

**CABINET MEETING: 14 OCTOBER 2021**

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**21<sup>ST</sup> CENTURY SCHOOLS: THE EXPANSION AND REDEVELOPMENT OF CATHAYS HIGH SCHOOL**

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

**AGENDA ITEM: 3**

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**Reason for this Report**

1. This report is to inform the Cabinet of objections received to the published statutory notice to:
  - Increase the capacity of 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

**Background**

2. At its meeting on 17 December 2020, the Council's Cabinet agreed a recommendation to hold public consultation on the proposals as outlined in paragraph 1. A copy of the Cabinet Report of 17 December 2020 is attached as Appendix 1. A copy of the consultation document outlining the proposals is attached at Appendix 2.
3. At its meeting on 17 June 2021 the Cabinet, in accordance with the terms of the Schools Standards and Organisation (Wales) Act, approved a recommendation for the publication of a statutory notice relating to Cathays High School as set out at paragraph 1. A copy of the Cabinet Report of 17 June 2021 is attached as Appendix 3
4. The statutory notice was published on 29 June for a period of 28 days to allow for objections. The statutory notice period expired on 26 July 2021. A copy of the notice is attached at Appendix 4.

5. The notice was published on the Council website, posted at the school site and at the Maindy Centre site adjacent to Crown Way and North Road.
6. Copies of the notice were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
7. Residents and businesses in the local area were notified of publication of the statutory notice by letter.

### **Issues**

8. There were 425 objections received by the statutory notice closing date.
9. Of the 425 objections, 18 did not provide full name/ address details. The remaining 407 objections were received from the following communities:
  - Cathays: 97
  - Heath: 83
  - Gabalfa: 50
  - Roath: 25
  - Whitchurch: 16
  - Others (<10 each): 75
  - Outside of Cardiff: 61
10. In accordance with the requirements of the School Organisation Code the Council Cabinet has responsibility for the determination of school organisation proposals including those which receive objections (save for those that are required to be considered by the Welsh Government).
11. In accordance with this the Cabinet must decide whether to approve, reject or approve with modifications, the proposals. The Council must not approach the decision with a closed mind and any objections must be conscientiously considered.
12. A summary of the objections received and the Council's response can be at paragraphs 52 - 215.

### **Requirements of the School Organisation Code**

13. The School Organisation Code sets out, in Parts 1.3 to 1.14, the factors that should be taken into account by the relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) when exercising their functions of preparing and publishing school organisation proposals, and or approving/determining them. The relevant factors for this type of proposal are set out in paragraphs 14 – 51 of this report.

### **Section 1.3 Quality and Standards in Education**

14. The new school facilities are not expected to impact on standards at other schools.

15. The new school facilities will support the delivery of the new 'Curriculum for Wales' for learners (3 – 16) which is due to be implemented in Welsh schools from September 2022.
16. The new curriculum will adopt an approach which is inclusive and designed to address the need to prepare children and young people in Wales to thrive and be successful in a rapidly changing world.
17. It is recognised that the new curriculum should provide breadth, enable greater depth of learning, ensure better progression, provide scope for more imaginative and creative use of time and place and a much greater emphasis on skills. The proposed 21<sup>st</sup> Century School will meet the need of this new, flexible curriculum along with providing facilities that allow for real-world practical learning with local organisations and employers context.

#### **Section 1.4 Need for places and the impact on accessibility of schools**

18. Cardiff's Band B 21<sup>st</sup> Century Schools Programme seeks to address the most acute sufficiency, suitability and condition issues in Cardiff. In bringing forward this proposal for Cathays High School the suitability and condition of the school will be addressed through a new buildings and facilities that are compliant with Building Bulletin Guidance.
19. The existing school buildings comprise a number of permanent and temporary buildings, the positioning of which on a constrained site severely limit outdoor space for learners, and much of the school is not of a 21<sup>st</sup> Century accessible standard. The proposals would also address condition and suitability issues within the school, providing 21<sup>st</sup> Century facilities to benefit up to 1,450 learners.
20. The proposed expansion of Cathays High School, increasing intakes to the school from 165 places per year group to 240 places, would make a significant contribution to addressing the sufficiency of mainstream places in a central and accessible part of the city.
21. The proposed increase in the number of places in the Specialist Resource Base from 16 places to 50 places, would contribute to addressing the projected shortfall of specialist places city-wide.
22. The Cabinet Report of 17 December 2020, attached at Appendix 1, sets out the need for additional community secondary school places, and the need for additional Specialist Resource Base (SRB) places for learners with Autism Spectrum Condition.
23. Following a period of growth within the primary sector, there has been an increased demand for places at entry to secondary education city wide in the past five years.
24. City-wide projections show that the demand for places in the English-medium secondary sector will further increase during the period of the Band B investment programme. The number of pupils in each of the year

3 to year 6 age groups in English-medium primary schools exceeded the combined Admission Numbers of 3,460 places at entry to English-medium secondary schools at January 2020.

25. The projections, based upon the most recent school census data (PLASC) received in 2020, show that the number of pupils entering Year 7 in English-medium community schools city-wide will continue to increase until the 2023/2024 academic year.
26. Based on the existing housing city-wide, the highest intakes at entry to secondary education (Year 7) of around 4,115 pupils are expected in 2022/ 2023 and 2023/ 2024. The intakes that follow are expected to reduce to around 3,900. A significant reduction in pupils entering secondary education, from existing housing, is projected from 2028/ 2029.
27. 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.
28. 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.
29. A temporary increase to the admission number at Cathays High School, to eight forms of entry in Year 7 (240 places), was implemented for the 2020/21 intake, and all places were allocated. The central location of the school enabled it to meet the excess demand for places, and to accommodate late applicants, from the south, central and north areas of the city and retain less than 5% surplus city-wide in the year group. Similar measures, retaining the intake at Cathays High School to 240 places, are likely to be needed in coming years.
30. A permanent expansion of Cathays High School to eight forms of entry would provide an opportunity to meet the projected demand for places from within its catchment area and to also accommodate excess demand for places from other neighbouring catchment areas.

### **Section 1.5 Resourcing of education and other financial implications**

31. The proposed scheme forms part of the 21st Century School Programme and is intended to be funded through a Mutual Investment Model (MIM). The new school 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.
32. Expenditure required in relation to ICT and FFE that does not fall within the scope of the MIM will be met jointly by the Council and Welsh Government with Welsh Government funding a minimum of 65% via the 21st Century Schools Band B capital grant.

33. Operational costs incurred in managing the scheme and transition from current buildings into new buildings will be met from a dedicated revenue budget.
34. The additional revenue costs of increased pupil numbers will be met through the school funding formula on the basis of pupil numbers.
35. Further financial implications arising from the proposal are outlined in paragraphs 239-245.

### **Section 1.6 Other General Factors**

36. In 2020, 31.9% of the pupil population at Cathays High School were in receipt of Free School Meals.
37. The Council's has made a clear commitment to continuing the investment in, and improvement of, Cardiff schools to make sure every child has the best possible start in life ([www.cardiffcommitment.co.uk](http://www.cardiffcommitment.co.uk)).
38. The delivery of 21<sup>st</sup> Century learning environments will ensure that there are appropriate, high quality school places for young people, which meet the needs of Cardiff's growing and changing population.
39. The Council works closely with the governing bodies of schools to ensure that standards in schools are high, that teaching is good and that leadership and governance is strong.
40. The Council does not expect the proposal to have any negative impact on the quality of standards of education for children from economically deprived backgrounds.

