

### CARDIFF COUNCIL CYNGOR CAERDYDD

#### CABINET MEETING: 14 July 2022

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#### THE EXPANSION OF PENTYRCH PRIMARY SCHOOL AND ESTABLISHMENT OF NURSERY PROVISION AT THE SCHOOL

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

#### AGENDA ITEM:

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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 Pentyrch Primary School from 140 to 210 places.
  - Extend the age range of the school from 4 to 11, to 3 to 11 by establishing nursery provision at the school to allow for 32 part-time places.

##### Background

2. At its meeting on 10 March 2022 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 Pentyrch Primary School as set out at paragraph 1. A copy of the Cabinet Report of 10 March 2022 is attached as Appendix 1.
3. The statutory notice was published on 06 May 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 02 June 2022. A copy of the notice is attached at Appendix 2.
4. The notice was published on the Council website, posted at the school site, at the Village Hall on Heol y Bryn, and outside the local shops.
5. Copies of the notice were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
6. Residents in the local area were notified of publication of the statutory notice by letter.

## **Issues**

7. 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).
8. 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.

## **Objections Received**

9. There were four objections received by the statutory notice closing date.
10. All of the objections were from residents living within the village of Pentyrch.
11. A summary of the objections received, and the Council's response can be seen at paragraphs 73-83.
12. As set out in the School Organisation Code, the following factors should be taken into account by relevant bodies when exercising their function of approving/determining proposals. The Council must at all times consider the interests of learners.

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

13. The Council works closely with the governing bodies of schools to make sure that standards in schools are high, that teaching is good, and that leadership and governance is strong.
14. Standards at Pentyrch Primary School are good. It is not expected that the proposal would negatively impact on standards at the school.
15. The proposal supports continuity and progression in children's learning from age three and facilitates transition between the nursery and primary sector providing a high-quality learning environment for children and supporting improved outcomes.
16. The proposal is not expected to have any negative impact on the quality of standards of education or the delivery of the Foundation Phase and each Key Stage of education at the school. The likely impact of the proposal on the ability of the school to deliver the full curriculum at the Foundation Phase and each key stage of education would be positive.
17. Pentyrch Primary School has an appropriate range of policies and provision in place to promote pupils' health and well-being.
18. The school is committed to providing an environment in which learning is valued and children achieve their potential in a happy, safe environment in which they show respect and tolerance for each other.

19. The school has been in a formal collaboration with Llanishen Fach Primary School since 2017 with a leadership team working across both schools. Pentyrch Primary school has made great progress is likely to maintain the current standards in terms of education, provision and leadership and management.

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

20. A number of new housing developments have been proposed in North West Cardiff in recent years which will increase the number of children in the area seeking school places and will impact on the availability of school places.
21. The Council's Supplementary Planning Guidance sets out the circumstances in which the Council could seek s106 contributions from developers towards school facilities. S106 contributions may only be sought when the school's local to a development will continue to be fully subscribed and there is a need to expand provision either by expanding existing schools or building new schools. Land, building or financial contributions must be directly proportionate to the needs arising from a development. S.106 contributions do not allow the Council to invest in schools to resolve existing needs that have been identified.
22. The Cabinet Report of 15 July 2021 set out the need for additional local English-medium primary school places and the benefit to the community and the school for the introduction of nursery provision at the school.
23. Citywide intakes to primary education in September 2021 to September 2024 are projected to reduce significantly as a consequence of a further fall in the birth rate and changes to migration patterns, which are evidenced in data published by the Office of National Statistics and the most recent NHS GP registration data sets. However, changes to populations are not consistent in all parts of the city.
24. Overall existing capacity in the mainstream primary sector is projected to be sufficient to accommodate demand in existing residential areas of the city until at least 2025, in each language medium. Additional primary school provision is planned to serve new housing developments in the North East and North West of the city. To allow for changes in population as birth rates and migration changes, a reasonable level of surplus places must be retained.
25. Whilst changes in school catchment areas could provide a temporary balance in the supply of and take up of places in areas of new housing, the rate of house completion and planned new provision would mean that such changes would not be sustainable and further changes would be necessary within a short period. This would be excessively disruptive and would not assist parents in planning education for their families.
26. The timing of any new or expanded provision to serve new housing developments must therefore take account of the growing number of

surplus places in existing schools to ensure that the additional provision is sustainable from the time of implementation, and that existing provision remains viable if some parents in existing communities seek to take up places in the additional provision.

