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| Meeting of: | Cabinet |
| Date of Meeting: | Thursday, 29 September 2022 |
| Relevant Scrutiny Committee: | Learning and Culture |
| Report Title: | Purchase of Land at Lower Cosmeston Farm for Education Development for Special Educational Needs School |
| Purpose of Report: | To seek Cabinet approval to continue with the acquisition of Welsh Government owned land at Lower Cosmeston Farm, Lavernock Road, Penarth, for the provision of Special Educational Needs School to expand provision as part of Ysgol Y Deri. |
| Report Owner: | Cabinet Member for Education, Arts and the Welsh Language |
| Responsible Officer: | Paula Ham, Director of Learning and Skills |
| Elected Member and Officer Consultation: | <p>Officers Consulted:</p> <p>Matt Bowmer: Head of Finance/Section 151 Officer</p> <p>Victoria Davidson: Operational Manager (Legal)</p> <p>Lorna Cross: Operational Manager (Property)</p> <p>Ben Winstanley: Strategic Estates Manager</p> <p>Trevor Baker: Head of Strategy, Community Learning & Resources</p> <p>Lisa Lewis: Operational Manager, Strategy and Resources</p> <p>Nathan Slater: Project Manager, Sustainable Communities for Learning</p> |
| Policy Framework: | This is a matter for Executive decision by the Cabinet |

Executive Summary:

- The report seeks Cabinet approval to delegate authority to Monitoring Officer / Head of Legal and Democratic Services / Operational Manager Legal Services to negotiate, agree and execute all necessary legal documentation to facilitate the purchase of Land at Lower Cosmeston Farm subject to the receipt of outline planning consent. The land would be utilised to deliver the Ysgol Y Deri Expansion project included in the Council's Band B of the Sustainable Communities for Learning Programme. Further details on the land valuation are outlined in the Part II item on this agenda.
- The project would deliver 150 places to meet demand arising from the existing Ysgol Y Deri site and address capacity issues at the site. The project cost for the scheme has increased from £12.1m to £21.9m and a Business Case has been submitted to Welsh Government to request additional grant funding for the increased costs for the project. These increased costs are not related to the land purchase but reflect cost increases in the sector and requirements relating to sustainable drainage and access considerations on the site.

Recommendations

1. That Cabinet notes this report and recommendations considered in connection with the Part II report later in the agenda.

Reasons for Recommendations

1. To allow Part I and II reports to be considered together.

1. Background

- 1.1 On 9th July, 2020, using the Emergency Powers Procedure, the Council's then Managing Director approved a strategy to transform special education in the Vale of Glamorgan to meet projected future demand and best meet the needs of our most vulnerable learners. This included increasing capacity at Ysgol Y Deri, the Council's Special Educational Needs (SEN) School, to meet project demand for special education. It is not possible to expand Ysgol Y Deri on its existing site due to site and access constraints. Therefore, the Council undertook a feasibility exercise to identify a new site for the expansion.
- 1.2 The broad parameters for the land search for the SEN School were: it should ideally be located within the Penarth area in close proximity to the Ysgol Y Deri site and the site must be a minimum of 2 hectares in size to appropriately accommodate the type of school. Furthermore, the site would need to be considered acceptable for D1 Non-residential Institutions which is the use class for schools in Wales as defined by the Town and Country Planning (Use Class) Order 1987 (as amended).
- 1.3 An initial site search was carried out using a desk top study of the land owned by the Council which had a size of 2ha or more. This resulted in 154 sites being identified. The majority of potential sites are located within the south-eastern area of the Vale of Glamorgan, predominantly within the settlements of Barry and Penarth. However, upon further review it was considered none of the council owned land would be appropriate due to existing site constraints. Consequently, land needed to be identified on the private market or potentially acquired through negotiations with the relevant landowners. The market for land advertised within the Vale of Glamorgan was limited, with the majority of land located in unsustainable locations which would be unsuitable for a school development. The potential school site should be located within a settlement boundary as promoted by national and local policy. However, both national and local policy allows for some flexibility relating to the location of new development and where appropriate new development can be located adjoining settlement boundaries where it can be evidenced it will be sustainable. Therefore, the search for land was widened to include potential sites located adjoining settlement boundaries.
- 1.4 The site search resulted in land adjoining the existing LDP housing allocation at Upper Cosmeston Farm being identified as a potential site to be developed for

