



Complete Agenda



**CYNGOR SIR
YNYS MÔN**
ISLE OF ANGLESEY
COUNTY COUNCIL

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

JOINT PLANNING POLICY COMMITTEE

Date and Time

10.00 am, FRIDAY, 6TH SEPTEMBER, 2019

Location

Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd, LL55 1SH

Contact Point

Rebeca Jones

01286 679890

polisicynllunio@gwynedd.llyw.cymru

(DISTRIBUTED 29/8/19)

JOINT PLANNING POLICY COMMITTEE

MEMBERSHIP

GWYNEDD

Councillors

Anne Lloyd Jones,
Berwyn Parry Jones, Gareth Griffith,
Gareth A. Roberts, John Pughe Roberts,
Paul Rowlinson, Owain Williams

ISLE OF ANGLESEY

Councillors

Richard Dew, John Griffith,
Kenneth P. Hughes, Richard O. Jones, Bryan Owen,
Nicola Roberts, Robin Williams

A G E N D A

1. APOLOGIES

To receive any apologies for absence

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT BUSINESS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 6

The Chairman shall propose that the minutes of the meeting of this committee held on 17 July 2019, be signed as a true record.

5. SUPPLEMENTARY PLANNING GUIDANCE (SPG) FOR ADOPTION: PLANNING OBLIGATIONS

7 - 79

To submit a report by Bob Thomas (Team Leader), Joint Planning Policy Unit.

6. SUPPLEMENTARY PLANNING GUIDANCE (SPG) FOR ADOPTION: REPLACEMENT DWELLINGS AND CONVERSIONS IN THE COUNTRYSIDE

80 - 115

To submit a report by Heledd Jones (Team Leader), Joint Planning Policy Unit.

Agenda Item 4



JOINT LOCAL DEVELOPMENT PLAN

Joint Planning Policy Committee

2:00 p.m. 17 July 2019

Meeting Room 1, Llangefni

Present:

Isle of Anglesey County Council

Cllr. Richard Dew

Cllr. John Griffith

Cllr. Kenneth P Hughes

Gwynedd Council

Cllr. Gareth Griffith

Cllr. Paul Rowlinson

Cllr. Berwyn Parry Jones

Cllr. Owain Williams

Officers:

Gareth Jones

Dewi Francis Jones

Rhun ap Gareth

Rebeca Jones

Bob Thomas

Heledd Jones

Senior Manager, Planning and Public Protection Service (GC)

Chief Planning Officer (IACC)

Senior Solicitor (GC)

Planning Policy Manager (JPPU)

Team Leader – (JPPU)

Team Leader – (JPPU)

Apologies:

Cllr. Richard Owain Jones (IACC)

Cllr. Robin Williams (IACC)

Cllr. John Brynmor Hughes (GC)

Cllr. Gareth Roberts (GC)

Cllr. John Pughe Roberts (GC)

1. APOLOGIES

Apologies as noted above.

2. DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest.

3. URGENT ITEMS

No urgent items were received.

4. MINUTES

The minutes of the Committee held on 14 June 2019 were accepted as a true record.

5. SUPPLEMENTARY PLANNING GUIDANCE (SPG) FOR ADOPTION: MAINTAINING AND CREATING UNIQUE AND SUSTAINABLE COMMUNITIES

An overview of the purpose of the Supplementary Planning Guidance was given, and it was noted that the main aim was to assist applicants when they submit and prepare planning applications and those who determine the application, be they Officers, Councillors or an independent Inspector.

In the context of the SPG in question, it was noted that a public consultation period had taken place between December 2018 and January 2019. In addition, the Guidance had been through a scrutiny process in both Councils and had been subject to an independent critical evaluation by experts within the Language Planning field.

As a result of the Scrutiny process, feedback was received from the Gwynedd Communities Scrutiny Committee as well as the Anglesey Scrutiny Committee, the table included in paragraph 4.2 and 4.3 (respectively) recorded the response of the Joint Planning Policy Unit to individual observations.