### **Section 1.14 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision**

41. The proposed expansion of Cathays High School in new build, 21<sup>st</sup> Century accommodation presents an opportunity to further develop the specialist provision within the school and to increase the number of places available from 16 to 50.
42. The current expertise and inclusive practice of the school would be maintained.
43. The additional places would help to ensure there are sufficient places to meet increased demand arising out of a growing pupil population and a growing incidence and identification of ASC in Cardiff.
44. It is not expected that the expansion of ASC provision at Cathays High School will impact on any existing ALN provision.

## **Section 1.15 Factors to be taken into account in approving/determining school organisation proposals**

45. There are no related school organisation proposals.
46. The consultation on the proposed changes was carried out in accordance with the requirements of the Welsh Government School Organisation Code (November 2018).
47. The consultation document was sent to those it should have been sent to and pupils at local schools were consulted. The required amount of time (42 days of which at least 20 are school days) was provided to respond to the consultation.
48. The consultation document contained the prescribed information set out in the Code.
49. The timescale and content required have been complied with in relation to the consultation report.
50. The publication of the statutory notice complied with the requirements of the Code and the notice contained all of the prescribed information.
51. The proposal was published in accordance with the requirements of the Code and contained all of the required information.

### **Objections to the proposal**

52. The Council received 425 objections to the statutory notices by the closing date. This included 335 identical proforma responses prepared by the 'Save Maindy velodrome' campaign, and a further 16 responses that included this information.
53. A summary of the objections and the Council's response can be seen below.

### **The need for additional school places**

54. *"Cathays already accommodates so many who live outside the area with the school having the highest percentage of pupils of any authority school in Cardiff who travel in from outside of catchment area. This currently stands at approximately 60% from outside of catchment. Increasing capacity to 1,450 will mean increasing the proportion of pupils attending from outside of catchment to roughly 70%, approximately 1,000 pupils. Pupils should be able to obtain a school place within catchment. If there are insufficient places, then schools should expand to cater for demand, or new schools should be built in areas of increased demand."*
55. *"The proposed expansion of Cathays is not needed to serve the school catchment. The demand for places is from elsewhere and provision should be made available locally for these pupils."*

## Appraisal of views expressed

56. Paragraphs 18-30 outline the need for additional community secondary school places, and the need for additional Specialist Resource Base (SRB) places for learners with Autism Spectrum Condition.
57. The existing secondary school catchment areas in Cardiff do not provide a sustainable balance in the supply of and take up of school places.
58. Cathays High School is well located to serve the demand for places within its catchment area and also surrounding areas, both at entry to secondary education and also for those children who arrive in Cardiff at a later stage of their education.
59. The central location of the school within the city, and its catchment area being adjacent to catchment areas of five other English-medium community secondary schools of Cardiff High School, Fitzalan High School, Llanishen High School, Whitchurch High School and Willows High School, means that it is well placed to support growth in other areas of the city, both in established communities, and in turn from the new communities in the North East and North West of the city, in coming years.
60. The current and projected demand for places at entry to secondary school within some of the neighbouring catchment areas exceed the number of places available at the catchment school. There is also projected demand from existing housing within some catchments including those with outline or full planning permission that will impact neighbouring English-medium community schools such as Cathays High School, and must be considered when planning provision.
61. The number of children expressing a preference for a place at Cathays High School has increased recently partly because of the demographic changes but also parental preference ahead of other local schools.
62. A temporary increase to the admission number at Cathays High School, to eight forms of entry in Year 7 (240 places), was implemented for the 2020/21 intake, and all places were allocated. The central location of the school enabled it to meet the excess demand for places, and to accommodate late applicants, from the south, central and north areas of the city whilst retaining less than 5% surplus city-wide in the year group. Measures which retain the intake at Cathays High School at 240 places are likely to be needed in coming years. The number of pupils in the school is forecast to exceed its current permanent capacity beyond the completion of new facilities.
63. A permanent expansion of Cathays High School to eight forms of entry would provide an opportunity to meet the projected demand for places from within its catchment area and also to continue to accommodate excess demand for places from other neighbouring catchment areas.

64. The proposed changes contribute to providing a balance in the capacity and surplus of places over the wider area, to ensure that all schools are sustainable whilst intakes are at high levels, and also when they fall.
65. Consultation on changes to English-medium community secondary school catchment areas would be required at the appropriate time in order to provide a suitable balance in the supply of and take-up of places. Catchment areas are only part of the school admission oversubscription criteria and being resident within a catchment area is not a guarantee of admission. The Council has to ensure sufficient places in the secondary sector regardless of catchment boundaries.

### **Potential increase in antisocial behaviour**

66. *“The expansion of the school creates the potential for increased litter and anti-social behaviour”.*

### **Appraisal of views expressed**

67. Cathays High 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 school staff clears litter on New Zealand Road, the lane and Crown Way. These measures were started in October 2020 because of historical issues.
68. The new school buildings and site will be larger with improved 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.

### **Increased traffic & parking issues**

69. *“There is no Traffic Assessment (TA) provided at this stage, but as a community we need to see this before we can make a decisions about whether or not the proposal is suitable for our community.”*
70. *“The Council has not made clear the infrastructure implications for local residents, including suggestions that Crown Way may be permanently closed. The plans would be likely to have negative effects on congestion, pollution, road safety and active travel throughout Cathays and Gabalfa, affecting school pupils and local residents.*
71. *“This proposal will increase the amount of students coming to Cathays from outside the area, and thus increase the amount of traffic. Current double-yellows do nothing to prevent the daily parking of vehicles by parents – often there are more than twenty vehicles, generally idling so emitting pollution, parked outside the school at the close of school day. Some days they are also illegally parked and idling on Cosmeston Street and Gelligaer Street too. These proposals offer nothing to reduce this and will make things worse for local residents. Therefore this proposal*



*should be rejected or amended to keep in line with this LDP Key Policy 8 (Sustainable Transport)."*

72. *"The proposal will lead to an increase in the volume of traffic and pedestrians that will use New Zealand Road. There will be more accidents due to traffic using this street as short cut."*
73. *"Additional traffic will impact on parking on local streets (Gelligaer St and Cosmeston St)."*
74. *"Residential streets must remain closed to traffic from North Road. Any changes to existing arrangements would impact noise pollution, air quality, house prices and health and wellbeing."*
75. *"The proposal will increase traffic in the Bay compared to Maindy where the Council has invested in the cycle super highways. This hasn't happened in the Bay and will increase carbon emissions."*

### **Appraisal of views expressed**

76. Transport mitigation for the development will be identified through the Transport Assessment (TA) process. The first part of the TA has now assessed the traffic impact on the highway network. It has identified that potential changes are expected to result in some additional queuing at peak periods. However it is considered that the overall traffic impact of the development can be accommodated by the network.
77. The consultation document referred to the possibility of Crown Way being closed to through traffic to accommodate the development. The Council's transport team have assessed the potential implications of closing Crown Way and have concluded that it should remain open in order to maintain flexibility for the future management of the highway network and options for the bus network.
78. Improved facilities for public transport will supplement the provision of cycleway and pedestrian facilities along with increased parking restrictions to support and encourage take up of active and sustainable travel.
79. Parking on street near the school would be discouraged through the introduction of appropriate parking restrictions. The Council is currently introducing School Streets in selected suitable locations; the use of Traffic Regulation Orders to restrict vehicular access on streets outside schools at morning drop-off and afternoon pick-up times. This approach could potentially be used to restrict parking and access associated with the new school.
80. Whilst some pupils presently commute from outside of the school's catchment area, this is a consequence an imbalance in the sizes of English-medium community secondary school catchment areas. A number of schools, including Cathays High School, have catchment areas which are not large enough to sustain a secondary school. The

current and projected demand for places at entry to secondary school within some local catchment areas exceed the number of places available at the catchment school. Consultation on changes to English-medium community secondary school catchment areas would be required at the appropriate time in order to provide a suitable balance in the supply of and take-up of places.

