

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

21 JANUARY 2021

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

EDUCATIONAL FACILITIES AND RESIDENTIAL DEVELOPMENT SPG

1. Purpose of report

- 1.1 The purpose of this report is to inform Members of the outcome of the consultation exercise on the draft Educational Facilities and Residential Development Supplementary Planning Guidance (SPG) document.
- 1.2 To seek agreement for the proposed amendments to the draft document and to adopt it as SPG to the Bridgend Local Development Plan.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
 1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 On the 16th January 2020 the Development Control Committee resolved to approve Draft SPG 16 – Educational Facilities and Residential Development as the basis for public consultation; authorised officers to make appropriate arrangements for public consultation; and to await a further report on the outcome of the consultation process. Members can view the draft consultation version of the SPG by clicking on the link here: [Microsoft Word - FINAL - Education SPG Report.docx \(bridgend.gov.uk\)](#)
- 3.2 A 6- week period of public consultation was held between 21st February and 3rd April 2020. The consultation was advertised in the following ways:
 - Statutory notices were placed in the *Glamorgan GEM* on the 27th February and the 5th March

- The consultation documents were made available for inspection with representation forms at the reception desk of the Civic Offices, Angel Street
- Information on the consultation, including all the documentation, representation forms and how to make representations was placed on the Councils website.
- A copy of the draft SPG was sent to approximately 300 targeted consultees including Community Councils, planning consultants, house builders and housing associations taken from the LDP database.

4. Current situation/proposal

4.1 By the end of the consultation period seven representations were received on the draft SPG. These representations have been summarised in **Appendix 1** to this report. Copies of the full representations are held by the Planning Department, and can be viewed by Members on request.

4.2 **Appendix 1** also sets out a reasoned response, a suggested decision and, where appropriate, proposed changes to the SPG, for each representation received.

4.3 In summary, the main areas of change in the document arising from the public consultation responses are as follows:

- Clarification that the costs of school construction will be kept under review but only changed as part of a full revision of the SPG
- Confirmation that the costs of temporary school accommodation will be determined on a case by case basis
- An explanation as to how the build costs for refurbishing a school have been calculated to be 65% of the build costs of a new school

5. Effect upon policy framework and procedure rules

5.1 The SPG expands upon the existing land-use planning policy framework contained within the Local Development Plan giving the public and developers certainty in the Council's expectations in relation to achieving an appropriate level of Educational Facilities which will serve new residential development.

6. Equality Impact Assessment

6.1 There are no direct implications associated with this report. The adopted SPG supplements the plans and policies of the existing Local Development Plan which was subject to an Equalities Impact Assessment.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Adoption of the SPG will provide a mechanism for the Council to secure contributions that reflect the actual cost of new school construction. This will help to raise the skills, qualifications and ambitions of all people within the County Borough, contributing towards the sustainable development principles required by the Act. It will also, in turn, help inform development of the Replacement LDP, which will be prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

8. Financial implications

8.1 The adoption of SPG 16 will provide financial contributions towards the cost of providing educational facilities.

9. Recommendation(s)

9.1 Committee is recommended to:

- approve the suggested reasoned responses and the consequential proposed changes to the draft Educational Facilities and Residential Development Supplementary Planning Guidance contained in **Appendix 1**.

9.2 If Committee agrees the recommendations in paragraph 9.1, to recommend to Council that:

9.2.1 SPG16 – Educational Facilities and Residential Development (as amended by the changes in **Appendix 1** and highlighted in paragraph 4.3 of this report) be adopted as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.

9.2.2 The SPG, in its adopted form, be published on the Council's website.

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Appendices: Appendix 1 - Educational Facilities and Residential
Development Consultation Responses

Background documents: Draft Educational Facilities and Residential Development SPG

