

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

14 JUNE 2022

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

#### SCHOOL MODERNISATION PROGRAMME - MYNYDD CYNFFIG PRIMARY SCHOOL OUTCOME OF PUBLISHED STATUTORY NOTICE

#### 1. Purpose of report

1.1 The purpose of this report is to:

- inform Cabinet of the outcome of the published statutory notice in respect of the proposed enlargement of Mynydd Cynffig Primary School, as detailed in the Objection Report (Appendix A);
- seek approval to publish the Objection Report, as prescribed by the School Organisation Code 2018 (Code);
- seek approval to implement the proposal with effect from the beginning of the autumn term 2025; and
- seek approval to issue and publish a decision letter, as prescribed by the Code.

#### 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 and enlargement of 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 Cynffig Comprehensive School, 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 (that is, 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' (that is, '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.
- 3.16. In October 2021, the outcome of the feasibility study was reported to Cabinet and approval was given 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.
- 3.17 A consultation process was undertaken between 23 November 2021 and 12 January 2022, the outcome of which was reported to Cabinet on 8 February 2022.

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

- 4.1 Following Cabinet approval on 8 February 2022, the consultation report was published on the Council's website and stakeholders were advised accordingly.
- 4.2 The statutory public notice was published on 7 March 2022 for a period of 28 days and formal written objections were invited during this time.
- 4.3 The Council received one email in respect of the proposal during the statutory notice period. Legal advice was sought and it was recommended to consider the correspondence as an objection to the proposal. An Objection Report must now be published summarising the objection and the local authority's response to the objection. Cabinet will now need to consider the proposal in light of the objection. Cabinet can then accept, reject, or modify the proposal.

4.4 The attached Objection Report (Appendix A) sets out the objection received and the local authority response.

## **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 initial Equality Act Impact (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

## **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%. An 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.
- 8.3 Contractor inflation and the impact of Covid-19 and 'Brexit' will have a detrimental impact on the scheme costs. WG has recently issued revised cost standards to local authorities and the impact of these revisions, which not only address the price increases, but also cover decarbonisation and the commitment to deliver Net Zero Carbon schools, is in the process of being considered by officers. This impact will be reported in due course and will continue to be 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 be determined through the annual school formula funding process. As part of the scheme, there is a requirement to utilise Council-owned land currently occupied by Pwlygath Allotment Association and the Air Training Corps (ATC), in order to develop the school (as detailed in Appendix A). Any potential revenue costs involved with moving the 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 of the published statutory notice in respect of the proposed enlargement of Mynydd Cynffig Primary School as detailed in the Objection Report (Appendix A);
  - give approval to publish the Objection Report;
  - determine to implement the proposal with effect from the beginning of the autumn term 2025; and
  - give approval to issue and publish a decision letter.

**Lindsay Iorwerth Harvey**  
**Corporate Director - Education and Family Support**

**14 June 2022**

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**Background documents**

None

**BRIDGEND COUNTY BOROUGH COUNCIL**

**OBJECTION REPORT**

**REPORT OF THE CORPORATE DIRECTOR - EDUCATION AND FAMILY  
SUPPORT**

**SCHOOL MODERNISATION PROGRAMME: OUTCOME OF THE PUBLISHED  
STATUTORY NOTICE IN RESPECT OF THE PROPOSED REGULATED  
ALTERATION TO MYNYDD CYNFFIG PRIMARY SCHOOL IN THE FORM OF AN  
ENLARGEMENT**

**1. Purpose of report**

- 1.1 This report details an objection received in respect of the statutory proposal to make a regulated alteration to Mynydd Cynffig Primary School in the form of an enlargement (that is, 2 form-entry plus 75-place nursery).

**2. Background**

- 2.1 In October 2021, Cabinet approval was received to undertake a statutory consultation process in respect of the proposed enlargement to Mynydd Cynffig Primary School. Under the proposal, the existing split-site arrangement would cease and the infant department would relocate to a new build primary school on the existing Mynydd Cynffig Primary School junior site at Pwllgath Street, Kenfig Hill, Bridgend, CF33 6ET with effect from September 2025.
- 2.2 The proposal was subject to a consultation process which was carried out between 23 November 2021 and 12 January 2022, in accordance with the statutory School Organisation Code 2018. It provided an opportunity for prescribed consultees as well as members of the local community to learn about the proposal. The consultation document invited views and opinions to be submitted in respect of the proposal in order for Cabinet to hear the views of all those with an interest so that they can be considered before decisions are made.
- 2.3 In February 2022, a summary of the views and opinions received in respect of the proposal were presented to Cabinet in a consultation report and approval was received to publish the report. A copy of the consultation report was made available on the Council's website:

<https://www.bridgend.gov.uk/media/12846/mynydd-cynffig-primary-school-consultation-report.pdf>

2.4 Following consideration of the consultation report, Cabinet determined to progress the proposal and approve the publication of a statutory public notice. A statutory notice outlining the proposals was subsequently published on 7 March 2022 for a period of 28 days and formal written objections were invited during this time, as prescribed by the School Organisation Code 2018.