### **Disruption of building works**

81. *“The proposed building work on the Maindy site and the old school site would be disruptive for pupils, users of the leisure centre, and local residents.”*

### **Appraisal of views expressed**

82. The Council has significant experience in the successful delivery of building projects on the sites of occupied school sites as a result of progressing a large and growing school organisation programme. The proposed replacement of Cathays High School with a separate new building would limit the disruption to pupils, staff and parents and users of the leisure centre.
83. Any building work carried out would be managed effectively in consultation with the school to ensure the full curriculum continues to be delivered and that high education standards and safety standards are maintained, and with the operators of the leisure centre to maintain access.

### **Consultation Process and Statutory Objection Period**

84. *“The Council has been discussing these plans internally for many months, but residents have generally only been made aware of them in recent weeks. Many have only become aware of the plans by social media and word of mouth.”*
85. *“The Council’s published plans are extremely vague (for example, it has not said exactly what would be built on the Maindy site). The plans are unclear, confusing, and often contradictory. Insufficient information was provided to stakeholders on the proposed layout of the school. The site is constrained by areas that need to be retained or are undevelopable, and it has not been demonstrated that it would be feasible to develop the replacement school on the remaining land.”*
86. *“The short timescales allowed for consultation and the vague nature of the plans presented, for example, it has not been said exactly what would be built on the Maindy site), make it extremely difficult to give an informed view on the proposals.”*
87. *“The community has not been given the opportunity to object to the demolition of the cycle track specifically, or to suggest more positive and better-value approaches such as improving and adding to the existing facilities for the school and community to share.”*

88. *“Regular users of the facility, including local cycling clubs, were not directly consulted by the Council on the proposals. Responses to the consultation were received from two cycling clubs and one triathlon club however the facility is used by other groups also.”*
89. *“There was insufficient time available to question officers on the details of the proposals during the consultation.”*
90. *“From 29 June to 16 July 2021, the council web page where the current statutory notice is published displayed the message “This consultation is now closed.” at the top of the page. This has undoubtedly misled many people into thinking they’re now too late to object to the proposals, particularly as the information about the notice itself was not visible unless you scrolled to the bottom of the page. The statutory notice period should be extended by 18 days, the length of time taken for the council to change the message at the top of the page.”*
91. *“The time allowed for objections included one week of the school holidays when many people would be away which was unfair.”*

#### **Appraisal of views expressed**

92. The consultation undertaken, and process followed, for school organisation proposals must comply with the requirements of the School Organisation Code Wales. The Council’s published proposals meet the requirements of the Code. Consultation on planning matters relating to the design and redevelopment of the site are a separate and later process.
93. The Council consulted on the proposed changes to Cathays High School between 29 January 2021 and 19 March 2021.
94. The Council published a consultation document and summary document outlining the background, rationale and implications for consideration by parents, Headteachers and Chairs of Governors of nearby schools, all Members of local wards, local residents and other stakeholders as identified within the Code.
95. A number of public meetings, drop-in sessions and meetings with school pupils, staff and Governors were held during the consultation period, and the Council received 494 responses to the consultation. The Council ensured that the extensive range of opportunities to engage in the consultation were widely publicised in the local community, in local media and on social media, in addition to the information published on the Council’s website. The later stages of the proposal were explained in the consultation document, summary document and in each consultation meeting held.
96. The consultation response form included questions relevant to the proposed school changes and also provided the opportunity for respondents to suggest any changes that could improve the proposals, alternative options and any other comments they wished to make.

97. In addition to the consultation response form, consultees also had the option of writing to the Council, contacting the School Organisation Planning Team via e-mail or telephone, requesting an officer call back for any specific questions or attend an online public meeting/drop in sessions. All of these options provided the opportunity for views to be recorded.
98. At its meeting on 17 June 2021, the Council's Cabinet considered a report which set out details of the responses received during the consultation, the Council's response and recommendations on the way forward. Following due consideration of the consultation report, the Council's Cabinet resolved to proceed with the proposals.
99. The statutory notice for the proposed changes was published on 29 June 2021, running for 28 days (the period allowed for objections) until 26 July 2021. In accordance with the requirements of the Code, the notice was published on the Council's website and copies of the notice were displayed at the current and proposed school site.
100. The Council informed all those who responded to the formal consultation in January – March 2021, residents in the local area, and other stakeholders as identified within the Code who may be impacted by the proposed changes, of the publication of the notice.
101. The statutory notice of the proposals was publicised in full compliance with the School Organisation Code Wales.
102. All school terms are determined in advance and half terms periods are ordinarily between five and eight weeks in total. Published proposals and consultation periods therefore commonly include periods when schools are closed. The School Organisation Code recognises this and sets specific timescales, which have been complied with.
103. As the period allowed for objections is set by law at 28 days from publication of the statutory notice (pursuant to section 49(2) of the SSOW Act 2013), the Council is unable to extend this period. The period allowed for objections included 16 days within school term time and 5 days when schools were closed, in accordance with the requirements of the Code.
104. Separate to the proposals for Cathays High School the Council has engaged with local cycling clubs and governing or representative bodies to ensure the design of the facility will, as far as is possible within the existing budget constraints, meet their expectations.
105. A separate Cabinet report exploring the proposed move of the Cycle track to Cardiff Bay Velodrome was considered on 18 March 2021. A copy of the report can be seen at Appendix 5.
106. If the Cabinet were to approve the changes, the Council would further engage with the community to ensure that any designs for each site and buildings meet the needs of learners and the wider community

respectively, in accordance with planning requirements. The proposed replacement Cathays High School and the proposed new Velodrome would each be subject to planning permission.

### **Limitations of the proposed site**

107. *“There is not sufficient space for buildings on the new site, particularly as the cycle track area cannot be built on due to the ground being unstable. The old site will need to be built on, too. It would be appreciated if information could be provided on how this will be done while the school remains open, and how the Better Leisure Centre will be able to remain open during the new building work (given the proposed new school buildings may use part, or all, of the current gym car park).”*
108. *“If the increase in numbers of pupils proposed for the site means that it is simply impossible to retain and improve the current track and field area, then there is clearly not sufficient space for an expansion of the proposed scale without the site becoming very crowded. If that is the case, then the size of the increase should be revised downwards so that the track/field can be retained, improved and shared between the school and the local community.”*
109. *“As the cycle track / field area cannot be built on, it is unclear why it would need to be demolished for the purposes of building the new school. There is land in the centre of the track that is under-utilised and could offer additional sports provision such as a pitch or series of five-a-side pitches; some land from the old school site could also be used for this purpose.”*
110. *“The Cathays and Maindy sites do not meet the statutory minimum requirement for playing field area.”*
111. *“Any development must meet or exceed Welsh Government standards on the minimum indoor and outdoor space that is available to pupils. However any development must also be proportionate to the local area and not include, for example, large high rise buildings.”*
112. *“PE lessons may need to continue to be held in Heath Park even if the proposals went ahead. This further undermines the arguments for removing the cycle track.”*

### **Appraisal of views expressed**

113. The proposed changes to Cathays High School form part of Cardiff's 21<sup>st</sup> Century School's programme. Welsh Government funding for projects within this programme is subject to mandatory requirements including meeting the necessary guidance for school buildings and sites. In a densely populated urban area, few sites of sufficient size for the development of a new secondary school, or the necessary replacement of an existing school, become available.

