

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO DEVELOPMENT CONTROL COMMITTEE

16 JANUARY 2020

**Draft Supplementary Planning Guidance – Educational Facilities &
Residential Development**

1. Purpose of the Report

- 1.1 The purpose of this report is to seek Committee approval to consult on a draft Educational Facilities and Residential Development Supplementary Planning Guidance (SPG) document.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 Education contributions secured through Planning obligations will support the achievement of the following Corporate priority:
- Supporting a successful economy – taking steps to make the County a good place to do business, for people to live, work, study and visit and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the County.

3. Introduction and Background

- 3.1 In the interest of providing the children of the County Borough with the opportunity to thrive and prosper, the Council has a duty to ensure that good quality educational facilities are available creating the opportunity to learn.
- 3.2 The demand for housing in the County Borough is increasing, and a large number of homes are being constructed to serve this demand. As a result, existing educational facilities are being placed under increasing pressure to accommodate the additional pupils that are being created through housing development. Therefore, the Planning system needs to ensure that the necessary steps are taken to avoid facilities being detrimentally affected and that adequate provision is available to cater for the learning needs of the children and young people of Bridgend.

4. Current Situation

- 4.1 The existing Education SPG (SPG 16) was adopted in 2010. Whilst the guidance contained within this document has been successful in the negotiation of financial Planning obligations totalling in excess of £5m, the pupil yield formulas and cost guidance are in need of updating. This will ensure that the level of obligations

negotiated with developers reflect the actual cost of providing new educational facilities generated by the demands of new residential development. A new and revised SPG will ensure the Local Authority will be able to continue to provide for the learning needs of the children and young people of Bridgend.

4.2 This draft guidance, attached as Appendix 1, supplements Policies COM10 and SP14 of the adopted Bridgend Local Development Plan (LDP 2006-21). Critically, the SPG will provide updated policy guidance to be incorporated into the evidence base of the replacement LDP. Its purpose is to provide advice to developers on the circumstances in which the Council may seek contributions towards the provision of educational facilities for new residential developments.

4.3 In summary the SPG provides:

- the Council's policy and practice relating to education;
- national and local Planning policy relating to educational provision;
- guidance notes explaining the circumstances under which contributions will be sought and how they will be calculated;
- detail relating to the use of Section 106 agreement to secure contributions;
- guidance on the process for Section 106 negotiations; and
- examples of costings and calculations for contributions to educational facilities.

4.4 It will enable developers to be aware at an early stage in the development process what educational facilities are needed and what financial contribution may be sought towards their provision.

5. Effect Upon Policy Framework and Procedure Rules

5.1 The draft SPG expands upon the existing land-use Planning policy framework contained within the LDP giving the public and developers certainty in the Council's expectations in relation to a residential development proposal's contribution towards local educational facilities.

6. Equality Impact Assessment

6.1 The policies contained within the LDP required an Equalities Impact Assessment to be carried out. Once adopted the SPG will become a material consideration in the determination of Planning applications received by the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (as amended).

7. Financial Implications

7.1 None

8. Wellbeing of Future Generations (Wales) Act 2015

8.1 The Replacement LDP will be prepared in accordance with the seven Wellbeing goals and the five ways of working as identified in the Act.

9. Recommendations

9.1 That the Development Control Committee:

- (a) approves Draft SPG 16 – Educational Facilities and Residential Development (**Appendix 1**) as the basis for a public consultation period of 6 weeks;
- (b) authorises Officers to carry out the public consultation and to report the results of the public consultation back to a meeting of the Development Control Committee.

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Background documents

Appendix 1 - Draft SPG16 Educational Facilities and Residential Development

SPG 16

**DRAFT EDUCATIONAL FACILITIES & RESIDENTIAL
DEVELOPMENT (2020)**

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1. INTRODUCTION

- 1.1 This Supplementary Planning Guidance (SPG) explains in detail the Council's approach to the provision of educational facilities and outlines how the Council will, where appropriate, seek Planning obligations to provide or enhance education and school facilities as part of new residential developments throughout the County Borough of Bridgend. Once adopted its contents will be taken into account as a material consideration in the determination of all Planning applications for residential development including applications for renewal of consents.

