

Bridgend County Borough
Local Development Plan
2018-2033

Educational Facilities & Residential Development
Supplementary Planning Guidance
September 2026

Cyngor Bwrdeistref Sirol



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1.0 Introduction

- 1.1 The purpose of this supplementary planning guidance (SPG) is to explain 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.
- 1.2 This adopted SPG will be a material consideration in the determination of all planning applications for residential development including applications for renewal of consents.
- 1.3 Anyone wishing to submit an application for residential development within the County Borough is urged to consider this SPG and to contact the Local Planning Authority (LPA) in advance of submitting an application, to discuss the issues that are raised in this document on a site-specific basis.
- 1.4 This SPG provides specific guidance on:
 - Education requirements for residential developments, including thresholds, pupil yields, additional learning needs provision, Welsh medium provision, cost per pupil place, investment in unsatisfactory school accommodation, new schools and how contributions will be used;
 - How contributions are calculated, providing a worked example; and
 - The administration of policy through the various planning stages, Section 106, negotiation with developers and how issues surrounding development viability may be considered.

2.0 Policy and Legislative Context

- 2.1 The National Planning Policy context for the provision of educational facilities through the planning system is set out in Future Wales: the National Plan 2040 and Planning Policy Wales (PPW).
- 2.2 **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).
- 2.3 **Future Wales: The National Plan** is the National Policy Framework setting out the direction for development in Wales to 2040. Whilst the plan does not address education facilities specifically, it sets the spatial framework within which local and regional development plans can integrate new education provision, in line with national goals around sustainable growth and community well-being.
- 2.4 **Planning Policy Wales (PPW): Edition 12** 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.

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.

2.9 **Welsh Government's Sustainable Communities for Learning Programme**

(SCfL) formerly known as the *21st Century Schools and Education Initiative* is a long-term investment for schools and colleges to develop them as hubs for learning and reduce buildings in poor condition. In January 2022, it adopted the new title SCfL, reflected renewed emphasis on environmental sustainability, community cohesion, and the needs of future generations. The main aims of the programme include:

- 1) Transforming Learning Environments & Learner Experience
- 2) Meeting Demand for School Places
- 3) Improving Condition & Suitability of the Estate
- 4) Developing Sustainable Learning Environments
- 5) Supporting the Community

2.10 The SCfL now includes approximately £2.3 billion in combined capital and revenue investment for education infrastructure, delivered through a more flexible “rolling programme” rather than fixed, multi-year cycles.

2.11 **Cwm Taf Morgannwg Public Services Board Well-being Plan 2023-2028**

The Well-being Plan (the Plan) outlines how the 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 tackling inequalities in relation to our lifestyles, our communities, and our environment to improve the well-being for people living here now and building towards a fair future. Two well-being objectives have therefore been developed, which are:

- 1) Healthy Local Neighbourhoods
- 2) Sustainable and Resilient Local Neighbourhoods

2.12 This plan recognises the need to help people to access support, services and opportunities in their local neighbourhood such as community buildings like education facilities.

2.13 **Active Travel (Wales) Act 2013** 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.



Coleg Cymunedol Y Dderwen

3.0 Background

- 3.1 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 SP10 of the RLDP requires the provision of educational facilities and/or their upgrades.
- 3.2 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).



Pentcoed Primary School

Bridgend Local Development Plan 2018-2033

Educational Facilities & Residential Development Supplementary Planning Guidance

4.0 Education Provision

4.1 **Corporate Plan and Education and Family Support Directorate Plan 2023-2028** sets out the Council's priorities and how the Council will work alongside local people and partners to provide services over the next five years.

- A County Borough where we protect our most vulnerable
- A County Borough with fair work, skilled, high quality jobs and thriving towns
- A County Borough with thriving valleys communities
- A County Borough where we help people meet their potential
- A County Borough that is responding to the climate and nature emergency
- A County Borough where people feel valued, heard and part of their community
- A County Borough where we support people to live healthy and happy lives

4.2 Education contributions secured through Section 106 will specifically support the fourth objective. The importance of delivering this objective is also detailed within the Education and Family Support Directorate Plan.