114. It would not be possible to undertake works to transform the existing school facilities into a 21<sup>st</sup> Century Learning Environment whilst functioning as a school.
115. Land requirements for schools in Wales must follow Building Bulletin 98 Guidelines for secondary schools. In order to meet these guidelines, confined school sites in urban areas require all weather pitch provision on-site but may also make use of off-site provision. The Council outlined in its consultation document that arrangements to use off-site playing fields at Heath Park would continue.
116. Through the creation of all-weather sports pitches within the boundary of the school site, the school would comply with the area requirements set out in the Building Bulletin guidelines for new secondary schools. These pitches would allow the school to undertake the vast majority of sports lessons on its site, greatly reducing its reliance on facilities at Heath Park.
117. Whilst the existing Cathays site could potentially be used to accommodate a replacement school building, the current site would 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. The site would still be insufficient in size when works would be completed.
118. The feasibility study undertaken to produce an indicative red line boundary map for the proposed school site confirms that the existing school site would need 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. The indicative boundary for the site also identifies a large area of community space, outside of the school and leisure centre boundary, of c13,500m<sup>2</sup> 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.
119. The Council will ensure that sufficient on-site parking is available for users of the leisure centre. The leisure centre is operated by GLL leisure and any changes to site arrangements would be subject to the agreement of GLL.
120. The Council would engage with stakeholders, including those within the school community and in the wider community, in the design process for the new school to ensure that the school and the leisure facilities meet the needs of its users through the construction process and when the new buildings and facilities are completed.

#### **Future use of existing school site**

121. *“No information was made available regarding what would happen to the existing school site.”*

122. *“The information available regarding the future of the existing school site was conflicting.”*

### **Appraisal of views expressed**

123. The need to retain the existing school site to meet the area requirements set out in Building Bulletin guidance for schools on confined sites is addressed at paragraphs 113-117.
124. The Cathays High School buildings would be occupied by the school until the completion of the new school building. Following the transfer of the pupils to the new school, the vacated buildings would be demolished in order that the existing school site could be developed to provide part of the school’s outdoor sports pitches and social areas. Further consideration of the layout of the site would be necessary at the design stage.

### **Reduced access to Maindy site as public open space**

125. *“Maindy Velodrome track, field and bowling greens are one of the few green spaces in Cathays and should be retained. The area is currently used by many local residents for relaxing and exercising. The track is used by individual cyclists and a variety of cycling clubs for training purposes due to its central location and the low banking suitable for younger and inexperienced cyclists. The total area open to the public should not be reduced in size, or replaced by sports halls / Multi-Use Games Areas, as under the proposals.”*
126. *“The expansion of the school must not come at the expense of the quality of life for local residents; and the expansion must not be so great that there insufficient space is available for good outdoor facilities, including the cycle track, for pupils and residents to share.”*
127. *“The whole area occupied by Maindy pool, including grassy banks, walkways, old bowling green, BMX area, grassy playing field within the track provided and continues to provide respite and virtually the only green space in Cathays for the community young and old to use freely. It is widely used by all generations and is essential for those living in HMOs or those with no garden as the houses in the area have very little or no garden. Destroying this local facility goes against everything the Council are trying to achieve to improve health and wellbeing.”*
128. *“It is important for the community to have access to the Maindy site throughout day and evening for wellbeing and that this is not limited to out of school hours.”*
129. *“Realistically the school facilities will not be used by community outside school times, due to child protection concerns.”*

## Appraisal of views expressed

130. 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.
131. It is recognised this is one of few open spaces for residents in Cathays, Maindy and Gabalfa and the new development will therefore provide space and access for the community to continue these informal activities in community green spaces.
132. Following consultation, further work was undertaken to produce an indicative red line boundary map for the proposed school site and indicative building footprint, which takes account of the 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.
133. 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. As outlined in paragraph 118, a large area of community space, outside of the school and leisure centre boundary, of c13,500m<sup>2</sup> would be retained.
134. Many schools have established or are developing sports and wider leisure provision for use by the public outside of school hours.
135. A key objective is to enable third party access the sports facilities at schools. This would be on a sustainable financial basis.
136. Welsh Government's aim for shared facilities in community-focussed schools are to:
  - a. 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;
  - b. operate in line with the national agenda for sport taking into account nationally adopted strategies;
  - c. generate positive attitudes in sport and physical activity by young people and reducing the dropout rate in sports participation with age;
  - d. increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;
  - e. 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;



- f. 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.

### **Impact on Maindy Leisure Centre and its users**

137. *“The Maindy Centre site is a hub for the local community that offers enormous benefits to young people, families and anyone needing to access a wide range of health and well-being facilities.”*
138. *“The proposed red line plan would severely limit dog walking space, as well as remove much of the football and basketball multi court offering to particularly younger residents that are an outlet unmatched for the vast majority of the rest of the area. With much of Cathays already dominated by an ever-expanding Cardiff University site or by row after row of houses, open space is few and far between, particularly one with such clear health benefits. A new school development would also limit access to the sports centre, restricting and hiding it from the public and severely impacting the community feel of its social fitness atmosphere.”*
139. *“The majority of those using the facilities at Maindy Leisure Centre come by car. Prior to the pandemic restrictions, the number of car parking spaces needed was considerably greater than the present numbers. The area allocated to the Centre on the indicative map is completely inadequate. In addition, there is no indication of the access from the public highway into the Centre carpark. It is taken the School and Centre will require separate traffic arrangements. Any closure of Crown Way will add to the problem of identifying a safe and convenient access.”*

### **Appraisal of views expressed**

140. 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.
141. Car parking would be considered as part of the design process for the new school. An arrangement would be explored with GLL for the shared use of the parking spaces used by school staff outside of the school day. However, car parking spaces dedicated for use by patrons of the leisure centre throughout the day would be retained.
142. The opportunity for shared use of the school’s facilities, which would include football and Multi Use Games Areas (MUGAs) is outlined in paragraphs 133-136.
143. The potential closure of Crown Way is appraised in paragraph 77. The Council’s transport team has assessed the potential implications of closing Crown Way and have concluded that it should remain open in order to maintain flexibility for the future management of the highway network and options for the bus network.

