

Cyngor Bwrdeistref Sirol



EDUCATIONAL FACILITIES & RESIDENTIAL DEVELOPMENT

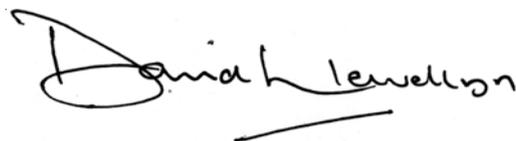
SPG 16

EDUCATIONAL FACILITIES & RESIDENTIAL DEVELOPMENT

The purpose of this Supplementary Planning Guidance (SPG) is to expand on the Council's existing planning policy on educational facilities contained within the adopted Unitary Development Plan. It will outline 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. This document has been formulated as a result of close co-operation between the Communities and Children's Directorates of the Council, both of which will be involved in the negotiation for the delivery of educational facilities through the planning system. It was adopted by Bridgend County Borough Council at its meeting of 8th September 2010.

This SPG will be a material consideration in the determination of all planning applications for residential development including applications for renewal of consents.

The Council would urge anyone seeking to submit an application for residential development within the County Borough to consider this SPG and to contact the Local Planning Authority in advance of submitting an application to discuss the issues which are raised in this document on a site specific basis.



David Llewellyn
Group Manager - Development
Communities Directorate
10 September 2010

Cyngor Bwrdeistref Sirol



Bridgend County Borough Council

SUPPLEMENTARY PLANNING GUIDANCE

Table of Contents

Page No

1	Introduction	1
2	National and Local Planning Policy Context	1
3	Council's Educational Policy and Practice	3
4	Guidance Notes for Developer Contributions	5
5	Development Process	11

Appendix A:

	Additional Related Costs	13
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Appendix B:

	Costings/Calculations	15
--	---------------------------------	----

Appendix C:

	Useful Contact Details	17
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Consultation Responses

Late Representations Received

Report to Council 8th September, 2010

Minutes of Council 8th September, 2010

1 INTRODUCTION

1.1 The County Borough Council, as a Local Education Authority must ensure that sufficient school places are provided to meet the needs directly generated by new housing. The Children and Young People’s Plan (2008-2011) sets out the core intentions and priorities for providing educational facilities for learning for all children and young people throughout the County Borough.

1.2 Most new residential developments are likely to have an impact on existing educational facilities. 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.

1.3 The purpose of this SPG is to set out the policy context and circumstances within which these contributions will be sought and the mechanisms as to how they will be achieved.

2 NATIONAL AND LOCAL PLANNING POLICY CONTEXT

Welsh Assembly Government Guidance

2.1 Paragraph 2.4.1 of *Planning Policy Wales 2002* states that:-

“Recognising the strengths of urban communities, which are home to the majority of the population of Wales, the Assembly Government’s priorities for urban areas are, through integrated approaches, to:-

- *secure, environmentally-sound and socially inclusive regeneration in those urban areas which require it, so that they become more desirable places in which to live and work; and*
- *foster sustainable change, in particular making it possible to live with less noise, congestion and traffic pollution, and improving the quality of life.*

Development can help to arrest the decline in community facilities and deliver environmentally-sound modernisation, re-use or replacement of urban infrastructure.” (Council’s emphasis)

Development Plan Policy

2.2 Part 1 Policy 13 of the UDP states:-

SOCIAL AND COMMUNITY SERVICES POLICY 13

DEVELOPMENT PROPOSALS WHICH CONTRIBUTE TO, AND/OR PROTECT, SOCIAL AND COMMUNITY FACILITIES AND SERVICES WILL BE ENCOURAGED.

2.3 Part 1 Policy 22 (Implementation and Resources) of the UDP states:-

**IMPLEMENTATION AND RESOURCES
POLICY 22**

APPLICATIONS FOR BUILT DEVELOPMENT SHOULD INCLUDE MATERIAL PROPOSALS WHICH DEAL WITH THE FAIR AND REASONABLE DIRECT AND INDIRECT INFRASTRUCTURAL REQUIREMENTS OF THE DEVELOPMENT, AND WHICH ALSO ENSURE THAT THERE IS NOT A CONSEQUENTIAL AND SIGNIFICANT PLANNING LOSS TO THE EXISTING COMMUNITY. WHERE APPROPRIATE, SUCH PROPOSALS WILL BE SECURED BY MEANS OF PLANNING AGREEMENTS/ OBLIGATIONS.

2.4 Policy SC1 of the UDP states the necessary criteria for assessing proposals for community facilities and the desired location for educational facilities.

**PROVISION OF SOCIAL AND COMMUNITY FACILITIES
POLICY SC1**

PROPOSALS TO DEVELOP SOCIAL AND COMMUNITY FACILITIES TO MEET LOCAL NEEDS WILL BE PERMITTED, PROVIDED THAT:-

1. THE PROPOSAL WOULD NOT PREJUDICE AN EXISTING REGENERATION STRATEGY;
2. IT CAN BE SHOWN THAT SUCH A LOCATION IS APPROPRIATE TO THE PROPOSAL;
3. THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK;
4. THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS;
5. IT WILL HAVE SATISFACTORY CAR PARKING;
6. THE DEVELOPMENT DOES NOT ADVERSELY AFFECT, NOR VISUALLY IMPINGE UPON, THE FOLLOWING AREAS AND THEIR SETTINGS:-
 - A) THE GLAMORGAN HERITAGE COAST;
 - B) THE KENFIG cSAC;
 - C) THE STRATEGIC COALFIELD PLATEAU AND ASSOCIATED VALLEY SIDES;
 - D) SSSI's AND OTHER ENVIRONMENTALLY SENSITIVE AREAS; AND
7. THE DEVELOPMENT CAN BE SYMPATHETICALLY ASSIMILATED INTO THE ENVIRONMENT IN TERMS OF SITING, SCALE, DESIGN AND LANDSCAPING.

2.5 Additionally, paragraph 10.6.2 of the UDP states that:-

“Schools need to be related to the communities they serve for two main reasons. In the first instance they have an important although subsidiary role to play as community buildings, and they also serve as practical and psychological foci for their communities. Secondly, as long travel distances to school are expensive, inconvenient and non-sustainable in that it encourages unnecessary car travel or ‘bussing’, there is an obvious case to locate educational facilities as close as possible to the communities they serve”.

Bridgend County Children and Young People's Plan

3.1 In May 2008, the Bridgend Children and Young People's Partnership published the Children and Young People's Plan which "sets out our ideas and proposals to ensure that all children and young people are given every opportunity to thrive and prosper".

3.2 The Strategy seeks to meet the Welsh Assembly Government's seven core aims for children and young people; these are to:-

Core aim 1 - Have a flying start to life

Core aim 2 - **Have access to appropriate educational opportunities**

Core aim 3 - Be healthy and free from exploitation

Core aim 4 - Access play, leisure, sporting and cultural activities

Core aim 5 - Be listened to and treated with respect

Core aim 6 - Live in a safe home and community

Core aim 7 - Not be disadvantaged by poverty

3.3 Core aim 2 focuses on the aspirations of the Council, working in partnership with other organisations, to provide every child and young person with the opportunity to access an appropriate range of training and learning opportunities. This includes having access to educational facilities which are fit for purpose in terms of sufficiency, suitability and condition as well having access to an education which is of a high standard.

School Modernisation Plan

3.4 Bridgend Council 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 Council's Corporate Improvement Plan.

3.5 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.

3.6 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.

School Catchment Areas

3.7 All primary and secondary schools have geographical catchment areas that are used to administer admission arrangements.

3.8 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.

3.9 It should be noted that the defined catchment areas for all above mentioned schools are subject to review and the Council recommends that the developer contacts the Council's Section 106 Officer (see appendix C) prior to the submission of a planning application to ascertain the most up-to-date catchment information.

3.10 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.

School Capacity

3.11 National Assembly for Wales Circular No. 09/2006 '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 Education Authorities (LEAs) 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.

3.12 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.

3.13 It is necessary to retain some spare places to enable schools to cope with fluctuations in numbers of pupils in particular year groups. The level of spare places needed to be retained at schools will be determined by local circumstances but, is unlikely to exceed 10%.

School Standards

3.14 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 up-to-date information in connection with the condition of school buildings throughout the County Borough. The standard of school buildings / facilities in the County Borough is a valid consideration for this SPG and Section 106 negotiation 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.

3.15 School Premises Regulations 1999 describes, and advises on meeting, the minimum standards for the premises of all maintained schools in Wales. The Regulations set minimum standards for the premises of 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.

Thresholds

Note 1

Contributions for educational facilities will be sought from all proposed developments within use class C3* of 5 or more residential units. In the case of flats or apartments contributions will be required for 15 or more units.

Contributions will be sought where:-

- (a) The development is likely to increase demand on local schools beyond their existing or planned capacity; or
- (b) Existing capacity is of an unsatisfactory standard and would require investment to make it suitable for children generated from the proposed development.

An appropriate level of contribution will be determined through negotiation between the Council and developers.

The only forms of accommodation that will be exempt from contributions are bedsits, 1 bed dwellings and sheltered or elderly accommodation.

* C3 Dwelling Houses: Dwellings, small businesses at home, communal housing of elderly and handicapped (Colliers CRE, Use Classes Order - Wales)

4.1 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.

4.2 The justification for setting 5 or more residential units (other than flats or apartments) as a threshold for contributions is based on the consideration of pupil yield. To begin contributing, the number of residential units has to have the potential to produce one child. Therefore, using the pupil yield factors contained within Table 1 below, the first point at which a development is likely to produce 1 child is 5 dwellings (ie $0.22 \times 5 = 1.1$).

4.3 Each residential development exceeding the thresholds identified in Note 1 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.

Costs

4.4 As defined in Note 1, where the development is likely to increase demand on local schools and educational facilities beyond their existing or planned capacity Note 2 will apply:-

Note 2

Based on 2009 prices for school building costs, the Council will seek contributions of £16,313 per school place for nursery and primary school provision, £18,617 per school place for secondary and £22,584 per school place for post 16 education plus any additional related costs, where these are necessarily incurred.

(Please see Table 2 in Appendix A for list of additional related costs)

4.5 The above figures are based on current costings from the Architects and Builder's price guidelines (published by Spons) and translated into BCBC costs. They include factors such as professional and legal fees and associated external work. Building costs are calculated using BREEAM excellent standards which is a Welsh Assembly Government requirement. BCBC estimates that the likely number of children and young people that will be generated by a proposed housing development is based on a **pupil yield factor** of:-

	Apartments	Houses
Nursery	0.02	0.05
Primary	0.07	0.22
Secondary	0.05	0.18
Post 16	0.2 x secondary yield	0.2 x secondary yield

4.6 The figures in Note 2 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.

4.7 Developments exceeding the threshold figure identified in Note 1 will be assessed using the most up-to-date information available to the Council to identify the likely impact that the development will have on the educational facilities within whose catchment area the development is located and, where necessary, an appropriate contribution will be sought from the developer. The contribution will be calculated based on the pupil yield factor (see table 1) and the likely number of school aged children generated by the development. The number of pupils generated will be rounded up or down to the nearest whole pupil.

4.8 The area in a school building required by one pupil has been derived from Building Bulletins 98 and 99 for secondary and primary pupils respectively. Following DfES guidelines, this is multiplied by the current costings for building and additional costs for associated external works, design fees and achieving the BREEAM excellent standard. A sum is also included to take into account furniture and equipment.