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

4.4 **School Modernisation** – 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.

- 4.5 **School Catchment Areas** – All primary and secondary schools have geographical catchment areas that are used to administer admission arrangements. Out of the 60 Schools throughout the County Borough, there are 5 Welsh medium schools, 5 voluntary aided, 1 voluntary controlled, 2 special schools and there is 1 pupil referral unit. 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.
- 4.6 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.
- 4.7 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.
- 4.8 **School Capacity** – 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.

- 4.9 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.
- 4.10 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.**
- 4.11 **School Standards** – 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.
- 4.12 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.



5.0 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 eligible units (i.e. 1 bedroom flats would be excluded from the total number of 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 The 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	0.21
Post 16	0.18 x secondary	0.18 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 completed new build housing developments in the borough, which include 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 developments 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 Safe Walking Routes

5.13 Notwithstanding para. 5.11, any surplus school capacity within the development catchment(s) must also be considered in the context of Safe Walking Routes (A route is considered to be available if it is safe for a learner without a disability or learning difficulty to walk the route alone or with an accompanying adult if the learners age and levels of understanding requires this) before assuming that capacity can offset a development's projected pupil yield. The local authority will only accept the use of surplus places within a relevant catchment area, where the following criteria is met:

- 1) The distance from the development to the school(s) is within the national statutory distances of two miles for primary school pupils and three miles for secondary school pupils; and
- 2) The journey from the development to the school(s) is served with an available walking route, as defined by the local authority (as per the Learner Travel Statutory Provision and Operational Guidance – See Appendix A for further guidance).

5.14 If the local authority has not assessed the route from the development to the relevant schools with surplus places, the onus will be on the developer to demonstrate under the Learner Travel Statutory Provision and Operational Guidance, that the route can be considered 'available'. This could be incorporated within a transport assessment or other supporting information submitted with a planning application.

5.15 Additional Learning Needs (ALN) Provision

5.16 Additional Learning Needs pupils are those taught in either a special school or in a specialist facility on the site of a mainstream school.

5.17 Welsh-Medium Provision

5.18 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. The Local Education Authority will determine if contributions will be used for Welsh or English-medium school places, which will be subject to a separate process outside of any planning application.

5.19 Costs per Pupil Place

5.20 The costs per pupil place are based upon Welsh Government standardised size and costs for new build schools under the Sustainable Communities for Learning programme.

Table 2: Cost per Pupil Place

Year Group	Cost per Pupil Place
Nursery	£25,009
Primary	£25,009
Secondary	£36,318
Post 16	£36,318
ALN – Primary	£75,027
ALN – Secondary	£108,954

5.21 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.

5.22 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

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

5.24 Investment in Unsatisfactory School Accommodation

5.25 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.

5.26 New Schools

5.27 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.

5.28 Use of Contributions

5.29 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 schools;

- design of new schools in accordance with the [Area Guidelines for Schools in Wales – Building Guidance](#), which sets out requirements for high-quality, inclusive and sustainable learning environments, including appropriate outdoor learning and play spaces, accessibility, wellbeing and environmental sustainability;
- 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.

6.0 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:

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

*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 = £25,009

Cost per ALN pupil place = £75,027

$500 \times 0.33 = 165$ pupils

$165 \times 1.5\% \text{ (ALN)} = 2.47$ (rounded down to 2)

$165 - 2 = 163$ pupils and 2 ALN pupils

$163 \times £25,009 = £4,076,467$

$2 \times £75,027 = £150,054$

Total Contribution = £4,226,521



7.0 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 Strategic Planning section to liaise with the Education, Early Years and Young People Directorate and outline the anticipated Council's requirements relating to education and other Section 106 contributions. This is to ensure that any anticipated 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. Should a housing development trigger the threshold for a contribution, an applicant will be required to enter into a Section 106 legal agreement with the Council to ensure a contribution is made towards education facilities. A clause will be included within the Section 106 agreement to assess the available capacity at the point the obligation is triggered, ensuring that the required mitigation is accurately aligned with conditions at that time.