## **Closure of Maindy Velodrome and planned replacement**

144. *“Maindy Velodrome and the nearby Bowling Green have historical and cultural significance. The history of the track, as a Commonwealth Games location and home cycling track for multiple Olympic medal winners and a Tour de France winner should mean the track is treasured. Demolishing the track where Geraint Thomas, Elinor Barker, Nicole Cooke, Luke Rowe and Owain Doull first fell in love with cycling represents an enormous and unacceptable loss of Welsh sporting heritage.”*
145. *“The loss of the Maindy Velodrome is denying opportunity to future world class cyclists”*
146. *“Demolition of the cycle track area has been unnecessarily made part of the plans for expanding the school. These are two separate issues and must be treated as such.”*
147. *“The destruction of the Maindy track itself will be an enormous loss for not just Cathays, but Cardiff. There is no alternative that will be suitable for cycle groups, young people wanting to skateboard, families walking with young children, or for events that benefit everyone. Moving to an alternate site at the other end of the city is not an option, as it removes accessibility for anyone but those with means, and the time to travel to and from a place.”*
148. *“No provision has been made for a new track to replace the existing Maindy velodrome.”*
149. *“The proposals would result in the destruction of a mural honouring Geraint Thomas at the Maindy velodrome site.”*
150. *“Plans for the velodrome have been wrongly retained in the school plan in order to gain access to Schools Organisation Programme funds. Council officials plan to use £2.4m from the Schools Programme budget to fund the construction of an unnecessary new velodrome at the International Sports Village. What is being proposed is an inappropriate use of £2.4m education funds.”*
151. *“The proposed new velodrome track at the International Sports Village is not a like for like replacement. The proposed track is smaller and the design will potentially be more intimidating for younger or novice users. The central road area at Maindy is well used by many school age children and cycling clubs as part of their training. Due to the shorter track length, the proposed new velodrome will not include this provision, but this is proposed to be replaced by a 1km long 3m-wide closed circuit located around the edge of the International Sports Village. The design of this would not be conducive to coaching as the lines of sight would be restricted, and there will potentially be conflict with other circuit users.”*
152. *“The proposed site for the new velodrome is poorly related to the main centre of population and will increase journey times for many existing*

*users. It is also likely to increase travel by car as travel links to the Bay via public transport are poor.”*

153. *“A cycle track relocated to Cardiff Bay will undoubtedly be inaccessible for many of the children who live in and around the Maindy site.”*
154. *“The timescales for the delivery of the new velodrome by the end of 2022 are unrealistic, and there are significant concerns that the Maindy track will be demolished before a new facility is operational, due to the timescales associated with the school redevelopment. The Maindy velodrome must remain open until the new site is operational.”*
155. *“The council has a well-documented history of destroying facilities before new ones are in place e.g. Empire Pool.”*

### **Appraisal of views expressed**

156. The Council recognises the important role that the Maindy Velodrome has played in nurturing and developing cycling as a sport in Cardiff, for cyclists of all abilities from beginners through to professional athletes. However, the Maindy Velodrome is in need of considerable investment to improve it to modern standards.
157. The Council has been keen to modernise the city’s Velodrome facility for some time. The delivery of a new Velodrome facility on an alternative site would allow the land currently occupied by the Maindy Velodrome to be used to support the school expansion should it be required.
158. The Council is committed to completing the International Sports Village (ISV) development and to delivering a high quality leisure and sport destination at the site. In March 2021, Cabinet agreed a new masterplan for the leisure element including a proposal for a new velodrome to replace the existing cycle track at Maindy.
159. The current Velodrome benefits from having access to Maindy Leisure Centre for storage of circa 400 cycles, workshop space, welfare facilities and studio space to ensure sessions can continue in poor weather and also to allow for meetings and off-bike training.
160. The planned replacement velodrome will continue to be a facility for the whole of Cardiff, with bespoke ancillary services as part of the wider International Sports Village plan to create a great leisure/sporting destination. The purpose of the facility is to continue to support the development of the sport, which has evolved greatly in Cardiff in recent years, and to provide improved opportunities for cyclists at all levels and abilities including new riders, leisure groups, clubs, governing bodies and individual users.
161. The Council has engaged widely with users of the velodrome, and with key stakeholders including Maindy Flyers and Cardiff Ajax cycling clubs, Welsh Cycling (National Governing Body), Welsh Triathlon (National Governing Body) and Cardiff Junior Tri Club ahead of bringing forward

proposals. The Council has also worked with technical experts from across the cycling community, and with qualified representatives in relation to coaching, events and race officials and Health and Safety and Risk Management to contribute to the preliminary designs of the new Velodrome and Closed Road Circuit. This seeks to achieve the Council's aspirations for a facility which, as far as is possible, meets the needs and expectations of its users and complies with the recommended specifications of each sport's Governing Body.

162. Welsh Cycling, British Cycling, Welsh Triathlon and Welsh Athletics are each wholly supportive of the ISV project and are keen that the benefits of the new velodrome are realised.
163. The new purpose built velodrome would form part of Cardiff's International Sports Village. The relocation of the track element is to be funded by a capital contribution from the Council. The balance of development - the Performance Hub - including storage, workshop space and welfare facilities will be delivered through revenue income.
164. Many users of the current velodrome travel from outside of the local area to use it. When replacing a city-wide facility on an alternative site, some current and future users would be in closer proximity and others would be further. The ISV project will include a traffic assessment as the wider ISV programme moves forward. There will be a transport statement in the planning application for the velodrome.
165. The ISV is well served by public transport, with a number of Cardiff Bus services operating and a train station nearby. The existing leisure facilities at the pool and ice arena are 0.5 walking distance miles from the nearest train station. The Maindy velodrome is further from its nearest train station.
166. The mural at the Maindy velodrome was a collaboration between schools, Maindy Flyers Cycling Club and GLL. The new velodrome will ensure the legacy of the Maindy velodrome in growing cycling in Cardiff is maintained and there will be provision for the artwork to be preserved.
167. In July 2021, Cabinet agreed to progress a Full Business Case for the delivery of the new velodrome with the target of works commencing on-site early in 2022 and for the new facility to be fully operational by spring 2023. The Maindy velodrome would remain in place until the new velodrome is operational.
168. The financial contribution necessary to deliver the velodrome will need to be identified from within existing Council resources or match-funded via external grant funding, if applicable.

### **Accessibility of the replacement velodrome**

169. *"The new velodrome provision will be less accessible for median income families, will be more elitist. Increased track income envisaged will come from increased track charges."*

170. *“The closure of the velodrome will create inequality for parents who can’t take their children to centre.”*

#### **Appraisal of views expressed**

171. The operation strategy for the International Sports Village is under development with a view to increased provision. The intention is for provision at all levels and will include opportunities for people to ‘pay to ride’ in addition to block booking for coaches, groups and clubs at the velodrome. It is not the Council’s intention to raise the cost of provision. To date, any work carried out to inform costs has been based on the current charging model at Maindy and from other comparable facilities across the UK.
172. The Council’s project team is exploring operator options to be presented to the Council’s Cabinet later this year. One of the key considerations regarding the operation of the new velodrome is that there is an inclusive programme of provision as well as club bookings, so that all levels of ability can benefit.

#### **Request for reinstatement of and maintenance of bowling greens**

173. *“Although for some years the bowling greens have not been properly maintained by the Council, this area is also already public space. It should be regenerated and improved as a publicly-available park or garden, instead of being built on.”*

#### **Appraisal of views expressed**

174. The Maindy bowling green was previously home to St Joseph’s Bowling club who relocated to Llwynfedw Gardens a number of years. The club house on site was condemned and therefore demolished, and the bowling green was no longer used and therefore closed.
175. The bowling green site is considered as part of the wider Maindy site and the development of this as part of the future school site allows for the large open-access public open space to be created on another part of the site.

#### **Non-compliance of development proposals with Council’s planning policies**

176. *“The proposed changes are not in line with the Council’s set of Key Policies that make up the current Local Development Plan, relating to communities, environment and transport.”*
177. *“The proposals are not compliant with a number of adopted Council policies including LDP Key Policy (KP) 13 (Responding to Evidenced Social Need), KP14 (Healthy Living), KP15 (Climate Change), KP16: (Green Infrastructure), KP17 (Built Heritage) KP18 (Natural Resources).*

178. *“This development proposal does not take into account any of the points in policy EN9 (Conservation of the historic environment).”*
179. *“The proposal does not comply with Transport Policies T1 (Walking and Cycling) and T5 (Managing Transport Impacts).”*
180. *“The proposal does not comply with Community Policies C1 (Community Facilities), C2 (Protection of Existing Community Facilities) and C4 (Protection of Open Space).”*

#### **Appraisal of views expressed**

181. Compliance with key planning policies, as published in the Council’s adopted LDP, are a matter for consideration at the formal planning stage. Should the Cabinet decide to proceed with the proposed permanent changes to the school, the Council would need to prepare a formal planning application and comply with the relevant planning process including undertaking consultation on detailed proposals for a site at the pre-application stage, with input from the relevant technical and statutory consultees.

