

Abnormal Payments

The developer's responsibility is to provide sufficient funding as mitigation to provide educational and other facilities which arise out of the development and it is not for OCC to subsidise this provision. As a consequence, Section 106 funding must meet actual costs of construction as much as practicably possible.

Initial indications of costs are based upon construction on an ideal site

The following sets out some aspects where additional abnormal payments may arise or where an increased site area is required and where the most likely resolution scenario will be one of the following through:

1. Locate school site to avoid the issue.
2. Increase the base costs of delivering the school.
3. Increased site area.
4. Developer to deal with the issues prior to site transfer.
5. Developer legal obligation to do so after transfer which may include paying for the increased costs

but clearly each site may bring unique aspects not identified below

Abnormal payments will arise where:

Topographical / Geotechnical Surveys

Delivery costs are based an assumption that the developer will provide warranted surveys in the form required. If that is not the case additional payments will be required – see likely survey costs

Remediation

The County Council will not accept sites being put forward for use as a school that are known to be contaminated

Surveys to verify the status of the site together with any consequent remediation will be required prior to transfer.

Surface Water Attenuation

A base position of a sustainable drainage system for the School has been assumed that would be met through 1m³ of plastic crate proprietary measures for every 25m² of roof area.

Where ground conditions are such that further provisions are necessary abnormal payments will be required.

Power Lines and Services

Mains services shall not be present upon the school site due to the potential for interruption to the delivery of services and the potential for constraining future development upon the site

Overhead power lines and substations shall not be located in the vicinity of the school site – see design guidance – primary / secondary

Site Constraints / rights of way

Rights of way across school sites are not acceptable due to the need to maintain full site accessibility and safety of pupils within the site

Noise Levels

Where predicted noise level for the area likely to be occupied by school buildings exceeds 48/45 dB LAeq, 30 min, the design and construction of noise reduction building solutions will become necessary and consequent abnormal payments arise (for example enhanced wall and roof construction, mechanical ventilation with acoustic baffles, secondary glazing)

Where predicted outdoor ambient noise levels on

Any area of the proposed playing pitches exceeds 50 dB LAeq, 30min; or

Any area of the proposed play areas exceeds 55dB LAeq,30min; or
The boundary of the school site exceeds 60dB LAeq,30min

the design and construction of acoustic screening such as bunds, fences or walls will become necessary and consequent abnormal payments arise.

Note: Where bunds beyond the boundary of the school site are agreed by the County Council to be the most appropriate measure then this may be provided by the Owner in lieu

Archaeology / Ecology

Results of archaeological, ecological and other investigations arising from planning conditions will be required and consequential works delivered prior to transfer of the school site

Where phased implementation of investigations is accepted by the planning authority the developer shall ensure that the school site investigations are carried out as an integral part of the first phase of investigations to ensure that the delivery programme for the school and its consequential ability to meet the pupils generated by the development is not compromised.

Where investigations are not sufficiently addressed by the developer to enable start on site for the school site abnormal costs will arise

Where programme delays occur as a consequence and provision of pupil places are affected it may be necessary to provide temporary accommodation which shall be an abnormal cost.

Ground Conditions

Increased construction costs arising as a consequence of special foundations (i.e. those over and above foundations upon an ideal site eg. one metre deep mass concrete footings)

Excavation works that require the breaking out of existing material defined within the RICS Standard Method of Measurement (SMM) as extra over items

Removal and decommissioning of existing services

Excavation work below the water table defined within the RICS Standard Method of Measurement (SMM) as extra over items.

Additional costs of design and construction work relating to both buildings and external hard surface areas because of made ground and which would not have been required if that had not been the case. Ground bearing capacities are required to ensure the ground bearing capacity is fit for the intended purpose which need to deliver a net bearing capacity of 100kPa, the maximum total differential settlement of 25mm in any event and with angular distortion limited to length/250 between any 2 points.

The re-provision of soil where existing ground conditions fail to provide a pH value of between 5.5 and 7.5 to ISO 10390.

Works to ensure a minimum depth of 250mm top soil across the site to a quality appropriate for use as playing fields which comply with BS3882:2007.

Measures that increase cost of construction that are necessary to address adverse findings arising from the geotechnical report for radon/methane barriers or implications arising from high water table

Increased costs for works required to de-stoned landscaped / playing fields such that no stone >20 mm remains. This could either be achieved through screening or by other in-situ techniques such as stone separation or stone burying. The optimum choice of method for de-stoning will depend on the type and quantity of stone present.

Importing soil to make up levels and/or provide an appropriate specification to comply with the recommendations of Natural Turf for Sport - Design Guidance Note published by Sport England and compacted at maximum 250mm layers.

Works required to level the site including stripping topsoil and remove to temporary stockpile for re-use; undertaking cut and fill earthworks and importation of additional fill material to create the playing field plateau all in line with current Sport England Guidance Note 'Natural Turf for Sport'

Works to provide adequate land drainage for playing field use in light of existing ground conditions such as a pipe drainage system with supplementary slit drainage and improving the quality of the topsoil all in line with current Sport England Guidance Note 'Natural Turf for Sport'

Temporary Buildings

The need to provide temporary buildings to meet the service needs of residents of the new development prior to the completion of the new school due to the developers speed of development or constraints upon the County Council's ability to construct the new school (which may then also affect the new build construction cost)

Temporary Access / Haul Roads for construction

The need to provide access roads and services to enable construction of the school in advance of the developers development programme due to the overall speed of residential development

Site levels

Existing site levels on the proposed school site do not conform to level site requirement.

The design and construction of ramps/retaining walls earth works and the like within the Site because of sloping gradients/change of levels at the site

The design and construction of ramps/steps/retaining walls/balustrading on the boundary of the Site because of differential levels between the Site and adjoining land.

Measures to manage the safety of children arising from the detailed design of the Preparatory Works for example landscaping or barriers to restrict access to the ramped areas proposed to address changes of level.

Hedgerows and trees

Hedgerow and trees across proposed site have to remain due to ecological status so compromising economical site layout of school and playing team game playing fields.

Community Facilities

Additional facilities to expand use of the school site for community use such as:

- Additional floor area of the school
- All Weather Pitches
- Flood lighting

Payment Triggers

The Council accept that it is appropriate to verify actual costs of abnormals before demanding payments. As a consequence, additional payments will not be due until tenders for the delivery of the works have been received which demonstrate the consequential costs of the issue. Typical example drafting follows:

The County Council will use reasonable endeavours to advise the Owner in writing of a detailed costed and justified statement of the Abnormal Costs set with reference to the tendered works within 9 months receipt of tenders for construction of the school.

The Owner and the Developer shall be deemed to have agreed the County Council's assessment of the Abnormal Costs unless it advises the County Council otherwise in writing within 20 Working Days of service on the Owner of the County Council's assessment and if the Owner and the Developer object to the County Council's assessment the County Council and the Owner and the Developer will seek to agree the Abnormal Costs and if such agreement has not been reached within 25 Working Days any party to the dispute may refer the matter for expert determination in accordance with the provisions of Clause []

The Abnormal Costs shall be Index Linked applying BCIS PUBSEC from the date of the County Council's assessment (or the date of the expert determination of the Abnormal Costs if applicable) to the date of payment and the Owner and the Developer covenant to pay the Abnormal Costs Index Linked to the County Council at the same time as [] (or if later 14 days after expert determination of the Abnormal Costs)