services encourages the school to undertake a review of their current staff structure to consider how the recruitment of additional staff fits into this structure.

### **Transport Implications**

120. The Council's Local Development Plan (2006-2026) includes a target of 50% of all journeys to be made by sustainable transport. Minimising the proportion of school journeys made by car and maximising opportunities for travel to school by active and sustainable modes can make an important contribution to achieving this target and reducing pressures on the transport network at peak times. Increasing travel to school by active modes will have a positive impact on children's health and wellbeing and will support the delivery of key actions and outcomes under Goal 5 the Council's Child Friendly City Strategy (2018), which relates to ensuring access to safe outdoor environments for formal and informal play, walking, cycling and scooting and active travel to school.
121. The Council's current Corporate Plan includes a commitment to every school in Cardiff developing an Active Travel Plan by 2022. Such a plan will identify actions by the school to support and encourage active travel to school and also



inform any improvements to on-site and off-site infrastructure required to facilitate active journeys.

122. The development proposals will also require a Transport Assessment which will identify measures to be included as part of the application to maximise travel by sustainable modes. These would be expected to include appropriate improved facilities for walking, scooting and cycling, for example, road crossings. On-site parking would be in line with the council's Parking Standards to encourage use of sustainable and active modes of travel.
123. As it has been identified that there is no safe walking route between the Goitre Fach Farm development and any school, nor any plans for one ahead of 2023/24, children residing on the development would be eligible for free home to school transport to their nearest appropriate school with places available at the time of applying.
124. Suitable provision for the Learner Transport drop-off and pick-up may be required at Pentyrch Primary School to accommodate this. If so, this would be likely to be a designated area immediately outside the school to create clear space for the required numbers of buses and taxis. Parking restrictions would be required to enforce such a space at the school, situated on the main through route between Creigiau and Gwaelod y Garth.
125. Other parking restrictions would also be likely to be required to discourage short distance car travel by those within walking distance and to maximise levels of active travel to school.
126. A Hands Up Survey undertaken this school year shows that of the five classes (146 pupils) that took part, modes of travel were walk 43%, car 48%, car share 1%, park and stride 7% and taxi 1%.
127. It is also anticipated that with the introduction of a nursery, take up of school places by those that reside in areas close to the school will increase. This should provide more scope for increased numbers of people to benefit from an appropriate Active Travel Plan.

### **Property Implications**

128. This report does not recommend any immediate property decisions but Strategic Estates note the potential consequences of the consultation which may in the future, result in the requirement to undertake land and property transactions.
129. Any decisions relating the development, acquisition or disposal of property in regards to this scheme will need to be undertaken in conjunction with Strategic Estates in accordance with the agreed asset management processes and delegated authorities.

### **Equality Impact Assessment**

130. An Equality Impact Assessment on this proposal has been carried out. The assessment concluded that this proposal would not adversely affect a particular group in society (details of the Equality Impact Assessment can be seen at Appendix 5).

## RECOMMENDATIONS

Cabinet is recommended to:

1. authorise officers to consult on proposals to increase the capacity of Pentyrch Primary School from c0.7FE (140 places) to 1FE (210 places), and to extend the age range of the school from 4-11 to 3-11, from September 2023.
2. note that officers will bring a report on the outcome of the consultation to a future meeting to seek authorisation as to whether to proceed to publish proposals in accordance with section 48 of The School Standards and Organisation (Wales) Act 2013.

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

*The following appendices are attached:*

- Appendix 1: Cabinet Report of 24 June 2020
- Appendix 2: English-medium primary school catchment areas
- Appendix 3: Welsh-medium primary school catchment areas
- Appendix 4: Projections and forecasts
- Appendix 5: Equality Impact Assessment