27. The work undertaken to establish the likely demand for places in English-medium primary school places in the communities of Creigiau and St Fagans, Pentyrch, and Radyr and Morganstown indicates that there will be a shortfall of places at Pentyrch Primary School to serve its catchment area in future years.
28. An evaluation of different educational settings (i.e. English-Medium, Welsh-Medium, faith-based and voluntary aided schools) has been undertaken based on historical take up of places in the catchment and how place availability would potentially drive parental preference.
29. In the period January 2016 to January 2020, the total number of children resident in the catchment area of Pentyrch Primary School taking up Reception places in English-medium community primary schools exceeded the Published Admission Number at the school of 20 places, fluctuating between 21 and 29 pupils.
30. The projected yield of primary school age children from the Goitre Fach Farm development, at the time of the assessment being undertaken in 2016, was projected at 10 children per year group. Projections taking account of NHS GP registration data in 2016 indicated that the number of children in the area, taking up English-medium community places, would reach or exceed the number of places at Pentyrch Primary School. The Council secured S106 funds to provide additional places on this basis.
31. The proposal to expand Pentyrch Primary School would provide sufficient places for children resident in existing housing within the school's catchment area and children resident in the new housing development at Goitre Fach Farm.
32. The proposed expansion would also provide some surplus places in the short term to meet the needs of the wider Northwest Cardiff LDP sites prior to the completion of the proposed new schools at Plasdŵr. Additional primary school provision south of Llantrisant Road is planned at a later stage of the Plasdŵr development.
33. For children in the village of Pentyrch, the nearest maintained nursery class facilities in a primary school setting are at Creigiau Primary School, Bryn Deri Primary School, Radyr Primary School and Danescourt Primary School.
34. Whilst parents have been able to apply to, and gain admission to, these schools in neighbouring localities in recent years, the development of housing in North-West Cardiff is expected to impact the opportunity for families to take up of places at those schools in future.

35. The proposed changes would enable learners within the catchment area of Pentyrch Primary School to access English-medium education in a community school environment from the age of 3-11 and would reduce the number of families commuting to provision elsewhere.
36. An expansion of places at the school, and the establishment of maintained nursery provision at Pentyrch Primary School would increase the number of journeys taken to the school by families resident within the village. However, families within the village of Pentyrch are already commuting to the school or are commuting out of the village to schools elsewhere.
37. These proposals would therefore provide enhanced opportunities to bring forward provision to better enable local pupils, particularly those in the village of Pentyrch, to walk, scoot and cycle to their local school with reduced reasons to drive.

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

38. The proposed scheme would primarily be funded by S.106 contributions secured from the Goitre Fach Farm development.
39. Any extra funding that may be required for building works or adaptations would be obtained through the Education capital schemes, giving due regard to the affordability and prioritisation of the project.
40. As schools' revenue budgets are predominantly predicated on the basis of pupil numbers, any increase in pupil numbers would mean that the revenue budget for Pentyrch would increase in comparison to previous years.
41. Any additional costs would be met from within the existing delegated schools budget, with consideration given to the new nursery provision and transport implications.
42. Current published admissions figures reflect present schools' intake, and the impact on surrounding primary and secondary schools has been shown to be limited.
43. The number of maintained nursery places offered through this proposal would allow for the delivery of wrap around childcare on the Pentyrch Primary School site through partnership with an external provider. This would enhance the local offer available to families with nursery age children. Any costs associated with the delivery of this type of service would be revenue neutral to the school.
44. Further financial implications arising from the proposal are outlined in paragraphs 112 - 117.

