

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

19 OCTOBER 2021

### REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

#### SCHOOL MODERNISATION PROGRAMME

#### MYNYDD CYNFFIG PRIMARY SCHOOL

#### 1. Purpose of report

1.1 The purpose of this report is to:

- apprise Cabinet on the outcome of the feasibility study in respect of locating a proposed 2 form-entry (FE) plus 75-place nursery replacement Mynydd Cynffig Primary School on the junior site; and
- seek approval to undertake a statutory process in respect of the proposal.

#### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** - taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help deliver the Council's well-being objectives.

#### 3. Background

3.1 In April 2009, Cabinet approved a number of individual projects that emerged from a feasibility study, which reviewed 3 to 18 learning provision in the Cefn Cribwr, Cornelly, Kenfig Hill and Pyle area. Approval was received to progress a project to cater for a proposed amalgamation of the then Mynydd Cynffig Infant and Junior Schools.

3.2 In December 2010, the Council's Strategic Outline Programme (SOP) for the 21<sup>st</sup> Century Schools Programme was submitted to Welsh Government (WG) and a replacement Mynydd Cynffig Primary School scheme was identified as a

Band A project. In 2011, the project was again confirmed as a priority Band A scheme in a further SOP submission to WG.

- 3.3 A feasibility study was undertaken in 2011 to establish the most suitable site for the primary school. That study considered the establishment of primary provision on Mynydd Cynffig Infant and Junior Schools' sites plus the site of Cynffig Comprehensive School, the outcome of which determined that the preferred site was that of the Junior School.
- 3.4 Following the establishment of Mynydd Cynffig Primary School in September 2015, a decision was made to undertake further feasibility work to explore the potential of remodelling Cynffig Comprehensive School, in order to accommodate Mynydd Cynffig Primary School at that location.
- 3.5 The feasibility study showed that Cynffig Comprehensive School site allowed for suitable alternative solutions to the critical issues of sufficient developable area and appropriate site access. It also offered sufficient space to develop a 2-form entry (FE) school plus nursery and remove some secondary surplus places.
- 3.6 The outcome of the feasibility study was reported to Cabinet in July 2016 and approval was provided to commence the consultation process to relocate the primary school to the secondary school site.
- 3.7 The outcome of the consultation was reported to Cabinet in January 2017. The community strongly opposed the proposal and Cabinet determined to consider a counter proposal from the objectors (ie to locate the new school on the school's junior site).
- 3.8 In March 2017, the outcome of a review of the 2011 feasibility study and the counter proposal was reported to Cabinet together with concerns regarding revised budget estimates for the new school development at the secondary school site. Cabinet determined to abandon the proposal, as there was insufficient funding available to take forward the scheme at the comprehensive or junior site.
- 3.9 In October 2017, Cabinet approved Bridgend's Band B priorities and agreed that further feasibility work would be undertaken for a replacement Mynydd Cynffig Primary School which, depending on the outcome and available funding, could be delivered as a priority scheme in Band C.
- 3.10 In November 2019, the Mynydd Cynffig Primary School's infant site suffered a catastrophic failure of its heating system and the repair forced the temporary closure of the school building.
- 3.11 A subsequent building condition survey reduced the school from its previous condition, that is 'C', to a category 'D' (ie 'Bad – life expired and/or at risk of imminent closure, requiring significant immediate/urgent works'). The nature and assortment of the disrepairs highlighted within the survey made isolated repair works to individual fabric elements at the school extremely challenging and economically unfeasible. As a result of the health and safety risk to pupils

and staff, it was agreed that the school building would close and alternative teaching accommodation would be provided as a matter of urgency.

- 3.12 Funding was made available through the capital programme to procure temporary accommodation.
- 3.13 On 30 June 2020 Cabinet approval was received to reprioritise Band B, bringing forward the replacement school scheme for Mynydd Cynffig Primary. Approval was received to submit a revised SOP to WG to reflect this and for officers to commence an options appraisal and feasibility study for the proposed replacement primary school.
- 3.14 In September 2020 the outcome of the options appraisal process was reported to Cabinet and approval received to undertake a feasibility study on Mynydd Cynffig Primary School's junior site.
- 3.15 In December 2020, the Strategic Outline Business Case received Ministerial approval.