During the public consultation period, 88 individual observations were received (these can be seen in Appendix 1b of the report). It was noted that the majority of the observations received were constructive and often proposals of minor amendments to the contents of the Guidance were proposed as a result of a comment received. Where there is no recommendation to amend the Guidance as a result of a comment, a note of explanation/reason is noted for that decision. Often that reason deals with the fact that the matter referred to within the comment had been included in another section of the Guidance.

It was noted that a full copy of the Guidance had been included in Appendix 2, that had incorporated the amendments suggested following public consultation.

Matters raised:

- Was there a response to the legal opinion received on behalf of the Welsh Language Society.
- A request was made for clarity regarding when an Assessment/Statement would be required (what are the thresholds). Reference was made to the table included in Para. 4.2 of the guidance, and the question raised by Gwynedd Council's Communities Scrutiny Committee concerning the same matter.
- It was asked how the thresholds regarding when an applicant is requested to submit a Statement/Assessment compared with the current requirements (i.e. the requirements set out in Gwynedd Council's Supplementary Planning Guidance concerning Planning and the Welsh language).
- It was asked if there are any examples of specific developments where no consideration would be given to the impact on the Welsh language. Are there some types of applications that could slip through the net.
- There was an enquiry on the status of the 'Supplementary Planning Guidance' as they are only 'guidance'. Has any advice been included within the Guidance regarding what the implications would be if the applicant did not comply with these Guidance.
- It was noted that there had been a lengthy scrutiny and consultation process when preparing the Guidance, including a process of independent evaluation by external experts in the field in question and therefore it was noted that the member was comfortable with its contents and the

reasoning behind it. It was also noted that the Welsh Language Society had not responded to the public consultation on the Draft Guidance.

Response:

- It was confirmed that a formal response had been submitted to the Welsh Language Society confirming the Councils' viewpoint regarding the legal opinion. The response clearly stated that no legal incumbrance had been identified as to why the Joint-Committee cannot proceed with the work of evaluating the consultations and resolve to adopt the Guidance.
- The Policy within the Joint Local Development Plan together with the advice included within the Guidance clearly states when a language Statement/Assessment is required and included a clear guide regarding this. Furthermore, guidance had been included regarding the method of submitting information (templates). The strength of the Policy and Guidance is that it is flexible to changes in circumstances that can influence the method of assessing the impact on the Welsh language.
- It was noted that the Guidance offered more flexibility in terms of the requirement to submit a language Statement /Assessment together with ensuring that appropriate consideration is given to the Welsh language when appropriate. The Guidance is unique and includes a methodology and firm guidance. The applicant was responsible for ensuring that the required information is presented together with the application.
- It was noted that the Guidance will give assurance of compliance with the procedure and place the Councils in a stronger position to confirm this.
- If a planning application is submitted that departs from the guidance noted in the Supplementary Planning Guidance, then it would be necessary to be totally clear why the proposal is a departure from the Guidance. Those who determine any application (Officer, Member, Independent Planning Inspector) give consideration to the contents of the Supplementary Planning Guidance as a material planning consideration when assessing and determining a planning application.
- The observations were noted

Decision - The Joint Planning Policy Committee unanimously accepted the recommendation, namely:-

- To approve the proposed response to the observations on the Supplementary Planning Guidance and to adopt the Maintaining and Creating Distinctive and Sustainable Communities Guidance.**
- That the Joint Planning Policy Unit are given the power to undertake final administrative amendments to the Guidance to ensure that all cross-referenced matters within it are correct.**

ITEM 5

MEETING	Joint Local Development Plan Committee
DATE	6 September 2019
NAME	Supplementary Planning Guidance: Planning Obligations
PURPOSE	Consider and approve the proposed response to comments received about the Planning Obligations Supplementary Planning Guidance and adopt this Guidance
RECOMMENDATION	That the Committee approves the proposed response to the comments received about the following Supplementary Planning Guidance and adopt this Guidance: <ul style="list-style-type: none">• Planning Obligations
AUTHOR	Team Leader, Anglesey and Gwynedd Joint Planning Policy Unit

1. Background

- 1.1 The Planning Authorities are committed to prepare a range of Supplementary Planning Guidance to support the Joint Local Development Plan. This report presents:
- A consultation report on the Planning Obligations Supplementary Planning Guidance (Appendix 1); and
 - The final draft version of the Planning Obligations Supplementary Planning Guidance (Appendix 2).