## **Section 1.6 Other General Factors**

45. 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.
46. The school would continue to provide support for pupils with Additional Learning Needs as required. There is no information available that suggest that the proposals would have any detrimental effect on what is currently in place.
47. The Council must also take into consideration any detrimental impact that could be caused to the community if the proposals did not proceed. The proposals seek to establish nursery provision which would retain a greater number of learners in the school and would support the school's budget. If the proposals were not to proceed, Pentyrch Primary School would be the smallest primary school in Cardiff. Small schools can face greater challenges in balancing their budget and in turn attracting and maintaining high quality staff and leadership. This proposal would be expected to reduce outflow from the Pentyrch community to access neighbouring areas as they could benefit from a more comprehensive education and childcare offer locally.
48. If the proposed changes were not to be implemented, the current pattern of a significant proportion of families in Pentyrch choosing to access primary school provision outside of the village would be expected to continue. The associated traffic implications, and a lack of comprehensive and cohesive nursery and wrap around care option for local families, would continue.

## **Section 1.9 Specific factors to be taken into account for proposals to add or remove nursery classes**

49. Children in Cardiff can attend a part-time nursery place in school from the start of the term after their third birthday. They must attend the nursery class for at least five half days per week. There are no catchment areas for nursery classes.
50. Currently Pentyrch Primary School serves only children aged 4-11 years. Families' resident in Pentyrch seeking nursery places either take up places in a private nursery setting in the village or travel out of Pentyrch.
51. Plans for a new 2FE primary school to serve the Plasdŵr development were as approved in 2020. The school is to be dual stream with 1FE Welsh-medium and 1 FE dual language consistent with Category 2 of the Guidance on school categories according to Welsh-medium Provision published by the Welsh Government in December 2021. The new primary school is to also offer nursery provision with 48 part-time places in Welsh-medium and 48 part-time places with potential to work in conjunction with local childcare providers. In addition, Ysgol Creigiau offers nursery places in Welsh.

52. The Council believes that whilst there is nursery provision in the village, there are significant benefits for the children, parents and staff of Pentyrch Primary School in establishing a maintained nursery on site.
53. The following benefits may be realised:
- Additional English-medium nursery places serving local families
  - Continuity of the school's provision, to support and embed the ethos and culture of the school
  - The development of strong and effective parental links from the earliest opportunity
  - Ease of transition for a nursery-aged child when promoting to Reception
  - Early identification of vulnerable groups so the needs of children can be identified as early as possible
  - An opportunity for children to attend nursery at the same site as their older siblings. This should impact positively on parents' time and reduce the logistical difficulties that seeking an alternative childcare provider may cause, and would particularly benefit those resident in the village of Pentyrch.
  - By having an Early Years unit within the school, pupils' well-being and learning will be advantaged. Continuity and progression between Early Years and Foundation Phase will be secured, enhancing the opportunity to appropriately address individual developmental and cultural needs.
  - Potential for wrap around childcare for nursery age children enhancing the local offer and building on established links with local provision in the village.
54. The Council is currently funding a small number of 'non-maintained' nursery education places at the private nursery, Pentyrch Nursery, which operates from the Pentyrch Village Hall. This funding stream would cease in the event should a nursery class be established at the primary school.
55. The private nursery also provides childcare places to children who are not eligible for a funded education place at the nursery. The places funded by the Council provide one of the sources of income for the nursery. The private nursery operates in the morning only.
56. The potential financial impact on the local private nursery of establishing nursery provision at Pentyrch Primary School is acknowledged by the

Council and was highlighted in the consultation information published by the Council.

57. The impact on the private nursery may be mitigated through a number of measures. Representatives of Pentyrch Primary School, the private nursery, and Council Officers have held constructive discussions during and since the consultation period, to continue to shape the proposals.
58. Since consultation, the proposed number of nursery places at Pentyrch Primary School has been reduced from 48 to 32 which could allow for alternate education and childcare sessions.
59. Alternate sessions (e.g. school nursery class sessions in morning or afternoon only) would support the private nursery to operate as a wrap-around childcare setting. This could potentially be facilitated by the sharing of the proposed nursery class accommodation on the school site. Such arrangements have operated successfully on other school sites in Cardiff, and the arrangements have allowed families to access the nursery education offer and wrap-around childcare.
60. 'The childcare offer for Wales' provides working parents with a mixture of childcare and early education for children aged three or four. Offering both nursery education and wrap around care on the school site would enhance the local offer available in Pentyrch and would allow parents to access a nursery class place in a school of up to 12.5 hours and to receive funding for wrap-around childcare for up to 17.5 hours.
61. If progressed, a single-site education and childcare facility could therefore have a positive impact on the take up of places at both the school, as parents are able to access the full age range of education provision with childcare, and could also have a positive impact on the take up of places at the private nursery as local families would not need to travel out of the village to be able to access their full education and childcare funding offer.
62. The school has also been active in discussions with the private nursery and other providers regarding opportunities to expand their offer to provide for other groups should they be interested to do so to cater for the wider primary age group operating from the Pentyrch Primary School site in order to enhance the current offer available to families in the village and wider community.
63. Further work will be undertaken with Pentyrch Primary School and with Pentyrch Nursery to enable a greater number of children in the community to benefit from nursery provision and childcare within Pentyrch. Any agreement with Pentyrch Nursery or any other private provider would be expected to be revenue neutral for the school (i.e. no use of the school's per pupil funding to enable delivery) with any additional costs for operation of the childcare to be met by the provider with a lease agreement to support mutual operating terms.



