

Sustainable Communities for Learning Objection Report

Appendix 1

Ysgol Y Lawnt and Upper Rhydney Primary School



Proposal : **To create sustainable Net Zero Carbon school buildings with shared facilities to accommodate Ysgol Y Lawnt, Upper Rhydney Primary School and Community use.**

Formal Statutory Objection Period: 8th January 2024 – 5th February 2024

This report is published in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.



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This document is available in Welsh and English. Information can also be made available in other formats, languages and in hard copy on request. Please contact us on 01443 864817 to arrange this.

INTRODUCTION

Executive Summary

Caerphilly County Borough Council aspires to continue to raise school standards and improve the quality of the learning environment to create fit-for-purpose 21st century schools and give every child in Caerphilly the best possible start in life.

The proposal to relocate and accommodate both Ysgol Y Lawnt and Upper Rhymney Primary School in sustainable Net Zero Carbon school buildings with shared facilities has been identified as a project under the Sustainable Communities for Learning programme.

Considered by the Education and Social Services Scrutiny Committee on 28th November 2023, at their remote meeting held on the 13th of December 2023, Council Cabinet unanimously agreed the proposal to progress to Statutory Notice phase, in-line with the School Organisation Code 2018.

RESOLVED that for the reasons contained in the Officer's report:

- 1. The information contained in the Consultation Report was considered.*
- 2. To proceed to Statutory Notice in relation to the proposal for Ysgol Y Lawnt and Upper Rhymney Primary School be approved.*

Notice of Decision

[Item 5: Sustainable Communities for Learning Band B Programme – Consultation Report: Ysgol Y Lawnt and Upper Rhymney Primary School Proposal.](#)

Statutory Obligations

This report is published in line with the requirements of the [School Standards and Organisation \(Wales\) Act 2013](#) and the [School Organisation Code 2018](#).

Purpose of the Objection Period Summary Report

In accordance with the School Organisation Code 2018, the Council must publish a summary of the statutory objections and the Council's responses to those objections ("the Objection Report"), 2013 when objections have been received.

As outlined in the [Statutory Objection](#) Section of this document, 2 objections were received during the Statutory Objection period. As statutory objections were received, there is a requirement to publish an Objection Report.

The purpose of this Objection Report is to provide Cabinet with the necessary information to make an informed decision through reflection, review and assessment as to whether to implement the proposal.

The Report is divided into several sections with the aim to:

- Outline the Statutory processes undertaken
- Provide clarification in relation to the information provided and consultee engagement
- Summarise the Statutory Objections position
- Provide recommendations in relation to the next stages for the proposal

Full details of the decision making process and the stages of the proposal as outlined in the School Organisation Code 2018 have been published as part of the Consultation Documentation and are publicly available via the Council's website with hardcopies made available on request.

PROPOSAL

What are we proposing to do?

As outlined in the [Consultation Document](#) and [Consultation Report](#), both of which have been published and are available via the Council's website or in hardcopy on request, Caerphilly County Borough Council (CCBC) has embarked upon an exciting but challenging journey of improvement and change.

Schools in Wales need to be in good condition and suitable for the delivery of education. In some cases, schools can be modernised, repaired, refurbished, extended, or partially rebuilt to meet the standards needed for contemporary teaching and learning. However, some existing schools are no longer in the right place and in such cases, we might propose new schools or changes to existing schools.

The Sustainable Communities for Learning programme is a major, long-term, strategic capital investment programme. It is jointly funded by the Welsh Government and local authorities and aims to create a generation of 21st century schools in Wales.

We are proposing to:

- **Relocation of Ysgol Y Lawnt and Upper Rhymney Primary School**

The proposal seeks to create sustainable Net Zero Carbon school buildings with shared facilities, to accommodate Ysgol Y Lawnt, Upper Rhymney Primary School and Community use.

Artist Impression



It must be emphasised that both schools would remain independent entities, the existing catchment areas would remain unchanged, and each school would occupy their own separate teaching areas within the new building.

