

REASONS NOT TO APPROVE FUNDING FOR CATHAYS HIGH SCHOOL EXPANSION PROPOSALS

- In December 2020 Sarah Merry submitted a report to the Childrens and Young Persons scrutiny committee to provide Members with the opportunity to carry out pre-decision scrutiny of the proposals. It stated the following under Legal Implications:

Para 101.

*The Council is required prior to publishing its proposals to undertake a consultation on those proposals in accordance with section 48 of that Act and the School Organisation Code 2018. The proposal is a regulated alteration under paragraph 2.3 of the School Organisation Code 2018. The recommendations seek authority to carry out that statutory consultation. **Any proposals must be the subject of full and fair consultation** and due regard must be had by the Cabinet to the responses before a final decision is taken.*

As the demolition of Maindy Velodrome was included (hidden) in a school consultation document these proposals do not comply with the School Organisation Code 2018 as they were not subject to a full and fair consultation.. As detailed in section 3, para 3.1 of said document the consultation process should include sufficient reasons and information for particular proposals to enable intelligent consideration and response. A single reference to replacing a cycle track because one club had apparently outgrown the track, no basic site plans, no ability to comment on anything unless it was school related most certainly didn't enable people to make an informed response.

No direct consultation on the demolition of the velodrome, loss of community space or removal of covenant was afforded to the local residents or indeed the beneficiaries of the covenant within this consultation, and this also applies to related so called consultations that have since taken place in respect of the linked replacement velodrome. Interested parties on these aspects were and still are being directly excluded. Children & Young Persons Scrutiny (CYP) asked Sarah Merry to revisit the consultation process as they weren't convinced the School Organisation Code had been complied with in respect of consultation.

- You cannot build on the velodrome. (A fact as of today the Council have still not publicised)
- Save Maindy Velodrome Petition - 4500 signature on petition
- 425 objections to the school proposals
- Further 100 plus emails (objecting) sent to scrutiny prior to proposals being submitted to Cabinet.
- Council misled the residents / community – red outline boundary map (not supplied at time of consultation) led people to assume that school buildings were being built on the velodrome area. If people had known this was not the case they would have questioned the Councils justification for demolishing the velodrome, which in all likelihood would have resulted in a greater number of objections to the proposals.
- 21st century school land requirements for all the required uses and space needed for pupil intake of 1450 as detailed in BB98 would not be met. The normal requirement is a minimum of 100,000sqms. As it is a constrained site you can double count artificial pitches, however nowhere does it state that you can reduce the minimum amount of land by over 50% which is what would be happening with these proposals. No basic outline plans have been

provided detailing where any of the school buildings would be going, or the vast other land uses that would need to be catered for when it comes to a 21st century school. There is only 46,000sqms of land available which apparently meets BB98 requirements for a school of 1450 pupils – no evidence supplied by Sarah Merry to back this up. CYP Scrutiny not convinced and had been asking for site plans for over a year to no avail.

- There are directly related school proposals that would void the need to expand Cathays to 8FE and expand onto the Maindy Velodrome site – Sarah Merry incorrectly stated there were none. Fitzalan and Willows are both being rebuilt in the South of Cardiff. The Council are fully aware of local demand for these schools and they should be rebuilt to accommodate local need. Estyn and CYP Scrutiny identified that local demand for places at Cathays was static and no new housing developments on the horizon that would impact either. They both concluded that the proposed expansion to 8FE was predominantly to cater for out of catchment children from South Cardiff.
- Over 1000 pupils would be out of catchment
- The school would be moving from a constrained site to another constrained site and would be the most densely populated school in Cardiff.
- Sustainability of 8FE – Not viable given that 2 new schools to the North being built. CYP Scrutiny also put the same statement to Sarah Merry
- Incorrect use of Education Monies – Redirecting 2.4 million to pay for a smaller, inadequate replacement velodrome on the other side of the city. CYP scrutiny also had same view.
- Huge unidentified costs that will also be paid for by education budget as Council have incorrectly included replacing current velodrome within school proposals. Whilst the report identified the 2.4 million, it didn't cover the significant costs that will be incurred with the demolition of current velodrome, repurposing the site so that it is suitable for building a 21st century school (is that even possible?) and creating a community park to link up with the childrens park already in situ on the site
- Lack of Community Risk Assessment – Scrutiny originally requested this in December 2020
- Lack of Active Travel plan : Unlike consultation documents for both Fitzalan and Willows which included cycling and walking routes, it was conspicuous by its absence. The reason being it would be impossible to map out safe routes that children from the other side of the city would have to undertake twice a day.
- Lack of transport Assessment
- Lack of Equality Impact Assessment
- Lack of Strategic Environmental Impact Assessment
- Councils total lack of compliance with its own LDP in respect of these proposals, for example Policy C2 – Protection of Existing Community Facilities. The policy states *'Proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if:*

An alternative facility of equal quality and scale to meet community needs is available or will be provided within the vicinity or ; It can be demonstrated that the existing provision is surplus to the needs of the community.'