the new educational use. The site would adjoin the existing housing allocation to the northeast and settlement boundary as defined in the LDP. The potential site is located on land adjoining the LDP housing allocation referred to as Land at Upper Cosmeston Farm (MG2 (24)). The site would cover approximately 2.3ha and be bounded by the B4267 and Fort Road to the west. For the purposes of this report the land will be referred to as 'land at Lower Cosmeston Farm', Appendix 1 shows the site location.

- 1.5** On 2nd November, 2020, the Council's Cabinet authorised the Director of Learning & Skills to undertake a consultation from Friday 6 November 2020 to Sunday 20 December 2020 on a proposal to:
- Increase the capacity of Ysgol Y Deri to accommodate an additional 150 pupils: and
 - Construct a new school building on the preferred site located in Cosmeston, Penarth which would operate as an additional site under the management of Ysgol Y Deri.
- 1.6** The proposal was designed to address a number of challenges, including:
- Ensures the Council is able to meet projected demand for special education in the Vale of Glamorgan.
 - Provides innovative and creative learning environments which are adaptable to change and meets the needs of our most vulnerable learners.
 - Increases the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
 - It is recognised that Ysgol Y Deri is the organisation with the experience and skills to implement the Additional Learning Needs strategy most effectively within and across the Vale of Glamorgan. As such, an expansion of Ysgol Y Deri would mean that some of our most vulnerable learners receive the most effective support and nurture provision as key components of their education.
 - Ensures the Council is not reliant on costly out of county placements.
- 1.7** The Council's Cabinet considered the Consultation Report on 8th February, 2021 and determined to progress the proposal through the publication of a statutory notice. (Cabinet minute C472)
- 1.8** The statutory notice was published on 22nd February, 2021. In accordance with section 49 of the School Standards and Organisation (Wales) Act 2013, any person could 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 22nd March, 2021.
- 1.9** On 26th April, 2021, the Cabinet approved the statutory notice to increase the capacity of Ysgol Y Deri to meet future demand for special education in the Vale of Glamorgan on the Lower Cosmeston Farm site.
- 1.10** To deliver the proposal, the expansion of Ysgol Y Deri was included as part of Band B of the Council's Sustainable Communities for Learning Programme in July 2019. Originally £11m was allocated to provide for the expansion in the programme, this was increased to £12.1m in 2021 due to increases in

construction costs. On 11th April 2022, Cabinet approved entering into a Professional Services Contract with, ISG Construction Ltd, to undertake design and procurement services following a tender process. The Council has now received the final cost for the scheme following detailed design and survey work undertaken by ISG Ltd. The final cost for the project is £21.9m, this cost includes the land transfer price as well as the design and survey work and the construction of the proposal. The significant cost increase to the proposal predominantly relates to sustainable drainage requirements resulting in a requirement for a green roof and walls to the building and costs associated with access requirements to the site. The project has received outline business case approval and has been recently submitted to Welsh Government for full business case approval following the receipt of the final cost from the contractor. A determination on the business case is expected from Welsh Government in late October 2022.