#### **4. Current situation/proposal**

- 4.1 The feasibility study has concluded. The most notable advantage of developing the site is that its entirety falls within BCBC ownership. There is potential to increase the developable area by incorporating adjacent allotment gardens and leased areas, subject to relocating these facilities. These additional areas could add a potential 1.85 acres to the site which would ensure it is of a sufficient size to accommodate an aspirational 2FE school (ie one which meets the maximum recommended area in Building Bulletin guidance). Community ties to a school at that location would be maintained and can be enhanced. Removing the existing split site nature of the school allows staff and learners to be located on one site.
- 4.2 As stated at paragraph 4.1, BCBC land adjacent to the site is required to ensure there is sufficient developable area. One site is used by the Air Training Corp (ATC) and is subject to a lease dated 9 January 2004, which was granted to the Reserve Forces and Cadets Association for Wales for a term of 20 years from 25 February 2003. This expires on 24 February 2023. The tenant has a right to a lease renewal upon expiry of the lease. However, a statutory notice can be served by the Council to bring the tenant's occupation to an end. As the Council is redeveloping the site, there is a statutory process to follow. There is a risk that the tenant may challenge the statutory notice. Compensation in accordance with the provisions of the Landlord and Tenant Act 1954 will be applicable once the tenant has vacated the property.
- 4.3 The legal position in respect of the lease is clear. However, to successfully bring the lease to an end, there must be a genuine intention to demolish the premises. The council is not obliged as landlord to source the tenant alternative accommodation; the council can support the ATC where reasonably possible to ensure they are able to continue their function within the local community area.
- 4.4 An initial high-level search of the locality with local agents has not yielded any obvious solutions, however to carry out a more meaningful search, on behalf of

the ATC, officers would need to understand their requirement more fully. Consideration could also be given to incorporating their usage into any new development. Both these elements will be progressed if approval to the wider scheme is given.

- 4.5 The second site is allotment gardens which occupy 1.5 acres of land and are located to the north east of the junior site. The Pwlllygarth Allotment Association occupy the site under an Agreement dated 29 September 1976. However, there is no copy of the Agreement available. The allotments are not statutory allotments as the land was acquired for educational purposes as part of the larger site acquisition for the junior school by Mid Glamorgan County Council. It is proposed that the allotments are relocated to a new area within the site. Officers would enter into discussions with Pwlllygarth Allotment Association at the appropriate time and support the relocation to the new allotments, which would be provided as part of the overall school development project.
- 4.6 Restrictive covenants affecting the land will not prevent the development of the new school.
- 4.7 Registration of a strip of land located between the school building and playing field has now been completed and BCBC has been granted possessory title. However, work is still required to extinguish the highway rights on the land and a stopping up order is necessary.
- 4.8 In terms of providing a new school building and amenities, these would be fit for the 21<sup>st</sup> century. The original buildings and play areas have both become in need of repair. From a parental perspective, learners can be brought to and collected from the same school site. Teacher and support staff expertise can be shared across the foundation phase and key stage 2 more effectively as all would be based at one site. Transition plans for pupils can be carried out more effectively and resources can be deployed more efficiently as all would be based at one site.
- 4.9 The local authority has employed third party consultants to undertake a transport assessment (TA) and they have provided the following narrative in respect of their findings: 'The proposed access design is unlikely in itself to change the conclusions relating to the highway capacity assessments carried out to-date. However, we note a slight increase in the reported number of staff that would be parking at the school as well as being dropped-off/picked up compared to the original assumptions. This would need to be tested for consistency purposes. In terms of safety we have noted that the area is not prone to present accident black spots, even in proximity of the school site. The concerns about learners and general public safety relating to the growth in traffic demand at the school would be mitigated by the access design provisions along Pwlllygath Street where a new 3.5m wide footway (set back from the road) would provide an improved walking route to/from the school as well as waiting space outside the school. Furthermore, parking restrictions along Pwlllygath Street, coupled with car mounted enforcement cameras, would dissuade on street parking in front of the school. Parking demand for school pick-ups in particular is likely to spill over onto nearby streets if it cannot be accommodated along Pwlllygath Street and at the drop-off facilitates within the school. Likely