APPENDIX 1

Education Facilities and Residential Development SPG Consultation Responses

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Coal Authority			I have reviewed the Supplementary Planning Guidance documents, the subject of this consultation, and can confirm that the Coal Authority has no specific comments to make.	Noted	No action required
Natural Resources Wales			We have no adverse comments on the above SPG.	Noted	No action required
Meryl Catherine Wilkins			This consultation document cannot predict the future of any planning as the pandemic Coronavirus has taken over and the outcome is unsure of any planning in Wales. As a very worried resident of Bridgend and Wales my declarations of interest has been made by me Meryl Catherine Wilkins in the land that your planning policies, put forward by the Bridgend County Borough Council and planning department are now being put forward to be developed and I do not agree. Policies are now out of date that Bridgend County Borough Council Planning Department and the Bridgend County Borough Council have put forward for consultation to me as a consultee of the SPG Draft Supplementary Planning Guidance and the consultation documents are fundamentally flawed because of the crisis we find ourselves in, we have no control of.	The consultee's comments are noted. The SPG intends to provide additional guidance to the policies contained within the existing Local Development Plan, which was adopted in 2013. It is not proposing any new policies. Indeed, the SPG will replace the existing document which was adopted in April 2010 and has not been updated since. Until the new SPG is adopted the existing out of date guidance will continue to be applied to planning applications. This will place the Council in a position where it is unable to seek the level of contributions required to help fund the cost of school provision. Any deficit in funding will have to be found by the Council at a time when financial budgets are limited. The new SPG is vitally important to enable the County Borough to recover from the financial impact of the Coronavirus pandemic.	No action required
Boyer on behalf of Llanmoor Homes	Table 1	11	<p>The report to the Development Control Committee of the 16th January 2020 states that the pupil yield formulas and the cost guidance contained in the existing Education SPG adopted in 2010 are in need of updating. However the increase in costs that are being suggested in the draft SPGs are substantial without sufficient evidence to justify the increases.</p> <p>Table 1 sets out the number of children generated per dwelling and whilst there is no change in the pupil yield for nursery schools (0.05) from the 2010 SPG, the secondary school pupil yield has risen from 0.18 to 0.20 (a 11% increase) and the primary school pupil yield from 0.22 to 0.33 (a 50 % increase). The justification set</p>	As part of the review of the SPG, it was determined that the most accurate method of predicting the actual pupil yield was to undertake a review of a 'settled' site i.e. a site that had been fully constructed and which included the provision of a new school. The site chosen for this review was the Broadlands development in Bridgend, which consists of 2,305 dwellings in a mix of 1,2,3,4 and 5 bed houses. To ensure reliability and consistency, pupil data from 2011 to 2018 was analysed to determine the number of primary, secondary and post 16 pupils for each year. The enabled an average to be established and a yield rate to be calculated. The number of pupils attending special schools and SEN resource bases	No action required

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>out in paragraph 5.9 states the following “ <i>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.</i>”</p> <p>Llanmoor Homes consider it totally unreasonable to propose such significant changes to the pupil yield on the basis of a single development and that the Council must provide much more convincing evidence and an acceptable methodology to justify the increase. It is inconceivable that the pupil yield for primary schools could have increased by 50% over the 2010-2020 period. It is normally the case that larger dwellings will have a larger pupil yield and therefore it is invalid to use one single development to derive the pupil yield especially if that development does not have a wide range of dwelling sizes. Other local authorities have based their pupil yield on an analysis of the latest Census statistics and school rolls and in Cardiff the pupil yield is calculated according to the number of bedrooms per house where the primary school yield for a 1 bed house is 0.0501 and for a 5 bed house it is 0.3059 which is below what the draft SPG is suggesting for Bridgend for all size of dwellings. Llanmoor Homes would be building up to 850 homes at West Bridgend and it would be there intention to provide a wide range of housing sizes including a large proportion of 1, 2 and 3 bed houses. In this situation it is suggested the Council adopt a similar approach to Cardiff and determine pupil yields per size of house so as to ensure that contributions for each dwelling are not based on what would be more appropriate for a 5 bed house.</p> <p>The significance of the impact of the proposed increases on the viability of proposals should not be underestimated. The SPG is also proposing to increase the cost per pupil place which are based upon Welsh standardised costs which have been tested against the costs of recently completed new school construction projects. Together with the proposed increase in pupil yields there would be a substantial increase in education contributions. For example the allocation of a scheme at West Bridgend that might accommodate 1,000 dwellings in total, would generate an additional 110 primary school places at £18,599 per place i.e an additional £2,045,890, together with an additional 20 secondary school places at £29,406 per place i.e an additional £588,120. The increase in the pupil yield alone, based on the revised</p>	<p>across the county borough as a proportion of the total pupil population was also analysed.</p> <p>The yield rates calculated were compared to those used by other authorities across South Wales and found to be comparable. A sensitivity analysis was conducted against other residential developments within the county borough, although data from such schemes did not have the same level of accuracy and consistency due to development not being completed.</p> <p>The updated cost multipliers have been obtained from Band B of the 21st Century School and Education Programme. Welsh Government have determined how they will fund local authorities per pupil place for Band B of the programme, with the cost and size rate per pupil calculated using the area guideline for schools and the construction industry rates. The rate also includes an amount for furniture, equipment and IT. The rates have been used to compare against actual Band A costs within the county borough to ensure robustness. As with the pupil yield rates, comparison has been made with the cost multipliers used by other South Wales authorities to ensure consistency.</p> <p>The potential impact on viability is acknowledged and accounted for in the draft SPG. In fact, the Council's keenness to determine an accurate appraisal of the viability of scheme proposals is demonstrated by the approach taken during the preparation of the LDP Deposit Plan, to which the consultee refers. This follows the guidance contained within Planning Policy Wales to establish the viability of potential strategic residential allocations at the Candidate Site stage rather than leaving such matters to the planning application stage. The Council has committed to the use of the Burrows Development Viability Model to help establish agreement between developers, applicants and the Council in determining the viability of development proposals at an early stage of the development process.</p>	

