

DIRECTORATE OF LEARNING AND SKILLS

Objection Report

Consultation on the proposal to transform special education in the Vale by:

- **Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- **Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.**

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Background

The Council undertook a consultation exercise from **6 November 2020** to **20 December 2020** on the proposal to transform specialist education by:

- **Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- **Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of Ysgol Y Deri.**

The aim of the consultation was to inform prescribed consultees about the school re-organisation proposal being put forward under section 2.3 of the School Organisation Code and referred to as a regulated alteration of a school, which includes;

- increasing the capacity of a special school by at least 10% or 20 places; and
- the transfer of any school to a new site or sites.

The consultation process followed Welsh Government guidelines as outlined in the School Organisation Code 2018. It provided an opportunity for prescribed consultees as well as members of the local community to learn about the proposal and for the Council's Cabinet to hear the views of all those with an interest so that they can be taken into account before decisions are made.

During the consultation exercise, 102 individual responses were received by the consultation closing date. Consultees were asked for their opinion on the proposal. Of the total 102 individual responses, 90 (88%) were in favour, 11 (11%) were opposed, and 1 (1%) stated no opinion either way. The responses were published in the consultation report.

Consultation Report

A consultation report was published following the consultation exercise. The purpose of the consultation report is to provide an overview of the feedback received during the consultation period, and the Council's response to any issues raised. The consultation report was considered by the Council's Cabinet on 8 February 2021.

Statutory Notice

Following consideration of the consultation report, the Council's Cabinet determined to progress the proposal and approve the publication of a statutory notice.

The statutory notice on the proposal was published on 22 February 2021, which triggered the 28-day objection period. The notice was published on the Vale of Glamorgan Council's website (www.valeofglamorgan.gov.uk/ysgolyderiexpansion) and posted at the main entrances of the schools subject to the proposal. Copies of the notice were distributed to parents, carers and guardians, governors and staff members, as well as respondents who wished to be notified. All other organisations and consultees required under the School Organisation Code 2018 were provided with a copy of the letter and notice as an attachment to the email as well as a link to the notice on the website.

In accordance with section 49 of the School Standards and Organisation (Wales) Act 2013, any person can object to the proposal before the end of 28 days beginning with the day on which the proposals were published, that is to say by 22 March 2021.

Where objections are received to the statutory notice, an objection report must be published summarising the statutory objections and the proposer's response to those objections.

Objections to the Proposal

The Council received 2 individual objections by the end of the objection period. The objections received are summarised below, along with the Council's response.

Both objections noted the proposed site is unsuitable and that infrastructure around the site would not be sufficient.

Objection theme 1: Proposed site is unsuitable

Respondents expressed concerns regarding the choice of site due to flooding, contamination and that building on this site would result in the loss of community green space.

Council's response to the objection raised

Ysgol Y Deri currently forms part of Penarth Learning Community alongside St Cyres Comprehensive School. The establishment of Penarth Learning Community was the result of a £50m investment to construct state of the art education facilities. It is not possible to increase the capacity of Ysgol Y Deri on the existing site any further due to limited external space available, and the likely impact this would have on the local infrastructure around the site. The Penarth Learning Community site already accommodates around 1,400 learners.

The preferred approach is to construct a new school building on a separate site

which would form part of Ysgol Y Deri. The additional school building would primarily accommodate primary aged pupils. However, the school would operate a needs-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at Ysgol Y Deri.

The Council considered a wide range of sites to deliver the expansion of Ysgol Y Deri. This initially involved considering Council-owned sites and was then widened to include sites that could be available to purchase.

No brownfield sites were identified that met the requirements for the proposed school building. As the school would form part of Ysgol Y Deri, it was also considered essential that the building was in close proximity to the existing Ysgol Y Deri building as staff would work across both sites.

The Council has identified a preferred site which is located next to the proposed 'Land at Upper Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing Ysgol Y Deri site.

The preferred site is currently owned by Welsh Government and the Council has an agreement in principle to purchase the land, subject to planning permission being obtained.

The design of the school building would complement the surroundings. Green open space would be retained as much as possible to provide external play areas for the school and community use outside of school hours. Natural materials would also be used for the school building wherever possible.

The impact the proposal would have on green space would be a consideration as part of the planning process.

If the proposal were to go ahead, suitable tree species and vegetation to enhance the site would be identified through extensive ecology surveys. The design team would also work closely with the school to ensure nature-based skills are developed through tailored outdoor provision. Schools delivered within Band A of the 21st Century Schools have also previously created nature areas with ponds, bug hotels, and planting as part of their outdoor learning spaces.

All site options within the proposed site would be considered and subject to a full planning application, this would include feasibility studies into current and future flood risk.