2. The public consultation and the final draft Guidance

- 2.1 The Planning Obligations Supplementary Planning Guidance consultation draft was compiled on the basis of consultation with relevant officers in the two Councils and the Joint Local Development Plan Panel. Approval was received by the Joint Planning Policy Committee on the 25 January 2019 for public consultation on this draft Guidance.
- 2.2 There was a public consultation on the content of the draft document between 21 February 2019 and 4 April, 2019. The Public Consultation Report shown in Appendix 1 record the comments received and the response to them. The Guidance in Appendix 2 has been amended as a result of the consultation, taking some of the issues raised into consideration.

3. Strategic Environmental Assessment and the Habitat Regulations Assessment

- 3.1 Screening assessments were conducted to determine if this Guidance should be subject to a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004. Habitats Regulations Assessment (HRA) of plans and programmes that may affect sites of international importance is one

of the requirements of the Habitats Directive (92/42/EEC). This Guidance was therefore assessed to determine whether there was a requirement for a full appropriate assessment under the Habitats Regulations.

- 3.2 The Regulations set out a process for Authorities to undertake a screening opinion. Primarily because this SPG support policies that have been subject to SEA, the conclusion was that there was no need for these Guidance to be subject to SEA. The Plan's policies were assessed under the Habitats Regulations and the conclusion was that there was no need for an appropriate assessment of the Plan. Because this Guidance support some of those policies, the screening assessment referred to in paragraph 3.1 above came to a conclusion that there was no need for an appropriate assessment of this Guidance.
- 3.3 In accordance with the processes set out in the Regulations referred to above, a copy of the screening assessments was sent to Natural Resources Wales and CADW, which are the specific environmental bodies. These organisations were required to respond within 5 weeks.
- 3.4 This process has determined that the Councils' screening assessment was correct, and, therefore, a SEA and an Appropriate Assessment of this Guidance are not required. Screening Statements will be published to reflect this decision.

4. Next steps

- 4.1 After this Guidance is adopted it will be a material planning consideration.
- 4.2 A copy of the final SPG will be available on the websites of the two Councils and hard copy can be found in the offices of the two Planning Services and the Office of the Joint Planning Policy Unit.
- 4.3 A copy of the Public Consultation Report can be found on the websites of the two Councils and hard copy can be found in the offices of the two Planning Service and the Office of the Joint Planning Policy Unit.
- 4.4 A copy of the Strategic Environmental Assessment and the Habitat Regulations Assessment Screening Statements will be available to view on the Councils' websites and a paper copy will be available to view in the offices of the two Planning Service and the office of the Joint Planning Policy Unit.
- 4.5 We shall inform the individuals that took part on the public consultation that these Guidance have been adopted.

5. Recommendation

- 5.1 The Joint Planning Policy Committee is asked to approve the proposed response to comments about the following Supplementary Planning Guidance and adopt this Guidance:
 - (i) Planning Obligations (See Appendix 2).

APPENDICES:

Appendix 1: Public consultation report for the Planning Obligations Supplementary Planning Guidance
Appendix 2: Planning Obligations Supplementary Planning Guidance Final draft

PLANNING OBLIGATIONS SUPPLEMENTARY
PLANNING GUIDANCE

CONSULTATION REPORT AND OFFICER'S
RECOMMENDATIONS



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

SEPTEMBER 2019

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1.0 BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan (JLDP) was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

- 1.7 Once they have been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2.0 PLANNING OBLIGATIONS SPG

- 2.1 New development will often require new or rely on existing infrastructure, services and facilities to make proposals acceptable in land use planning terms. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development. The aim of this guidance is to give more detail and additional information to assist both planning authorities to implement Policies PS2 ('Infrastructure and Developer Contributions') and Policy ISA1 ('Infrastructure provision') and clarify what types of obligations developers may be expected to enter into, their content and the thresholds at which different obligations are triggered.