4.9 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:-

$$\begin{aligned} & \text{Cost of providing a school place x} \\ & \text{(Number of dwelling units x Number of school aged children} \\ & \text{likely to be generated by each dwelling)} \\ & + \text{Any additional related costs} \\ \hline & = \text{Total cost of providing school places or investment required to make} \\ & \text{the school suitable to accommodate additional pupils} \end{aligned}$$

Worked Example

4.10 To provide an example, in working out the calculation for providing places for children of primary school age, for a development comprising 12 dwellings the above formula would be used as follows:-

$$\begin{aligned} & \text{Number of dwellings} = 12 \\ & \text{Number of school aged children} \\ & \text{likely to be generated by each dwelling} = 0.22 \\ & \text{£16,313 x (12 x 0.22 = 2.64 rounded up to nearest whole figure) 3} \\ & = \text{£48,939} \end{aligned}$$

(please note that this calculation excludes any additional related costs and assumes there is no spare capacity in primary schools within the local catchment)

Another worked example is provided in Appendix B.

Extensions

Note 3

As defined in Note 1(a), where a development is likely to produce a number of pupils that is likely to increase demand on schools within the catchment area beyond their existing or planned capacity the Council will seek to negotiate appropriate extension to the existing schools, which may include new classrooms or other facilities (e.g. sports halls, toilets etc). The costs outlined in Note 2 apply plus any additional related costs, where these are necessarily incurred.

(Please see Table 2 in Appendix A for list of additional related costs)

4.11 Under the circumstances that a school does have the capacity with regards to floor space, but the space is considered to be of unsatisfactory standard to accommodate additional pupils created by a development Note 4 will apply:

Investment

Note 4

As defined in Note 1(b), based on DfES data contained within *Funding Guidance for Building Schools for the Future Projects (2005) Appendix A1, Capital Cost Assumptions for Mainstream Schools*, where existing capacity is of an unsatisfactory standard and would require investment to make it suitable for children generated from the proposed development, the costs of bringing this floorspace up to satisfactory standard will be based on 65% of the cost of providing a new additional space as defined in Note 2.

4.12 Please see Table 3 in Appendix B for guidelines on costs for bringing unsatisfactory capacity up to satisfactory standard.

4.13 In the case that a school requires both **investment** and an **extension** to satisfactorily accommodate pupils produced by a particular development, Notes 3 & 4 will apply.

New Schools

Note 5

On large sites where the potential number of pupils is likely to generate the need for an entirely new school the developer will be required to fund the construction of that school plus any additional related costs.

The school should be located within the development site wherever possible.

(Please see Table 2 in Appendix A for list of additional related costs)

4.14 If a new school, or a significant extension to an existing school is required, as outlined in Notes 3 and 5 above, the Council will have regard to local site circumstances, i.e. the site and location must be suitable and accord with criteria of Policy SC1 of the UDP and all other relevant Policies in the UDP.

4.15 Due to the geographical dispersal of Welsh Medium and special schools, they are unlikely to benefit from monies generated by way of Section 106 agreements towards education provision. Where a need is justified, or the development is likely to place pressure on Welsh medium and/or special schools, the Council will seek to secure appropriate contributions.

4.16 In all cases the specific circumstances of the proposed development will be taken into account during negotiations.

4.17 The Council is aware that, in order to avoid contributing to education provision, developers may sub-divide sites and submit separate planning applications for developments below the stated thresholds. Where the Council identifies that this has occurred it will calculate the total site area or residential unit provision and apply the level of education provision accordingly. For example, if an area is divided into 3 sites of 4 units each subject to three separate planning applications the Council will seek to secure education provision across the whole of the site. This approach will also apply where planning applications are staggered over time, and will be applied retrospectively.

Exceptional Circumstances

Note 6

Should a contribution have been deemed to be required, only in exceptional circumstances will the local planning authority accept a reduced contribution to educational facilities.

4.18 The Local Planning Authority appreciates that the expected contribution to educational facilities can affect the land values for residential development at a given location. However, it will expect developers to have taken account of this guidance before entering into land and property negotiations. Pre-application discussions are advised with the Council's Section 106 Officer (see Appendix C) to determine the likely educational facility provision that will be expected for a proposal.

4.19 The onus will be on the developers to satisfy the Council that it is not economically viable for the expected provision to be made before any relaxation of the contribution will be considered. In order for this to be considered, a written reasoned justification should be submitted to the Council in order that an assessment can be made. If the required information is not submitted, in light of any other evidence to the contrary, the Council will refuse the planning application on the basis that it does not meet the policy requirements of the UDP or that insufficient information to properly determine the proposal has been submitted.

Legal Agreements

Note 7

In accordance with Part 1 Policy 22 of the UDP, any developments that are likely to have an impact on educational facilities within their catchment will be subject to reasonable infrastructural costs to avoid a consequential and significant loss to the existing community in terms of their educational facilities. These costs will be secured by means of a legal agreement.

4.20 Section 106 of the Town and Country Planning Act 2001 states:-

“Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation enforceable...by the Local Planning Authority”.

4.21 Welsh Office Circular 13/97 states the five tests to apply to legal agreements when assessing their appropriateness. They should be:-

- necessary;
- relevant to planning;
- directly related to the planned development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects.

4.22 The Council will ensure these tests are applied when negotiating legal agreements with developers.

4.23 The Council is also mindful that legal agreements cannot be used to alleviate existing problems in the network of educational facilities across the County Borough. They can, however, be used to avoid a situation whereby increased residential development in the vicinity of the facility could cause the situation to be exacerbated. In assessing the requirement for a developer contribution, the Council will provide the required evidence of need for the contribution on a case-by-case basis using relevant information appropriate to the local area.

4.24 Where the Council considers that a development requires a contribution for educational facilities - and subject to the application being acceptable in all other respects - it will negotiate with the developer with a view to planning permission being granted subject to completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.

4.25 Contributions may be used for:-

- replacement of and/or improvements to existing surplus places/area(s) and/or facilities to bring them up to an appropriate standard to meet the educational needs of the additional children expected from the proposed development;
- the provision of new classrooms;
- purchasing of land for new classrooms, where necessary;
- providing additional facilities necessitated by the additional demand.

4.26 Negotiations with developers on planning agreements will include:-

- The project(s) to which their contributions will be directed in order to address demand created by the development.
- The time scale and triggers of the payment agreed within the Section 106. This may be via a phased programme on larger sites, subject to agreement with the Local Authority.
- When the contributions will be utilised. This should be within a minimum of 5 years of the receipt, subject to agreement with the Local Planning Authority.

4.27 If the contribution is not used for the project(s) agreed within the agreed time period, it will either be returned to the developer, or be the subject of new negotiations to vary the agreement if there has been a significant change in circumstances. Such a change might include the contribution being redirected to a project which, as a result of reorganisation as part of the school modernisation programme, will be required to accommodate the additional school places needed because of the development e.g. if the school earmarked as the recipient of the S106 contribution closes and pupils are transferred to a neighbouring school.

4.28 It is possible that individual developer contributions may in themselves be insufficient to fund additional accommodation. In this event such monies will be banked with a view to being added to future developer contributions in the area until such time as the provision of additional accommodation is affordable.

4.29 In this regard, the Council will ensure that the terms of the legal agreements are sufficiently flexible to enable effective future implementation. The open terms will ensure the monies received through planning obligations can be spent on the most appropriate schemes at the time of implementation, taking into account any proposals emanating from the School Modernisation Programme, whilst ensuring that they meet with the principles established by the relevant planning policies.

5 DEVELOPMENT PROCESS

5.1 A typical process to secure educational facilities on a residential site will proceed as follows:-

Site Appraisal

Developer assesses the viability of a site for development when taking into account the likely requirements for educational facilities, any other direct or indirect infrastructure requirements, as contained within the Unitary Development Plan, this, and other Supplementary Planning Guidance before purchasing or acquiring an option on the land.

Pre-application Discussions

Developer approaches the Local Authority (contact details available in Appendix C) with details of their proposed development to discuss the educational requirements generated by their development.

Submission of Planning Application and Granting of Permission

A planning application is submitted that meets the requirements of the Unitary Development Plan and the provisions of this and other Supplementary Planning Guidance. Where the Council considers the application satisfies *all* the relevant policies of the UDP and there are no overriding adverse material considerations, planning permission will be granted subject to conditions and the completion of a Section 106 Agreement.

Section 106 Agreement Completion and Implementation

Upon completion of the legal agreement, the Council issues planning consent. The planning permission is implemented in accordance with the provisions of the Section 106 Agreement. Implementation is monitored by the Local Planning Authority through a Section 106 monitoring protocol and reporting mechanism.

APPENDIX A

ADDITIONAL RELATED COSTS

Table 2
Additional Related Costs
Land Acquisition
Associated infrastructure requirements (e.g. major highway infrastructure or excessive ground levelling requirements)
I.T. infrastructure
Planning applications fees and associated CIL (if applicable)
Building regulations
Preliminary site investigations

Table 2 highlights those additional related costs referred to in Notes 2, 3 and 5 that may be necessarily incurred and which may form part of the contributions sought from the developer by the Council.

APPENDIX B

COSTINGS / CALCULATIONS

Table 3		
Costs of Providing New School Places and Bringing Existing Capacity up to Standard		
	Costs of providing a new school place	Investment for bringing unsatisfactory capacity up to satisfactory standard
Nursery	£16,313	£10,603
Primary	£16,313	£10,603
Secondary	£18,617	£12,101
Post 16	£22,584	£14,680

Cost of providing a school place x

(Number of dwelling units x Number of school aged children likely to be generated by each dwelling)

+ Any additional related costs

= Total cost of providing school places or investment required to make the school suitable to accommodate additional pupils

Worked Example

Therefore, based on the figures in table 3, if a development of 20 houses was to be developed the following calculation would take place for secondary school provision:-

Number of units = 20

Number of secondary school aged children likely to be generated by each dwelling = 0.18

£18,617 x (20 x 0.18 = 3.6 rounded up to nearest whole figure) 4

= £74,468

(please note that this calculation excludes any additional related costs and assumes there is no spare capacity in the secondary schools within the local catchment, but that there is spare capacity within nursery and primary schools)

Note

The above is simply an example of the calculations that the Council will undertake and not a price guide. Each individual development will be judged on its own merit dependent on the catchment area and any other relevant information.