2. BACKGROUND

- 2.1 Bridgend County Borough Council (BCBC) receives a high number of applications each year for new housing development. These new residents create a demand for school places and as a result, there may be a need for new educational facilities or an improvement to existing provision. In order to ensure communities are not disadvantaged and that there is sufficient and satisfactory educational provision for the children and young people generated by new developments, the Council will, where appropriate, seek contributions towards providing or enhancing educational facilities. To meet this demand Policy COM10 of the Bridgend Local Development Plan (LDP) requires the provision of Educational and Training Facilities.
- 2.2 The new or extended facilities identified in Policy COM10 form part of the Council's School Modernisation Programme. This is a programme that will deliver improvements to school provision throughout the County Borough. The School Modernisation Programme is however an evolving process and other proposals based on educational need may become priorities during the lifetime of the LDP. To assist in delivering the proposals set out in Policy COM10 and other educational needs that may arise, Policy SP14 - Infrastructure requires new housing development to contribute, where justified, to new educational facilities.
- 2.3 The Council urges anyone intending to submit an application for residential development within the County Borough to read this SPG. To discuss any issues on a site-specific basis they may contact BCBC in advance of making a Planning application for pre-application discussions (see Section 7 at the end of the SPG).

3. LEGISLATION AND POLICY CONTEXT

- 3.1 **Well-being of Future Generations (Wales) Act 2015:** The Well-being of Future Generations (Wales) Act 2015 is a key piece of legislation which aims to further improve the social, economic, environmental and cultural well-being of Wales now and in the longer term. The Act puts in place a 'sustainable development principle' which is a duty for public bodies to "act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs". The Act is underpinned by seven well-being goals, which public bodies must work to achieve (a prosperous Wales, a resilient Wales, a healthier Wales, an equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh Language and a globally responsible Wales).
- 3.2 **Bridgend Public Services Board Local Well-being Plan 2018–2023:** The Well-being Plan (the Plan) outlines how the Bridgend Public Service Board will work together to deliver the seven wellbeing goals for Wales as referenced in the Well-being of Future Generations (Wales) Act. The Plan is framed around the sustainable development principle and focusses on addressing the underlying causes of problems and helping to prevent them worsening or occurring in the future. Four well-being objectives have therefore been developed, which are:
1. Best Start in life
 2. Support communities in Bridgend County to be safe and cohesive
 3. Reduce social and economic inequalities
 4. Healthy choices in a healthy environment
- 3.3 This Plan recognises the long lasting impact positive early years' experiences have on individuals and families and shapes the future for children as they grow up, how they do in school, their ability to get a job, how they bring up their own children and their health.
- 3.4 **Planning Policy Wales (PPW) – Edition 10 (December 2018):** PPW states the importance of Planning Authorities developing a strategic and long-term approach to the provision of community facilities (including schools) when preparing Development Plans. Community facilities should continue to address the requirements of residents in the area and can contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places.
- 3.5 *Inclusive Design:* PPW emphasises the need for good design and placemaking to be incorporated within all development proposals. Good design should place people at the heart of the design process and must also involve the provision

of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car.

- 3.6 *Infrastructure*: Adequate and efficient infrastructure, including services such as education facilities, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.
- 3.7 *Active and Social Linkages*: The Active and Social Places of PPW seeks to actively create sustainable and cohesive communities through Development Plan policies, including specific allocations, and Development Management decision making. In particular, policies will enable sustainable access to housing, employment, shopping, education, health, community, leisure and sports facilities and green infrastructure, maximising opportunities for community development and social welfare. It emphasises that when planning and managing future development, Planning Authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education.
- 3.8 PPW identifies that Planning obligations are useful arrangements to overcome obstacles that may otherwise prevent Planning permission from being granted. Contributions may be used to offset negative consequences, to help meet local needs or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and community, that the process is as transparent as possible and that Development Plans provide guidance on the types of obligations that the Council may seek.
- 3.9 **Active Travel (Wales) Act 2013**: The Active Travel Act makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities. The Active Travel Act requires Local Authorities to identify the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.
- 3.10 **Bridgend Local Development Plan (2006-2021)**: The Bridgend LDP sets out the Council's land use Planning policies up to 2021. Relevant policies include:
- *Policy COM10 – Provision of Education and Training Facilities*
 - *Strategic Policy SP13 – Social and Community Facilities*
 - *Policy COM9 – Provision of Community Buildings*
 - *Strategic Policy SP14 - Infrastructure*

- 3.11 Schools provide the ideal opportunity to play a much wider and multi-functional role in the community through addressing both the broad range of educational needs of children and young people during traditional school opening hours and also acting as community-based learning and recreational environments, especially during out-of-school hours and school holidays. They are therefore seen as primary assets in terms of delivering the LDP Strategy.

