

SUMMARY OF REPRESENTATIONS AND COUNCIL'S RESPONSE

Comment from:	Comment	Local Authority Response
Responses received to the consultation period that took place between 16 July 2018 and 13 August 2018		
Acton Community Council	<p>Acton Community Council members at the meeting held on 17 July 2018 were disappointed they did not have an adequate opportunity to consider the papers in detail given the closing date for receipt of comments on the amendments was 13 August 2018. The Community Council does recognise the importance of ensuring the provision of services around a new or growing community and placing a duty on developers to make meaningful and proportionate contributions to alleviate the impact of new build on the local Community. Despite the short notice, the Council has welcomed the proposal to increase the amount and level of contributions that Developers are required to make including the £3,432 per dwelling for primary level.</p> <p>I have been instructed to write to you highlighting that the Community Council does takes issue with the lack of openness and the limited opportunity to comment fully on this Consultation during its very short consultation period, particularly given that Acton Community Council, as do most other Town and Community Councils, have a recess during August and may have already met before this Consultation information was received.</p>	<p>Comments noted.</p> <p>The initial consultation period was 4 weeks long and has been followed by a second 4 week consultation period. It is considered that given the nature of the changes proposed to LPG27 it has been publicised in an open manner for an adequate length of time</p>
Barton Willmore on behalf of	<p>We have reviewed the draft LPG27, in conjunction with education specialists, EPDS, and have assessed the suitability of the document in determining developer contributions to</p>	<p>This is an interim update of the guidance note. A further update will take place post LDP adoption to</p>

Barratt and Bloor Homes (developers)	<p>ensure that it meets the tests set out in Welsh Office Circular 13/97 “Planning Obligations”.</p> <p>We set out our comments below.</p> <p>At the outset, it is our position that the evidence base documents which underpin this consultation should also be made available for consultation.</p> <p>1. Developer contributions to schools</p> <p>It is identified that the LPG forms part of a series of local planning guidance notes designed to “amplify policy GDP2” in the Wrexham UDP. This needs to be updated to reflect and take account of the emerging Local Plan and its accompanying Infrastructure Plan.</p>		ensure it is consistent with relevant LDP policies and accompanying Infrastructure Plan.
	<p>2. Education Planning in Wrexham</p> <p>The Council operate a parental preference in terms of school admissions. Please see our comments below with regard to the proposed criteria.</p>		
	<p>3. Criteria</p> <p>The LPG identifies that developer contributions will be based on a number of considerations. We provide our comments in relation to this below.</p>		
	<p>It will only apply to proposed developments of four or more residential units, whether by new build, conversion or changes of use. Developments should not be deliberately sub-divided or phased in an attempt to avoid</p>	<p>This should refer to a net gain in dwellings, ie. the demolition of one dwelling to be replaced by two new dwellings should only be counted as a net gain of one dwelling for calculating child yield</p>	<p>This is a matter to be considered on a case by case basis. Where a development results in the redevelopment of existing residential properties, then the need for contributions would be assessed on the basis of the net gain in dwellings rather than the total number of units.</p>

	<p>this threshold. Where the development has been split or phased, the resulting cumulative number of dwellings will be used to calculate the financial contribution.</p>		
	<p>It will only apply to schools deemed to have a shortage of places taking into account other residential developments within the area and after the addition of the extra pupils likely to be generated by the proposed development.</p>	<p>It should also specifically exclude any developments that have already paid mitigation for school places.</p>	<p>This is a matter for education to take account of when consulted on individual planning applications.</p>
	<p>The number and type of proposed residential units (large or small houses, bungalows or apartments). More detail is given in Table 1.</p>	<p>No comment</p>	<p>Noted</p>
	<p>The likely ratio of pupils per housing unit applicable to the appropriate school or schools at both primary and secondary level</p>	<p>Wrexham operate a “parental preference”. The wording of the criteria implies that it is the nearest school alone that is considered, and this approach is flawed. If there are places available within a reasonable travel distance (usually taken to mean a distance that does not require the local authority to provide free public transport between their home and school) then there is no necessity or requirement to</p>	<p>The Education Department have confirmed that despite operating a parental choice admissions system, it is generally the case that it is the closest schools that experience the greatest increase demand as a result of new development.</p> <p>Nevertheless, it will be for Education to determine which schools are likely to require expansion as a result of individual developments on a case by case basis. Where this is not the nearest school, it would be expected that evidence would be provided to demonstrate a need for contributions.</p>