outcomes are that vehicles would need to park further away from the school as spaces nearby are limited; this means that in the short term congestion may be experienced as people try to park as close as possible to the school. In the medium to long-term. However, the time spent searching for parking may dissuade people from travelling by car to the site, especially if living within one mile of the school'. A School Travel Plan will be developed by the school in order to encourage and support a whole-school approach to active and sustainable travel. It must be noted that local authority Highway officers have not assessed the TA; the assessment will be undertaken in due course.

- 4.10 A site investigation has been undertaken. No concerns were raised in relation to the ground conditions and there are minimal contamination issues. The site is made up of a series of separate parts all with differing plateau levels, and some which slope significantly, and this could result in a 'split-level' solution being necessary. The complicated nature of the existing site layout along with the requirement to relocate the allotments and to demolish existing buildings, will result in a phased development which will extend the construction period. Radon levels at the site are such that only basic radon protection is required, and no other gas emissions were detected in the borehole standpipes.
- 4.11 Infiltration tests confirmed that soak away drainage cannot be used and some other Sustainable Urban Drainage method will have to be utilised. Coal Authority records show that the site of the proposed school is not in an area that would be affected by ground movements from historic or proposed mine workings. However a mine entry is recorded to the north west of the site and the direction of the entry runs under the site. The mine entry will not affect ground stability but the possibility that the entry might allow mine gasses to infiltrate the site has to be investigated. If found, this would be mitigated through design.
- 4.12 In January 2021, a Preliminary Ecological Appraisal was undertaken consisting of a desk study and field survey. A number of recommendations were made to mitigate against affecting the species present at the site. However, the report concluded that providing the recommendations are successfully implemented, it should be possible for the development to proceed without there being long-term impacts on the key protected species present at the site.
- 4.13 The Dwr Cymru Welsh Water (DCWW) mapping database suggests that there are separate foul and surface water networks located within the highway adjacent to the school. It is likely that the existing school site is also served by separate foul and surface water drainage networks. Infiltration tests have been undertaken as part of the site investigation have proved infiltration is not viable, therefore surface water will be disposed to the public sewer utilising either the existing connections serving the school or new foul and surface water connections points to the DCWW public sewerage system located within the highway. Separate foul and surface water pumping stations may be required depending on proposed site levels serving the new development and invert levels of the existing sewerage system. Discharge rates to the existing public

sewers will be determined by DCWW with surface water attenuation provided to cater for the 1 in 100yr + 30% CC storm event. Sustainable drainage features will be incorporated into the design to ensure compliance with the sustainable drainage legislation.

- 4.14 Corporate Landlord Department has provided the following information in respect of the infant site. Comprising of 1.92 hectares (ie 4.74 acres) which includes the playground (although retention or replacement of the playground would be essential in this locality), the site would be marketed on the assumption of a residential use. However, this assumption is subject to overcoming a number of factors which will impact the likely disposal value.
- 4.15 The site is currently allocated for education use and the adjacent land as an informal recreation area and children's playground in the Outdoor Sports and Children's Playing Space Audit 2017. Therefore, the assumption of a residential use is subject to Planning, as well as a number of other site constraints including highways access and ecology issues.
- 4.16 Independent specialist valuation advice has been sought and the value is considered to be in the range of £150k - £450k. The higher range of the value is based upon the assumption that the land would be suitable for a residential use and of suitable density to make it viable. The lower value is based upon abnormally high demolition and site clearance costs that make allowance for the amount of asbestos containing materials and subterranean mechanical and electrical systems. There is also the potential for access issues that may impact upon future development densities on site. The possibility of a 'land swap' arrangement with the ATC and the Allotment Association, which would involve part of the vacated infants school site, could be investigated should it not be possible to relocate them to a new area within the new development site.
- 4.17 Initially, in determining the size of school required, officers had identified the need for 60 nursery places. However, it is recognised that there is a need for an additional 15 full-time equivalent (FTE) nursery places to be provided for rising 3's.
- 4.18 In light of the above comments, it is considered that the Mynydd Cynffig Primary School junior site presents an appropriate and beneficial location for development of the proposed primary school. The site allows for suitable solutions to the critical issues of sufficient developable area and appropriate site access and technical officers are of the opinion that solutions can also be applied to other issues which may be encountered.