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4. EDUCATION PROVISION

4.1 Corporate Plan and Education and Family Support Directorate Plan

4.2 BCBC's Corporate Plan 2018-2022 sets out the Council's key well-being objectives and focuses on delivering the Council's vision in order to achieve better outcomes for BCBC citizens. The overarching Corporate Plan (the Plan) aims to contribute to the seven national well-being goals, as defined by the Welsh Government in the Well-being of Future Generations (Wales) Act 2015. The Plan identifies the following three well-being objectives which are intended to improve the quality of life of people in the County Borough:

- Supporting a successful economy
- Helping people to become more self-reliant
- Smarter use of resources

4.3 Education contributions secured through S106s will specifically support the third objective. The importance of delivering this objective is also detailed within the Education and Family Support Directorate Plan.

4.4 Education and Family Support Directorate Plan

4.5 The Education and Family Support Directorate Business Plan identifies the directorate's priorities and commitments, the contribution the Directorate will make in the Corporate Plan and how this will be measured.

4.6 School Modernisation

4.7 BCBC has embarked on a challenging programme of school modernisation across the County Borough. Creating schools that are fit-for-purpose and valued by their communities is one of the Council's major priorities, as outlined in the Corporate Plan. Throughout the modernisation process, discussions are being held with learners, schools and their communities. Consideration is being given to the circumstances of each school with the best long-term interests of the children and young people in its locality being the priority while ensuring the current quality of education is maintained. Using the most up-to-date information held by the Council, the effects of the School Modernisation Plan on schools in the vicinity of new residential development will be taken into account at the Planning application stage and this will form part of the negotiation process at that time.

4.8 School Catchment Areas

4.9 All primary and secondary schools have geographical catchment areas that are used to administer admission arrangements. Out of the 66 schools throughout the County Borough, there are 5 Welsh medium schools, 6 voluntary aided schools, 1 voluntary controlled school, 2 special schools. There is also 1 pupil referral unit and 1 integrated children's centre. Due to the reduced number, and therefore more sparsely located nature of schools such as Welsh medium schools and special schools, they have wider catchment areas.

- 4.10 It should be noted that the defined catchment areas for schools are sometimes subject to review and the Council recommends that the developer contacts the Council prior to the submission of a Planning application to ascertain the most up-to-date catchment information.
- 4.11 In order to make effective use of future contributions, the terms of any future Section 106 agreements should allow for the fact that school catchment areas change and that contributions can be utilised for education facilities within any subsequent school's catchment area within which the development falls at the time of implementation.
- 4.12 **School Capacity**
- 4.13 Welsh Government Circular No. 021/2011 'Measuring the Capacity of Schools in Wales' describes the method of assessing the capacity of primary and secondary schools and deriving appropriate admission numbers from the capacity. Local Authorities in Wales are required to set pupil admission numbers (the PAN) based on this methodology as part of their annual determination of admission arrangements for the schools.
- 4.14 The Council holds up-to-date information relating to the capacities of each school which will be used to determine whether a surplus or deficit in available capacity exists for schools by catchment area. Where a development is likely to place pressure on the existing capacity of schools in a catchment, the Council will seek to negotiate an agreed financial contribution towards the provision of additional school places or facilities.
- 4.15 It is necessary to retain some spare places to enable schools to cope with fluctuations in numbers of pupils in particular year groups. This allows for preference and demand volatility (e.g. year-on-year changes in the birth rate, parental choice etc.). **The level of spare places needed to be retained at schools is unlikely to exceed 10%. Any school which has achieved 90% occupancy would therefore be regarded as having no surplus capacity.**
- 4.16 **School Standards**
- 4.17 Each school has been assessed in terms of any significant investment that is required to bring it up to a satisfactory standard. The Council holds information in connection with the suitability, sufficiency and condition of school buildings throughout the County Borough. The standard of school buildings/facilities is a valid consideration for this SPG and Section 106 negotiations as additional numbers of pupils generated by new development could exacerbate arrangements to such an extent that the individual school would not be suitable to accommodate additional pupils. Circumstances are likely to differ significantly between schools depending on their configuration, layout, facilities and use of internal space that may need to be brought back into beneficial use to accommodate new pupils.
- 4.18 The Education (School Premises) Regulations 1999 describe and advises on meeting the minimum standards for the premises of all maintained schools in

Wales. The Regulations set minimum standards for all existing and new maintained schools in Wales and they require that the premises of non-maintained special schools and approved independent schools suitable for the admission of children who have special educational needs, conform to some of the standards contained within them. The surveys undertaken by the Council are based on the above guidance. Current guidance, such as Building Bulletins, are also consulted.