The supporting text for the policy states that this policy would apply to both commercial and non-commercial uses and both land and buildings. As the facility is not surplus to requirements , the replacement track would need to be provided in the vicinity. The proposed alternative in the bay is 4.3 miles and not in the vicinity.

Below are some of the objections raised in respect of non-compliance with LDP

176 "The proposed changes are not in line with the Council's set of Key Policies that make up the current Local Development Plan, relating to communities, environment and transport."

177. "The proposals are not compliant with a number of adopted Council policies including LDP Key Policy (KP) 13 (Responding to Evidenced Social Need), KP14 (Healthy Living), KP15 (Climate Change), KP16: (Green Infrastructure), KP17 (Built Heritage) KP18 (Natural Resources). Page 22 of 36

178. "This development proposal does not take into account any of the points in policy EN9 (Conservation of the historic environment)."

179. "The proposal does not comply with Transport Policies T1 (Walking and Cycling) and T5 (Managing Transport Impacts)."

180. "The proposal does not comply with Community Policies C1 (Community Facilities), C2 (Protection of Existing Community Facilities) and C4 (Protection of Open Space)."

The Councils response was staggering and clearly evidences total disregard for LDP policy when drawing up these proposals

181. Compliance with key planning policies, as published in the Council's adopted LDP, are a matter for consideration at the formal planning stage.

- At odds with Wellbeing of Future Generations Act: Certainly not local schools for local children as over 1000 children attending would be out of catchment.(To get round this Sarah Merry said they would be looking to amend catchment areas in the future – changing the catchment area will not make the Cathays school any nearer. In fact you could turn this justification on its head as it then raises the question how many schools will they pass to get to Cathays!)
- At odds with One Planet Strategy. Council and WAG have declared climate emergency – strategic response to this was development of One Planet Strategy with the aim of reducing carbon footprint. The demolition of a fully functioning velodrome has huge un-necessary environmental costs as has the un-necessary, smaller, inadequate linked replacement.
- The chair of Scrutiny Policy review & Performance Committee (letter dated 19/11/21) queried how the school proposals and linked velodrome project align with this strategy and stressed the importance of *all* options being costed, analysed and in the public domain . Unfortunately there has only ever been one option – demolish. The Council have refused to discuss any alternatives. However with the Willows consultation , as there were concerns about building on Tremorfa Park (*community asset* – Councils own words) and that the park

land should be kept available for future users (identical concerns raised in Cathays consultation) the Council did a u-turn and found another site not within ownership of the Council

The question here is why have the Council not afforded the same to the users of the velodrome facility?

- The Council have refused to release any basic outline plans of the what is going where over both sites, claiming the information is commercially sensitive, not in the public interest and would cause un-necessary distress to council officers and the community! The Council have deliberately misled the community and been evasive. There has been a total lack of transparency. The proposals have been so lacking in detail it has been impossible to make any sort of informed decision – this applies to the CYP scrutiny committee also. So for cabinet to approve proposals without any hesitation was beyond comprehension.

I find it incredible that throughout this process, the Council have ignored all guidance, rules and instructions. Their tactics have been devious and misleading and they have actively prevented releasing important and relevant information to the community during the consultation and beyond. We are still coming across local residents who believe that the Council are building the school on the velodrome. They are shocked when they find out that on reality the velodrome is going to be destroyed for artificial sports pitches.

I have attached copies of minutes / letters issued by CYP scrutiny on these proposals along with letters we sent to CYP Scrutiny and responses from Sarah Merry. I have also attached a copy of a letter issued by chair of Policy Review & Performance and a copy of letter sent to Huw Thomas to give you an idea / flavour of the Councils attitude and behavior throughout this process.

The live webcast of the CYP pre-scrutiny meeting on the school proposals (13/10/21) also highlights all the concerns I have detailed, in fact it goes further.