	<p>provide new places in planning terms.</p> <p>This is also relevant to the criteria under which schools that are full admit pupils. If they are attending a school that is not their nearest school, then it can be argued that future admissions could be “pushed back” meaning new places are not required.</p>	
	<p>4. Timings of contributions</p> <p>The LPG indicates that any built education provision will need to be completed to reflect the planned occupancy of the homes and that for larger developments, phased payment will be considered to fit construction and occupation programmes. It needs to be clear at the outset of the planning process, the extent of financial contributions that will be required.</p>	<p>The LPG includes details of the per dwelling contribution rate, therefore it will be possible to determine the extent of financial contributions required when applications for full planning permission are required.</p> <p>This is not possible at outline planning permission stage given that the exact number and mix of houses will not necessarily be finalised until reserved matters stage. However it should nevertheless be possible to determine the likely level of contributions based on the details in the LPG.</p> <p>Where appropriate, the Council will seek comments from Education as part of responding to pre-application enquires so will be able to indicate if contributions are likely to be required.</p>
	<p>5. Cost Guidelines</p> <p>The LPG provides guidelines to help inform developers with the implications of the proposals. We provide our comments in relation to this below.</p>	
Every 100 houses produces	There is no evidence provided	Noted. This section of the guidance note has been

	<p>around 28 primary age pupils and around 20 secondary age pupils.</p>	<p>to support the position regarding the proposed child yield per 100 dwellings. The Council's approach is to use the same figure for both 2-bed and 3-bed houses, which is clearly not related in size and scale since the yield from a 2-bed property will be less than that from a 3-bed property. In the 2011 census a 2-bed property in Wrexham had a primary child yield of 0.11 and 3-bed property a primary child yield 0.23. This is not appropriately justified.</p>	<p>subject to further review taking account of 2011 census statistics and revised accordingly. The changes were subject to a separate consultation that took place between the 1 October and 26 October.</p>
	<p>For developments that generate 100 pupils and above consideration will be given to a new school on a new site dependent on location and future growth potential of the area and the applicant will be expected to contribute in proportion to the number of school places the development generates.</p>	<p>This is dependent on the capacity of existing schools within the area, particularly given that "parental preference" applies so readily. The location and extent of contributions needs to be provided and agreed with future applicants at an early stage of the process.</p>	<p>The LPG does not specify that a new school will be needed in every case, but it is appropriate to set out that this may be an option in appropriate cases. Whether financial contributions for off-site provision or land for on-site provision is required will need to be assessed on a case by case basis. The Council would encourage early engagement between prospective developers for very large housings sites and Education to ensure that the need for on-site provision can be assessed that the earliest opportunity.</p>
	<p>The Council will specify the nature of the works or the area which the contribution will finance, which may include a completely new school.</p>	<p>This needs to be provided at an early stage of the process and must ensure that they meet the planning obligations test set out in Circular 13/97 (and PPW9) and are necessary to make the proposal acceptable in land</p>	<p>Consultation with Education will take place soon after the submission of a planning application. The need for contributions can also be discussed at pre-application enquiry stage.</p> <p>The Council accepts that where contributions are required, the requirements of Circular 13/97 and national planning policy must be complied with.</p>