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5. DEVELOPER CONTRIBUTIONS

5.1 Thresholds

5.2 Residential developments large enough to place increased pressure on the educational facilities within whose catchment area the development is located will result in the Council seeking an appropriate level of contribution from the developer to accommodate the additional places or bring existing floorspace up to a satisfactory standard.

5.3 Contributions for educational facilities will be sought from all proposed developments with a net gain of 5 or more residential units. In the case of flats or apartments contributions will be required for 15 or more units.

5.4 Contributions will be sought where:-

- (a) the pupils potentially arising from the development will cause the surplus capacity of local schools within the catchment area to be exceeded; or
- (b) existing surplus capacity exists to accommodate some or all of the pupils potentially arising from the development but refurbishment is required to make those places 'fit for use'.

5.5 The forms of accommodation that will be exempt from contributions are bedsits, 1-bed dwellings, sheltered or elderly accommodation, houses in multiple occupation, hotels, hostels and student accommodation (including residential schools, colleges or training centres).

5.6 Each residential development exceeding the above thresholds will be assessed to determine how many children and young people are likely to be generated from that development and its potential demand and impact on local schools and education facilities.

5.7 Pupil Yields

5.8 BCBC estimates that the likely number of children and young people that will be generated by a proposed housing development is based on the following pupil yield factors:

Table 1: Number of children generated per dwelling

Age Group	Number of Children Generated per Dwelling	
	Apartments	Houses
Nursery (under 4)	0.02	0.05
Primary (4-11)	0.10	0.33
Secondary (11-16)	0.06	0.20
Post 16	0.2 x secondary	0.2 x secondary
ALN* – Primary	1.5% of primary	1.5% of primary
ALN* - Secondary	1.5% of secondary	1.5% of secondary

* ALN = Additional Learning Needs

- 5.9 The pupil yield numbers above are based on the actual take up of school places from a completed new build housing development in the County Borough which included the provision of a new Primary School.
- 5.10 The number of pupils generated by a proposed development will be rounded up or down to the nearest whole pupil and will be assessed against the capacity of the school(s) in whose catchment area(s) the new housing development is proposed. The Council will take account of the number of pupils on the school roll (NOR) to assess whether any surplus capacity exists within the development catchment area(s).
- 5.11 Net pupil places required above projected capacity are then calculated by offsetting a development's projected pupil yield against any existing school place surplus. The figures used to calculate the school numbers will be made available to developers as part of the justification for requesting a financial contribution.
- 5.12 **Additional Learning Needs (ALN) Provision**
- 5.13 Additional Learning Needs pupils are those taught in either a special school or in a specialist facility on the site of a mainstream school.
- 5.14 **Welsh-Medium Provision**
- 5.15 An evaluation of different educational settings (i.e. English-medium, Welsh-medium, faith and voluntary aided schools) is undertaken on historical take up of places in the catchment and how place availability would drive parental choice. Where a need is justified or the development is likely to place pressure on Welsh-medium schools, the Council will seek to secure appropriate contributions.

5.16 Costs per Pupil Place

5.17 The costs per pupil place are based upon Welsh Government standardised costs for new build schools under the 21st Century Schools and Education programme.

Table 2: Cost per Pupil Place

Year Group	Cost per Pupil Place
Nursery	£18,599
Primary	£18,599
Secondary	£29,406
Post 16	£29,406
ALN – Primary	£55,797
ALN – Secondary	£88,218

5.18 The figures above have been tested against the costs of recently completed new school construction projects and will be regularly reviewed to reflect changes in school building costs. The most up-to-date data will be used at the time of the application. The figures quoted in this SPG are therefore subject to change.