APPENDIX C

USEFUL CONTACT DETAILS

Local Planning Authority

Bridgend County Borough Council
Regeneration and Development
Communities Directorate
Civic Offices
Angel Street
BRIDGEND
CF31 4WB

Tel. (Development Control): 01656 643155
Tel. (Development Planning): 01656 643170
Email: planning@bridgend.gov.uk

Section 106 Officer

Regeneration and Development
Communities Directorate
Civic Offices
Angel Street
BRIDGEND
CF31 4WB

Tel: 01656 643193
Email: developmentplanning@bridgend.gov.uk

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Educational Facilities and Residential Development Supplementary Planning Guidance Consultation Responses

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
Barratt Homes South Wales			The draft supplementary planning guidance is objected to for the following reasons:		
			The timing of the document is questioned in the light of the emerging LDP which would allow for consideration of the document in a more transparent way and based on a firmer evidence base (Section 2 of the Draft SPG).	The current development planning document upon which land use applications are based, is the adopted Bridgend Unitary Development Plan (UDP). The SPG has been produced to inform decisions based on the Policies within the UDP and the information contained within it is based on the most up-to-date information held by the Council. Following the adoption of the LDP, the SPG is likely to be revised to reflect the Policies within it.	No action required
			More details are required of the School Modernisation Plan which will be necessary to establish that contributions are necessary in specific areas and can be directly related to improvements which are programmed (Section 3 of the Draft SPG).	The overall strategy of the School Modernisation Programme and progress made is reported (Cabinet Papers) regularly. Progression of the key elements of the programme are influenced by a number of factors, including demand for school places. The timing of individual initiatives are determined based on need and availability of funding. The relevance of the information would differ depending on the location of the development and where the Council was with the programme at that point in time.	Amend paragraph 3.6 of the SPG to read: <i>"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".</i>
			The guidance should be more flexible and provide for other development initiatives in addressing education needs (Section 3 of the Draft SPG).	Please see comments below related to this point.	No action required
			It must be demonstrated that efficiency of planning	This role is the core function of the recently appointed	No action required

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>officers can be improved in co-ordinating Section 106 requests from education, housing, leisure and highways colleagues (Section 5 of the Draft SPG).</p> <p>There is an over-reliance on blanket formulation, contrary to Circular 13/97 (Appendix B of the Draft SPG).</p> <p>Thresholds should be increased from 5 – 10 (Note 1 of the Draft SPG).</p> <p>The proposed levels of contributions per school place are excessive, particularly when considered with those applied in other local authority areas (Note 2 of the draft SPG).</p> <p>A specific threshold for requiring a new school should be included (Note 5 of the draft SPG).</p> <p>Site economics in the current climate should be acknowledged by the Council as a basis for negotiations and the SPG should not be negatively worded to put the entire onus on developers to demonstrate lack of</p>	<p>Section 106 officer</p> <p>Disagree, the formula provides guidance and clarity on the way in which contribution will be calculated where a need is demonstrated. The SPG provides a consistent approach to the negotiation of S106 contributions.</p> <p>The justification for setting the threshold at 5 is related to pupil yield and 5 dwellings would result in increased pressure on educational facilities. However the Council accepts that further explanation is required in the SPG.</p> <p>The levels of contribution vary considerably between local authorities as do pupil yields. Therefore comparing one part of a calculation with another is not necessarily comparing like for like. If pupil yield per house is compared then Bridgend is lower than any of its neighbours. If contribution per place is compared then Bridgend is not the highest, being second to Newport who state their value is based on actual build costs of new schools.</p> <p>The threshold for providing a new school would be based on local circumstances at the time of development and cannot therefore be specified.</p> <p>Paragraphs 4.20 – 4.26 describe the process that will be applied by the Council when negotiating legal agreements with developers in accordance with the Welsh Office Circular 13/97. If an exceptional</p>	<p>No action required</p> <p>Amend SPG paragraph 4.2 to provide further explanation and justification for the threshold figure of 5 dwellings.</p> <p>No action required</p> <p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>viability, particularly when the Council is seeking to attract housing-led regeneration initiatives (Note 6 of the draft SPG).</p> <p>The guidance makes little provision for some contributions to be offset against others (Note 6 of the draft SPG).</p> <p>2. Comments on National and Local Planning Policy Context</p> <p>2.1 In quoting relevant Unitary Development Plan policies, it is noted that neither Policy 13 (Social and Community Facilities); Policy 22 (Implementation and Resources); and Policy SC1 (Provision of Social and Community Facilities), refer specifically to Education requirements.</p> <p>2.2 Asbri Planning Ltd was involved in a recent appeal against the refusal of planning permission by Bridgend County borough Council for the erection of 22 affordable dwellings at Ffordd Yr Eglwys, North Cornelly. The application was refused solely for the reason that contributions towards the provision of education in the locality were not forthcoming.</p> <p>2.3 An Appeal was subsequently allowed (Ref APP/F6915/A09/2119324). In the Inspector's Report, she referred to Circular 13/97 'Planning Obligations' where it is stated that development plans form an important framework into which planning obligations</p>	<p>circumstance exists which would render a development as unviable, the Council expects that the developer would provide them with sufficient evidence to consider during the specified process of negotiation.</p> <p>The contributions sought by the Council from a particular development will be based on local circumstances and the priorities within the locality.</p> <p>Policies 13 and SC1 of the adopted UDP provide a clear endorsement that a satisfactory provision of Social and Community Facilities, with educational facilities being included within the definition (paragraph 10.2.1 of the UDP refers), will be encouraged and permitted on appropriate new sites and be protected in respect of existing facilities and services throughout the County Borough. New residential developments, especially, can place an additional strain on existing provision, and where appropriate will generate the need for further provision of community services.</p> <p>Policy 22 and its reasoned justification set out in section 16.1 of Part2 of the UDP, states clearly that, planning applications should include material proposals which deal with the fair and reasonable infrastructural requirements of the development. This clearly can include contributions to Community Facilities.</p>	<p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>should fit. She pointed out that in this context the Adopted Unitary Development Plan has no specific policy on education contributions.</p> <p>2.4 The absence of related supplementary planning guidance was also highlighted in the Inspector's Report and it is in this context that the current draft guidance has probably been issued. One can, however, question the timing of the publication of the document in the context of the emerging Local Development Plan (LDP). A Deposit Plan is anticipated shortly, and the draft document would be more appropriately related to a specific policy in the LDP.</p> <p>2.5 A Pre-Deposit Plan was published early in 2009 which has two relevant policies – SP14 (Community Uses), and SP15 (Infrastructure). Policy SP14 also includes a table which gives contributions received from Section 106 contributions as a target indicator for meeting objectives.</p> <p>2.6 The emerging Local Development Plan policies should, therefore, be at least referred to in the Policy Context section of the document as the overall framework of the new process is geared towards transparency and accountability based on a firm evidence base and meeting the various tests of soundness identified by the Planning Inspectorate. The guidance would, therefore, be considered on a more sound basis if prepared in the context of the LDP rather than the UDP, which it is intended to replace in the near future.</p>	<p>The current development planning document upon which land use applications are based, is the adopted Bridgend Unitary Development Plan (UDP). The SPG has been produced to inform decisions based on the Policies within the UDP and the information contained within it is based on the most up-to-date information held by the Council.</p> <p>As stated by the respondent above, the LDP is currently in its pre-deposit stages and does not yet hold any weight upon which land use planning decision can be based. The document is Supplementary Planning Guidance to the UDP, not the LDP.</p>	<p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>2.7 Reference to Circular 13/97 'Planning Obligations' should also be referred to in the context of the overall National and Local Planning Policy Context, although it is noted that the document is referred to in paragraph 4.21.</p> <p>3. Comments on the Council's Educational Policy and Practice</p> <p>3.1 The <i>Bridgend Children and Young People's Plan</i> is referred to in the Appeal Decision highlighted in the previous section, where the Inspector described it as an 'aspirational document which makes no reference to planning obligations and its status is uncertain. It does not appear to have been subject to public consultation and I accord it only limited weight.'</p> <p>3.2 It is accepted that contributions should be invested in local schools in whose catchment the proposed development is located and combined with other monies as part of the School Modernisation Plan / Programme. A further ground upon which the above appeal was allowed related to the lack of details of the programme having been put forward by the Council and, therefore, no information about how the required accommodation or improvements would be delivered and where any contribution may be spent.</p> <p>3.3 The School Modernisation Programme, therefore, has to be in place in order to justify contributions. No details of the timing of preparation, or publication, of the School Modernisation Plan is given in the draft SPG. Again, this suggests that the document would be better</p>	<p>It is considered by the Council that Circular 13/97 is referred to appropriately in the context of the SPG.</p> <p>This information will be made available to the developer/applicant during the process of negotiation.</p> <p>The overall strategy of the School Modernisation Programme and progress made is reported (Cabinet Papers) regularly. Progression of the key elements of the programme are influenced by a number of factors, including demand for school places. The timing of the</p>	<p>No action required</p> <p>No action required</p> <p>Amend paragraph 3.6 of the SPG to read: <i>"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</i></p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>related to the new LDP where it would form part of the comprehensive evidence base upon which contributions would be clearly linked to the improvements needed.</p> <p>3.4 A recent appeal decision in Carmarthenshire at Goodig Farm, Burry Port, Carmarthenshire was allowed, despite not adhering to Carmarthenshire County Council's requests in seeking education contributions. The Inspector concluded that "there is no clear evidence that the local education authority would be put to additional expense in accommodating the needs of this development and as such a requirement for a financial contribution to the education authority would not fairly and reasonably relate to the development proposed".</p> <p>3.5 Section 106 requirements as reflected in the Supplementary Planning Guidance should, therefore, be related directly to the provisions of Circular 13/97 in being necessary; relevant to planning; directly related to the development, fairly and reasonably related in scale and kind; and reasonable in other respects. On this basis the onus should be on the Council to prove conclusively that contributions are necessary and to specify how any contributions would be spent.</p>	<p>individual initiatives are determined based on need and availability of funding. The relevance of the information would differ depending on the location of the development and where the Council was with the programme at that point in time.</p> <p>Note 1 of the SPG states the circumstances under which a contribution is sought i.e. where there is a shortfall in places in the area or where existing capacity is of an unsatisfactory standard. However, the Council accepts that the wording of Note 1 could be made clearer.</p> <p>Agree that Section 106 requests need to reflect the 5 tests of the Circular. The circumstances in which planning obligations may be sought is described in Sections 4.20 – 4.29. The appropriate use of planning obligations is described specifically at 4.25.</p>	<p><i>will be taken into account at the planning application stage and this will form part of the negotiation process at that time".</i></p> <p>Add "Contribution will be sought where:" to Note 1 of the SPG.</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>3.6 The Council's own up-to-date school programme should, therefore, provide firm evidence of school rolls, shortfalls and requirements in specific areas where contributions are requested. Furthermore, the need for further school provision where there is overcrowding or where schools are not fit for purpose should be looked at comprehensively. Relying purely on a set formula is not sufficient where other factors need to be included in the calculation. An example is the potential funding for a secondary school being provided by releasing the previous site for housing. Such aspects demonstrate that contributions should take into account a variety of factors.</p>	<p>The basis for providing an SPG is to provide a clear and transparent overview of how Section 106 agreements are negotiated. The formula and basic information contained within the SPG provide a clear and consistent basis upon which negotiations can start.</p> <p>The set formula would only be applied in cases where a need could be demonstrated and the sub-division of nursery, primary, secondary and post 16 places provides a flexible base on which to start negotiations.</p>	<p>No action required</p> <p>No action required</p>
			<p>4. Comments on Guidance Notes for Developers Contributions</p>		
			<p>4.1 Under Note 1 the threshold of 5 or more residential units is questioned as small developments of this nature may generate a negligible amount of pupils. It is noted that most other local authorities have suggested a minimum threshold of 10 eligible units (see Table below). This would be a more reasonable threshold and easier to monitor as 10 units is the accepted threshold for sites being included in Housing Land Availability Studies, and as Development Plan Housing allocations.</p>	<p>Whilst schemes of 5 units would only generate 1 child of primary school age, in some areas even this may place unreasonable pressure upon stretched resources. Therefore, 5 dwellings are deemed to be a reasonable threshold having regard to the fact that where there is sufficient capacity in local schools, contributions will not be sought. However the Council accepts that further explanation is required in the SPG</p>	<p>Amend SPG paragraph 4.2 to provide further explanation and justification for the threshold figure of 5 dwellings.</p>
			<p>4.2 In terms of eligible units, it is also suggested that 1-bed starter homes should also be exempt from contributions. There may also be catchment areas of schools which have additional capacity and where the buildings are currently fit for purpose. Reference should,</p>	<p>The Council accepts that all 1 bed units should be exempt from contribution.</p> <p>Note 1 of the SPG states the circumstances under which a contribution is sought i.e. where there is a</p>	<p>Change "flats/apartments" in Note 1 to "dwellings".</p> <p>Add "Contribution will be sought where:" to Note 1 of the SPG.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>therefore, be made in the document, either in Note 1 or Note 6 (Exceptional Circumstances) to cases where there is no justification for seeking education contributions on the above basis.</p> <p>4.3 With regard to Note 2 (Costs) the contributions per school place appear to be excessive when compared to those applied in neighbouring areas. The Table below (see Table 1 at end of representations) compares the costs per pupil place and thresholds in Supplementary Planning Guidance published by those local authorities.</p> <p>4.4 Figures used by other local authorities in the area are, therefore, significantly lower than those proposed by Bridgend, which, in Table 2 of the Guidance also refers to other costs. The inclusion of associated external works, design fees and achieving BREEAM standards and furniture and equipment. These sums are considered high in the context of other contributions which will be necessary, including highways and affordable housing. This will impact on site viability, particularly in less marketable areas of the County Borough.</p> <p>4.5 The implications of the SPG are significant. For example, for a development of 43 dwellings in a location where improvements are required in all age groups, the contribution requested would be as follows:</p> <p>Nursery $0.05 \times 43 = 2.15$ rounded up to nearest whole = 3 x $\pounds 16,313 = \pounds 48,939$</p>	<p>shortfall in places in the area or where existing capacity is of an unsatisfactory standard. However, the Council accepts that the wording of Note 1 could be made clearer.</p> <p>Please see attached Table which provides a comparison between Bridgend's figures and those of our neighbours for developments of 25 and 200 houses. Bridgend compares very reasonably in respect of these figures.</p> <p>If you take examples of specific calculations for specific site sizes and school needs, calculations show that only the Vale is significantly lower; all the others are fairly close apart from Newport which is somewhat higher.</p> <p>These costs are costs that the authority would have to find if not funded through S106. However, it has been noted by the Council that there were three costs included in Table 2 (Appendix A) which are already included in the per pupil costs.</p> <p>The calculations here are incorrect. Pupil numbers for nursery and primary would actually be rounded down to 2 and 9 respectively (note 4.7 of the SPG refers).</p>	<p>No action required</p> <p>No action required</p> <p>Remove building fitting-out costs, design fees and management of consultants from Table 2 in Appendix A.</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>Primary $0.22 \times 43 = 9.46$ rounded up to nearest whole = 10 x $\pounds 16,313 = \pounds 163,130$</p> <p>Secondary $0.18 \times 43 = 7.74$ rounded up to nearest whole = 18 x $\pounds 18,617 = \pounds 335,106$</p> <p>Post 16 $0.18 \times 0.2 \times 43 = 1.548$ rounded up to whole = 2 x $\pounds 22,584 = \pounds 45,168$</p> <p>Total = $\pounds 592,343$</p> <p>This would be equivalent to $\pounds 13,775$ per plot, and would clearly have implications on site viability and the ability to provide for further requirements, including affordable housing, leisure, recreation and highway / transportation contributions which would be likely to be requested.</p> <p>4.6 Whilst paragraph 4.19 puts the onus on developers to demonstrate why development would not be economically viable, the suggestion that planning applications will be refused if the Council are not satisfied indicates a negative, rather than positive attitude towards new housing development from the authority. Whilst the Notes in the draft SPG provide a degree of certainty and a basis for negotiation, they make little provision for some contributions to be offset against others, and allowance for the uncertain economic climate. The suggested imposition of additional charges in Table 2 are also unreasonable in</p>	<p>Secondary calculation shows 7.74 rounded up to 18 when it should be 8.</p> <p>This gives a total of $\pounds 373,547$ or $\pounds 8,687$ per plot. In Newport this would equate to $\pounds 416,193$ or $\pounds 9,679$ per plot.</p> <p>Paragraphs 4.20 – 4.26 describe the process that will be applied by the Council when negotiating legal agreements with developers in accordance with Welsh Office Circular 13/97. If an exceptional circumstance exists which would render a development as unviable, the Council expects that the developer would provide them with sufficient evidence to consider during the specified process of negotiation. The Council has recently taken delivery of the updated Three Dragons Development Appraisal Toolkit and will seek to work closely with developers to apply the DAT to help determine the viability of a given scheme. The</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>this overall context, particularly with the recent increase in planning application fees, and other costs such as meeting the Code requirements for sustainable homes.</p> <p>4.7 With regard to Note 5, a definition of the size of the site which would require a new primary school should be included. Most local authorities assume a threshold of 500 dwellings as a starting point to determine whether a new school is necessary. However, the guidance does not refer to other means of assisting in new school development, i.e. the dedication of land, where appropriate, for new school or school playing field provision. Other factors will determine the need for a new primary school, including demographic factors in the area, the preference of parents and the capacity of existing schools to expand.</p>	<p>contributions sought by the Council from a particular development will be based on local circumstances and the priorities within the locality.</p> <p>With regards the additional related costs outlined in Table 2, the supporting text states that they are costs which “<u>maybe</u> necessarily incurred and <u>may</u> form part of contributions sought” demonstrating that they are by no means fixed but are an indicative list of possible related costs which maybe related to the development and form part of the negotiations, providing the developer with all relevant information before the submission of a planning application.</p> <p>The increased costs referred to in relation to the planning process apply equally to the development of schools – specifically in being required to meet the BREEAM excellent standard.</p> <p>The threshold for providing a new school would be based on local circumstances at the time of development and cannot therefore be specified.</p> <p>Note 5 states that the school should be located within the development site where possible. Under the circumstances that this is not possible, the location of an appropriate site will form part of the negotiation talking account of the UDP and relevant planning guidance.</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>5. Comments on Development Process</p> <p>5.1 With regard to the development process, and following on from the comments in the previous Section, if the high level of education contributions is to be required it must at least be demonstrated that efficiency in dealing with planning applications can be improved. In this context planning officers in a co-ordinating role should establish an agreed stance in the authority on the balance of requirements sought from the developer at an early stage in the process. This could avoid delays and save time all parties involved. In some instances, expenditure unnecessarily wasted on appeal procedures may also be reduced.</p> <p>5.2 As emphasised in paragraph 4.3 above the need from a housebuilder's perspective is for the requirements to be considered fully with an emphasis on site economics. This will involve more proactive co-ordination of Section 106 requests from their education, housing, leisure and highway colleagues. These requests should be balanced internally, prior to issuing requests directly in order for developers to defend them. Such consideration at the outset would assist in more constructive negotiations and would allow the quicker determination of planning applications.</p> <p>6. Comments on Appendices</p> <p>6.1 Circular 13/97, Annex B gives advice on the proper use of planning obligations and states that the overall quality of the development should be emphasised rather than the number and nature (or value) that planning</p>	<p>It is the primary function of the Section 106 officer to co-ordinate planning obligation requirements on a case by case basis. The officer will consult internal colleagues at an appropriate time in the development process and provide the developer with a consistent point of contact. To ensure that unnecessary time delays are avoided and expenditure is not wasted, pre-application discussions are encouraged to ensure the negotiation process is begun and concluded as soon as possible.</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>benefits can be obtained. In particular paragraph B12 states that:</p> <p><i>“Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies nor should attempts be made to extract excessive contributions to infrastructure costs from developers.”</i></p> <p>Paragraph B17 further seeks to restrict reliance on ‘blanket formulation’. This should be considered in the context of whether relying totally on formulas is compatible with the Circular.</p> <p>6.2 We therefore have concerns regarding the ‘blanket’ application of formulae as provided for in Table 3, Appendix B of the Draft Guidance.</p> <p>The Council should also accept that other measures can address school capacity issues, including adjustment of catchment boundaries.</p> <p>Furthermore, and particularly with regard to the emphasis on regeneration in the emerging LDP, regard to the benefits of housing development must be acknowledged by the Council.</p>	<p>The formula does not apply a “blanket formulation” but rather a starting point upon which negotiations can build giving a level of consistency from the Council and certainty to the developer.</p> <p>The Council does accept that other measures can address school capacity issues and the Council will be reviewing catchment boundaries as part of the school modernisation programme process. However, the SPG is concerned with providing guidance on the process of negotiating contribution under the circumstances which <u>do</u> warrant a contribution. The council accepts that Note 1 could be clearer in detailing the circumstances under which contribution will be sought.</p>	<p>No action required</p> <p>Add <i>“Contribution will be sought where:”</i> to Note 1 of the SPG.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>7. Conclusion</p> <p>7.1 This Statement is submitted as a response from Barratt Homes South Wales Ltd to the draft Supplementary Planning Guidance document produced by Bridgend County Borough Council.</p> <p>7.2 The draft supplementary planning guidance is objected to for the following reasons:</p> <ul style="list-style-type: none"> • The timing of the document is questioned in the light of the emerging LDP which would allow for consideration of the document in a more transparent way and based on a firmer evidence base (Section 2 of the Draft SPG). • More details are required of the School Modernisation Plan which will be necessary to establish that contributions are necessary in specific areas and can be directly related to improvements which are programmed (Section 3 of the Draft SPG). • The guidance should be more flexible and provide for other development initiatives in addressing education needs (Section 3 of the Draft SPG). • Thresholds should be increased from 5 to 10 (Note 1 of the Draft SPG). • The proposed levels of contributions per school place are excessive, particularly when considered with those applied in other local authority areas (Note 2 of the draft SPG). • A specific threshold for requiring a new school 		