Public Consultation

- 2.2 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on the 25 January, 2019. This draft was prepared in consultation with relevant officers from both Authorities. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 16 November, 2018.
- 2.3 The SPG was the subject of a public consultation exercise between the 21st February, 2019 and the 4th April 2019.
- 2.4 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG. Hard copies of the SPG were also available to inspect in all public libraries, Anglesey County Council's main office in Llangefni, and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).
- 2.5 A number of platforms were available for interested parties to respond to the consultation which were:
- Online word and pdf response form - available on both websites and paper copies were made available in all libraries and Siop Gwynedd. Paper copies of the response form were also available on request from the JPPU
 - Email
 - Letter
- 2.6 A total of 11 representations were received, all from Natural Resources Wales. Due consideration was given to all of the representations received.
- 2.7 The following section (Appendix A) summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment. Any proposed change to the wording of the SPG is noted in a **that has been underlined**.

Joint Local Development Panel

- 2.8 The Consultation Report was presented to the Joint Local Development Panel on 17 July 2019 in order to consider and comment upon the representations received and the Officer's response to them.

3.0 LEGAL ISSUES

- 3.1 The Councils received a copy of a legal opinion by a barrister commissioned by the Cymdeithas yr Iaith Gymraeg. The opinion deals with a number of aspects and challenges the legitimacy of national policy, the Joint Local Development Plan and this Guidance. We are aware that all members of the Joint Committee have received a copy of this correspondence.
- 3.2 The Legal Service has responded to Cymdeithas on behalf of Isle of Anglesey County Council and Gwynedd Council with a detailed letter of objection to the challenge and clearly stating that any legal action will be defended by the Councils. In any event, the lawfulness of a Development Plan may not be challenged after six weeks **following its adoption**.
- 3.3 It must be kept in mind that the Joint Local Development Plan is a key Policy document for the Councils which plays a fundamental part in daily planning permission determinations. In the face of public statements that the Policies are 'unlawful', we have given detailed and specialised attention to these claims, confirmed by a specialist barrister acting on behalf of the Councils.
- 3.4 In relation to the Supplementary planning Guidance: Planning Obligations (Consultation Draft) it is noted:
- This is the Guidance that specifically supplements Policy PS2 and Policy ISA, relating to infrastructure and contributions from developers to mitigate any impact.
 - The Planning Obligations (Draft) guidance is merely a peripheral document in relation to linguistic assessments and statements.
 - In light of this the only observation the Council made in relation to the Obligations Guidance is that the guidance advises what the Councils would expect regarding contributions to mitigate the impact of any development. Any planning obligation will be based on the nature of the development, and must conform to specific statutory requirements, and any mitigation measures must be justified based on evidence.

APPENDIX A

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1	Objection	NRW	3.5	Paragraph 3.5 - Does this apply to green infrastructure and/or conservation/biodiversity works? If yes, we are concerned about the potential implications of conservation action given the application for no more than five separate planning obligations (secured since April 2010).	<p>Comment noted</p> <p>From April 2015 the UK Government has restricted the number of Section 106 contributions that can be “pooled” to pay for new infrastructure to five. Previously such contributions from a number of different developments could be collected together to help pay for new infrastructure. In light of this, it is important that any contribution obtained is for a specific identified area to reduce the potential impact over ‘pooled’ contributions.</p> <p>Recommendation</p> <p>No change</p>
2	Comment	NRW	3.6	<p>Policy ISA 1 - We welcome the inclusion of nature conservation. In terms of the provision of financial resources, we advise that it includes both:</p> <ul style="list-style-type: none"> • Payment of commuted sum; and or • Establishing the imposition of index linked ground rent service charge regimes. 	<p>Comment noted</p> <p>Policy ISA1 has already been subject to public consultation as part of the JLDP public consultation process and cannot be changed through the SPG.</p> <p>Recommendation</p> <p>No change.</p>