2. Key Issues for Consideration

- 2.1** Land at Lower Cosmeston Farm is within the ownership of Welsh Government and is managed by the Welsh Government Land Division. The land is held Freehold by the Welsh Government.
- 2.2** The site has been valued by Avison Young in June 2020 in accordance with the Public Sector Land Transfer Protocol (a best practice guide set out by the National Asset Working Group for the transfer of land and property assets between public bodies in Wales) in order to determine the current Market Value of the site. The valuation had regard to information provided by both the Welsh Government and the Council. Further information on the valuation is outlined in Part II of this Cabinet Report.
- 2.3** To reduce the risk to the Council, it is proposed no land purchase is agreed until planning consent has been granted for the proposal. The Council submitted an Outline Planning application which is seeking approval on access, layout and scale. Appearance and landscaping would be subject to a reserved matters application; however, the outline planning consent would give the Council certainty that the proposal would be acceptable in principle on land at Lower Cosmeston Farm. The planning application was submitted to the Local Planning Authority on 11th June, 2021. Following comments from statutory consultees, a number of additional surveys have been required which have delayed the determination of the application. It is anticipated that a determination on the application will be made in November 2022. Full details on the planning application can be viewed on the Council's Planning Register using the following link:

<https://vogonline.planning-register.co.uk/Planning/Display/2021/00876/RG3#undefined>
- 2.4** The site is required to deliver the Ysgol Y Deri Expansion project. This project will result in a 150 place SEN school which will be managed by the existing Ysgol Y Deri School Management team. The existing Ysgol Y Deri will have 380 pupils in

September 2022, this is expected to increase to 420 pupils by September 2023. There are currently 2 temporary classrooms on the site providing a total of 6 classrooms which can accommodate 60 pupils (10 pupils per class). The proposed expansion would alleviate the existing pressures on Ysgol Y Deri's capacity providing a further 15 classrooms (including a food tech classroom) and removing the need for the temporary classrooms on the existing site.

2.5 The benefits of this scheme are outlined below.

- Ysgol Y Deri is a multi-award-winning school for special education. This proposal would ensure management of the new building is incorporated under Ysgol Y Deri.
- Ensures the Council is able to meet anticipated demand for special education.
- Supports the implementation of the Additional Learning Needs Act.
- 3 miles from existing Ysgol Y Deri site, thereby minimising travel time for staff working across sites.
- Community use is at the heart of Sustainable Communities for Learning, providing additional facilities and external space available for the local community.
- Provision of sports facilities in the area, including a sports pitch and multi-use games area (MUGA).
- Sustainability is a key consideration with the new schools achieving BREEAM Excellent standard. This would include PV panels, habitat areas and allotments. The scheme would be net zero carbon in operation and include a green roof and wall. The proposal also aims to improve water storage with an anticipated over supply which can be utilised by wider Council Departments such as Highways for road cleaning.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities, and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
- Objective 1 - To work with and for our communities
 - Objective 2 - To support learning, employment, and sustainable economic growth
 - Objective 3 - To support people at home and in their community

- Objective 4 - To respect, enhance and enjoy our environment

3.3 To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all the goals, not just one or two, these being:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and Welsh Language
- A globally responsible Wales

3.4 The Sustainable Communities for Learning Programme contributes to achieving the wellbeing goals by:

- Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation and net zero carbon in operation building.
- Ensure an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
- The new school would be designed to better meet the needs of pupils. The new building would provide break out areas, wellbeing areas and therapy rooms.
- A key objective of the Sustainable Communities for Learning Programme is to increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- Supporting contractors to deliver a programme of community benefits that aims to reduce unemployment through increased apprenticeship opportunities.

3.5 The 2015 Act imposes a duty on all public bodies in Wales to carry out "sustainable development", defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.

3.6 The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:

- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.

- Considering how the Council's objectives impact upon each of the wellbeing goals listed above.
- The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the area which the Council services.
- Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.
- Acting to prevent problems occurring or getting worse.