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>should be included (Note 5 of the draft SPG).</p> <ul style="list-style-type: none"> • Site economics in the current climate should be acknowledged by the Council as a basis for negotiations and the SPG should not be negatively worded to put all the onus on developers to demonstrate lack of viability, particularly when the Council is seeking to attract housing-led regeneration initiatives (Note 6 of the draft SPG). • The guidance makes little provision for some contributions to be offset against others (Note 6 of the draft SPG). • It must be demonstrated that efficiency of planning officers can be improved in co-ordinating Section 106 requests from education, housing, leisure and highways colleagues (Section 5 of the draft SPG). • There is an over-reliance on blanket formulation, contrary to Circular 13/97 (Appendix B of the draft SPG). <p>7.3 In light of the points highlighted in comments on the various requirements, which are objected to as a result, the Council is requested to make appropriate revisions to the Supplementary Planning Guidance document.</p> <p>7.4 On behalf of our Clients, Barratt Homes South Wales, we urge the Officers and Members of Bridgend County Borough Council to give careful consideration to our representations.</p>		
Cadw			I can confirm that CADW has no concerns to raise in respect of this document.	Noted	No action required
Dwr Cymru Welsh Water			We would like to thank you for giving us the opportunity		

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>to comment on the above documentation. In principle we support your SPG document however, we have the following comments / observations, which we would like you to consider when reviewing your draft SPG.</p> <p>We would like to see included a note on when designing buildings (residential & non residential) that due consideration should be given to include in the design where feasible water efficiency fittings which can reduce energy cost and thus give savings.</p> <p>Development proposals should take into account the impact of surface water drainage and accordingly include measures to acceptably manage its disposal. Encouragement should be given to the inclusion of soakaways, sustainable drainage systems, green / alternative roofs and other measures to minimise and control surface water run-off as part of the development proposal.</p>	<p>The SPG is concerned with setting the context for Section 106 negotiations towards education facilities through residential development. Whilst the Council appreciates that these measures could reduce the costs of housing development, they are not relevant within the context of this SPG.</p>	<p>No action required</p>
Home Builders Federation			<p>1. Planning Obligations and Development Viability</p> <p>The Federation is deeply concerned with the lack of consideration given for development viability within the SPG. Note 6 of the SPG states that “only in exceptional circumstances will the local planning authority accept a reduced contribution to educational facilities.” Further to this, paragraph 4.18 states that even though the Council appreciates that the expected contribution to educational facilities can affect land values for residential development, it will expect developers to have taken account of this guidance before entering into land and property negotiations. However, in this respect, it is simply not realistic to state that as the costs are known</p>	<p>The Council accepts that Note 6 is misleading in the respect that it assumes that a contribution will be sought from all developments.</p>	<p>Add “<i>Should a contribution have been deemed to be required</i>” to the beginning of Note 6.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>up front, the developer should take account of them in negotiation the sale of the site. To promote this approach does not take account of the fact that land values might not support all the planning obligations required by the Council and therefore, it is not appropriate for the Council to merely refuse planning permission on the grounds that the potential costs for development were known in advance. In this context, in order to ensure development is viable, the Council must have a certain amount of evidence to prove that their planning obligations requirements will not have an adverse impact on the delivery of homes in the County Borough. As such, if the requirement for education facilities and other planning obligations affect the land value to this extent, the Council should be prepared to work with the developer to ensure the development is viable, rather than to take the stance that their requirements <u>are</u> sound and justified, and it is for the developer to prove otherwise.</p> <p>In the context of the above, the HBF would like to point to the recent affordable housing viability assessment that was undertaken by the Council in conjunction with the Three Dragons consultancy. Within the assessment, it was recognised by the Council that viability would be a key issue to take account of in the delivery of affordable housing and therefore, we believe the same stance should be taken with all planning obligations, particularly</p>	<p>Paragraphs 4.20 – 4.26 describe the process that will be applied by the Council when negotiating legal agreements with developers in accordance with the 5 tests specified by the Welsh Office Circular 13/97. If an exceptional circumstance exists which would render a development as unviable, the Council expects that the developer would provide them with sufficient evidence to consider during the specified process of negotiation. The contributions sought by the Council from a particular development will be based on local circumstances and the priorities within the locality. Paragraphs 4.18 and 4.19 do not state that applications will be refused if potential costs were not known by the developer up front, they state that the application will be refused if the developer fails to submit sufficient evidence to suggest that the proposed contribution would not be viable in the context of the proposal, for reasons which the Council may not be aware.</p> <p>Agree that financial contributions sought through planning obligations can have an impact on the viability of development sites. The merits of each scheme will be assessed on a case by case basis. The aforementioned default figure's used for the Three Dragons assessment was subject to consultation, and represents an indication of the average figure that may be sought per dwelling on a development site.</p>	<p>No action required</p> <p>No action required.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>education facilities. In terms of the Three Dragons assessment, there is usually a default assumption of £5000 per dwelling applied to the requirement of planning obligations on a development site, additional to the requirement for affordable housing. However, if you study the worked example within paragraph 4.10 of the SPG, this indicates that the education facilities provision alone would amount to £4000 per dwelling. We recognise that this is only one example, however, considering there will be many other planning obligations required on developments, we believe development viability will be a key factor to consider in the relationship between planning requirements and the delivery of homes in the County Borough. Therefore, we believe the Council should recognise that the responsibility to demonstrate that development is viable falls equally on the Council as it does on the developer.</p> <p>In light of the above, unless the SPG takes sufficient account of the effects it will have on development viability, the application of its requirements might stifle development, which would impact not only on the delivery of education facilities, but also on other Council priority areas such as affordable housing and transport improvements. As such, it is essential that the SPG recognises that land values are a finite resource and includes a suitable and workable safeguard to ensure that development can still be realised, where land values cannot support the full range of requirements expected by the Council.</p> <p>1.2 Suggested change</p>	<p>However, this figure will vary depending on local need, circumstances and site viability. As such the Council will take a balanced approach to securing contributions. Where there is justified concern about the ability of development proposals to deliver the planning contributions deemed necessary to make the scheme acceptable in planning terms the Council will work with developers using the Development Appraisal Toolkit where necessary, to determine the viability of development sites.</p>	