		use planning terms.	
	Where a contribution is required, a draft Section 106 Agreement should accompany the planning application. Wrexham County Borough Council's Section106 templates are available on request from the Planning Department.	Noted	
	6. Schools where contributions are likely to be required This list of schools is clearly meant as a guideline only because the position can change quite significantly year on year. However, it should also be noted that schools on this list that are admitting pupils for whom the school is not the nearest, would not necessarily require additional places funding. Additionally, there does not appear to be any changes to the list of schools identified between the revised LPG and previous versions, despite the last update being in 2010. Clarification and a table showing the latest position in terms of capacity for each of these schools should be provided.		Because the list of schools needing contribution is likely to change frequently and Education assess capacity on a case by case basis, it has been decided to delete it from the final version of the LPG.
	7. Table 1 It is also noted that there are no changes from the previous LPG in terms of post 16 education. However, the totals quoted for schools including 6th form and without 6th form do not equal the totals of primary and secondary (and post-16 where appropriate).		The table has been updated again subsequently and subject to separate consultation between the 1 October and 26 October.
	8. Notes The second bullet point identifies 1 bedroom and accommodation for the elderly are not subject to a charge;		Noted. This section of the guidance note has been subject to further review in conjunction with the

	<p>properties with 2 or 3 bedrooms are subject to the standard charge (identified in Table 1) and that those properties with 4+ bedrooms are subject to the standard charge plus 20%. It is not clear how this has been derived nor is there any evidence to support the quoted child yield or the 20% uplift to 4-bed+ properties. This again appears to have been rolled forward from the previous LPG without any justification to support the approach.</p>	<p>revisions to table 1 to take account of 2011 The changes were subject to a separate consultation that took place between the 1 October and 26 October.</p>
<p>Cllr Brian Cameron</p>	<p>I am presently a School Governor and I have no further comment.</p>	<p>Comments noted.</p>
<p>Chirk Town Council</p>	<p>Town Council Members appreciate the revised calculated contribution amounts for Primary and Secondary places and go along with this proposed revision. They particularly wished to request that monies funded through this LPG 27 are ring fenced for the school in the ward where the development is being undertaken.</p> <p>They have a concern, like other S106 monies that they don't seem always to reach the local community affected by the development. They are of the belief that monies provided for Recreation also don't automatically reach the affected ward.</p>	<p>The money secured via section 106 agreements can only be spent on education infrastructure or projects that identified as being necessary to off-set the impact (demand) arising from a development.</p> <p>The need for contributions will be determined on the basis of the proximity of a development to schools that are likely to be subject to additional demand as a result of the houses proposed. In many cases, the relevant school will be in the same ward as the development, however that will not always be the case, particularly in respect of Welsh Medium, specialist and secondary schools. The planning decision must be based on mitigating impact arising from the development rather than directing contributions to specific wards.</p>
<p>Councillor Graham Rogers</p>	<p>In relation to the Schools where contributions are likely to be required I note that on the schedule of primary schools there is no reference to Ysgol Bodhyfryd which is a feeder school for Ysgol Morgan Llwyd yet it highlights that Ysgol Plas Coch CP is a feeder school that being the case then Ysgol Bodhyfryd should be included in the schedule.</p>	<p>Because the list of schools needing contribution is likely to change frequently and Education assess capacity on a case by case basis, it has been decided to delete it from the final version of the LPG.</p>

	<p>Having studied the remainder of primary schools schedule there is no reference and I ask the question why there is no reference to St Christopher's School as this is a special school for children with learning difficulties and covers the County of Wrexham and beyond.</p> <p>I am active and involved at School Governor level in both schools and should any development occur I feel it paramount that school contributions are request via Sc106.</p> <p>I understand the need for the 21st century schools and welcome the concept.</p>	
Councillor Paul Pemberton	Fully supportive of the new charges.	Comments noted.
DMR (developer)	<p>I think this is a poor idea and that it has been proposed for obvious reasons that over-simplify the issues.</p> <p>I believe it will have the following effects:</p> <ul style="list-style-type: none"> • It will create more barriers to entry for small (local) developers in Wrexham and will hand yet more of an advantage to the large, national builders. <ul style="list-style-type: none"> ○ This means more jobs going outside of Wrexham, damaging the local economy and thus prosperity • Due to the depressed market in the Wrexham area (house prices have never really recovered in this region after the recession), it is already difficult to build and sell at a profit – this proposal will make that even more difficult and will result in less homes being built . . . which runs contrary to the national requirement to build 	<p>Securing contributions to schools is intended to off-set the impact of additional demand for schools places arising from new housing development where insufficient capacity currently exists. Pressure for school places arises from developments build by small and large developers alike therefore it would be unreasonable to distinguish between them. Furthermore planning decisions run with the land rather than the person who applies for planning permission so it would be inappropriate to assess development proposals on the basis of the identity of the applicant.</p> <p>It is recognised that viability is relevant material planning consideration and further work is on-going in that regard in respect of the Local Development Plan.</p>