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>costs per pupil place would result in an increase in the education contribution of £2,634,010.</p> <p>Based on the revised costs and pupil yield in the draft SPG the total contribution for education facilities for the scheme being promoted by Llanmoor Homes for approximately 850 would be as follows:-</p> <ul style="list-style-type: none"> • Nursery – $850 \times 0.05 = 42.5 \times £18,599 = £790,457$ • Primary – $850 \times 0.33 = 280.5 \times £18,599 = £5,217,019$ • Secondary – $850 \times 0.20 = 170 \times £29,406 = £4,999,020$ • Post16 – $170 \times 0.2 = 34 \times £29,406 = £999,804$ • ALN primary – $280.5 \times 0.015 = 4.2 \times £55,797 = £234,347$ • ALN secondary – $170 \times 0.015 = 2.55 \times £88,218 = £224,955$ <p>TOTAL EDUCATION CONTRIBUTION - £12,465,602</p> <p>This would be equivalent to a contribution of £14,665 per dwelling (including the dwellings required as affordable housing) which would be totally unreasonable and raises significant concerns about the viability of schemes throughout the Borough. In addition to education contributions there will be other Section 106 obligations; large amounts of infrastructure particularly for strategic sites and an element of affordable housing. Delivery and viability are likely to be key issues for consideration at the Examination into the LDP Review and the Council should be keen to ensure that they are not introducing too onerous requirements which will raise concerns about the soundness of the LDP.</p>		
Boyer on behalf of Llanmoor Homes	5.18	12	<p>Paragraph 5.18 of the draft SPG also gives cause for concern in stating that the costs will be regularly reviewed to reflect changes in the school building costs and that the most up to date data will be used at the time of the application. This is totally unacceptable. One of the main purposes of the SPG is to provide guidance to developers when carrying out viability appraisals and the figures should not be subject to change unless there is a formal review of the SPG including the necessary consultation.</p>	<p>Agree that the text of paragraph 5.18 could be misinterpreted. The costs and pupil yield figures contained in the draft SPG will be periodically reviewed to ensure that they reflect the actual cost of school construction and pupil generation respectively. If, as part of such a review, changes to the SPG are required these will be made following the same process as the adoption of a new SPG (i.e. following a public consultation exercise).</p>	<p>Amend text in paragraph 5.18 to read:</p> <p><i>“The figures above have been tested against the costs of recently completed new school construction projects and will be regularly periodically reviewed to reflect changes in school building costs. If such a review necessitates a change to the SPG, this will be undertaken as part of a formal SPG update (including public consultation). The most up-to-date data will be used at the time of the application.</i>”</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
					<i>The figures quoted in this SPG are therefore subject to change.</i>
Boyer on behalf of Llanmoor Homes	7.6	15	<p>With regard to paragraph 7.6 and pre application discussions there is concern that we have not been able to discuss with the education department their site locations requirements for the land at west Bridgend. It is evident that the requirements to provide education facilities on site will have a significant implication for the viability of the scheme and ensuring the principles of place making are incorporated into the master planning process and it would have been appropriate for these matters to have been discussed with the Council's Education Department at an earlier stage in the process.</p> <p>In conclusion, Llanmoor Homes accept that the increase in costs per pupil place which have been updated in line with the Welsh Government standardised costs, but object strongly to the increase in the pupil yield which has been based on the take – up of a single site. This cannot be relied on to justify such a significant increase of 50% in the case of the primary school yield. Llanmoor Homes consider that the Council need to undertake considerably more research into this matter based on census data and consider allocating pupil yields to different house sizes to provide a fairer reflection of the financial contribution that would be required.</p>	The consultee's response to the provision of pre-application advice is noted. In the particular circumstances quoted, the scheme was presented as part of a Candidate Site proposal. To offer a formal response to all such proposals would have been physically impossible due to the demands on staff resources. Should such a service have been provided to one scheme, it would have only been fair to offer the same level of consultation to all site promoters. If a scheme is presented as part of a formal paid pre application enquiry to the Council's planning department, then a level of consultation with the Education and Family Support Directorate will be provided depending on the requirements of that particular scheme.	No action required
Savills			We do not have any comments to make on the Education and Residential Development SPG.	Noted	No action required
Barratt & David Wilson Homes	Section 7.16 (Viability)	16	BDW support the Council's commitment to an 'open-book' approach to assessing the viability of proposals, 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. This is covered in greater detail in the draft SPG in comparison to the adopted SPG and is a welcome improvement.	Noted	No action required
Barratt & David Wilson Homes	7.17	16	BDW supports the statement at Paragraph 7.17 that 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.	Noted	No action required