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

64. There are no related school organisation proposals.
65. The consultation on the proposed changes was carried out in accordance with the requirements of the Welsh Government School Organisation Code (November 2018).
66. 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.
67. The consultation document contained the prescribed information set out in the Code.
68. The timescale and content required have been complied with in relation to the consultation report.
69. The publication of the statutory notice complied with the requirements of the Code and the notice contained all of the prescribed information.
70. The proposal was published in accordance with the requirements of the Code and contained all of the required information.

### **Objections to the proposal**

71. The Council received four objections to the statutory notices by the closing date.
72. A summary of the objections, which related to traffic, transport and the sustainability of provision, and the Council's response to these objections, follows below.

### **Traffic, Transport and Sustainability objections**

73. *"My objection to the planning centers [sic] around a lack of provision for the additional traffic this will create in the short term due to construction and in the long term due to more staff and pupil's being dropped off and the increased risk of injury to children this creates"*
74. *"The main area of my concern is the impact of increased traffic, between the new estates on the Llantrisant Road and Pentyrch. Increasing the number of pupils in the school will be reflected in an increased traffic flow."*  
  
*"Given the Climate emergency any increase in traffic will result in increased pollution and release of greenhouse gasses. The expansion of the new estates on the Llantrisant Road is already causing an increase in traffic along Bronllwyn."*

75. *“When the new housing was proposed along the Llantrisant Road (A4119), I remember seeing there were plans for primary schools to be built. I am at a loss as to why these schools have not been built now, given that so many houses are built and occupied. It seems totally inappropriate to expand Pentyrch primary school, just in order to accommodate a short-term expansion of pupils from the new housing, and until the new schools are built.”*

*“This will put intolerable pressure on minor country lanes, which have already seen marked increases in traffic, (due to all the new housing developments on the A4119). There should be double yellow lines for a long distance from the school in Bronllwyn and more speed narrowing to slow traffic down (or whatever system works best).”*

*“Also, we need 20mph on all roads in Pentyrch and severe speed restrictions on the country lanes, as none of them are suitable for the current 60mph!”*

*“It is also incredible to read that of the current catchment, 48% travel by car to school already, compared with 43% that walk. The majority of these pupils must surely live within walking distance. This needs to be addressed urgently.”*

76. *“We live on the same street as Pentyrch Primary School and are often impacted by the lack of parking provision for the school. Any expansion would necessarily exacerbate the problems. If the school expansion goes ahead, we would expect - at the very least - some yellow lines to prevent parking outside our house.*

### **Appraisal of views expressed**

77. The Council recognises that the proposal would be likely to increase travel to the school site which would need mitigation to alleviate existing traffic-related issues in the vicinity of the school.
78. The Council’s Local Development Plan (2006-2026) includes a target of 50% of all journeys to be made by sustainable transport. Minimising the proportion of school journeys made by car and maximising opportunities for travel to school by active and sustainable modes can make an important contribution to achieving this target and reducing pressures on the transport network at peak times. Increasing travel to school by active modes will have a positive impact on children’s health and wellbeing and will support the delivery of key actions and outcomes under Goal 5 the Council’s Child Friendly City Strategy (2018), which relates to ensuring access to safe outdoor environments for formal and informal play, walking, cycling and scooting and active travel to school.
79. The Council’s current Corporate Plan includes a commitment to every school in Cardiff developing and implementing an Active Travel Plan. Pentyrch Primary School has developed an Active Travel Plan. This plan has been developed with full involvement of the school supported by the Council’s Active Travel Plan officers. It identifies actions by the school to

support and encourage active travel to school and highlights the need for improvements to off-site infrastructure required to facilitate active journeys including the need for the existing crossing facility on Bronllwyn to be upgraded (It is recommended that the crossing is upgraded in conjunction with the expansion of places and the Transport team will work closely with the project team to secure funding to enable this).