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>The SPG should recognise that the responsibility to ensure housing developments are viable and deliverable falls on the Council as well as the developer.</p> <p>The SPG should include information to state that its requirements will take full account of development viability and the delivery of homes within Bridgend and include a suitable and workable solution to account for the need to prioritise planning obligations, where the total requirements of the Council cannot be supported by the value of the land.</p> <p>2. School Capacity and School Standards</p> <p>It is not clear from the SPG how the standard for assessing the capacity of schools in Bridgend has been generated. The Federation cannot find any reference to the standards within Circular 09/06, which is mentioned within paragraph 3.1.1 of the SPG, nor can we find any reference to such calculations within national guidance related to planning obligations. As such there is no way of establishing where these standards originate from and how the capacity of the schools has been calculated. As far as we are aware there is no set standard for such calculations, as it relies on a pupil product ratio that should be subject to debate and discussion as it varies throughout the country. In this respect, we would expect the Council to indicate where they have obtained the evidence base for this standard and it should be open to</p>	<p>During negotiations, the Council will work with the developer to ensure site viability will be taken into account when considering relevant applications.</p> <p>The SPG states at 4.18 - 4.19 that the Council appreciates the expected contribution to educational facilities can affect the land values of a given site. In such circumstances, the onus will be on the developer to demonstrate that it is not economically viable for the expected contribution to be made. Assessment of this will be made by the LPA to determine whether a relaxation of the contribution is appropriate, as is the case with any financial contribution sought as a planning obligation by the Authority.</p> <p>Measuring the Capacity of Schools in Wales: Circular 09/06 can be found on the Welsh Assembly Governments website at: http://wales.gov.uk/topics/educationandskills/publications/circulars/measuring_capacity_1?lang=en</p> <p>Or by Emailing: SchoolsManagementDivision3@wales.gsi.gov.uk</p>	<p>No action required.</p> <p>No action required.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>scrutiny.</p> <p>Further to the above, Note 1 of the SPG describes thresholds to state when this policy will triggered. However, we cannot find any evidence to support the assertion by the Council that developments above these thresholds will place excessive demands on education facilities, nor can we find any justification within national guidance (or any other guidance) for the thresholds set within the SPG. Therefore, it is not possible to ascertain whether or not they are appropriate, or if they are fair and reasonable in the context of Circular 13/97. In order for these thresholds to be fair and reasonable in the context of the planning system, we believe they should be clearly laid out and adopted as part of an 'educational facilities' policy within the LDP, with the appropriate background evidence to qualify them, in order for such issues to be debated and discussed at the UDP Inquiry in an open and transparent manner.</p> <p>In addition to this, paragraph 4.4 of the SPG gives detail of the cost of providing additional educational facilities and paragraph 4.5 states that these costs are set costs by the Architects and Builder's price guidelines. However, in relation to these costs, they seem to differ from the recent educational facilities requirements produced by RCT Council. Within the Planning Obligations SPG produced by RCT, it states that the cost of providing additional educational facilities per pupil is calculated regularly by the Department for Children, Schools and Families and those costs are given as:-</p>	<p>The SPG does not state that developments above the threshold will place "excessive" demands on education facilities. The justification for setting the threshold at 5 is related to pupil yield and 5 dwellings would result in increased pressure on educational facilities.</p> <p>Whilst schemes of 5 units would only generate 1 child of primary school age, in some areas even this may place unreasonable pressure upon stretched resources. Therefore, 5 dwellings are deemed to be a reasonable threshold having regard to the fact that where there is sufficient capacity in local schools, contributions will not be sought.</p> <p>Using this threshold and BCBC costings, the Council can substantiate the contributions specified in the SPG.</p> <p>RCT has a higher pupil yield figure. Additionally, Newports is higher again based on known current build costs. There is also the difference from the DCSF figures in regards to the extra BREEAM costs etc. These DCSF figures are 06/07. More recent (and higher) figures are available for 08/09.</p>	<p>Amend SPG paragraph 4.2 to provide further explanation and justification for the threshold figure of 5 dwellings.</p> <p>No action required.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<ul style="list-style-type: none"> • Primary Education £10,371 • Secondary Education £15,847 <p>In light of this, if these costs are set costs by the Architects and Builder's price guidelines, as is stated within paragraph 4.5, or are calculated by the DCSF, as stated by the RCT SPG, it is not clear which costs are correct or why these costs should differ between local authorities.</p> <p>2.2 Suggested Change</p> <p>In light of the above it is clear that there is not enough evidence provided with the SPG to ensure it is fair and reasonable in the context of National Planning Guidance – particularly Circular 13/97. As such, we believe the SPG should not be adopted until this evidence base is provided and consulted on properly, in order for representors to be provided with the necessary detail to ascertain how and why the requirements have been set. We also believe that if particular standards of provision and thresholds for triggering those requirements are to be set, they should be clearly laid out within adopted development plan policy, which has had the opportunity for the appropriate scrutiny at the Inquiry/Examination process and not arbitrarily chosen within an SPG related to indefinable planning obligations policies.</p> <p>3. Further Comments</p> <p>3.1 Note 1</p>	<p>Please refer to responses above which clarify issues raised.</p>	<p>No action required.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>Note 1 of the SPG states that “The only forms of accommodation that will be exempt from contributions are bedsits, 1 bed apartments/flats and sheltered or elderly accommodation.”</p> <p>However, we believe there are other types of accommodation that should also be exempt such as:-</p> <p>Hostels;</p> <p>Student accommodation (including residential schools, colleges or training centres).</p> <p>3.1.1 Suggested Change</p> <p>Include the above accommodation under the accommodation defined as exempt from the requirements of the SPG.</p> <p>3.2 Paragraph 4.11</p> <p>This paragraph states that “Under the circumstances that a school does have the capacity with regards to floor space, but the space is considered to be of <u>unsatisfactory standard</u> to accommodate additional pupils created by a development Note 4 will apply”:</p> <p>In terms of the above paragraph, it is unclear how the term ‘unsatisfactory standard’ will be defined. The HBF is concerned that if it is left up the discretion of the school, the definition might involve a certain amount of subjective aspiration, rather than it being based on needs and requirements. We believe this should be explained more fully and should not involve unreasonable expectations which are not required in</p>	<p>Agreed</p> <p>The standards for assessing whether standards are “satisfactory” are outlined in School Premises Regulations 1999 and the Council has assessed school throughout the County Borough based on this guidance. The Council accepts that this is not clear in the SPG.</p>	<p>Amend Note 1 to state that contribution will only be sought from residential developments within Use Class C3.</p> <p>Include new paragraph below 4.12 to outline how school standards will be assessed.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>order to make the development acceptable in planning terms.</p> <p>3.2.2 Suggested Change</p> <p>The term 'unsatisfactory standard' should be defined, for the reasons described above.</p>		
Ogmore Valley Community Council			Supporting.	Noted	No action required
Persimmon Homes East Wales			<p>The draft supplementary planning guidance is objected to for the following reasons:</p> <p>The timing of the document is questioned in the light of the emerging LDP which would allow for consideration of the document in a more transparent way and based on a firmer evidence base (Section 2 of the Draft SPG).</p> <p>More details are required of the School Modernisation Plan which will be necessary to establish that contributions are necessary in specific areas and can be directly related to improvements which are programmed (Section 3 of the Draft SPG).</p>	<p>The current development planning document upon which land use applications are based, is the adopted Bridgend Unitary Development Plan (UDP). The SPG has been produced to inform decisions based on the Policies within the UDP and the information contained within it is based on the most up-to-date information held by the Council. Following the adoption of the LDP, the SPG is likely to be revised to reflect the Policies within it.</p> <p>The overall strategy of the School Modernisation Programme and progress made is reported (Cabinet Papers) regularly. Progression of the key elements of the programme are influenced by a number of factors, including demand for school places. The timing of individual initiatives are determined based on need and availability of funding.</p> <p>The relevance of the information would differ depending on the location of the development and where the Council was with the programme at that</p>	<p>No action required</p> <p>Amend paragraph 3.6 of the SPG to read: <i>"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".</i></p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>The guidance should be more flexible and provide for other development initiatives in addressing education needs (Section 3 of the Draft SPG).</p> <p>It must be demonstrated that efficiency of planning officers can be improved in co-ordinating Section 106 requests from education, housing, leisure and highways colleagues (Section 5 of the Draft SPG).</p> <p>There is an over-reliance on blanket formulation, contrary to Circular 13/97 (Appendix B of the Draft SPG).</p> <p>Thresholds should be increased from 5 – 10 (Note 1 of the Draft SPG).</p> <p>The proposed levels of contributions per school place are excessive, particularly when considered with those applied in other local authority areas (Note 2 of the draft SPG).</p> <p>A specific threshold for requiring a new school should be</p>	<p>point in time.</p> <p>Please see comments below related to this point.</p> <p>This role is the core function of the recently appointed Section 106 officer</p> <p>Disagree, the formula provides guidance and clarity on the way in which contribution will be calculated where a need is demonstrated. The SPG provides a consistent approach to the negotiation of S106 contributions.</p> <p>The justification for setting the threshold at 5 is related to pupil yield and 5 dwellings would result in increased pressure on educational facilities. However the Council accepts that further explanation is required in the SPG.</p> <p>The levels of contribution vary considerably between local authorities as do pupil yields. Therefore comparing one part of a calculation with another is not necessarily comparing like for like. If pupil yield per house is compared then Bridgend is lower than any of its neighbours. If contribution per place is compared then Bridgend is not the highest, being second to Newport who state their value is based on actual build costs of new schools.</p> <p>The threshold for providing a new school would be</p>	<p>No action required</p> <p>No action required</p> <p>No action required</p> <p>Amend SPG paragraph 4.2 to provide further explanation and justification for the threshold figure of 5 dwellings.</p> <p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>included (Note 5 of the draft SPG).</p> <p>Site economics in the current climate should be acknowledged by the Council as a basis for negotiations and the SPG should not be negatively worded to put all the onus on developers to demonstrate lack of viability, particularly when the Council is seeking to attract housing-led regeneration initiatives (Note 6 of the draft SPG).</p> <p>The guidance makes little provision for some contributions to be offset against others (Note 6 of the draft SPG).</p> <p>2. Comments on National and Local Planning Policy Context</p> <p>2.1 In quoting relevant Unitary Development Plan policies, it is noted that neither Policy 13 (Social and Community Facilities); Policy 22 (Implementation and Resources); and Policy SC1 (Provision of Social and Community Facilities), refer specifically to Education requirements.</p> <p>2.2 Asbri Planning Ltd was involved in a recent appeal against the refusal of planning permission by Bridgend County borough Council for the erection of 22 affordable dwellings at Ffordd Yr Eglwys, North Cornelly. The application was refused solely for the reason that</p>	<p>based on local circumstances at the time of development and cannot therefore be specified.</p> <p>Paragraphs 4.20 – 4.26 describe the process that will be applied by the Council when negotiating legal agreements with developers in accordance with the Welsh Office Circular 13/97. If an exceptional circumstance exists which would render a development as unviable, the Council expects that the developer would provide them with sufficient evidence to consider during the specified process of negotiation.</p> <p>The contributions sought by the Council from a particular development will be based on local circumstances and the priorities within the locality.</p> <p>Policies 13 and SC1 of the adopted UDP provide a clear endorsement that a satisfactory provision of Social and Community Facilities, with educational facilities being included within the definition (paragraph 10.2.1 of the UDP refers), will be encouraged and permitted on appropriate new sites and be protected in respect of existing facilities and services throughout the County Borough. New residential developments, especially, can place an additional strain on existing provision, and where appropriate will generate the need for further provision of community services.</p>	<p>No action required</p> <p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>contributions towards the provision of education in the locality were not forthcoming.</p> <p>2.3 An Appeal was subsequently allowed (Ref APP/F6915/A09/2119324). In the Inspector's Report, she referred to Circular 13/97 'Planning Obligations' where it is stated that development plans form an important framework into which planning obligations should fit. She pointed out that in this context the Adopted Unitary Development Plan has no specific policy on education contributions.</p> <p>2.4 The absence of related supplementary planning guidance was also highlighted in the Inspector's Report and it is in this context that the current draft guidance has probably been issued. One can, however, question the timing of the publication of the document in the context of the emerging Local Development Plan (LDP). A Deposit Plan is anticipated shortly, and the draft document would be more appropriately related to a specific policy in the LDP.</p> <p>2.5 A Pre-Deposit Plan was published early in 2009 which has two relevant policies – SP14 (Community Uses), and SP15 (Infrastructure). Policy SP14 also includes a table which gives contributions received from Section 106 contributions as a target indicator for meeting objectives.</p> <p>2.6 The emerging Local Development Plan policies should, therefore, be at least referred to in the Policy Context section of the document as the overall framework of the new process is geared towards</p>	<p>Policy 22 and its reasoned justification set out in section 16.1 of Part2 of the UDP, states clearly that, planning applications should include material proposals which deal with the fair and reasonable infrastructural requirements of the development. This clearly can include contributions to Community Facilities.</p> <p>The current development planning document upon which land use applications are based, is the adopted Bridgend Unitary Development Plan (UDP). The SPG has been produced to inform decisions based on the Policies within the UDP and the information contained within it is based on the most up-to-date information held by the Council.</p> <p>As stated by the respondent above, the LDP is currently in its pre-deposit stages and does not yet hold any weight upon which land use planning decision can be based. The document is</p>	<p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>transparency and accountability based on a firm evidence base and meeting the various tests of soundness identified by the Planning Inspectorate. The guidance would, therefore, be considered on a more sound basis if prepared in the context of the LDP rather than the UDP, which it is intended to replace in the near future.