5.19 The Welsh Government's standardised costs are based on the area in a school building required per pupil according to the maximum size range of Building Bulletins 98 and 99 for secondary and primary pupils respectively. Once the size is established, costs are applied which account for the following elements:

- Standard build costs (includes sub structure, externals and design costs);
- Furniture, fittings and equipment; and
- ICT

5.20 The costs do not include abnormal build costs associated with gradients, contamination, flood protection works or any associated highway works outside the school boundary.

5.21 Investment in Unsatisfactory School Accommodation

5.22 In circumstances where a school does have the capacity with regards to floor space but the space is considered to be of an unsatisfactory standard to accommodate additional pupils created by a development and would require investment to make it suitable, the costs of bringing this floor space up to standard will be based on 65% of the cost of providing a new additional space.

5.23 New Schools

5.24 Where large scale development generates sufficient pupil numbers to justify a new primary or secondary school, there will be a requirement on developers to

provide this within the development. If not physically possible to accommodate the facility on site, the developer will be required to make an equivalent financial contribution (e.g. land value and building costs) towards its off-site provision.

5.25 Use of Contributions

5.26 The Council will seek contributions for all age groups for all maintained schools where the need arises. Contributions may be used for:

- provision of new classrooms;
- improvements and refurbishment of existing facilities to provide additional capacity;
- provision of additional resources or improvements to existing resources necessitated by the additional demand;
- Provision of any necessary interim school measures which, in some circumstances, might be required when it is not possible to ensure that permanent measures will be in place on time.

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6. CALCULATING THE REQUIREMENT

6.1 Contribution formula

6.2 Using this guidance the calculations towards providing additional places or investment required to make the school suitable for additional pupils will be worked out using the following formula:

$$\begin{aligned} & \text{(Number of dwellings x Number of children generated per dwelling)} \\ & \quad \times \\ & \quad \text{Cost per pupil place} \\ & \quad + \\ & \quad \text{Any additional related costs*} \\ & \quad = \\ & \text{Total cost of providing school places or investment required to make} \\ & \text{the school suitable to accommodate additional pupils} \end{aligned}$$

*See Appendix 1 for an indication of potential additional costs

6.3 Worked Example

6.4 The following is a worked example using the formula above for a development of 500 houses in an area with no surplus Primary School capacity:

Number of dwellings = 500

Number of primary aged children generated by each dwelling = 0.33
Number of primary aged ALN children = 1.5% of total

Cost per pupil place = £18,599
Cost per ALN pupil place = £55,797

500 x 0.33 = 165 pupils
165 x 1.5% (ALN) = 2.47 (rounded down to 2)
165 – 2 = 163 pupils and 2 ALN pupils

163 x £18,599 = £3,031,637
2 x £55,797 = £111,594

TOTAL CONTRIBUTION = £3,143,231

7. ADMINISTRATION OF THE POLICY

7.1 Implementation of the Policy

7.2 The implementation of the SPG strategy operates through a number of procedures which are broadly as follows:

7.3 Pre- Application Stage

7.4 Prospective applicants for housing developments are strongly advised to contact the Council's Planning Department prior to submitting a Planning application. Amongst other matters, this will enable an Officer from the Development Planning section to liaise with the Education and Family Support Directorate and outline the Council's requirements relating to education and other S106 contributions. This is to ensure that any costs relating to provision of education facilities are highlighted prior to or during the developer's initial site evaluation exercise.

7.5 Application Stage

7.6 Should pre-application discussions not take place, applicants for housing developments will be informed of the requirements for the provision of education facilities following the submission of a Planning application. As part of any request for a Planning obligation an applicant will be provided with:

- The number of children potentially arising from the development.
- The capacity of the relevant local schools and the existing number of pupils on the school roll.
- The amount of financial contribution that will be required to create additional school places.
- The applicant will be required to enter into a Section 106 legal agreement with the Council to ensure a contribution is made towards education facilities.

7.7 Outline Applications

7.8 In the case of applications for Outline Planning permission, the applicant will be required to enter into a legal agreement with the Council under S106 of the Town and Country Planning Act 1990. Where the details relating to housing types and numbers are to be provided as Reserved Matters, the S106 agreement at Outline stage will need to be formula based so that the exact contributions can be determined when further details are submitted.

7.9 Section 106 Agreements

7.10 Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), is the legislative framework for Planning obligations. Any obligation must meet the following three tests:

- 1) necessary to make the development acceptable in Planning terms;
- 2) directly related to the development; and
- 3) fairly and reasonably related in scale and kind to the development.