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Barratt & David Wilson Homes	5.10 and 5.11	11	<p>Pupil Yields</p> <p>Paragraphs 5.10 and 5.11 explain how capacity is assessed to justify a request for a financial contribution. The number of pupils generated by a proposed development will be rounded up or down and will be assessed against the capacity of the school (s) in the catchment area of the new housing development. The Council will take account of the NOR to assess whether any surplus capacity exists with the catchment area (s). Net pupil places required above projected capacity are then calculated by offsetting a development's projected pupil yield against any existing school place surplus.</p> <p>This calculation does not appear to take account of the time it will take to complete a development and that school capacity often fluctuates over a period of time. It would therefore be reasonable to request that the Council also considers the delivery timescales for a proposed development compared to the projected school capacity when assessing the need for and level of contribution.</p>	<p>The time taken to complete a development is considered as one of the factors that contributes to the assessment of need for education contributions. Other factors include the capacity of schools within the catchment, the existing number of pupils on the school roll, school population forecasts, the LDP housing trajectory and existing planning consents. However, in order to provide a developer with an indication of the level of contribution required to factor into their viability appraisal, the existing capacity and number of pupils within the school is the most accurate method of predicting future need. Any Section 106 agreement can allow for this to be reviewed at the point in time that a contribution is due to be paid.</p>	<p>No action required</p>
Barratt & David Wilson Homes	5.17	12	<p>Costs</p> <p>BDW notes that there are no specific details of the 21st Century School Programme for Bridgend included within the SPG, which will be crucial in determining that contributions are necessary in specific areas and can be directly related to improvements which are programmed. Further details should be provided in the SPG.</p> <p>Paragraph 5.17 - BDW note that the cost per pupil place has increased and is now based on WG standardised costs, with Additional Learning Needs costs added as a separate category. It is accepted that these costs apply to a new school being built and it is presumed that these costs would cover the cost of the whole school, including all the necessary sports and other facilities usually provided in modern schools. However, education contributions are often used to provide temporary classrooms in existing schools, where space allows, and so we would expect the cost of this to be different (cheaper) than building a new modern school. This should be clarified in the SPG.</p>	<p>The purpose of Supplementary Planning Guidance is to provide additional information relating to the policies of the Local Development Plan. This is to help provide the reader with further detail relating to how the policies will be used and implemented in relation to the determination of planning applications. The LDP does not contain a policy on the 21st Century School Programme and the SPG does not solely relate to the delivery of that programme. However, information relating to the 21st Century School programme can be obtained from the BCBC website or by contacting the Education and Family Support Directorate.</p> <p>With reference to the costs of providing temporary classrooms as opposed to costs relating to a new school, the consultee is correct to identify that the costs will differ. Appendix A of the SPG includes the cost of temporary accommodation as additional costs that may be incurred. As these would not apply in all circumstances, the costs would be determined on a case-by-case basis and discussed with an applicant as part of a pre-application enquiry.</p>	<p>Add the following text to Appendix A to provide clarity:</p> <p><i>Any additional costs incurred will be calculated on a case-by-case basis.</i></p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Barratt & David Wilson Homes	5.22	12	<p>Paragraph 5.22 advises that if a school has capacity with regards to floorspace but the space is considered to be of an unsatisfactory standard to accommodate additional pupils created by a new development, then the costs of bringing this floor space up to standard is 65% of the cost of providing new additional space. This figure has not changed from the 2010 SPG, but neither document offers any justification or a source for the use of this figure. BDW consider that the rationale for using this figure should be clarified.</p>	<p>The consultee is correct to identify that contributions towards the cost of refurbishing existing floorspace will be based on 65% of the cost of providing new additional space, and that this figure is included in the existing SPG. At that time, the figure was based on DfES data contained within <i>Funding Guidance for Building Schools for the Future Projects</i> (2005).</p> <p>In reviewing the SPG, it was found that a range of more up to date studies and data was available. These included:</p> <ul style="list-style-type: none"> • <i>National School Delivery Cost Benchmarking - A national cost benchmarking study</i> undertaken by Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Education Funding Agency (Feb 2017). • Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme. This information was agreed by the 21st Century Schools Programme Board. <p>These documents provide various figures relating to costs for new build, refurbishment and extension projects. The refurb costs typically range from 62% to 71% of new development costs. On that basis, the figure of 65% sits comfortably within that range. This will be kept under review.</p>	<p>Add the following text to paragraph 5.22 to justify the percentage used:</p> <p><i>*Based on Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme.</i></p>
HBF	5.11	11	<p>HBF questions if the calculation takes account of the time it will take to build the development; on average most sites currently deliver between 40-100 units a year, with many sites having a lead in time of at least 6-12 months. This could mean that a development may take a number of years to complete, school capacity often fluctuates, and the numbers generated by the development will only reach full impact once the development is complete and fully occupied. Accordingly, it would seem reasonable to consider the delivery timescale of the development compared to the projected school capacity when assessing the need for a contribution and the level of contribution.</p>	<p>The time taken to complete a development is considered as one of the factors that contributes to the assessment of need for education contributions. Other factors include the capacity of schools within the catchment, the existing number of pupils on the school roll, school population forecasts, the LDP housing trajectory and existing planning consents. However, in order to provide a developer with an indication of the level of contribution required to factor into their viability appraisal, the existing capacity and number of pupils within the school is the most accurate method of predicting future need. Any Section 106 agreement can allow for this to be reviewed at the point in time that a contribution is due to be paid.</p>	No action required