</p> <p>2.7 Reference to Circular 13/97 'Planning Obligations' should also be referred to in the context of the overall National and Local Planning Policy Context, although it is noted that the document is referred to in paragraph 4.21.</p> <p>3. Comments on the Council's Educational Policy and Practice</p> <p>3.1 The <i>Bridgend Children and Young People's Plan</i> is referred to in the Appeal Decision highlighted in the previous section, where the Inspector described it as an 'aspirational document which makes no reference to planning obligations and its status is uncertain. It does not appear to have been subject to public consultation and I accord it only limited weight.'</p> <p>3.2 It is accepted that contributions should be invested in local schools in whose catchment the proposed development is located and combined with other monies as part of the School Modernisation Plan / Programme. A further ground upon which the above appeal was allowed related to the lack of details of the programme having been put forward by the Council and, therefore, no information about how the required accommodation</p>	<p>Supplementary Planning Guidance to the UDP, not the LDP.</p> <p>It is considered by the Council that Circular 13/97 is referred to appropriately in the context of the SPG.</p> <p>This information will be made available to the developer/applicant during the process of negotiation.</p>	<p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>or improvements would be delivered and where any contribution may be spent.</p> <p>3.3 The School Modernisation Programme, therefore, has to be in place in order to justify contributions. No details of the timing of preparation, or publication, of the School Modernisation Plan is given in the draft SPG. Again, this suggests that the document would be better related to the new LDP where it would form part of the comprehensive evidence base upon which contributions would be clearly linked to the improvements needed.</p> <p>3.4 A recent appeal decision in Carmarthenshire at Goodig Farm, Burry Port, Carmarthenshire was allowed, despite not adhering to Carmarthenshire County Council's requests in seeking education contributions. The Inspector concluded that "there is no clear evidence that the local education authority would be put to additional expense in accommodating the needs of this development and as such a requirement for a financial contribution to the education authority would not fairly and reasonably relate to the development proposed".</p> <p>3.5 Section 106 requirements as reflected in the Supplementary Planning Guidance should, therefore, be related directly to the provisions of Circular 13/97 in being necessary; relevant to planning; directly related to the development, fairly and reasonably related in scale and kind; and reasonable in other respects. On this basis the onus should be on the Council to prove conclusively that contributions are necessary and to</p>	<p>The overall strategy of the School Modernisation Programme and progress made is reported (Cabinet Papers) regularly. Progression of the key elements of the programme are influenced by a number of factors, including demand for school places. The timing of the individual initiatives are determined based on need and availability of funding. The relevance of the information would differ depending on the location of the development and where the Council was with the programme at that point in time.</p> <p>Note 1 of the SPG states the circumstances under which a contribution is sought i.e. where there is a shortfall in places in the area or where existing capacity is of an unsatisfactory standard. However, the Council accepts that the wording of Note 1 could be made clearer.</p> <p>Agree that Section 106 requests need to reflect the 5 tests of the Circular. The circumstances in which planning obligations may be sought is described in Sections 4.20 – 4.29. The appropriate use of planning obligations is described specifically at 4.25.</p>	<p>Amend paragraph 3.6 of the SPG to read: <i>"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".</i></p> <p>Add <i>"Contribution will be sought where:"</i> to Note 1 of the SPG.</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>specify how any contributions would be spent.</p> <p>3.6 The Council's own up-to-date school programme should, therefore, provide firm evidence of school rolls, shortfalls and requirements in specific areas where contributions are requested. Furthermore, the need for further school provision where there is overcrowding or where schools are not fit for purpose should be looked at comprehensively. Relying purely on a set formula is not sufficient where other factors need to be included in the calculation. An example is the potential funding for a secondary school being provided by releasing the previous site for housing. Such aspects demonstrate that contributions should take into account a variety of factors.</p> <p>4. Comments on Guidance Notes for Developers Contributions</p> <p>4.1 Under Note 1 the threshold of 5 or more residential units is questioned as small developments of this nature may generate a negligible amount of pupils. It is noted that most other local authorities have suggested a minimum threshold of 10 eligible units (see Table below). This would be a more reasonable threshold and easier to monitor as 10 units is the accepted threshold for sites being included in Housing Land Availability Studies, and as Development Plan Housing allocations.</p> <p>4.2 In terms of eligible units, it is also suggested that 1-bed starter homes should also be exempt from contributions. There may also be catchment areas of schools which have additional capacity and where the</p>	<p>The basis for providing an SPG is to provide a clear and transparent overview of how Section 106 agreements are negotiated. The formula and basic information contained within the SPG provide a clear and consistent basis upon which negotiations can start.</p> <p>The set formula would only be applied in cases where a need could be demonstrated and the sub-division of nursery, primary, secondary and post 16 places provides a flexible base on which to start negotiations.</p> <p>Whilst schemes of 5 units would only generate 1 child of primary school age, in some areas even this may place unreasonable pressure upon stretched resources. Therefore, 5 dwellings are deemed to be a reasonable threshold having regard to the fact that where there is sufficient capacity in local schools, contributions will not be sought. However the Council accepts that further explanation is required in the SPG</p> <p>The Council accepts that all 1 bed units should be exempt from contribution.</p> <p>Note 1 of the SPG states the circumstances under</p>	<p>No action required</p> <p>No action required</p> <p>Amend SPG paragraph 4.2 to provide further explanation and justification for the threshold figure of 5 dwellings.</p> <p>Change "flats/apartments" in Note 1 to "dwellings".</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>buildings are currently fit for purpose. Reference should, therefore, be made in the document, either in Note 1 or Note 6 (Exceptional Circumstances) to cases where there is no justification for seeking education contributions on the above basis.</p> <p>4.3 With regard to Note 2 (Costs) the contributions per school place appear to be excessive when compared to those applied in neighbouring areas. The Table below (see Table 1 at end of representations) compares the costs per pupil place and thresholds in Supplementary Planning Guidance published by those local authorities.</p> <p>4.4 Figures used by other local authorities in the area are, therefore, significantly lower than those proposed by Bridgend, which, in Table 2 of the Guidance also refers to other costs. The inclusion of associated external works, design fees and achieving BREEAM standards and furniture and equipment. These sums are considered high in the context of other contributions which will be necessary, including highways and affordable housing. This will impact on site viability, particularly in less marketable areas of the County Borough.</p> <p>4.5 The implications of the SPG are significant. For example, for a development of 43 dwellings in a location where improvements are required in all age grounds, the contribution requested would be as follows:</p> <p>Nursery $0.05 \times 43 = 2.15$ rounded up to nearest whole = 3 x $\pounds 16,313 = 48,939$</p>	<p>which a contribution is sought i.e. where there is a shortfall in places in the area or where existing capacity is of an unsatisfactory standard. However, the Council accepts that the wording of Note 1 could be made clearer.</p> <p>Please see attached Table which provides a comparison between Bridgend's figures and those of our neighbours for developments of 25 and 200 houses. Bridgend compares very reasonably in respect of these figures.</p> <p>If you take examples of specific calculations for specific site sizes and school needs, calculations show that only the Vale is significantly lower; all the others are fairly close apart from Newport which is somewhat higher.</p> <p>These costs are costs that the authority would have to find if not funded through S106. However, it has been noted by the Council that there were three costs</p>	<p>Add "<i>Contribution will be sought where:</i>" to Note 1 of the SPG.</p> <p>No action required</p> <p>No action required</p> <p>Remove building fitting-out costs, design fees and management of consultants from Table 2 in Appendix A.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>Primary $0.22 \times 43 = 9.46$ rounded up to nearest whole = 10 x $\pounds 16,313 = \pounds 163,130$</p> <p>Secondary $0.18 \times 43 = 7.74$ rounded up to nearest whole = 18 x $\pounds 18,617 = \pounds 335,106$</p> <p>Post 16 $0.18 \times 0.2 \times 43 = 1.548$ rounded up to whole = 2 x $\pounds 22,584 = \pounds 45,168$</p> <p>Total = $\pounds 592,343$</p> <p>This would be equivalent to $\pounds 13,775$ per plot, and would clearly have implications on site viability and the ability to provide for further requirements, including affordable housing, leisure, recreation and highway / transportation contributions which would be likely to be requested.</p> <p>4.6 Whilst paragraph 4.19 puts the onus on developers to demonstrate why development would not be economically viable, the suggestion that planning applications will be refused if the Council are not satisfied indicates a negative, rather than positive attitude towards new housing development from the authority. Whilst the Notes in the draft SPG provide a degree of certainty and a basis for negotiation, they make little provision for some contributions to be offset against others, and allowance for the uncertain economic climate. The suggested imposition of additional charges in Table 2 are also unreasonable in</p>	<p>included in Table 2 (Appendix A) which are already included in the per pupil costs.</p> <p>The calculations here are incorrect. Pupil numbers for nursery and primary would actually be rounded down to 2 and 9 respectively (note 4.7 of the SPG refers).</p> <p>Secondary calculation shows 7.74 rounded up to 18 when it should be 8.</p> <p>This gives a total of $\pounds 373,547$ or $\pounds 8,687$ per plot. In Newport this would equate to $\pounds 416,193$ or $\pounds 9,679$ per plot.</p> <p>Paragraphs 4.20 – 4.26 describe the process that will</p>	<p>No action required</p> <p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>this overall context, particularly with the recent increase in planning application fees, and other costs such as meeting the Code requirements for sustainable homes.</p> <p>4.7 With regard to Note 5, a definition of the size of the site which would require a new primary school should be included. Most local authorities assume a threshold of 500 dwellings as a starting point to determine whether a new school is necessary. However, the guidance does not refer to other means of assisting in new school development, i.e. the dedication of land, where appropriate, for new school or school playing field provision. Other factors will determine the need for a new primary school, including demographic factors in the area, the preference of parents and the capacity of existing schools to expand.</p> <p>5. Comments on Development Process</p>	<p>be applied by the Council when negotiating legal agreements with developers in accordance with Welsh Office Circular 13/97. If an exceptional circumstance exists which would render a development as unviable, the Council expects that the developer would provide them with sufficient evidence to consider during the specified process of negotiation. The Council has recently taken delivery of the updated Three Dragons Development Appraisal Toolkit and will seek to work closely with developers to apply the DAT to help determine the viability of a given scheme. The contributions sought by the Council from a particular development will be based on local circumstances and the priorities within the locality.</p> <p>With regards the additional related costs outlined in Table 2, the supporting text states that they are costs which “<u>maybe</u> necessarily incurred and <u>may</u> form part of contributions sought” demonstrating that they are by no means fixed but are an indicative list of possible related costs which maybe related to the development and form part of the negotiations, providing the developer with all relevant information before the submission of a planning application.</p> <p>The increased costs referred to in relation to the planning process apply equally to the development of schools – specifically in being required to meet the BREEAM excellent standard.</p> <p>The threshold for providing a new school would be based on local circumstances at the time of</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>5.1 With regard to the development process, and following on from the comments in the previous Section, if the high level of education contributions is to be required it must at least be demonstrated that efficiency in dealing with planning applications can be improved. In this context planning officers in a co-ordinating role should establish an agreed stance in the authority on the balance of requirements sought from the developer at an early stage in the process. This could avoid delays and save time all parties involved. In some instances, expenditure unnecessarily wasted on appeal procedures may also be reduced.</p> <p>5.2 As emphasised in paragraph 4.3 above the need from a housebuilder's perspective is for the requirements to be considered fully with an emphasis on site economics. This will involve more proactive co-ordination of Section 106 requests from their education, housing, leisure and highway colleagues. These requests should be balanced internally, prior to issuing requests directly in order for developers to defend them. Such consideration at the outset would assist in more constructive negotiations and would allow the quicker determination of planning applications.</p> <p>6. Comments on Appendices</p> <p>6.1 Circular 13/97, Annex B gives advice on the proper use of planning obligations and states that the overall quality of the development should be emphasised rather than the number and nature (or value) that planning benefits can be obtained. In particular paragraph B12 states that:</p>	<p>development and cannot therefore be specified. Note 5 states that the school should be located within the development site where possible. Under the circumstances that this is not possible, the location of an appropriate site will form part of the negotiation talking account of the UDP and relevant planning guidance.</p> <p>It is the primary function of the Section 106 officer to co-ordinate planning obligation requirements on a case by case basis. The officer will consult internal colleagues at an appropriate time in the development process and provide the developer with a consistent point of contact. To ensure that unnecessary time delays are avoided and expenditure is not wasted, pre-application discussions are encouraged to ensure the negotiation process is begun and concluded as soon as possible.</p>	<p>No action required</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p><i>“Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies nor should attempts be made to extract excessive contributions to infrastructure costs from developers.”</i></p> <p>Paragraph B17 further seeks to restrict reliance on ‘blanket formulation’. This should be considered in the context of whether relying totally on formulas is compatible with the Circular.</p> <p>6.2 We therefore have concerns regarding the ‘blanket’ application of formulae as provided for in Table 3, Appendix B of the Draft Guidance.</p> <p>The Council should also accept that other measures can address school capacity issues, including adjustment of catchment boundaries.</p> <p>Furthermore, and particularly with regard to the emphasis on regeneration in the emerging LDP, regard to the benefits of housing development must be acknowledged by the Council.</p> <p>7. Conclusion</p> <p>7.1 This Statement is submitted as a response from Persimmon Homes East Wales Ltd to the draft Supplementary Planning Guidance document produced by Bridgend County Borough Council.</p>	<p>The formula does not apply a “blanket formulation” but rather a starting point upon which negotiations can build giving a level of consistency from the Council and certainty to the developer.</p> <p>The Council does accept that other measures can address school capacity issues and the Council will be reviewing catchment boundaries as part of the school modernisation programme process. However, the SPG</p>	<p>No action required</p> <p>Add <i>“Contribution will be sought where:”</i> to Note 1 of the SPG.</p>

