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| <b>Report to</b>             | Cabinet   |
| <b>Date of meeting</b>       | 21/02/23  |
| <b>Lead Member / Officer</b> | Cllr. Gill German/ Geraint Davies                                     |
| <b>Head of Service</b>       | Geraint Davies  |
| <b>Report author</b>         | Lisa Walchester/ James Curran   |
| <b>Title</b>                 | Ysgol Plas Brondyffryn Project - School Organisation objection report |

## **1. What is the report about?**

1.1. This report is to inform Cabinet Members of the objections received in regard to the Statutory Notice published by Denbighshire County Council proposing to increase Ysgol Plas Brondyffryn's capacity from 116 to 220.

## **2. What is the reason for making this report?**

2.1. To review the objection report and consider the determination of the Statutory Notice.

## **3. What are the Recommendations?**

Cabinet are asked:

3.1 To review the Objection Report attached as Appendix 2 to this report;

3.2 To consider whether it is satisfied that the statutory process set out in the School Organisation Code has been followed;

3.3 To consider whether or not to approve the proposal set out in the Statutory Notice in regard to increasing the capacity of Ysgol Plas Brondyffryn from 116 to 220;

3.4 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment, Appendix 1, as part of its consideration.

## 4. Report details

- 4.1. This is a Band B project in the Welsh Governments Sustainable Communities for Learning programme, previously 21<sup>st</sup> Century Schools and College programme. Commitment to this proposal was outlined in a revised Strategic Outline programme, which was approved by Welsh Government in September 2020. The programme included an overall allocation of £23.8m for this project. As this project is for a special school Welsh Government, subject to the approval of the relevant Business Cases, will provide 75% of the funding with the remaining 25% to be provided by Denbighshire as per the Corporate Plan commitments.
- 4.2. Ysgol Plas Brondyffryn is a 3-19 school which provides specialist provision for pupils with autism. Last year Denbighshire County Council completed a period of formal consultation regarding the proposal to increase Ysgol Plas Brondyffryn's capacity from 116 to 220. The school will move into a brand new purpose built facility to accommodate the increase.
- 4.3. On the 18<sup>th</sup> October 2022 the Council's Cabinet considered the Consultation Report and agreed to proceed with the proposal with a change in the implementation date from 1<sup>st</sup> September 2024 to 28<sup>th</sup> April 2025.
- 4.4. The Statutory Objection period opened on Tuesday 8<sup>th</sup> November 2022 for a period of 28 days, concluding on Monday 5<sup>th</sup> December 2022. During this time 2 objections were received via email.
- 4.5. The objections focus on the location of the new build, in particular the suitability of the site, traffic concerns and loss of green space, rather than the proposed increase in capacity. The Statutory Notice stated that 'the implementation is subject to a site being agreed, planning consent approved, funding being available and the new build being ready.'
- 4.6. In determining proposals the School Organisation Code states decision makers:
- must consider whether there are any other related proposals;

- must ensure that the statutory consultation has been conducted in accordance with this Code;
- must ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
- must consider the consultation document and consultation report;
- must consider the objections and the objection report and any responses to the notice supporting the proposals;

4.7. The School Organisation Code clearly states that “where a local authority’s proposals have received objections and require determination under section 53 of the 2013 Act, the local authority **must** not approach the determination of these proposals with a closed mind. Objections **must** be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code.”

4.8. In considering the proposal Cabinet should take into account the factors highlighted within the code which include quality and standards in education, need for places and the impact on accessibility of schools, resourcing of education and other financial implications and the additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN (ALN) provision as detailed in the School Organisation Code.

4.9. In addition, in accordance with the 2013 Act Cabinet are required to give full consideration to the objections received by the Community to the proposal. The objections have been collated into an Objection Report which details the objections received and the response of the local authority to these concerns. This is attached as Appendix 2.

## **5. How does the decision contribute to the Corporate Themes?**

5.1. The project links with the “A learning and growing Denbighshire” theme in the newly adopted Corporate Plan 2022-2027- by providing high quality buildings and facilities, working in partnership with Welsh Government’s Sustainable Communities for Learning Programme and to support schools to transition to being Community Focussed Schools, providing a range of services and

activities to help meet the needs of pupils, their families, and the wider community.

5.2. The proposed new build will have a positive contribution to the Council becoming Net Carbon Zero by 2030. Welsh Government announced that from 1<sup>st</sup> January 2022 all new build projects will be required to demonstrate delivery of Net Zero Carbon in operation. Welsh Government have stated that they will fund 100% of this in line with current benchmarks that they have detailed. This will form part of the business case as the design develops and costs become clearer.

## **6. What will it cost and how will it affect other services?**

6.1. There will be minimum costs to the Council via the publication of the Objection report.

6.2. In terms of the build at this stage of the project we are anticipating that the likely project costs will increase beyond the initial allocation of £23.8m. This is in line with the wider pressures on construction costs which has seen significant costs increase. Options for value engineering will be explored to minimise increases but these are unlikely to balance of inflationary pressures. The submission of the Outline Business Case and Full Business Case to the Welsh Government will need to reflect these pressures. This is likely to require the use of the current reserve of unallocated funding as part of Denbighshire's outline programme for Band B.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. Please see attached Appendix 1- New build- Ysgol Plas Brondyffryn.

7.2. The main conclusions of the report are:

7.2.1. The proposal scored 3 out of 4 stars and 28/36,

7.2.2. The proposal is considering the long term future of the school as demand for these types of school places will increase. The new build will allow the school to use the space flexible and bring all staff and pupils onto one site.

7.2.3. The build itself will help the local economy and will have a strong emphasis on community benefits.

7.2.4. As the project develops the assessment has been revisited and updated. The school and other officer within education have been consulted.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1. The project is on the Denbigh MAG agenda as a standing item and therefore updates are provided at every meeting.

8.2. The school staff and Governors are aware of the project and have engaged in the design meetings with Wates.

8.3. Internally highways, planning, leisure and ICT have all been made aware of the project and feedback received.

## **9. Chief Finance Officer Statement**

9.1. As noted in section 6 there will be minimum costs to the Council via the publication of the Objection report. Although the programme has been approved in principle the wider cost implication and the Business Case for the final project (including funding implication for DCC and the wider programme going forward) will need to go through the new Capital Approval Process.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. The formal consultation process needs to proceed alongside the new build design and funding approvals.

10.2. The mitigating risk is that formal appointment of the lead contractor for the build itself will take place following completion of the formal consultation process. Therefore, should there be significant opposition to the proposal at an early stage the Council could seek to delay the appointment of the lead contractor as appropriate.

## **11. Power to make the decision**

11.1. The School Standards and Organisation (Wales) Act 2013 provides the legislative requirement for local authorities to review school proposals and to progress proposals to reconfigure school provision.