#### **Existing Land Covenant**

182. *“The Maindy site was gifted to the residents of Cardiff by Lord Bute to be used by the whole community. To use this land stating that it is a necessary step to provide space for the school expansion only to later sell part of the existing school site would deprive the residents of Cathays and Gabalfa of this valuable gifted space in an incredibly dishonest and deceitful way. What residents wish to have in the space should be taken into consideration.”*

#### **Appraisal of views expressed**

183. A pre-existing land covenant sets out that the land on which the Maindy Centre is located is restricted to use for park, open space, recreation and playground.
184. The majority of the proposed school site is held by the Council as a charitable Trustee. Should the proposal to transfer the school to the Maindy Centre site be progressed, the Council is likely to require the consent of the Charity Commission to allow the land to be used for education purposes. This may require the Council to provide substitute land for the charitable purpose.
185. Appropriating the land for planning purposes would also be necessary to ensure the development of new school facilities could proceed with constraint by third party interests that may affect the land. This process would be considered nearer to commencing the planning process.
186. There are no proposals to sell part of the existing school site.

## **The Future of Companies House/ Maindy Barracks**

187. *“Any future decision to move Companies House or to close Maindy Barracks could result in land being sold off for development. This would add to the lack of green space and congestion in the area. Where are the safeguards and assurances that these decisions would not happen too in the future leading to further negative impact on the area?”*

### **Appraisal of views expressed**

188. The Companies House and Maindy Barracks sites are not in the ownership of the Council. The Council has contacted Companies House and Maindy Barracks to investigate potential site configuration options but these sites are unavailable at this time and would not be available for the proposed expansion of Cathays High School. There are no proposals for these operational sites.
189. Any future proposals brought forward for the redevelopment sites would be subject to the relevant planning processes, policies, consultation and determination processes in place at that time.

### **Alternative suggestions**

190. *“The school should be rebuilt on its existing site.”*
191. *“The school should be located near a train station to promote public transport use.”*
192. *“The existing school facilities should be improved and more small schools established.”*
193. *“The whole site including the cycle track should be upgraded.”*
194. *“The Council should adopt a shared model (of sports provision), which would increase area for school and community and would reduce reliance on travelling to sports facilities at heath park”*
195. *“Create centrally located schools and sports hub and improve the Maindy site. This would be a great opportunity to improve limited sports facilities at primary schools, HS and community”*
196. *“Revamp/ resurface the three outdoor sports courts that are on the Gelligaer Park site”*
197. *“Utilise the large plot of land that runs from Crown way, onto the Maindy Leisure Centre overflow car park and onto the old bowling Green site as an alternative site for a new school.”*
198. *“The Council should keep the velodrome and build on the bowling green.”*

199. *“Remove the cycling proficiency training area currently accommodated in the middle of existing pitch and rehome in Cardiff Bay”*
200. *“Look at using land at Maindy Barracks and Companies House, land at Cardiff Bay International Sports Village for a new school”*
201. *“Utilise existing pitch provision. Why build more sport pitches when there are already many nearby e.g. Blackweir?”*
202. *“There is land in the centre of the track that is under-utilised and could offer additional sports provision such as a pitch or series of five-a-side pitches.”*
203. *“The Council should reinstate sports pitches that were taken out a few years ago.”*

### **Appraisal of views expressed**

204. The reasons for not being able to rebuild Cathays High School on its existing site are addressed at paragraph(s) 113 to 117.
205. 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 the wider area. Refurbishing the school would not be cost effective and would not significantly improve the learning environment. There may still be long-term maintenance issues, which would compromise the value of money which can be achieved through the investment of public money.
206. As outlined in paragraph 117, 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.
207. The availability of alternative sites to facilitate the replacement of Cathays High School is addressed at paragraph(s) 113 to 117. Given the land requirements to deliver a school compliant with Building Bulletin requirements, the Council has considered the availability of adjacent sites; however, these are not currently in within the ownership of the Council and not available for expansion of the school site. There are no alternative suitable sites available within the area served by the school.
208. The size of the proposed school site, including all weather sports pitches, is necessary to meet the site area requirements set out in Building Bulletin guidance for schools on confined sites.
209. The proposals seek to provide greatly improved facilities. The Council is not proposing to establish additional small secondary schools to serve the pupils that may take up places at Cathays High School. A greater number of small secondary schools would represent a less efficient use



of education resources, and owing to budget challenges smaller secondary schools are less able to provide a the breadth and depth of educational options compared to larger schools. A balance must therefore be struck between this and large secondary schools which serve an extensive geographical area.

210. The opportunities for shared use of sports, leisure and education facilities including sports pitches and MUGAs to benefit the wider community, including local primary school, is addressed at paragraphs 133 to 137.
211. A key objective of the 21<sup>st</sup> Century Schools Programme is to enable third party access the sports facilities at schools. Many schools have established or are developing sports and wider leisure provision for use by the public outside of school hours. In addition to continued access to the facilities at Maindy Centre, the community would have access to sports and leisure facilities at Cathays High School.
212. The inclusion of the former bowling greens within the proposed school site is addressed at paragraphs 174 to 175.
213. The proposed replacement cycling facilities for all abilities at the new velodrome are addressed at paragraph(s) 156 to 168.
214. The availability of the Companies House and Maindy barracks sites for redevelopment is addressed at paragraph 188.
215. The requirement to provide all-weather pitches within the perimeter of the school as part of the scheme, which would prevent the reinstatement of the former pitch, is addressed at paragraph 115.

### **Admissions and Catchment areas**

216. There are no plans to change the Council's policy on the admission of children to schools, as a result of this proposal.
217. In accordance with the limitations set out within the School Organisation Code, the Council has agreed a temporary increase to the Admission Number at Cathays High School to meet the increased demand for places. The Council is able to continue to do so but cannot exceed the school's total published capacity of 1,072 places, using temporary measures, by more than 200 pupils.
218. Consultation on the 2023/ 2024 admission arrangements for community schools will take place in autumn 2021 – spring 2022 in accordance with the requirements of the Admissions Code. This consultation would include the proposed changes to Published Admission Numbers.
219. Cathays High School presently serves a catchment area comprised of the primary school catchment areas of Albany Primary School, Allensbank Primary School and Gladstone. This catchment area is less populated than other school catchment areas in Cardiff, some of which

extend over a much greater geographical area and have pupil populations which exceed their current or planned capacity.

220. Consultation on changes to English-medium community secondary school catchment areas would therefore be required at the appropriate time, in order to provide a suitable and sustainable balance in the supply of and take up of places.
221. The Council will manage admissions to the Specialist Resource Base provision at Cathays High School in accordance with the ALN Code of Practice, which takes effect from September 2021.
222. 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)).