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>7.2 The draft supplementary planning guidance is objected to for the following reasons:</p> <ul style="list-style-type: none"> • The timing of the document is questioned in the light of the emerging LDP which would allow for consideration of the document in a more transparent way and based on a firmer evidence base (Section 2 of the Draft SPG). • More details are required of the School Modernisation Plan which will be necessary to establish that contributions are necessary in specific areas and can be directly related to improvements which are programmed (Section 3 of the Draft SPG). • The guidance should be more flexible and provide for other development initiatives in addressing education needs (Section 3 of the Draft SPG). • Thresholds should be increased from 5 to 10 (Note 1 of the Draft SPG). • The proposed levels of contributions per school place are excessive, particularly when considered with those applied in other local authority areas (Note 2 of the draft SPG). • A specific threshold for requiring a new school should be included (Note 5 of the draft SPG). • Site economics in the current climate should be acknowledged by the Council as a basis for negotiations and the SPG should not be negatively worded to put all the onus on developers to demonstrate lack of viability, particularly when the Council is seeking to attract housing-led regeneration initiatives 	<p>is concerned with providing guidance on the process of negotiating contribution under the circumstances which <u>do</u> warrant a contribution. The council accepts that Note 1 could be clearer in detailing the circumstances under which contribution will be sought.</p>	

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>(Note 6 of the draft SPG).</p> <ul style="list-style-type: none"> • The guidance makes little provision for some contributions to be offset against others (Note 6 of the draft SPG). • It must be demonstrated that efficiency of planning officers can be improved in co-ordinating Section 106 requests from education, housing, leisure and highways colleagues (Section 5 of the draft SPG). • There is an over-reliance on blanket formulation, contrary to Circular 13/97 (Appendix B of the draft SPG). <p>7.3 In light of the points highlighted in comments on the various requirements, which are objected to as a result, the Council is requested to make appropriate revisions to the Supplementary Planning Guidance document.</p> <p>7.4 On behalf of our Clients, Persimmon Homes East Wales, we urge the Officers and Members of Bridgend County Borough Council to give careful consideration to our representations.</p>		
Redrow Homes	4.4	5-6	Though Redrow appreciate that new developments may place pressure on educational institutions, it is felt that		

Organisation	Section No.	Page No.	Representation	Reasoned Response	Decision and Action
			<p>the financial sums proposed in the emerging Supplementary Planning Guidance are onerous and unreasonable.</p> <p>The contributions proposed in this document exhibit complete disparity with those sought by neighbouring Local Planning Authorities.</p> <p>For example, this SPG suggests that for each nursery / primary school student a contribution of £16,313 will be sought.</p> <p>Whereas, the Vale of Glamorgan's SPG on planning obligations suggests a contribution of £4,960 for each student. There is a marked difference, and therefore the costs in this document are unfounded and unreasonable.</p> <p>I suggest that the Council revisit their costs.</p> <p>The multipliers used in the education contribution calculation appear satisfactory, whilst the costs – as stated in note 2 on page 5 are not.</p> <p>The costs do not equate to the real cost of providing places in an 'at capacity' school – it seems that this SPG provides an opportunity for the Council to extract unjustified sums from developers.</p>	<p>Please see attached Table which provides a comparison between Bridgend's figures and those of our neighbours for developments of 25 and 200 houses. Bridgend compares very reasonably in respect of these figures.</p> <p>If you take examples of specific calculations for specific site sizes and school needs, calculations show that only the Vale is significantly lower; all the others are fairly close apart from Newport which is somewhat higher.</p>	<p>No action required.</p>