7.7 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.

7.8 Section 106 Agreements

7.9 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.

7.10 Furthermore, it should be noted that the CIL Regulations (Regulation 123) restricts the pooling of Section 106 contributions. Regulation 123 states a Section 106 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 6th April 2010). The Council keeps up to date records of all Section 106 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.

7.11 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.

7.12 Site Extensions

7.13 In cases where a greater number of dwellings are proposed than originally allocated, additional contributions will be required and secured through subsequent reserved matters applications. Alternatively, a review clause may be incorporated into the wording of a Section 106 agreement to account for any increase or reduction in the number or type of units proposed. The need to include a review clause within a Section 106 agreement will be considered on a case-by-case basis.

7.14 Negotiations with Developers

7.15 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.

7.16 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.

7.17 Development Viability

- 7.18 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. Appropriate supporting evidence must be provided to substantiate any such claim, and this evidence must be comprehensive. For example, it would not be acceptable to solely highlight a change in one variable (such as build costs), without clearly evidencing how other variables (such as house prices), may have also changed. A comprehensive viability appraisal must therefore be provided, with all inputs and assumptions being robustly evidenced. Unsubstantiated commentary will not be acceptable.
- 7.19 Applicants must robustly demonstrate any site-specific constraints, abnormal costs and/or other viability challenges that could necessitate a deviation. The LPA will work collaboratively with developers in such instances to evaluate site-specific evidence. The LPA reserves the right to reject any development viability claims without comprehensive supporting evidence being provided.
- 7.20 In all cases, it is recognised that some information necessary to demonstrate viability may be commercially sensitive. However, this is not a sufficient reason to avoid providing the appropriate evidence to the LPA and this information will be used solely to consider whether any deviation from this SPG is justifiable.
- 7.21 There is a common viability appraisal model in use across the South East Wales Region known as the Burrows-Hutchinson Ltd Development Viability Model (DVM). The DVM has been created as a comprehensive, user-friendly model to assess the financial viability of development proposals. The LPA is able to make the DVM available to applicants to appraise the financial viability of a proposed development and demonstrate any necessary deviation from the requirements of the SPG. The primary inputs required to undertake a financial viability appraisal through the DVM are provided in Appendix B.

7.22 The DVM and user guide can be released to any applicant subject to the LPA receiving payment of a standard fee (set out in the Council's latest Fees and Charges Schedule). The fee is intended to cover the LPA's administrative costs of locking and distributing the model, verifying the completed appraisal and providing a high-level review to the applicant. However, payment of a fee will not guarantee that a reduced education contribution will be deemed acceptable or directly result in the granting of planning permission. The fee will only enable the LPA to consider whether:

- a) the DVM has been completed correctly and appropriately;
- b) the evidence supplied to support the costs and values submitted is sufficient and proportionate;
- c) the suggested timescales for the development are realistic; and
- d) the appraisal accords with policy requirements of the RLDP and with other guidance and/or policy statements that are pertinent to the assessment of viability in a planning context.

7.23 The preliminary fee does not allow for any further time that an applicant might wish to spend debating the findings of the LPA's initial high-level review. It also does not allow for any officer time necessary to re-appraise subsequent submissions of the model and supporting evidence, which will be rechargeable. Alternative viability models can be used subject to prior agreement with the LPA. In the event of any unresolvable disputes, the LPA may need to draw upon expertise from a third party to act as an independent arbitrator. The costs associated with this must be met by the developer/applicant. For larger sites (of several hundred units), mixed-use developments or sites of a strategic scale, it may be more appropriate for an applicant to commission an independent arbitrator from the outset, following discussion with the LPA.

7.24 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.

7.25 Planning Appeal Decisions

7.26 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.

Appendix A – Safe Walking Routes to Schools

1.1 Local authorities are under a legal duty to assess the travel needs of learners who walk to school. In making an assessment, local authorities must take into account the following physical route provisions by law:

- Route conditions;
- Traffic;
- Traffic flow on roads;
- Collision history;
- Footpaths;
- Crossing points;
- Canals, rivers, ditches and embankments;
- Lighting;
- Planned changes in the area; and
- Level crossings.