80. It is anticipated that with the introduction of a nursery, take up of places by those that reside within the village of Pentyrch will increase. This should provide greater scope for increased numbers of families to benefit from an appropriate Active Travel Plan. Additionally, the need to travel outside the village to reach available nursery provision would also decrease, further reducing vehicle trips.
81. The development proposals will also require a Transport Assessment which will identify measures to be included as part of the application to maximise travel by sustainable modes. These would be expected to include appropriate improved facilities for walking, scooting and cycling, for example upgrading of the existing crossing on Bronllwyn. On-site parking would be in line with the council's Parking Standards to encourage use of sustainable and active modes of travel.
82. The scope for introducing parking restrictions - to help discourage short distance car travel and maximise active travel to school - will be investigated and put in place, where appropriate and feasible. Consideration will also be given to identifying a suitable Park and Stride/Park and Scoot facility for any pupils being driven to school from further afield to help manage parking and alleviate traffic issues in the vicinity of the school.
83. Where it has been identified that some children would be eligible for free home to school transport, suitable provision may be required at Pentyrch Primary School to accommodate the Learner Transport drop-off and pick-up. If so, this would be likely to be a designated area immediately outside the school to create clear space for the small number of minibuses and /or taxis required, (anticipated to be one or two), This will need to be designed in a way which does not impact negatively upon children travelling to school by active modes and enforced by parking restrictions.

### **Admissions and Catchment areas**

84. The increased Published Admission Number, from 20 places to 30 places, would apply to all year groups from Reception to Year 6 for admissions from September 2023. Admissions arrangements for the nursery class would also take effect from September 2023.
85. 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)).

86. There are no plans to change the Council's policy on the admission of children to schools, as a result of this proposal.
87. 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

88. The [Cardiff Commitment](#) is a vision which the city of Cardiff is dedicated to realising and that seeks to ensure all children and young people have access to opportunities that deliver ambition and skills and supports them to progress into education, employment, and training.
89. The **Cardiff Commitment** through school, employer networks (in growth sectors of the economy in particular), community, further and higher education partnerships, delivers knowledge, skills and experiences for pupils to fulfil their potential and contribute to the economic growth of our capital city.
90. The **Cardiff Commitment** works with employers to support the development of learning pathways, careers and work related experiences and collaboration to co-construct authentic learning experiences with industry as per the requirements of the [Curriculum for Wales](#) with a focus on supporting children and young people who need it most.
91. Through the Cardiff Commitment, the council has built a city-wide alliance to support educational achievement; in particular to raise the aspirations of learners, create opportunities, develop skills and support progression into the world of work. The number and breadth of partners involved has grown significantly since 2016, with over 300 partners now involved in various ways.
92. This approach enables both universal and targeted programmes to work together and stay focused upon the shared vision that any child growing up in Cardiff should have equal opportunity to realise their potential. And importantly that the journey to independence is a continuum that should be nurtured from primary school into secondary school, and through to Post 16 education, training and employment.
93. The breadth of companies now involved with the initiative is 300+ and the significance of the pledges they make opens up a variety of opportunities for children and young people as the Cardiff Commitment is utilised as a touch stone for all Council relationships with employers.
94. 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.
95. Accelerator projects led by the Core Team and undertaken with schools are informed by data held in relation to FSM, LACE, ALN and Wales

Index of Multiple Deprivation areas. The Cardiff Commitment accelerator areas aim to get most benefit and value from partnerships and look to provide sustainable and scalable approaches for schools and employers. Six Priority Areas support the development of opportunities and include creating school/business partnerships to deliver experiences of work and target skills development in the key economic growth sectors of the Cardiff Capital Region across age continuum.