	<p>more home more quickly.</p> <ul style="list-style-type: none"> ○ It is possible to build small detached and semi-detached houses en masse and make a profit . . . but it's only really the large national builders that are given access/have the funds to procure these types of sites. The downside to this is that you only have one type of house being built, resulting in massive suburban areas that continue to infringe on the green belt . . . what Wrexham needs is to increase the population density in the town centre, otherwise the town itself will continue to wither and the current negative social issues will be exacerbated. ● It will drive the quality of buildings being built in Wrexham down further. <ul style="list-style-type: none"> ○ Builders are already having to meet ever more stringent Welsh Building Regulations targets (e.g. the introduction of sprinklers), which all have costs attached . . . savings will need to be made and these will undoubtedly come in the form of increasingly bland buildings with poor finishing ● When deciding whether to build in Wrexham or over the border in another county/country, house builders will factor this and will choose to build elsewhere . . . again affecting the supply of homes and local prosperity <p>Rather than seeking to extract more money from developers in such a simplistic way, I would suggest:</p> <ul style="list-style-type: none"> ● Encourage more building in Wrexham by providing a proactive Planning & Building Control service (more homes built = more revenue from contributions, increased supply of homes, more local jobs) ● Offer incentives to smaller local developers to build in Wrexham – they don't have 'land banks' like the larger, national developers and will develop sites faster & to current Building Regs (more homes built) 	<p>It will also be considered on a case by case basis where relevant, although balanced against the impact the development will have on school capacity.</p> <p>It is considered appropriate that LPG27 is periodically updated to take account of changes in circumstances to ensure that it is robust, particularly in terms of how the cost per dwelling is calculated.</p> <p>A number of the concerns raised fall outside of the scope of the LGP27 and indeed planning control generally, namely making land available specifically for small developers and the procurement process implemented by Education.</p>
--	--	--

	<ul style="list-style-type: none"> • When land is to be opened-up for development by WCBC, offer it to local companies first in smaller parcels . . . local companies are more likely to develop the land quickly (no land banks) and to use local firms to do the work – improving local prosperity • Improve the WCBC procurement protocol – for schools or anything else – I can give examples whereby the WCBC ‘approved’ supplier has quoted us 50% - 300% more than other companies (that we ended-up using) for the same job/material . . . this saving could negate the need to increase any ‘contributions’. 	
Gwersyllt Community Council	No objections	Noted.
HBF	<p>The current consultation states ‘To reflect changes in costs and design specifications in respect of providing additional school accommodation, contributions for primary and secondary education have increased from £1960 to £3432 (primary) and from £2000 to £3694 (secondary)’.</p> <p>This increase represents a 75% increase in costs, please could you provide the evidence to support such a substantial increase.</p> <p>Please could also advise if costs were changed when the original 2004 note was updated in 2010.</p>	<p>The Building Cost Multiplier has been determined by Education with reference to best practice elsewhere in Wales.</p> <p>There had been not changes to the Building Cost Multiplier since the guidance note was originally adopted. Even just allowing for inflation they are therefore considerably out of date.</p>
Responses received to the consultation period that took place between 1 October 2018 and 26 October 2018.		

Barton Willmore on behalf of Barratt and Bloor Homes (developers)	Every 100 houses produces around 23 primary age pupils and around 20 secondary age pupils.	It is noted that the primary child yield has been amended to 23 to reflect our previous comments.	Noted.
Cllr Graham Rogers	please confirm that Ysgol Bodhyfryd has been included as a feeder school for Ysgol Morgan Lloyd, has St.Christophers school been included as a primary/secondary school as children attend the school to the ages of 17/18	Because the list of schools needing contribution is likely to change frequently and Education assess capacity on a case by case basis, it has been decided to delete it from the final version of the LPG.	