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
3	Comment	NRW	4.4	<p>1. Paragraph 4.4 – Types of Payment - We suggest an additional funding mechanism 'Establishing the imposition of index-linked ground rent service charge regimes'.</p> <p>2. Timescales - We advise the inclusion of the timescales for payments.</p> <p>3. What if payments are not received? Could 'bonds' also be included?</p>	<p>Comment noted</p> <p>1) Agree that an index linked mechanism ensuring perpetuity funding should be included.</p> <p>2) Agree that the timescales for payments should be referred to in the Guidance.</p> <p>3) See response to representation 4 below.</p> <p>Recommendations</p> <p>1) Insert the following text to section 4.4:</p> <p><u>vii) Index-linked Payments - In some cases a one-off payment may not be sufficient and funding over much longer timescales will be required. An example would be the protection and enhancement of biodiversity assets which may need to be subject to regular management, payment for wardening and monitoring over a long-term period. In appropriate cases, therefore, financial contributions should be index linked so that the agreed sums of money retain their relative value and allow for the fluctuation of prices. The method of</u></p>

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
					<p><u>indexation should be specified within the planning obligation and will usually be the Retail Price Index (RPI published by the Department of Trade and Industry (DTI) or the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), depending on the nature of the contribution.</u></p> <p>2) Insert following text following paragraph 4.4:</p> <p>vi)limits the number of planning obligations that can be pooled (maximum of 5).</p> <p><u>Trigger dates for the payment of financial contributions will be included in the planning agreement, as will any time periods by which the contribution is to be spent.</u></p> <p>3) No change</p>
4	Comment	NRW	5.21	Paragraph 5.21 - We welcome provisions concerning enforcement. However, what priority is given to enforcement? We would suggest the use of 'bonds' could be used to facilitate enforcement.	<p>Comment noted</p> <p>Agree that the payment of bonds can facilitate the delivery of planning obligations in appropriate circumstances.</p> <p>Recommendation</p>

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
					<p>Insert new text at beginning of paragraph 5.22:</p> <p>5.22 <u>The Council will require the developer in some cases to pay a bond to ensure delivery of obligations in the event that the land owner defaults against a payment or fails to deliver infrastructure.</u></p>
5	Comment	NRW	Section 12 - Environment	<p>Section 12 – Environment - Section 106's to include provisions concerning the long term, including but not limited to:</p> <ul style="list-style-type: none"> • Integration of payment schedules and occupancy; • Long term implementation of targeted conservation management via management plans and/or supplementary management agreements, e.g. Wildlife and Countryside Act 1981 (as amended) Section 39 Agreements; • Long term surveillance, monitoring and data management; • Provision of long term resources (commuted sum or ground rent service charges) • Changes in tenure • Biosecurity • Bond that can be accessed in the event of non-compliance <p>It is advocated that an additional section is added to Section 12 in respect of the above.</p>	<p>Comment noted</p> <p>Agree that it would be useful to provide details with regards to possible provisions contained within S106 agreements to add clarity:</p> <p>Recommendation</p> <p>Insert new paragraph after 12.5:</p> <p><u>12.6 Section 106's could include the following provisions concerning the long term protection and enhancement of the environment,:</u></p> <ul style="list-style-type: none"> • <u>Integration of payment schedules and occupancy;</u> • <u>Long term implementation of targeted conservation management via management plans and/or supplementary management agreements, e.g. Wildlife and</u>

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
					<u>Countryside Act 1981 (as amended) Section 39 Agreements;</u> <ul style="list-style-type: none"> • <u>Long term surveillance, monitoring and data management;</u> • <u>Provision of long term resources (commuted sum or ground rent service charges);</u> • <u>Changes in tenure;</u> • <u>Biosecurity;</u> • <u>Bond that can be accessed in the event of non-compliance.</u>
6	Comment	NRW	Section 19 – Flood Risk	<p>There are areas of Gwynedd and Anglesey where there is a lack of sewage infrastructure and where development could be hindered by the lack of mains drainage, or already cause environmental issues, in particular: <u>Ynys Môn –</u> Brynteg, Carreglefn, Traeth Coch and Llanbedr-goch. <u>Gwynedd –</u> Rhoshirwaun, Rhydlios, Llangwnadl, Penygroeslon, Uwchmynydd, Garn Fadryn, Rhiw a Thudweiliog.</p> <p>Although the above “settlements” are relatively small, you may wish to consider whether the use of planning obligations may be appropriate in these areas in terms of contributing to suitable sewerage services for any new developments.</p>	<p>Comment noted</p> <p>The relevant water utility company (i.e. Dŵr Cymru) is consulted on individual applications as part of the planning process. The inclusion of the settlements noted would provide unnecessary detail to the Guidance.</p> <p>Recommendation</p> <p>No change</p>
7	Comment	NRW	19.6	In addition to the measures outlined in your Planning Obligations SPG, your Authority may	Comment noted