### **3. Objection to the proposal**

3.1 The Council received one email during the statutory notice period. Legal advice was sought, and it was recommended to consider the correspondence as an objection.

#### **3.2 Objection**

'I refer to our telephone conversation on the 31/01/2022 for the council to confirm in writing that they would be moving or replacing greenhouse, sheds and chicken coops I also refer to the allotment being a in statute. As there has been no response to this it is with regret must now give you five days in which to respond if you do not do so then we will be forced to take the matter to a higher authority ie the Secretary of State, The Welsh Government Planning Dept. along with the leaders of the main political parties. This would mean objecting to your plans at the highest level possibly delaying the development of the new school.  
With regret'

#### **3.3 Local authority response to the objection made**

To progress the proposal, consultation exercises were carried out between 23 November 2021 and 12 January 2022 in accordance with the statutory School Organisation Code 2018. The local authority held 4 stakeholder consultation meetings at Mynydd Cynffig Primary School (infant site), and held 'virtual' meetings with learners, school staff, governors, and Pyle Community Council. Representatives from the Pwllgath Allotments Association and the Air Training Corp (ATC) attended the sessions held at the school. In addition, separate sessions were held with both organisations to address their specific concerns. Local members actively engaged and supported the process.

The land occupied by Pwllgath Allotments Association was acquired by the Council for Education purposes. Should the proposal proceed, the tenancy of the allotment site would end, subject to the relevant notice period.

Suitable replacement land has been identified which is located adjacent to the proposed school site and will provide for the same level of accommodation and number of allotment plots (that is, 26). The design team has confirmed that the provision can be accommodated with the aim of not exceeding any gradients experienced on current plots within the new site.

The terms of the occupation are to be agreed. However, the intention, subject to Council approval, would be to designate the replacement facility a 'statutory' allotment site.



Officers of Bridgend County Borough Council have provided Pwlllygath Allotment Association with a proposed site layout plan for the new allotments and have discussed plot sizes, positioning and access points.

The following are outline draft specification and design proposals for the replacement site. However, the local authority will provide more detail and layout plans as the design process progresses:

- replicate the number of existing allotments (layout to be confirmed);
- any gradients on the replacement site aim to not exceed any gradients already experienced on current plots;
- after cut and fill works, the ground will be finished with topsoil and fertilised;
- the new access will be tarmacadam surfaced for a short section and then switch to an appropriate fill material;
- 4 car parking spaces will be provided;
- a perimeter galvanised steel security fence to a minimum height of 1.8m plus a main gate to match; and
- a 'stoned up' footway from the access track into each plot to the shed.

The following is proposed in respect of each plot:

- a shed per allotment. Type and size to be agreed;
- a water butt (off the shed) per allotment;
- replacement pigeon lofts and chicken coups; and
- a timber stock type fence with matching gate (approximately 1.2m high) to each allotment.

In terms of improvements, the following is proposed:

- provision of improved security fencing;
- provision of improved plot fencing;
- improvement in access (wider) and circulation routes;
- provision of parking (4 spaces); and
- ground and soil suitability will be finished in accordance with relevant standards.

In terms of replicating the existing site, the focus has been on the land element and where reasonable, the local authority aims to provide the specification typically associated with an allotment provision, as outlined above. For clarity, the local authority will **not** be providing (but not limited to) the following;

- greenhouses; or
- any utility supplies to the site.

The local authority will ensure Pwlllygath Allotment Association is updated regularly on the programme and timescales which will allow all parties to plan accordingly.

#### **4. Conclusion**

- 4.1 The Council concludes that the proposal would have a positive impact on education provision and standards and deliver suitable and sufficient accommodation that meets the needs of staff and learners at Mynydd Cynffig Primary School.
- 4.2 The proposal would result in appropriate teaching and learning environments that would promote pupil wellbeing and attitudes to learning. The new building and external areas would be designed to meet the needs of learners and would provide access to the curriculum and extra-curricular activities.
- 4.3 The proposal would ensure the Council is able to meet its statutory duty to provide sufficient school places that meets the needs of the learners.

Hard copies of this report are available on request in the following ways:

Telephone: (01656) 643 643

Email: [edsu@bridgend.gov.uk](mailto:edsu@bridgend.gov.uk)

Online: [www.bridgend.gov.uk/consultation](http://www.bridgend.gov.uk/consultation)

Post: Education and Family Support Directorate, Directorate Support Unit (EDSU), Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend, CF31 4WB.

Alternative formats are available upon request.

*This report is subject to the call-in procedures as set out in Part 4 Rules of Procedure in the Council's Constitution which allows decisions taken by Cabinet, but yet to be implemented, to be reviewed. Should a valid call-in notice of the report be received from an Overview and Scrutiny Committee, all stakeholders would be informed.*