96. An example of this is the Business Forum approach which sees partners from across the Growth Sectors in the region working with schools to develop opportunities and skills which support ambition and progression into education, employment and training.
97. 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**

98. The Council is committed to developing a Bilingual Cardiff.
99. Cardiff's Welsh in Education Strategic Plan (WESP) 2022-2031 sets out a series of ambitious commitments to build on the progress achieved to date. These will ensure that every child in the city can receive an education in the language of Welsh, the number receiving their education in Welsh-medium schools will increase, and through the significant use of Welsh in English medium education all will have the opportunity to become confident in speaking Welsh.
100. Following engagement sessions with members of Cardiff's Welsh Education Forum in summer 2021, the Council formally consulted on its draft Welsh in Education Strategic Plan (WESP) 2022-2032 between 15 October 2021 and 13 December 2021.
101. The draft WESP sets out that separate proposals would be brought forward as part of the implementation of the Council's Welsh in Education Strategic Plan following agreement of the strategy by the Welsh Government and formal adoption by the Council later in 2022.
102. The Cabinet approved Cardiff's WESP 2022-2031 at its meeting of 24 February 2022, for submission to the Welsh Government Ministers.

### **School Governance**

103. Pentyrch Primary School entered a formal collaboration with Llanishen Fach Primary School in 2017, with a leadership team working across both schools. Pentyrch Primary School has made great progress on its continuous improvement journey, working closely with Llanishen Fach Primary School on joint school improvement priorities.

104. The Council has supported the two schools and Governing Bodies in developing the collaboration model. Shared governance arrangements are in place to monitor and evaluate the development and success of the collaboration, and to advise on/consider issues that are relevant to both schools.

### **Wellbeing of Future Generations**

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

### **Local Member consultation**

109. Local members were consulted during the consultation period, between 14 December 2021 and 25 January 2022.

### **Scrutiny Consideration**

110. The Children & Young People's Scrutiny Committee will consider this report on 5 July 2022. Any comments received will be circulated at the Cabinet meeting.

### **Reason for Recommendations**

111. To meet demand for community English-medium primary school places in the local area and provide maintained nursery provision at the school.

## **Financial Implications**

112. In considering the financial implications of the report, the decision-maker should have assurance that the pupil numbers stated in the report (which relate to the period 2016-2020) are indicative of pupil numbers anticipated for current and future years.
113. In respect of the revenue implications, the resources required to fund additional places at Pentyrch Primary will need to be met from within the existing delegated schools budget. All other things being equal, an increase in pupil numbers in one school would result in a dilution of the overall delegated budget and would result in a reduction in the per pupil (Age Weighted Pupil Unit) amount for all schools.
114. Schools' revenue budgets are predominantly predicated on the basis of actual pupil numbers, and therefore any increase in the Published Admission Number (PAN) alone, has no financial impact unless these places are actually taken up. There is therefore no guarantee that an increase in the PAN would equate to an increase in the schools' budget. In fact, particularly in the short term, the change may actually result in a decrease, should the school only just go above 150 pupils, as this is the threshold for receiving the small school lump sum in the formula.
115. The financial implications of the report are not limited to Pentyrch Primary, as there is reference to possible impact on other schools mentioned in the body of the report, particularly at a time of reducing demand for places in the primary sector. Consideration should be given to the financial impact on all affected schools as a result of the reallocation of pupils (and school budget) from one school to another.
116. In respect of any financial implications of the proposal to expand the school age range to include a nursery provision, the decision-maker should be assured that the benefits of doing so outweigh the costs, and that other nearby established maintained nursery provisions do not have the capacity to offer the same provision at reduced, or no cost (particularly in respect of set-up costs).
117. It is noted that S106 contributions are the primary source of any required capital funding, but no quantum is stated. Based on previous contribution levels, the decision-maker should seek assurance that any amounts projected to be recoverable from developers are achievable. The report also notes that any additional funding would be obtained through Education Capital schemes (SOP), and again, the decision-maker should have assurance that funding is available, given the significant projects and priorities already allocated to those schemes.

## **Legal Implications**

118. 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.

119. 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 March 2022, Cabinet considered the consultation report and resolved to proceed with the proposals and authorised publication of the statutory notice, with the required 28-day objection period (which ended on 2 June 2022).
120. 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.
121. 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
122. The decision on whether or not to proceed with the proposals must be set out, with reasons having regard 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.
123. 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.
124. 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.