3.7 The Sustainable Communities for Learning Programme meets the five ways of working by:

- Responding to the need to ensure that there is a well-managed balance of supply and demand of school places as a result of recent and planned housing developments. It is recognised that the changing demographics in the Vale of Glamorgan will significantly affect the demand for our services. Short term and long-term need, and the assessment of demographic increases is an important aspect of the Council's strategic planning responsibilities.
- Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
- Working towards ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. This ambition is achieved by ensuring that schools remain sustainable, reflects the needs of local communities and are equipped with the best possible learning environments.
- Contributing towards a healthier Wales by supporting sustainable transport strategies and providing additional sport facilities.
- Contributing towards a prosperous Wales by committing to working with Welsh Government on the Sustainable Communities for Learning Programme. The Sustainable Communities for Learning and Education Programme in the Vale of Glamorgan will drive greater social value while delivering on the Welsh Government's community benefits through its investment in education infrastructure and employment. Specifically, it will increase contributions to education, training and skills across the Vale and the region and provide opportunities for local tradespeople and to use local resources, wherever possible.
- Delivering rigorous consultation with open communication channels and numerous opportunities for stakeholders to engage throughout the process.
- Ensuring that schools are of the right size, in the right places and serving the educational needs of their local communities as part of the school organisation process.

4. Climate Change and Nature Implications

- 4.1 There are no direct climate change and nature implications as a result of purchasing the land. However, Ysgol, Y Deri Expansion project would be net zero carbon in operation and include biodiversity enhancements as part of the proposal in accordance with Welsh Government and Council requirements and national and local planning policy.
- 4.2 The current proposal also includes the following biodiversity works:
- 1x Hibernacula and 2x log shelters
 - 1x Bee bank
 - 3x Bug Hotels
 - 2x Hedgehog homes and hedgehog gaps in fencing
 - 2x bird boxes
 - 2x bat boxes
 - 1x compost area
 - Growing garden area
 - Partial green roof to main building
 - Partial green wall to main façade
 - Wild meadow planting
 - 64x new tree planting (note that 5x category U trees are to be felled).
- 4.3 In terms of the wider environment, the scheme would be net zero in operation and provide a water source with rainwater being collected and stored on site for irrigation for the green roof and wall. It is expected that there will be a surplus of water stored on site which will be used by the wider Council such as road cleaning.

5. Resources and Legal Considerations

Financial

- 5.1 Initial costs of the project were forecast at £11m, this was increased to £12.1m and included the valuation price within the estimated cost.
- 5.2 The project will be funded from the following sources:

| Funding Source | Amount (£,000) |
|------------------------|-----------------------|
| Welsh Government Grant | 8,850 |
| s.106 | 1,448.5 |
| Borrowing | 1,801.5 |
| Total | 12,100 |

- 5.3** However, the Council has received a final cost for the project which has increased significantly to £21.9m. The Council has recently submitted to Welsh Government for full business case approval following the receipt of the final cost from the contractor. A determination on the business case is expected from Welsh Government in late October 2022.
- 5.4** In terms of the Council funding associated with the increased costs for the project £1.7m relates to net zero costs which is proposed to be funded 100% by Welsh Government. Furthermore, following detailed site surveys and design work, £5.5m of the cost is associated with abnormal costs. The Business Case is seeking £16.9m in grant funding from Welsh Government. The remaining £5.06m would need to be funded by the Council. An additional £1.8m is required to meet the Council's contribution. This would be funded from capital receipts released from the SOP Variation approved on 18th August, 2022. The table below shows the new funding breakdown:

| Funding Source | Amount (£,000) |
|------------------------|-----------------------|
| Welsh Government Grant | 16,886 |
| s.106 | 1,448.5 |
| Capital Receipts | 1,808 |
| Borrowing | 1,801.5 |
| Total | 21,944 |