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
HBF	5.17	12	Although HBF accepts these costs apply to a new school being built, we presume these cover the cost of the whole school including all the sports pitches and community facilities provided in new schools. However, education contributions are often used to provide semi temporary extra classrooms, so won't the cost of these be different (cheaper) to building a new modern school.	With reference to the costs of providing temporary classrooms as opposed to costs relating to a new school, the consultee is correct to identify that the costs will differ. Appendix A of the SPG includes the cost of temporary accommodation as additional costs that may be incurred. As these would not apply in all circumstances, the costs will be determined on a case-by-case basis and discussed with an applicant as part of a pre-application enquiry.	Add the following text to Appendix A to provide clarity: <i>Any additional costs incurred will be calculated on a case-by-case basis.</i>
HBF	5.22	12	The HBF agrees that the build cost associated with refurbishment should be reduced but question where the 65% figures comes from, this should be explained/justified in the document.	<p>The consultee is correct to identify that contributions towards the cost of refurbishing existing floorspace will be based on 65% of the cost of providing new additional space, and that this figure is included in the existing SPG. At that time, the figure was based on DfES data contained within <i>Funding Guidance for Building Schools for the Future Projects (2005)</i>.</p> <p>In reviewing the SPG, it was found that a range of more up to date studies and data was available. These included:</p> <ul style="list-style-type: none"> • <i>National School Delivery Cost Benchmarking - A national cost benchmarking study</i> undertaken by Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Education Funding Agency (Feb 2017). • Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme. This information was agreed by the 21st Century Schools Programme Board. <p>These documents provide various figures relating to costs for new build, refurbishment and extension projects. The refurb costs typically range from 62% to 71% of new development costs. On that basis, the figure of 65% sits comfortably within that range. This will be kept under review.</p>	Add the following text to paragraph 5.22 to justify the percentage used: <i>*Based on Welsh Government's Cost and Size Standards released to Local Authorities in 2017 and 2018 to apply to Band B projects of the 21st Century Schools programme.</i>
HBF	5.24	12	The SPG should clarify that the land value is the value of land purchased for educational purposes only.	In circumstances where provision for a new school is to be made off-site, then the valuation of the land should reflect the land value had the school been provided on-site.	No action required

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 Wellbeing 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 shape 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 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 S106 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, 1 voluntary controlled, 2 special schools and there is 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 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.
- 4.12 **School Capacity**
- 4.13 Welsh Government's 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 only 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(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 periodically 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 floorspace 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 floorspace 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's appointment will be paid for by the applicant/owner/developer. Both 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 referred to that may be necessarily incurred and which may form part of the contributions sought from the developer by the Council.