7.11 Furthermore, it should be noted that the CIL Regulations (Regulation 123) restricts the pooling of S106 contributions. Regulation 123 states a S106 obligation cannot constitute a reason for granting Planning permission if five or more separate Planning obligations already exist for a specific single infrastructure project (entered into since 6 April 2010). The Council keeps up to date records of all S106 agreements entered onto the Planning Register. In discussions with developers, the Council will consider whether the pooling restriction is relevant and seek to ensure that the development can be appropriately mitigated through Planning obligations, whilst ensuring that the pooling restriction is not breached. If a development is not capable of delivering appropriate infrastructure because of the pooling restriction, this may make it unacceptable in Planning terms.

7.12 Given the uncertainty regarding the future of the Community Infrastructure Levy Regulations 2010 (as amended) and the devolved powers Welsh Government inherited to modify existing secondary legislation in April 2018, the Council has agreed that progress on CIL is to be placed into abeyance until there is a clear direction from Welsh Government. In the meantime, the Council will continue to use Planning obligations secured through Section 106 agreements to secure necessary infrastructure.

7.13 **Negotiations with Developers**

7.14 Negotiations with developers on Planning agreements will include:

- the project(s) to which their contributions may be used;
- the timing of the payment of agreed contributions - on large sites payments may be phased by agreement with the Authority;
- when contributions will be spent - this will normally be within 5 years of receipt of the final payment.

7.15 In order to make effective use of future contributions, the terms of any future Section 106 agreement should allow for the fact that school catchment areas change and that contributions can be utilised for education facilities within any subsequent school's catchment area within which the development falls at the time of implementation.

7.16 **Viability**

7.17 Certain proposals may be eligible for discounted or reduced contributions if it can be proven that the value of the contribution required will jeopardise a proposal's viability. It is expected that an 'open book' approach to negotiations will be supported by developers/owners, in order that Planning obligations can be secured at appropriate levels to mitigate the impact of the development, whilst ensuring that the development remains viable. Any financial information

supplied by a developer as part of this 'open book' process will be considered in confidence.

7.18 All 'open book' financial appraisals will be scrutinised by the Council which may lead to additional questions being asked of the applicant. Developers will be expected to prove to the Council that a scheme is financially unviable. Where the parties are unable to agree or by prior mutual agreement, the Council will instruct the District Valuer (DV) to undertake an independent assessment of scheme viability. The DV appointment will be paid for by the applicant/owner/developer. All parties should accept the DV's decision on the determination of viability however, the DV would not act as an arbitrator. Responsibility remains with the Local Authority and landowner, applicant and/or developer to resolve the dispute.

7.19 Irrespective of the outcome of a viability appraisal, it may be necessary for the Council to secure a certain level of developer contributions in order to mitigate the impact of the development. Such a circumstance could be where a failure to make some provision for certain infrastructure items would make the development unacceptable in Planning terms, contrary to policy and an unacceptable burden. This will be assessed on a case-by-case basis. In such circumstances, failure to secure the contributions, deemed necessary to support the proposal, could result in a recommendation of refusal.

7.20 **Planning Appeal Decisions**

7.21 If an appeal is made for reasons other than the provision of an education contribution, the applicant should ensure that an appropriately worded Unilateral Undertaking is signed prior to the determination of any appeal to make provision for the appropriate contribution. Failure to provide such an undertaking would be likely to result in the Council making an objection on education capacity grounds at appeal.

7.22 **Date of Introduction**

7.23 The guidance set out in this document will be applied to Planning applications submitted on or after the date the SPG is formally adopted (to be confirmed once the SPG goes through consultation). It will not apply to applications for Reserved Matters or Outline Planning permissions granted before that date however, extant permissions granted before the SPG document is adopted will be considered within the scope of the SPG should an application for its renewal be submitted. The SPG will represent a material consideration and will be taken into account when determining such applications.

APPENDIX A

Additional Related Costs

Potential Additional Related Costs include the following:

Land acquisition
Associated infrastructure requirements (e.g. major highway infrastructure or excessive ground levelling requirements)
Temporary Accommodation
Initial Cost of School Transportation for up to 3 years (whilst new accommodation is being built)
Building Regulations
Preliminary Site investigations

The Table above highlights those additional related costs that may be necessarily incurred and which may form part of the contributions sought from the developer by the Council.