Employment

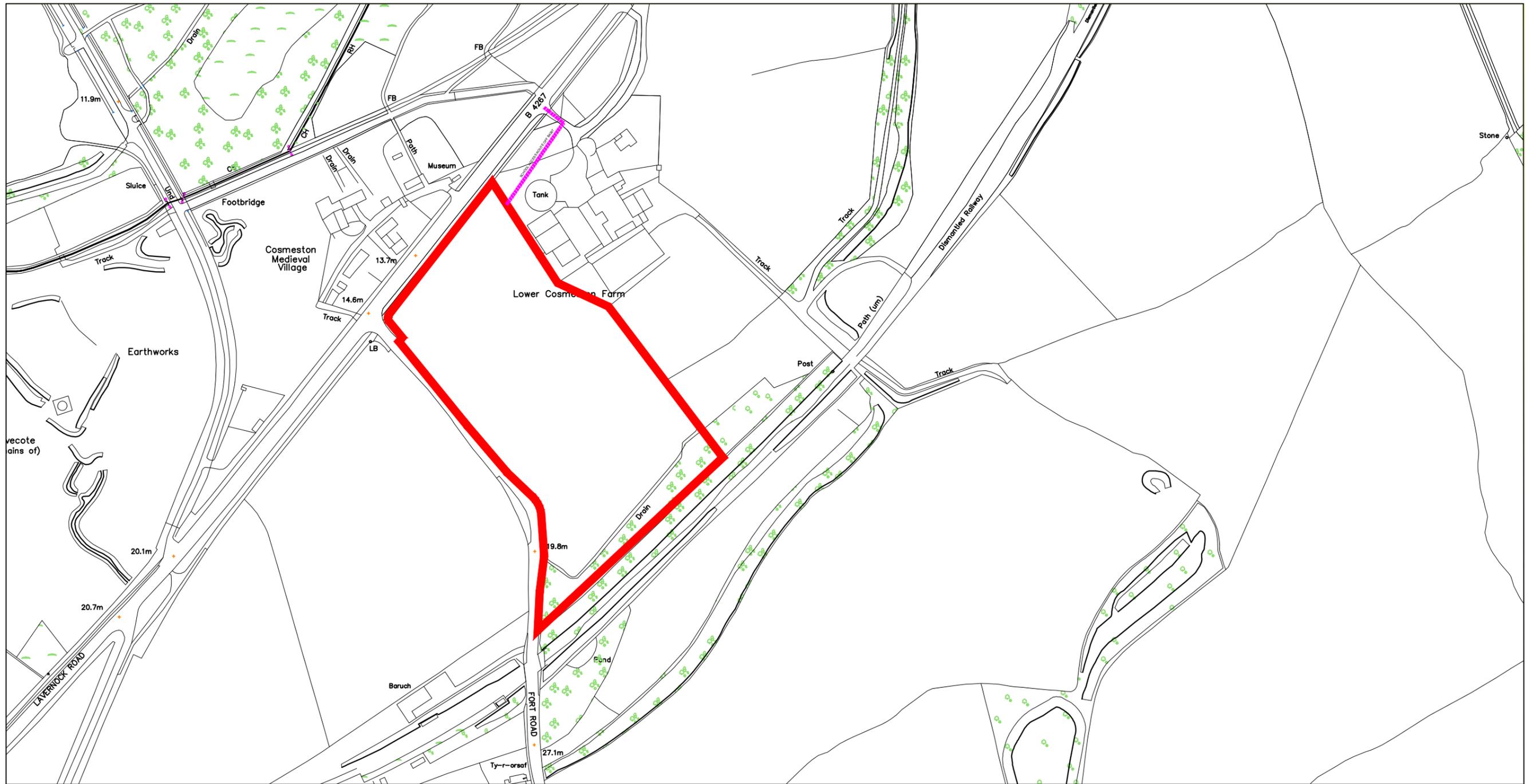
- 5.5** There are no direct employment implications as a result of purchasing the land. Employment implications for the proposal were considered under the statutory consultation and presented to Cabinet on 26th April, 2021. In summary, the governing body of Ysgol Y Deri would be responsible for developing a staffing structure to support the split site provision.
- 5.6** The proposal would lead to an increase in employment opportunities at the school as additional staff would need to be recruited as the number of pupils on roll increases. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.
- 5.7** Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.

Legal (Including Equalities)

- 5.8** The Council's Sustainable Communities for Learning Team will continue to liaise with the Council's Legal team on all legal matters concerning the project and it will be necessary for appropriate forms of contract to be executed.

6. Background Papers

6.1 None.



amendments (n.b. :- all amendments to be signed)
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THE VALE OF GLAMORGAN

BRO MORGANNWG

property name
enw'r eiddo

Land at Cosmeston,
Penarth

drawing
dyluniad

Site Location Plan

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gwiriwyd

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job number
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amendments
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