Late Representations Received

Organisation	Section No.	Page No.	Summary of Representations	Reasoned response	Decision and Action
Pencoed Town Council			<p>Members considered the document and made the following comments:</p> <ol style="list-style-type: none"> 1. It may have a detrimental effect on social housing and reference to Note 6, page 8 of the document. 2. Methodology of the calculation should be revisited. A five year limitation imposed and Section 106 should apply to this document. 3. Money raised under this programme should be used in the catchment area, it is raised in. 	<ol style="list-style-type: none"> 1. The provision of sums to improve education provision is not intended to effect the provision of social housing. In cases where development viability dictates that not all Section 106 monies sought can be justified, an assessment will be made on prioritisation on a case by case basis taking account of local circumstances, WAG objectives etc 2. Based on the assumption that the five year limitation here refers to the spending of the Section 106 contribution the Council directs the respondents to the third bullet point relating to paragraph 2.26 of the SPG which states that the contribution should be utilised within a minimum of 5 years of the receipt. 3. Please refer to paragraphs 3.10, 4.1 and 4.7. 	No action required

Table 1

LA AREA	SPG STATUS	UNIT THRESHOLD	PER PRIMARY PLACE	PER SECONDARY PLACE
Bridgend	Draft April 2010	5 units	£16,313 (inc nursery places)	£18,617 (£22,584 – post 16s)
Vale of Glam	Approved 2009	10	£4,960	£10,431
RCT	Draft Jan 2010	10	£10,371	£15,847
Cardiff	March 2007	25	£10,372	£15,848 (£17,013 6 th Form)
Swansea	March 2010	10 (cumulative impact considerd)	£10, 372	£15,848 (£17,013 6 th Form)
Caerphilly	October 2008	10	£10,372	£15,848 (£17,013 6 th Form)

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

8th SEPTEMBER 2010

**JOINT REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES & THE
CORPORATE DIRECTOR - CHILDREN**

DEVELOPMENT

EDUCATIONAL FACILITIES AND RESIDENTIAL DEVELOPMENT SPG

1. Purpose of Report

- 1.1 To seek approval to adopt SPG16 – Educational Facilities and Residential Development as Supplementary Planning Guidance (SPG) to the adopted Bridgend Unitary Development Plan (UDP).

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The provision of good quality educational facilities is directly related to the Council's Corporate Priorities of *Children Today, Adults Tomorrow and Creating Learning Communities*. This Supplementary Planning Guidance (SPG) is relevant to achieving the aims and objectives of the Children and Young People's Plan, and the Bridgend Unitary Development Plan – which are two of the Council's four high level strategies. It also takes account of the School Modernisation Plan, which is a Corporate Priority of the Council.

3. Background

- 3.1 In order to provide the children and young people of the County Borough with the opportunity to thrive and prosper the Council has a duty to ensure that good quality educational facilities are available, creating the opportunity to learn.
- 3.2 The development of new housing in the County Borough and the resulting increase of children and young people is placing existing education facilities under pressure. The planning system needs to ensure that the necessary steps are taken to avoid facilities being detrimentally affected and that adequate provision is available to cater for the learning needs of children and young people in Bridgend.
- 3.3 The guidance, attached as **Appendix 2** supplements strategic Policies 13 & 22 and Policy SC1 of the adopted Bridgend Unitary Development Plan (2001 – 2016). Its purpose is to provide advice to developers on the circumstances in which the Council may seek contributions towards the provision of educational facilities for new residential developments.
- 3.4 In summary the SPG sets out:

- The National and local Planning policy context to educational provision
 - The Council's Education policy and practice relating to education
 - Guidance notes explaining the circumstances, mechanisms and the likely contributions that will be sought from residential developments
 - Details relating to the use of Section 106 agreements by the Council
 - Guidance on the development process
 - Examples of costings and calculations for contributions to educational facilities
- 3.5 It will enable developers to be aware, at an early stage in the development process, what educational facilities are likely to be needed and what financial contribution may be sought towards their provision.
- 4. Current Situation**
- 4.1 On the 11th March 2010 the Development Control Committee approved a draft version of the document 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.
- 4.2 A 6- week period of public consultation was held between 8th April 2010 and 21st May 2010. The consultation was advertised in the following ways:
- Statutory notices were placed in the *Glamorgan Gazette* on the 8th April 2010.
 - A press release was issued at the start of the consultation.
 - The consultation documents were available for inspection with representation forms at every library in the County Borough and at the Civic Offices, Angel Street, Bridgend.
 - Information on the consultation, including all the documentation, representation forms and the facility to make representations electronically was placed on the Councils website.
 - A copy of the draft SPG was sent to approximately 200 targeted consultees including Community Councils, planning consultants, house builders and housing associations with details on how to respond.
- 4.3 By the end of the consultation period five representations were received on the draft SPG, one representation was received late. These representations have been summarised in **Appendix 1** to this report. Copies of the full representations are held at the Development Section and can be viewed by Members on request.
- 4.4 On 29th July 2010, the Development Control Committee considered all of the representations and agreed changes to be made to the document in light of the comments made. These are now incorporated as amendments to the SPG attached at **Appendix 2**. The main areas of change in the document arising from the public consultation responses are as follows:
- More detail has been included on how the School Modernisation Programme will be considered during the process of negotiation.

- More detail has been included justifying setting the threshold figure at 5 dwellings.
- The circumstances under which contributions will be sought have been made clearer, which has included minor changes to Notes 1 and 6
- Table 2 outlining the “additional related costs” has been updated.
- Further clarification on the ‘school standards assessment’ has been provided.

4.5 It should be noted that since being considered by Development Control Committee on the 29th July 2010, a factual change has been made locating the additional information required on the “schools standards assessment” after paragraph 3.14, and not as previously stated in **Appendix 1** after paragraph 4.12.

4.6 Following these procedures and public consultation, the Council is now formally requested to adopt the document as Supplementary Planning Guidance to the UDP.

5. Effect upon Policy Framework & Procedure Rules

5.1 The SPG expands upon the existing land-use planning policy framework contained within the Unitary 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. Equalities Impact Assessment

6.1 An Equalities Impact Assessment has been undertaken. The guidance seeks to provide access to educational facilities to cater for the needs of all children and young people throughout the County Borough, including those with specific educational requirements.

6.2 It is recognised that the Council will have to continue to monitor the guidance and its effectiveness in ensuring that all needs are met in delivering educational facilities throughout the County Borough and mitigating against the impact of residential development.

6.3 Once adopted the SPG will become a material consideration in the determination of planning applications received by the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (as amended).

7. Financial Implications

7.1 The implementation of SPG 16 will provide financial contributions towards educational facilities.

8. Recommendations

8.1 That the Council:

- 8.1.1 Adopts SPG16 – Educational Facilities and Residential Development (**Appendix 2**) as Supplementary Planning Guidance (SPG) to the adopted Bridgend Unitary Development Plan.
- 8.1.2 Agrees that all Members receive a hard copy of the adopted SPG16 – Educational Facilities and Residential Development as soon as possible.
- 8.1.3 Agrees that the SPG, in its adopted form, be published in hard-copy, on CD, and on the Council's website.

Louise Fradd
Corporate Director - Communities
31st August 2010

Contact Officer

Susan Jones
Development Planning Manager
Telephone Number: 01656 643169, e-mail: susan.jones@bridgend.gov.uk

Background documents

Draft Educational Facilities and Residential Development SPG

Representations received to draft Educational Facilities and Residential Development SPG during public consultation

Equality Impact Assessment

Planning File Reference: 31A161D

EXTRACT FROM:

**MINUTES OF A MEETING OF THE BRIDGEND COUNTY BOROUGH COUNCIL
HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET,
BRIDGEND ON WEDNESDAY, 8 SEPTEMBER 2010 AT 3.00PM**

Present:

Councillor - W H C Teesdale Mayor in the Chair

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
R D L Burns	C A Green	D N W Jones	M Thomas
M W Butcher	M Gregory	C J Michaelides	J H Tildesley
N Clarke	P A Hacking	L C Morgan	D A Unwin
H J David	T Hacking	W B Morgan	K Watkins
A E Davies	C E Hughes	P Penpraze	K J Watts
C Davies	E M Hughes	D R Pugh	C Westwood
G Davies	K S Hunt	B I Quennell	H M Williams
E Dodd	M Inglesant	M Reeves	R Williams
D K Edwards	C J James	D Sage	M Winter
P A Evans	R M James	S B Smith	
E P Foley	R D Jenkins	J C Spanswick	

Officers:

J Farrar	- Chief Executive
L Fradd	- Corporate Director - Communities
H Anthony	- Corporate Director - Children
E Davies	- Group Manager Legal and Deputy Monitoring Officer
D Davies	- Head of Development Control
A Phillips	- Head of Property and Finance and Section 151 Officer
R Hughes	- Group Manager, Business Strategy and Innovation
B Davies	- Principal Legal Officer
S Jones	- Development Planning Manager
G P Jones	- Principal Cabinet and Committee Officer (electronic back-up)
M A Galvin	- Senior Cabinet and Committee Officer

395 EDUCATIONAL FACILITIES AND RESIDENTIAL DEVELOPMENT SPG

The Corporate Director - Communities and the Corporate Director - Children submitted a joint report, which sought approval to adopt SPG16 - Educational Facilities and Residential Development as Supplementary Guidance (SPG) to the adopted Bridgend Unitary Development Plan (UDP).

The purpose of the SPG was to ensure that the development of new housing documents not put existing sources of education under pressure.

The report outlined some background information, and detailed the guidance at Appendix 2, which supplemented strategic Policies 13 and 22 and Policy SC1 of the adopted Bridgend Unitary Development Plan (2001 - 2016). Its purpose is to provide advice to developers on the circumstances in which the

Council may seek contribution towards the provision of educational facilities for new residential developments.

Paragraph 3.4 of the report summarised in bullet point format, what the SPG would set out.

The report then gave details of the consultation exercise undertaken and during this period five representatives were received on the draft SPG.

These representations were summarised in Appendix 1, and some of the comments taken on board, by the amendment to the SPG (i.e. Appendix 2).

These changes were summarised in Paragraph 4.4 of the report.

The Cabinet Member - Communities advised that he welcomed the document, which would bring benefits to Bridgend and its educational facilities at the Policy would also bring in increased finance through Section 106 Agreement monies,

The Cabinet Member - Children and Young People referred Members to Paragraph 3.5 of the report, where reference was made to the introduction of the SPG and that this would now enable developers to be made aware at an early stage in the development process, what educational facilities are likely to be needed, and what financial contribution may be sought towards their provision.

The Development Planning Manager concluded her submission by gratefully requesting that Council adopts the SPG to the Unitary Development Plan, which would then be considered as a material consideration when considering any future planning applications.

RESOLVED:

That Council

- (1) Adopts SPG 16 - Educational Facilities and Residential Development (Appendix 2 to the report) as Supplementary Planning Guidance (SPG) to the adopted Bridgend Unitary Development Plan.
- (2) Agrees that all Members receive a hard copy of the adopted SPG 16 - Educational Facilities and Residential Development as soon as possible.
- (3) Agrees that the SPG, in its adopted form, be published in hard-copy, on CD, and on the Council's website.