125. 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

126. 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.
127. 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.
128. 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
129. 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](http://gov.wales/topics/people-and-communities/people/future_generations-act/statutory-guidance/?lang=en)

#### General

130. The decision maker should be satisfied that the decision is in accordance with the financial and budgetary policy.
131. 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.

### **HR Implications**

132. The proposed increase in pupil numbers at Pentyrch Primary School would require the Governing Body and Senior Leadership Team to plan for workforce requirements of additional staffing arising from the school expansion and introduction of a nursery.
133. The Council's HR People Services would provide advice, support and guidance to the Governing Body for this in line with the framework set out for any Schools Organisation and Planning proposal. HR People Services encourages the school to undertake a review of their current staff structure to consider how the recruitment of additional staff fits into this structure.
134. Further HR implications of the proposal would need to be determined as the project develops, particularly in relation to the potential sharing of the nursery accommodation with a local private nursery. However, the Council will monitor the staffing implications, and if necessary, ensure that the legal obligations contained within the Welsh Government Code of Practice on Workforce Matters 2014 (the Code), and Transfer of Undertakings (Protection of Employment) Regulations 2006 (amended 2014 and commonly known as TUPE), are met.

### **Property Implications**

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

### **Traffic and Transport Implications**

137. The Council's current Corporate Plan includes a commitment to every school in Cardiff developing and implementing an Active Travel Plan. Pentyrch Primary School has developed an Active Travel Plan. This plan has been developed with full involvement of the school supported by the Council's Active Travel Plan officers. It identifies actions by the school to support and encourage active travel to school and highlights the need for improvements to off-site infrastructure required to facilitate active

journeys including the need for the existing crossing facility on Bronllwyn to be upgraded (It is recommended that the crossing is upgraded in conjunction with the expansion of places and the Transport team will work closely with the project team to secure funding to enable this).

138. It is anticipated that with the introduction of a nursery, take up of places by those that reside close to the school will increase. This should provide more scope for increased numbers of people to benefit from an appropriate Active Travel Plan. Additionally, the need to travel outside the village to reach available nursery provision would also decrease, further reducing vehicle trips.
139. The development proposals will also require a Transport Assessment which will identify measures to be included as part of the application to maximise travel by sustainable modes. These would be expected to include appropriate improved facilities for walking, scooting and cycling, for example upgrading of the existing crossing on Bronllwyn. On-site parking would be in line with the council's Parking Standards to encourage use of sustainable and active modes of travel.
140. The scope for introducing parking restrictions - to help discourage short distance car travel and maximise active travel to school - will be investigated and put in place, where appropriate and feasible. Consideration will also be given to identifying a suitable Park and Stride/Park and Scoot facility for any pupils being driven to school from further afield to help manage parking and alleviate traffic issues in the vicinity of the school.
141. Where it has been identified that some children would be eligible for free home to school transport, suitable provision may be required at Pentyrch Primary School to accommodate the Learner Transport drop-off and pick-up. If so, this would be likely to be a designated area immediately outside the school to create clear space for the small number of minibuses and /or taxis required, (anticipated to be one or two), This will need to be designed in a way which does not impact negatively upon children travelling to school by active modes and enforced by parking restrictions.

### **Equality Impact Assessment**

142. The Equality Impact Assessment prepared ahead of the consultation phase has been reviewed to take account of the responses received and any further information made available or secured since the original documents was prepared relevant to the proposal from the Council and/or its partners. No changes were found to be necessary to the document at this point.
143. In the event the proposal(s) are able to proceed to implementation the EQIA will be kept under regular review as part of the planning and delivery process.
144. The Equality Impact Assessment is attached at Appendix 3.

## RECOMMENDATIONS

Cabinet is recommended to

- (i) Approve the proposals in respect of changes to Pentyrch Primary School as set out in paragraph 1 of this report, without modification.
- (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) 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).

<b>SENIOR RESPONSIBLE OFFICER</b>  Richard Portas	<b>Director Name</b>  Melanie Godfrey
	Date submitted to Cabinet office

*The following appendices are attached:*

Appendix 1: Cabinet Report, 10 March 2022

Appendix 2: Statutory Notice

Appendix 3: Statutory Screening Tool and Equality Impact Assessment