- The new building will incorporate primary school facilities as well as childcare and separate Special Resource Base provision for each school, one with 8 places for Welsh medium and the other providing 8 places for English medium.
- The proposed new building will include a shared bi-lingual reception area and flexible and adaptable communal facilities for example a Hall that can be subdivided and a separate kitchen servery so that provision is delivered in the appropriate language medium for each school. The configuration of these facilities will be designed in a manner enabling independent use by each school respectively if needed to minimise infringement on current activities or opened up for shared utilisation to provide wider community cohesion.
- The new primary school site will have improved outside learning space and facilities that will be segregated between each school to provide stimulating teaching and learning environments with 21st Century facilities centred on the learning, self-esteem and well-being of all pupils.
- The proposed project will take into account the desire to encourage and facilitate community use of the entire building, in partnership with both Ysgol Y Lawnt and Upper Rhymney Primary School. The design will seek to include measures to enable safe 'zoning' which can be utilised by the wider community. It should be noted that any existing community provision at the existing schools would be encouraged to relocate to the new site which will have upgraded facilities.

Each school will retain their existing Governing Body arrangements; however, a joint committee will be established consisting of representatives from both schools to establish terms and conditions about the working mechanisms relating to maintenance, access and general policies relating the site as a whole.

Building on the Net Zero Carbon mandate our proposal is framed to demonstrate innovative and collaborative design, encompassing the built environment and the surrounding landscape in a way that enriches pupils' daily life.

STATUTORY PROCESS AND DECISION MAKING

The Statutory Process

The School Organisation Code 2018 is made under Sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 and applies to proposals in respect of maintained schools as defined at Section 98 of the 2013 Act. That is a school in Wales, which is a community, foundation or voluntary school, a community special school or a maintained nursery school. This does not include pupil referral units.

The School Organisation Code 2018, provides clear statutory guidance as to the processes that need to be adhered to and the stages to follow:

- 1) Changes that require a proposal
 - Identifying the proposal
 - Development of proposal
- 2) Consultation
 - Publishing a Consultation Document
 - Notification letter sent to stakeholders (as prescribed by the code)

- Undertaking a consultation exercise
 - Consultation with children and young people
 - Publishing a Consultation Report
 - Notification letter sent to stakeholders
- 3) Publication of Statutory Proposals
- Publishing a Statutory Notice
 - Notification letter sent to stakeholders
- 4) Determining Proposals
- Publishing an Objection Report where objections have been received
 - Notification letter sent to stakeholders
 - Approval by Local Authority or Welsh Minister (dependent on nature of proposal)
 - Decision Notification
 - Notification letter sent to stakeholders
- 5) Implementing Proposals
- Carrying out agreed actions

The planning and development of effective school organisation proposals is crucial to the Welsh Government's goal of transforming education in Wales and providing better educational outcomes. The aim is to ensure that proposals support the Welsh Government's commitment to increase school effectiveness, and narrow inequalities in achievement between advantaged and disadvantaged areas, groups and individuals.

When formulating a proposal, there is a need to clearly identify the reasons for formulating the proposal. Factors to be taken into account in preparing, publishing, approving or determining school organisation proposals include Quality and Standards in Education, the need for places and impact on accessibility, resourcing of education and other financial implications. These factors are outlined in the Consultation Document and further addressed in the Consultation Report.

Cabinet Response to Consultation Report

A multi-locational meeting (Penallta House & MS Teams) took place on [13th December 2023](#).

As part of this meeting, the consultation in respect of the proposal was discussed. All Consultation Documentation was made available to members as part of the agenda reports pack including the original responses in the format received from all parties within the consultation period which ran from the 28th of September 2023 to the 9th of November 2023. Officers linked to the proposal were available to take questions.

It was noted that the matter was previously considered by the Education and Social Services Scrutiny Committee on the [17th October 2023](#) (in their capacity as a consultee group) and subsequently on the [28th November 2023](#) at which the recommendation to proceed to the Statutory Notice stage was unanimously agreed.

It was agreed that a vote in respect of the proposal would be taken and be [officially recorded](#). Cabinet Members approved the proposal proceed to Statutory Notice.

Decision Making

Progression at each stage is subject to scrutiny, review and approval by Cabinet Members and in addition, the Welsh Government are engaged in the process as one of the key delivery partners and co-funders.

When approving proposals, Cabinet must:

- consider whether there are any other related proposals
- ensure that the statutory consultation has been conducted in accordance with this Code
- ensure that the proposal has been published in accordance with the Code and the Statutory Notice contains all the required information
- consider the Consultation Document and Consultation Report
- consider the Objection Report and any responses to the Statutory Notice (where applicable)

This Objection Report has been produced as the next stage in the process following the Statutory Objection Period as defined by the School Organisation Code 2018. This Objection Report will be subject to initial scrutiny as part of discussions at an Education and Social Services Scrutiny Committee meeting whereby Members will be asked to note the information contained in the Objection Report and to seek views on the recommendations made within this the Objection Report prior to consideration by Cabinet on 3rd April 2024.