1.2 The intent of the guidance is to ensure that the relationship between learners and traffic is considered by the local authority in making a judgement as to whether the route they are to travel, is available (safe) to walk. It is important therefore that for any new development, pedestrian routes are adequate and meet the physical requirements outlined in the Statutory Provision and Operational Guidance. Particular consideration should be given (but not limited to) the following:

- The provision of continuous adequate footways
- Adequate street lighting
- Adequate sight lines
- Pedestrian refuges where necessary
- Adequate visibility
- Traffic flow and sight lines to allow enough opportunities to cross safely
- Sufficient crossing facilities (for example, zebra, pelican crossings)

- Sufficient pedestrian phases at traffic lights (including necessary refuges)

1.3 A local authority cannot automatically consider a route to be available on the basis it meets some or all of these physical requirements. The local authority will also need to consider any social danger associated with the route, which is also required under the operational guidance. The local authority will also need to consult and consider the views of learners as well as parents/carers in its assessment of the availability of a walked route to school.

1.4 Therefore, developers should ensure that for any new developments, the local authority is able to consider positively associated pedestrian routes, in line with the physical route requirements summarised above, but detailed more comprehensively in the aforementioned Learner Travel Statutory Provision and Operational Guidance.

Appendix B – Additional Related Costs

1.1 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

1.2 The 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.

Appendix C – Data Inputs Required for Financial Viability Appraisals

- 1) List of open market dwelling types, specifying for each one:
 - a) Number of bedrooms
 - b) Number of habitable rooms
 - c) Gross/net internal floor areas
 - d) Estimated open market value (freehold selling price) with supporting evidence
 - e) Total number of each dwelling type within the proposed development
- 2) List of affordable dwelling types, specifying for each one:
 - a) Number of bedrooms
 - b) Number of habitable rooms
 - c) Gross/net internal floor areas
 - d) Estimated open market value (unrestricted freehold selling price) for intermediate dwellings
 - e) Transfer values for social rented dwellings
 - f) Total number of each dwelling type within the proposed development
- 3) Site layout plan for the development (outline, or detailed if available) with net developable areas and dwelling numbers for each element/phase of the proposed development.
- 4) Estimated construction and sales programmes for the development.
- 5) Details of current land ownership or details of the contractual terms and stage of transaction reached for its acquisition by the developer. This must include the land price paid (or, if estimated and not yet paid, the basis for that estimate) and allowance made for acquisition fees and Land Transaction Tax.
- 6) Planning costs and anticipated period before commencement of development (in months) after land acquisition has been completed.
- 7) Housing construction costs (plot costs), as a total sum or £/m², noting any additional allowance made for achieving compliance with forthcoming building regulations. Evidence must be provided to justify what these costs are based on.
- 8) Physical infrastructure costs, broken down between:
 - a) Off-site drainage, highway and/or other works, with detailed analysis/justification
 - b) Normal on-site costs for providing road access and services to individual plots (including “externals” such as detached garaging and landscaping, which may be assessed on a fixed average sum per dwelling, or as a percentage of plot

- costs)
 - c) Abnormal site costs (if any) with detailed analysis/justification
- 9) Allowance made for professional fees in connection with:
- a) Planning and building regulations approvals
 - b) Housing construction costs
 - c) Physical infrastructure works
- 10) Estimated sum (or percentage allowance) for contingencies
- 11) Section 106 contributions necessary to achieve full RLDP policy compliance and anticipated timing of payments
- 12) Sale and marketing costs for open market dwellings
- 13) Finance costs, including interest rate(s) applied, and the basis for their calculation
- 14) Details of any proposed non-residential uses, including gross external and net internal floor areas, together with estimated costs and revenues associated with those parts of the development. This will include, where available, estimated freehold and rental values for each element/unit, the investment yield(s) on which estimated freehold values have been based/calculated, and details of any pre-lets or forward sale arrangements.

Cyngor Bwrdeistref Sirol