The design would be subject to sustainable drainage systems (SuDS) requirements which involves extensive designs for surface water management; i.e. water flow rates must meet specific requirements and be achieved through natural solutions like swales and raingardens. The Council would require SAB (SuDS Approval Body) approval before commencing construction.

The design for the new school building would also be subject to planning approval.

Natural Resources Wales would be consulted as part of this process.

Any site contamination would be investigated during site surveys as part of the planning process. The land would be remediated if any issues were found to ensure it meets standards that are appropriate for a school environment.

Objection theme 2: Infrastructure around the proposed site is insufficient

Respondents expressed concerns that traffic congestion would be increased as a result of the proposal.

Council's response to the objection raised

It is important to note that the consultation in question is being run in accordance with the School Standards and Organisation (Wales) Act 2013, focusing on the educational merits of a proposal. Traffic and transport implications are key considerations as part of the planning process which is being progressed separate from this consultation.

As the purchase of the site is dependent on the Council obtaining planning permission, an Outline Planning Application is being progressed alongside this consultation. The planning process includes a separate statutory consultation with local residents. Firstly, the Pre-Application Consultation (PAC) allows residents to provide feedback on the proposed design. The PAC was launched on 4 January 2021 and closed on 2 February 2021. The feedback received is currently being considered as part of the design development. The final design would then be subject to the formal planning process. Local residents would be notified of the planning application and would be able to submit feedback that would be considered by the Council's Planning Committee.

As part of the planning process, the Council must develop a full transport assessment to determine the likely impact the proposal would have on the local highway infrastructure. The transport assessment also determines the requirement for on-site drop-off and pick-up facilities to accommodate school transport arrangements. Additionally, the transport assessment sets out how the proposal responds to transport planning policies and demonstrates how the proposal aims to improve sustainable travel options and promote a shift from private cars wherever feasible. If required, the transport assessment will be revised to take into account feedback received during the PAC exercise.

Additional Learning Needs (ALN) pupils are eligible for free transport if they are assessed as having severe and/or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.

School transport is currently provided to 229 pupils at Ysgol Y Deri. In total, there are 45 vehicles serving the existing site which can be broken down as follows:

- 5 vehicles provide transport for more than 10 pupils;
- 5 vehicles provide transport for between 6 and 10 pupils; and
- 35 vehicles provide transport for 5 pupils or less.

If the proposal were to progress, active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. As part of the soft landings provision, the 21st Century Schools team and contractors would work with the school to develop an updated travel plan which would support measures to increase active travel to school.

Objection theme 3: Capacity should be expanded in the Western Vale

Respondent noted that ALN capacity should be expanded within the Western Vale to reduce learner travel time.

Council's response to the objection raised

In order to reduce the replication of specialist areas, and deliver the project within the allocated budget, it is proposed that the new building will mainly cater for primary aged pupils and the existing Ysgol Y Deri building will primarily cater for secondary aged pupils. Therefore, constructing the building in the Western Vale would not reduce transport as the Council would not be able to establish separate catchment areas.

It is also worth noting that approximately 72% of pupils currently transported to Ysgol Y Deri reside within Penarth, Llandough, Sully, Dinas Powys and Barry.

The Council worked closely with the leadership of Ysgol Y Deri throughout the development of the proposal. From a management perspective, it was considered essential that the new building was constructed within close proximity to the existing site. This is to facilitate the movement of staff working across both sites and to ensure effective leadership.

Due to the specialist nature of the provision, Ysgol Y Deri has a high staff to pupil ratio. If the new building was constructed in the Western Vale, this would likely negatively impact on transport due to an increase in staff transport between sites. This would also have implications for the effective management of the provision.

Conclusion

The Council concludes that the proposal would have a positive impact on education provision and standards within the Vale by providing specialist support for pupils with additional learning needs. The proposal would ensure the Council is able to meet its statutory duty to provide sufficient school places and meet the needs of some of our most vulnerable learners. As noted by respondents to the consultation, the proposed expansion of Ysgol Y Deri would enable more pupils to access specialist education

who might otherwise be excluded.

The proposal would result in appropriate teaching and learning environments that would promote pupil wellbeing and attitudes to learning. The new building and site for the Ysgol Y Deri expansion has been designed to meet the needs of a wide range of pupils and would provide greater access to the curriculum and extra-curricular activities.

Traffic and transport implications would be considered as part of the planning process which is currently being progressed separately from this consultation. The planning process includes additional statutory consultations with local residents.

ALN pupils with specific travel requirements which cannot be met with reasonable adjustment on mainstream transport will have their eligibility determined by the ALN Team.