

Appendix 1

1.0 Site Analysis

Education perspective;

- 1.1 The view from Education Officers has been consistent on this matter and that is there is a very strong requirement for the school to be located in Denbigh;
- i. the location of any new Ysgol Plas Brondyffryn should be in the town of Denbigh to ensure that the school can continue to serve pupils from across Denbighshire i.e. a Denbigh location allows access for pupils from the North and South of the County. If the new school was located further north it would prevent pupils from the South accessing the school due to unreasonable journey times. Given the special provision at the school it needs to serve the whole County. Denbigh fulfils this requirement.
 - ii. the location of any new Ysgol Plas Brondyffryn should be close to the High School in Denbigh as the long established links between the 2 schools enables some learners to access mainstream provision including examinations.
- 1.2 Wider benefits seen for the town and the school include minimum disruption to approximately 100 jobs in the town from the school and its connection with the town over its history.
- 1.3 Both sites A and B are owned by the Council. The preference of the Education department is site A for the following reasons:
- i. It will cost less to provide a new school on site A than site B. It is estimated that there is a £1.4m increase in cost to develop site B due to the amount of groundworks and highways infrastructure needed. This means that financially site A is less of a risk than site B and given the current financial context, this would also potentially provide more money for the other education schemes in Denbigh.
 - ii. If the new school was built on site B the remaining land left for the redevelopment of Denbigh High School would limit and could prejudice/limit the potential redevelopment benefits of the High School:

Site A is approximately 24,000 m²
Site B is approximately 38,926 m² - this area includes the section of the Eisteddfod Gorsedd stones that would be required for access. Excluding the area around the Eisteddfod Gorsedd stones the site measures approximately 33,729 m²

Guidance on school design states that Denbigh High would require the equivalent pitch area of 36,250m² or 42,830m² depending if the school is a 4 or 5 form entry secondary school including 6th form.

If site A went forward, then the grassed pitch area that would be retained by Denbigh High School is approximately 33,729m². This is complimented by the use of the All Weather Pitch at the leisure centre which is approximately 6,239m². All Weather pitches are counted twice therefore the overall equivalent pitch area would be in the region of 46,207m². This would be in excess of the suggested size for a 5 form entry school and would give more scope for any future expansion of provision.

If site B went forward the remaining field would be 24,000m² plus the all-weather pitch, counted twice would result in a total amount of pitches to be 36,478m²- this is just above the requirement for a 4 form entry at Denbigh High and would leave a deficit of outdoor space if a 5 form entry is required.

Planning Perspective;

1.4 The view from Planning Officers, having regard to the legal opinion, is very clear. Site A is by far the preferred option and Site B is very problematic to argue, given the existence of Site A for the following reasons;

- i. Both site A and B are covered by adopted Local Development Plan (LDP) Policy BSC11- Open Space. Both sites are not openly accessible to the public as they are also designated school land, although they are available for community use via a booking system. Policy BSC11 sets out the protection of existing open space and the requirements for provision in relation to new developments. Policy BSC11 allows for mitigation in order to address any loss of open space by virtue of development proposals. It states that development that would result in the loss of public or private land with recreational and/or amenity value will only be permitted where alternative outdoor provision of equivalent or greater community benefits is provided. As mitigation is possible on both sites Policy BSC11 is neutral when assessing the planning merits of both sites.
- ii. The LDP identifies Site B as being in the Green Barrier- Site A is not. The Green Barrier designation is a strict LDP policy (policy RD2). Development will only be permitted in Green Barriers provided that the open character and appearance of the land is not prejudiced. This policy approach is consistent with national policy set out in Planning Policy Wales (Edition 11). National policy is clear that the construction of buildings in a Green Belt or green wedge [barrier] is inappropriate development and inappropriate development should not be granted planning permission except in **very exceptional circumstances**. There would therefore need to be exceptional circumstances for the Council to build the school on Site B against clear LDP and national policy restrictions. The exceptional circumstances to go against

this strict LDP Policy do not exist because site A is available and deliverable and it is not in the Green Barrier. This is a significant Planning restriction, as contained in our own LDP.

- l ii In addition, Site B lies outside the development boundary for Denbigh, whereas Site A is situated within the development boundary. LDP Policy RD1 supports development proposals within the development boundary (provided they meet general planning criteria), and there is a presumption against development outside the development boundary. Development outside the development boundary on Site B would clearly be contrary to policy and not justifiable as an exception to policy in view of the availability of Site A within the development boundary.

- iv Highways are content that site A can be developed with suitable mitigation in terms of extending the Active Travel Route. Site B is more problematic in terms of access, it is not accessible from the existing adopted highway and would require construction of a new road. This route would be via Park Street, a residential area where residents routinely park on both sides of the highway effectively reducing the road to a single lane. This will be a highly sensitive issue and can be expected to incur strong objections at planning. Whilst public consultation on Site A has raised similar concerns regarding the impact on the junction of Ystrad Road/Ruthin Road, modelling has demonstrated there will not be a significant worsening of the current situation or detrimental impact on the Highways Network.

2.0 General Risks

- 2.1 Given the above Site A is clearly the preferable site from both an education and a planning perspective.

- 2.2 For the Council to pursue Site B is not justifiable given the considerations above and as laid out in the legal advice.

- 2.3 Given these considerations, if the Council was to pursue Site B, Officers consider there is a very real risk that Welsh Government (WG) could reconsider their funding of the school i.e. they may not want to fund a new school in a location that the technical education and planning considerations considers to be a less preferable site e.g. why fund a new school in a protected Green Barrier, when there is an acceptable site nearby, that is not restricted by Green Barrier Planning Policy protection.

- 2.4 To pursue site B there is another risk in that WG planning Division “calling in the application” because there is a more favourable alternative. That Call In would be dealt with by a Planning Inspector, there is a high risk that concludes a school at site B is unacceptable and planning permission is refused.

- 2.5 To pursue site B could lead to a Judicial Review by an interested party i.e. pursuing the development in the Green Barrier when there is a more preferable site outside Green Barrier and would be cheaper to build.
- 2.6 It is accepted that there could be a Judicial Review by an interested party if Site A is pursued, but given all the reasons explained in this note and the attached legal opinion Officers are confident that any such Judicial Review could be defeated.
- 2.7 The other alternative of course is not to pursue a new school at all and retain the existing provision. Officers and the Lead Member are strongly of the view that this would be a very poor option, as we would lose the considerable amount of WG funding that is on offer, we would miss out on the opportunity of increasing capacity that would impact upon Denbighshire children who need the facility, which would cost the Council more per year to source that provision elsewhere. We would also miss the opportunity to provide a superior offer to our children, whilst integrating it with improvements at the High School.

3.0 Conclusion

- 3.1 The legal opinion has weighed up the planning issues and has concluded a school could be developed on Site A or B, but that Site A is far preferable and has less risks than pursuing Site B which would be very difficult to justify on both planning grounds and educational consideration given impact on future redevelopment plans of Denbigh High.