### **Partnerships**

223. The 'Cardiff Commitment' is the Council's youth engagement and progression strategy. The Cardiff Commitment sets out how the council, together with a wide range of public, private and third sector partners, will work together to ensure a positive destination for every young person in Cardiff after they finish school, either in employment or further education and training.
224. To date over 120 businesses have pledged to support Cardiff Commitment and provide opportunities to schools and young people, better preparing them for the world of work, contributing to the future economic growth of the city.
225. The Council's proposals for Band B of the 21st Century Schools Programme and the Cardiff 2030 strategy clearly state the link between improving the environment for learning and raising standards of achievement.
226. The Council is keen to assist with the development of opportunities between schools and businesses, to help create a sustainable pool of talent for future workforce needs, and spread skills across the city. An example of this is the Creative Education Partnership that has been established between Cardiff West Community High School and partners from the creative industries to provide opportunities for young people to leave education with skills and competences and to be work ready.
227. The significant school developments proposed would provide opportunities for strong partnerships with businesses and employers from a range of sectors in the Cardiff economy. Opportunities for further partnerships are being explored and will be progressed in line with the priorities set out in the Cardiff Commitment.

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

228. It is not anticipated that there will be any negative impact on the Welsh Language, as a result of this proposal.
229. The teaching of Welsh within an English medium setting is subject to the requirements of the National Curriculum. This would not change with the expansion of the school. This proposal does not seek to change the number of Welsh-medium primary or secondary school places available in the area.
230. 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. The Council will consult on its Welsh in Education Strategic Plan in autumn 2021, setting out how it plans to meet the targets published in the Welsh Government's Cymraeg 2050 strategy.

## **Project Funding - Mutual Investment Model (MIM)**

231. The proposals to build a new Cathays High School are intended to be delivered through the MIM.
232. MIM is a national scheme that has been developed to borrow funds via the private sector to design and build the school, and maintain the building fabric over a 25 year period. Welsh Government has procured a Private Sector Delivery Partner (PSDP) to work with it on the delivery of education and community facilities. The successful bidder was Meridian Investments II SAS. The PSDP and a subsidiary of the Development Bank of Wales have entered into a Special Purpose Vehicle (SPV) called WEPCo, which will deliver the services to participants.
233. At its meeting on 16 July 2020, Cabinet agreed to enter into the Strategic Partnering Agreement (SPA) with WEPCo. Cardiff Council, along with other local authorities and further education institutions, are a participant to the SPA. The SPA provides for how the parties act together over the long term in a collaborative partnering, non-adversarial and open manner to support the effective planning, procurement and delivery of education and community facilities in Wales and the delivery of infrastructure services. This includes partnering services for the project such as legal, design and technical advice.
234. WEPCo will undertake all partnering services (i.e. the design, project development and professional services). Approved MIM Projects will be developed by WEPCo, but delivered (including hard facilities management) by Project Co which will enter into a Project Agreement with the Council to deliver the relevant MIM Project. The Council will be a contracting party with Project Co which will have contracts in place to manage the building and facilities contractors.
235. Land matters, including restrictive covenants, rights of way and the appropriation of the relevant land areas would need to be resolved prior to taking the scheme to WEPCo and ahead of Stage 1 of the

development process. Stage 1 of the MIM process includes feasibility and design (RIBA 2) activities. The output of Stage 1 is a Stage 1 submission from WEPCo which should demonstrate value for money. The Welsh Government would then approve (or otherwise) the submission before this can move to Stage 2. The Council is responsible for fees incurred at the Stage 1 should the scheme progress or otherwise.

### **Local Member consultation**

236. Local members were consulted during the consultation period, between 29 January 2021 and 19 March 2021.

### **Scrutiny Consideration**

237. The Children & Young People's Scrutiny Committee is due to consider this item on 13 October 2021. Any comments received will be circulated at the Cabinet meeting.

### **Reason for Recommendations**

238. To meet demand for community English-medium secondary school places and places for learners with for learners with Autism Spectrum Condition.

### **Financial Implications**

239. The reason for this report is to highlight and appraise objections received in relation to Cathays High school statutory notice. At present this would not result in a commitment of capital expenditure and there are no capital financial implications directly arising from this report. Once a site plan is finalised, it will be necessary for a full financial evaluation to be undertaken to provide assurance that the scheme remains affordable once all relevant costs and contingencies for potential changes in delivery timescales have been incorporated.
240. 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.
241. 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 where possible, will be funded via

the traditional capital route, with WG contributing towards 65% of the costs.

242. 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.
243. 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. 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.
244. 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 SRB as part of this scheme.
245. 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 Cathays site would decrease the affordability of the overall programme and may result in additional delays or cancellation of other planned schemes.

### **Legal Implications**

246. The school organisation proposals set out in the report must be considered having regard to the provisions of the School Standards and Organisation (Wales) Act 2013 ('the Act') and the School Organisation Code 2018 ('the Code'). The Code sets out the factors which should be considered in respect of different proposals, the statutory procedures, legal requirements and guidance. If proposals affect charities, they must comply with charity law.
247. The statutory procedures involve a public consultation, publication of a consultation report, statutory notice and a 28 day objection period, prior to determination of the proposals. The previous reports to Cabinet on these proposals are referred to in the body of the report. In June 2021, Cabinet considered the consultation report and resolved to proceed with the proposals, as modified, and authorised publication of the statutory notice, with the required 28 day objection period (which ended on xx).

The content of the statutory notice, manner of publication and persons to be notified are prescribed in the Code. Under section 49 of the Act, when objections have been received, the Council must publish a summary of the statutory objections and the Council's response to those objections ("the Objection Report") on its website, and make this available to the interested parties listed in the Code. This Cabinet report constitutes the Objections Report.

248. The Council must decide whether or not to implement its proposals within 16 weeks from the end of the objection period (under section 53 of the 2013 Act). If the Council fails to determine the proposals within the 16 week period, it is taken to have withdrawn the proposals. When determining its proposals, the Council must be satisfied that the statutory consultation has been conducted and the proposals published in accordance with the Code; and it must conscientiously consider the Objections Report and any responses to the notice supporting the proposals, having regard to the relevant factors set out in the Code.
249. The decision on whether or not to proceed with the proposals must be set out, with reasons having regard to the factors set out in the Code, and issued in the form of a decision letter, published on the Council's website and notified to the Welsh Ministers, the school governing body and all interested parties listed in the Code.
250. If the proposals are taken forward, the admission arrangements for the school, 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.
251. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give 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.
252. 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 (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov.wales) and must be able to demonstrate how it has discharged its duty.

## Well Being of Future Generations (Wales) Act 2015

253. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
254. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2021-24. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
255. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
256. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:  
<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

### General

257. The decision maker should be satisfied that the decision is in accordance within the financial and budgetary policy.
258. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.
259. The report also makes reference to other contracts. Such proposals will need to be carried out in accordance with those contracts.

260. With regards any future procurement, legal advice should be sought on the proposed procurement route and documentation. Any procurement should be carried out in accordance with the contract procedure rules and procurement legislation. In addition, any of the issues set out in the report should be resolved prior to proceeding with any procurement. Further legal implications will be set out in the officer decision report.
261. Whilst not a matter to be decided in this report, the status of Maindy Park as a Charitable Trust, will require the Council separately as Trustee to consider the effect of this proposal in relation to the charity and seek to engage with the Charity Commission. Such matters will need to be considered in detail in a further report at which stage detail legal implications can be provided. Detailed legal implications will also be required at a later stage relating to the appropriation of land for planning purposes.