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
				<p>consider the inclusion of the following mitigation measures to be appropriate.</p> <ul style="list-style-type: none"> Property Level Resilient Design – minimise the amount of flood water that can enter a property and limit the damage caused if water does enter. Site Level Resilient Design - minimise the amount of flood water entering a site, and effectively managing any water that does reach the site so that it does not adversely affect development. 	<p>Agree that inclusion of the suggested mitigation measures would add clarity to the Guidance.</p> <p>Recommendation</p> <p>Insert new paragraph after paragraph 19.6:</p> <p><u>19.7 Improving the resilience of communities should be a priority for planning authorities, and design consideration should be a key factor when development is considered acceptable in flood risk areas. Where the tests set out in TAN15 have been shown to have been met, then new development should be resilient to potential flooding at both the property and site levels:</u></p> <ul style="list-style-type: none"> <u>Property Level Resilient Design – minimise the amount of flood water that can enter a property and limit the damage caused if water does enter.</u> <u>Site Level Resilient Design - minimise the amount of flood water entering a site, and effectively managing any water that does reach the site so that it does not adversely affect development.</u>
8	Comment	NRW	19.6	We generally welcome the inclusion of paragraph 19.6 which confirms that there should be a demonstration that flood risk from	Comment noted

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
				all sources has been accounted for. We would recommend that reference to climate change be included in this section, to re-affirm the position that flood risk should be considered over a development's lifetime i.e. take account of climate change.	<p>Agree that reference should be made to climate change in this section so that flood risk is considered over a development's lifetime.</p> <p>Recommendation</p> <p>Insert new paragraph after 19.7 new paragraph (see representation 7 above):</p> <p><u>19.8 Developer contributions will be used to both mitigate and adapt to the effects of climate change, and minimise emissions of carbon dioxide arising from development, so that flood risk is considered over a development's lifetime. These could include:</u></p> <p><u>Mitigation:</u></p> <ul style="list-style-type: none"> • <u>Using less energy, in particular by adopting sustainable design and construction measures;</u> • <u>Supplying energy efficiently in particular by prioritising decentralised energy generation; and</u> • <u>Using renewable energy.</u> <p><u>Adaptation:</u></p> <ul style="list-style-type: none"> • <u>contributing to reducing flood risk including applying principles of sustainable urban drainage;</u>

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
					<ul style="list-style-type: none"> • <u>minimising water use;</u> • <u>carbon fund contributions; and protecting and enhancing green infrastructure.</u>
9	Comment	NRW	Section 19	Where new development can be justified (see section 6 of TAN15), then it may be possible for flood risk mitigation measures to be incorporated into new development to reduce flood risks.	<p>Comment noted</p> <p>Agree that flood risk mitigation using measures such as using Sustainable Drainage Systems (SuDS) as outlined in section 6 of TAN15 should be incorporated into new development. The changes made in response to representation 8 above address this.</p> <p>Recommendation</p> <p>No change.</p>
10	Comment	NRW	19.4	There may be merit in better defining the term “flood prevention schemes” within the SPG.	<p>Comment noted</p> <p>Agree that ‘flood prevention’ schemes should be clearly defined to add clarity.</p> <p>Recommendation</p> <p>Amend the first bullet point of paragraph 19.4 to read:</p> <p>19.4</p> <ul style="list-style-type: none"> • Flood prevention scheme - <u>a scheme for the management of flood risk</u>

ITEM 5: APPENDIX 1

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
					<u>within the authority area. This includes defence measures.</u>
11	Comment	NRW	Section 19 – Flood Risk	In terms of flood risk from surface water, and the management of surface water from individual development sites, we would recommend that you liaise with you drainage/flood risk departments, who act as the Lead Local Flood Authority.	<p>Comment noted</p> <p>Relevant departments within both Local Planning Authorities are consulted upon where potential development may be affected by flood risk.</p> <p>Recommendation</p> <p>No change</p>

SUPPLEMENTARY PLANNING GUIDANCE

PLANNING OBLIGATIONS



September 2019

ANGLESEY AND GWYNEDD JOINT LOCAL DEVELOPMENT PLAN

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Part 1: General Information

1. INTRODUCTION AND PURPOSE OF SUPPLEMENTARY PLANNING GUIDANCE

Purpose

- 1.1 The Purpose of this Guidance is to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications, and
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority area.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore, attempts to:
- guide the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guide developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Planning Authorities are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) may be considered to be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from,

and are consistent with, a development plan. The SPGs do not introduce any new planning policies.