Cabinet will then make the final determination relating to the proposal and decide whether or not to proceed to implementation as recommended.

STATUTORY NOTICE

Statutory Notice - Consultation Process

The consultation process has followed the Welsh Government requirements as set out in the School Organisation Code 2018.

Following the decision by Cabinet outlined above to proceed to Statutory Notice, anyone wishing to make an objection to this proposal was able to do so. To be considered as a statutory objection, objections had to be made in writing or by email and sent to the Council within the 28 days of the date on which the proposal was published. This is referred to as the “objection period” and ran from the 8th of January 2024 to 5th February 2024.

Statutory Notice - Consultation Information

The School Organisation Code 2018 states that when undertaking a consultation process in connection with a school proposal, the Council must publish information to enable transparent, balanced and open decision making.

The Statutory Notice was published on a school day and consultees were given 28 days to respond to the document, with at least 15 of these being school days as defined by Section 579 of the Education Act 1996.

Notices were published on the 8th of January 2024 as follows:

- On the council website
- On or near the main entrance of both schools subject to the proposal

- The schools were provided with hardcopies of the Statutory Notice to distribute to pupils, parents/carers and staff
- Prescribed consultees as listed in the School Organisation Code 2018 were notified in writing via email/letter

All documentation was published in Welsh and English, complying with the requirements of the Welsh Language Standards. Information was also available in other languages and formats on request.

Stakeholder Engagement

Consultees were advised of the proposal and availability of the Statutory Notice and all prior documentation published relating to the proposal, when it went live on the 8th of January 2024 via letter/email and were therefore invited to take part in this stage of the statutory consultation.

The School Organisation Code 2018 prescribes those individuals/groups considered key consultees in the consultation process. As per section 4.1 of the code, the list below presents the consultees engaged with relevant to proposals of this nature for the Caerphilly Borough.

Table 1: Consultee List	
Pupils and Pupil Councils*	Welsh Ministers
Parents, prospective parents, guardians and carers*	Assembly Members and Members of Parliament representing the area served *
Headteacher, Staff and Governing bodies*	Local CCBC Members
Directors of Education for Neighbouring Authorities	Local Town and Community Councils
Teaching and Support Staff Associations	Estyn
Parent Network	Welsh Education Forum
Diocesan Directors / Boards of Education	South East Wales Consortium (EAS)
Gwent and South Wales Police and Crime Commissioners	South East Wales Transport Alliance (SEWTA)
Early Years Development and Childcare Partnership	Mudiad Meithrin, Menter Iaith and voluntary nursery providers

In addition, any consultee who had previously expressed concern/indicated they wished to be contacted as part of their consultation response during the period of 28th September 2023 and 9th November 2023 were also notified.



STATUTORY OBJECTION

Responses

Overall, a total of 2 Statutory Objections were received during the Statutory Notice/Objection stage of the consultation process.

To be considered as a Statutory Objection, objections had to be made in writing or by email and submitted within the Objection Period.

Of the prescribed methods for providing a response during the consultation period:

- 0 responses received via letter
- 2 responses received via email

0 responses (0%) were returned in the medium of Welsh or English.

The Sustainable Communities for Learning Team received 0 requests for the documentation to be provided in another format or language.

Reasons for the Objection and Council Clarification

In accordance with Section 5.1 of the School Organisation Code 2018, the Council, as the proposer, must publish its response to the summarised objections.

To assist Cabinet in the decision making process, the following information is provided by Council Officers involved in the formulation of the proposal by means of response for clarification with supporting reasons.

➤ **Travel Distance**

[Objection Summary:](#)

[Impact of the new location on those that currently walk to school at Ysgol Y Lawnt](#)

Council Clarification:

This theme has previously been addressed after consultees raised concerns with regards to the impact of the new location on those that currently walk to school, as part of the initial consultation period. A clarification response has previously been provided on page 22 of the [Consultation Report](#).

➤ **Site Operations**

[Objection Summary:](#)

[Impact relating to how facilities such as the hall would be shared / booked](#)

Council Clarification:

This theme has previously been addressed after consultees raised concerns with regards to how the joint site would operate and the proposed shared facilities, as part of the initial consultation period. A clarification response has previously been provided on pages 24 & 25 of the [Consultation Report](#).