### **HR Implications**

262. 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. Further guidance is required to understand the full working arrangements in relation to facilities management to assess the impact, if any, on current school staff in relation to the operation of the Mutual Investment Model (MIM) scheme.
263. 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.
264. In the event that any vacancies arise, these should be considered as redeployment opportunities for staff on the school redeployment register.
265. 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**

266. The Council own the site of the existing Cathays High School and the majority of the land opposite is subject to a lease to GLL which was part of a wider arrangement the Council sanctioned in relating to the outsourcing of all Leisure Centres. The former Maindy Bowls closed a number of years ago has more recently been used as overflow car parking for teachers at the adjoining school. The play area and existing tennis courts are managed by the Council's Parks Department.



267. As a result of the Building Bulletin 98 Guidelines, the new school does require a larger footprint than the existing site and due to the limitations of the proposed site which has been mentioned in the consultation, there is a requirement to expand the land requirement. Given the Council own the adjoining facility albeit under a lease, early conversations have taken place with GLL on their existing lease area and the variations that may be required. The Council's intention is to work with GLL on retaining full access to the Centre and ensuring sufficient car parking is retained for its users and documenting these changes formally through a deed of variation.
268. The Council intend to retain and improve the existing areas along Maindy Street as open spaces and in addition, open the school sports facilities for community groups out of hours which will managed either by the Council or a third party eventually.
269. The Land Covenant referred to will be dealt with by both legal and estates colleagues. As outlined, the site will be made available to the public and any Trust requirements will be considered and dealt with through the proper channels.
270. Work is continuing on delivering a new Velodrome site at the International Sports Village which will be fit for purpose and accommodate the ancillary facilities currently in Maindy Leisure Centre. Estates will continue to work with relevant department on delivery of this.

### **Traffic and Transport Implications**

271. Travel to school creates considerable pressure on Cardiff's transport network. 30% of all car-based trips during the morning peak are journeys to school. There are around 40,000 car trips to school each day in Cardiff.
272. Yet, journeys to school are often very short: 75% of journeys to education are within 3km of people's homes. More of these journeys could be made by active modes if all schools are well connected to their catchment areas by safe and convenient active travel routes.
273. The Transport White Paper includes the commitment to "Develop Active Travel Plans and accessible walking and cycling routes for all schools by working with children, teachers, parents and governors to promote walking, scooting and cycling to and from schools".
274. The new school developments being brought forward as part of the Council's 21st Century Schools programme provide the opportunity to deliver on this commitment by ensuring that active travel infrastructure is properly planned and provided as an essential and integral element of the scheme design.
275. Key to this will be ensuring that the design and layout of buildings and the site access arrangements prioritise travel by active and sustainable modes. Other critical elements will be the location of access points in

positions which take account of the alignment of the surrounding network of roads and pathways and which serve to minimise walking and cycling distances and avoid unnecessary detours for people travelling. Development of the proposed new site provides an opportunity to design accesses in more appropriate and convenient locations to suit desire lines.

276. A Transport Assessment (TA) will be required to assess the traffic impacts and off-site infrastructure required to accommodate the development and facilitate sustainable access to the development in a way which accords with national planning policies in Planning Policy Wales (Edition 11, 2021) and the Council's Local Development Plan.
277. Planning Policy Wales requires the use of a sustainable transport hierarchy in relation to all new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. Effectively this requires the designers of new schools to give priority to how children can access the site on foot and by bicycle before considering requirements for access by motorised transport. The Council's Local Development Plan requires all development proposals to maximise access by sustainable transport to contribute to modal shift from car travel to walking, cycling and public transport.
278. The TA will identify the on-site and off-site infrastructure to maximise access by sustainable modes, including provision to prioritise active journeys to school - separated cycle routes, crossings, speed reduction measures as well as necessary works associated with required vehicular access onto the site.
279. Opportunities to make existing roads and streets within the surrounding area safer for active travel by managing vehicle speeds and filtering out through traffic will also be investigated as part of the Transport Assessment. Work to develop the new Active Travel Network Map for Cardiff as required under the Active Travel Act is now underway and is currently being consulted on. This identifies measures and schemes to expand Cardiff's existing active travel network and provide better off road and on road active travel routes to key trip destinations including schools. The outputs of this work will be useful in informing the infrastructure measures required off-site to maximise access to the new school by active modes.
280. The transport team has had early involvement in the project to ensure that appropriate facilities to support sustainable travel are considered at the outset and incorporated into the site master plan.
281. The provision of on-site facilities, such as secure cycle parking spaces with lockers for storage of cycling clothes and equipment will be essential.
282. Cycle and scooter parking provision must meet the minimum requirements set out in the Council's Managing Transport Impacts SPG

and the site must be able to accommodate increases in scooter and cycle parking to meet future demand.

283. Cycle parking must be covered and secure and be sited in a convenient location within the site, close to buildings, where it is easy for pupils to access and benefits from passive surveillance. Sheffield stands are recommended. Tiered cycle parking will not be acceptable.
284. Vehicular access to the school site will need to be limited to staff and vehicles requiring access for essential servicing. The SRB pupil learner transport will need appropriate facilities for drop-off and pick-up. However, facilities for general pick-up and drop-off of other pupils by car must not be provided as they are only likely to attract traffic.
285. On-site car parking should be in accordance with the Council's Managing Transport Impacts Supplementary Planning Guidance (2018). The maximum car parking requirement for schools within the SPG is one parking space per 30 pupils and this would apply to the mainstream school provision at the site. Parking on street near the school will be discouraged through the introduction of appropriate parking restrictions.
286. 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 the proposed development will need to be supported by an Active Travel Plan, which will be informed by the Transport Assessment.
287. The Council's Active Travel Schools and Road Safety Teams will play an important role in inculcating and supporting sustainable and active travel to the new school from the day it opens. In conjunction with work to develop the Transport Assessment for the site, the Active Travel Schools team will work with the multi-disciplinary delivery team/consultants and school staff at an early stage to develop an Active Travel Plan which will identify the policies and on-site and off-site measures required to manage traffic impacts and support sustainable and active travel to the school.
288. Linked to this will be the National Standards Cycle Training delivered by the Council's Road Safety Team which will help ensure pupils entering the new school are equipped with the cycling skills they need.
289. The consultation document referred to the possibility of Crown Way being closed to through traffic to accommodate the development. The Council's transport team have assessed the potential implications of closing Crown Way and have concluded that it should remain open in order to maintain flexibility for the future management of the highway network and options for the bus network.

### **Equality Impact Assessment**

290. The Equality Impact Assessment has been updated following receipt of objections. The assessment concludes that the proposed change would

not negatively affect a particular group in society. The Equality Impact Assessment is attached at Appendix 6.

291. This assessment would be reviewed again as part of the design process.

## RECOMMENDATIONS

Cabinet is recommended to

- (i) Approve the proposals in respect of changes to Cathays High School, as set out in paragraph 1 of this report, without modification, subject to the Charity Commission's consent in relation to the trust on the Maindy site
- (ii) Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 1
- (iii) Authorise officers to publish the decision within 7 days of determination of the proposal.
- (iv) Note that a further report will be brought to Cabinet in relation to Trust and Property matters.
- (v) Delegate authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education, Employment & Skills and Finance, Modernisation & Performance, the Director of Governance and Legal Services, the Director of Economic Development and the Corporate Director for Resources) to determine all aspects of the procurement process (including for the avoidance of doubt development of all procurement documentation and selection and award criteria, commencement of procurement through to award of contracts) for the new build schools.

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

*The following appendices are attached:*

Appendix 1: Cabinet Report, 17 December 2020

Appendix 2: Consultation Document

Appendix 3: Cabinet Report, 17 June 2021

Appendix 4: Statutory Notice

Appendix 5: Cabinet Report, 18 March 2021

Appendix 6: Statutory Screening Tool and Equality Impact Assessment