## **5. Effect upon policy framework and procedure rules**

- 5.1 There is no effect upon the policy framework or procedure rules.

## **6. Equality Act 2010 implications**

- 6.1 An Equality Impact Assessment has been undertaken which established that the proposal is unlikely to negatively impact on any protected group. There have been positive impacts identified, including gender and age as detailed in the

table above. As there have been no negative impacts identified, it will not be necessary to undertake a full equalities impact assessment.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long term	<ul style="list-style-type: none"><li>• Fulfils the Council's statutory duty to provide sufficient pupil places.</li><li>• Allows teaching and learning to take place on one site, assisting with sharing expert knowledge and resources.</li><li>• Supports the day-to-day management and operation of the school.</li><li>• Helps parents with drop-off and pick-up arrangements, as all pupils will attend one site.</li></ul>
Prevention	<ul style="list-style-type: none"><li>• Safeguards the Council's position in terms of any potential legal challenge regarding the supply of school places.</li></ul>
Integration	<ul style="list-style-type: none"><li>• Ensures that the curriculum can be delivered from a purpose built facility that meets social, environmental and cultural objectives.</li></ul>
Collaboration	<ul style="list-style-type: none"><li>• Works effectively with schools and many internal and external partners to ensure that the building meets the short-term and future needs of users and the community that it will serve.</li></ul>
Involvement	<ul style="list-style-type: none"><li>• Engagement of potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners.</li></ul>

## **8. Financial implications**

8.1 In December 2018, the Council approved a programme envelope of £71.3m, covering Band B new school builds of £68.2m and potential highways works of £3.1m (the cost of highway works will have to be met in full by the local authority, as there is no match funding from WG). Following subsequent amendments to the capital programme, the current position is that there are budgets of £49.504m for works and £3.4m for infrastructure within the capital programme, with the remaining schemes funded via the revenue funded Mutual Investment Model (MIM).

8.2 £10.2m has been allocated in the Capital Programme for this project and the WG intervention rate is 65%. The additional 15 FTE places for rising 3's would need to be funded from BCBC capital and would form part of the total project costs. Contractor inflation and the impact of Covid-19 and 'Brexit' may have a

detrimental impact on the scheme costs. However, this would be monitored and reviewed regularly throughout the course of the project. Any changes to the total cost of the scheme or council contributions will be reported back to cabinet and council as appropriate.

- 8.3 The scheme, should it go ahead, could generate revenue cost efficiencies as a consequence of moving from multiple sites to a single site. The exact amounts are difficult to quantify at present as they will form part of the annual formula funding process. Any potential revenue costs involved with moving allotments and ATC would be minimal.
- 8.4 The cost of the feasibility study has been funded from the Band B revenue feasibility funding allocation.

## **9. Recommendations.**

9.1 Cabinet is recommended to:

- note the outcome feasibility study; and
- give approval to commence a statutory consultation process to enlarge Mynydd Cynffig Primary School to a 2FE school, plus a 75-place nursery to be located on the junior site and open with effect from September 2025.

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## **Background documents**

Where appropriate, all relevant reports are in the public domain.