➤ **Impact on Welsh Language**

[Objection Summary:](#)

[Impact on Welsh Language and pupil wellbeing through co-location](#)

Council Clarification:

This theme has previously been addressed after consultees raised concerns regarding the perceived impact on the use of Welsh Language and the potential for dilution resulting from siting a Welsh Medium and English Medium school together, as part of the initial consultation period. A clarification response has previously been provided on pages 24 & 25 of the [Consultation Report](#).

➤ **Suitability of current Ysgol Y Lawnt site for development**

[Objection Summary:](#)

[Query as to why the option for a new build or expansion on current site not taken forward](#)

Council Clarification:

As outlined in both the [Consultation Document](#) (pages 25/26) and the [Consultation Report](#) (page 8) an options appraisal process was undertaken, resulting in a 'Preferred Option' being identified which has formed the basis for this consultation. Consideration of developing on the existing Ysgol Y Lawnt site was one of the options discounted at initial feasibility stage. Whilst in principle, it appears to be a viable option, the site has significant restrictions. Ysgol Y Lawnt has CADW listed Status, with poor access and limited opportunities within the ground for expansion or additional modular builds.

OTHER CONSIDERATIONS

Learner Voice

Learner voice is about involving the children and young people as active participants in the development, delivery, management, and improvement of their educational experience.

Throughout every stage of the process, children and young people at the proposed affected school has been involved in the planning and consultation process as outlined and demonstrated in the [Consultation Document](#) and [Consultation Report](#).

Integrated Impact Assessment

An initial [Integrated Impact Assessment \(IIA\)](#) for this proposal was undertaken forming part of the outline consultation pack which is published on the Council's website. This exercise was undertaken to support Cabinet Members in making informed and effective decisions whilst ensuring compliance with a range of relevant legislation, including:

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010
- Well-being of Future Generations (Wales) Act 2015
- Statutory Consultation v Doctrine of Legitimate Expectation and Gunning Principles

The Integrated Impact Assessment has now been subsequently reviewed to include any additional elements highlighted through the statutory consultation process. The purpose of this further assessment was to take account of any additional information that has come forward through the

consultation or otherwise. No amendments have been identified through this process.

NEXT STEPS

Publication of Objection Report

Under section 49 of the School Standards and Organisation (Wales) Act 2013, when objections have been received the Council must publish a summary of the statutory objections and the Council's response to those objections ("the Objection Report").

This document has been produced to discharge the Council of its obligations and will be published in both Welsh and English on the Council's website.

Cabinet 'Objection Report' Decision

Where a local authority's proposals have received objections, objections must be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in the School Organisation Code 2018.

Further to review at the Education and Social Services Scrutiny Committee on the 12th of March 2024 this document will be considered in full at a Cabinet meeting due to be held 3rd April 2024.

At this meeting the following documentation will be made available to Members.

- a copy of the [Consultation Document](#)
- a copy of the [Consultation Report](#)
- a copy of the Published [Statutory Notice](#) and [Notification Letter](#) sent to Consultees
- a copy of the [Integrated Impact Assessment](#)
- a copy of the Objection Report

Cabinet Members will be asked to review the proposal and make the final determination as to whether to implement the proposal as outlined below:

- **Relocation of Ysgol Y Lawnt and Upper Rhymney Primary School**

The proposal seeks to create sustainable Net Zero Carbon school buildings with shared facilities, to accommodate Ysgol Y Lawnt, Upper Rhymney Primary School and Community use.

Recommendation

It is the recommendation of this Objection Report that in line with the processes outlined in the School Organisation Code 2018 and the information gathered and reviewed as part of the consultation phase and formal objection period, Members:

- a) Consider the information contained in the Objection Report.
- b) Approve the recommendation, via vote, to proceed to Planning Application Stage and subsequent Welsh Government business case approvals.

Decision Notification

Decisions (in relation to proposals which require approval or determination) must be made and issued in the form of a decision letter. The decision letter must set out clearly the reasons for the decision with reference to the School Organisation Code 2018.

The Decision letter will be published electronically on the Council's website and the consultees as outlined in Section 5.6 of the School Organisation Code will be advised by letter/email of the availability of the document.

SUPPORTING INFORMATION

Annex 1 :

- [Consultation Document](#)
- [Consultation Report](#)
- [Statutory Notice](#)
- [Notification Letter](#)
- [Integrated Impact Assessment](#)

Annex 2:

Statutory Objections Statement

Cabinet Members will be provided with full copies of all the objections received in their original format where applicable.

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