- 1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a resolution to adopt by the Joint Planning Policy Committee on behalf of the Planning Authorities. A draft version of this SPG was approved for public consultation on *date* by *Committee name*. The supplementary planning guidance was the subject of a public consultation exercise between *date*. The *x* observations presented to the Planning Authorities were considered and, where appropriate, appropriate changes have been included in the final draft approved by the *Joint Planning Policy Committee* on *date* to be used as a material consideration when assessing and determining planning applications and appeals. A summary of the observations and the Planning Authorities' response are given in *Appendix or location of a Committee report*. **(Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.**
- 1.8 The aim of this guidance is to clarify what types of obligations developers may be expected to enter into, their content and the thresholds at which different obligations are triggered. This guidance is structured in three main parts. Part 1 sets out the background to planning obligations, Part 2 sets out the approach and procedures the Planning Authorities will apply where planning obligations are required and Part 3 will detail the specific types of development that might require planning obligations, the thresholds and trigger points that might apply to different types of development and the mechanism for calculating the obligation where appropriate.

2. BACKGROUND

Importance of infrastructure

- 2.1 New development will often require new or rely on existing infrastructure, services and facilities to make proposals acceptable in land use planning terms. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.

What are planning obligations?

- 2.2 Planning obligations are legally binding agreements between a local authority, a landowner and a developer, which requires the developer to either carry out certain works or to contribute financially towards the provision of measures which will mitigate the detrimental impacts of a development. They are commonly used to bring development proposals in line with the objectives of sustainable development as set out in local and national policy. It is important that the provision of infrastructure for a development site is located and designed in such a way as to minimise the impact on the natural and built environment.
- 2.3 A planning obligation usually relates to an aspect of development that cannot be secured by imposing a planning condition or by other statutory controls. The obligation should secure measures or contributions to address the likely impact of the proposed development on the physical or social infrastructure of the area. Planning obligations can both improve a development and help it go ahead and in addressing the impacts of the new development on the infrastructure of the area, can be viewed as being locally beneficial.

3. LEGISLATION AND POLICY CONTEXT

National Planning Policy

- 3.1 Section 106 of the Town and Country Planning Act (TCPA), 1990 as amended by Section 12 of the Planning and Compensation Act (1991) is the legislative framework for planning obligations.
- 3.2 Welsh Office Circular 13/97 provides guidance on the benefits that can be secured through appropriate use of Section 106 planning obligations.
- 3.3 Planning Policy Wales (PPW) states that planning obligations are useful arrangements to overcome obstacles which may prevent planning permission from being granted. The legislation allows planning obligations to:
- Restrict development or use of the land;
 - Require operations or activities to be carried out in relation to the land;
 - Require land to be used in a specific way;
 - Require payments to be made to the authority either in a single sum or periodically.

Community Infrastructure Levy (CIL)

- 3.4 The Community Infrastructure Levy (CIL) Regulations 2010 came into force in 2010. The CIL is a charge that the Planning Authorities can place on developers to help fund infrastructure needed to support new development in their areas. The Councils have decided not to begin work required to underpin a CIL. Regulation 122 (2) of the CIL Regulations gives legal effect to three of the tests from Circular 13/97 as follows:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development
- 3.5 Despite the decision not to begin work required to underpin a CIL, Regulation 122 (2) still applies in the Gwynedd and Anglesey Planning Authority areas. The CIL Regulations also state that no more than five separate planning obligations (secured since April 2010) can be used to fund one infrastructure project.

Local Planning Policy

- 3.6 The Anglesey and Gwynedd Joint Local Development Plan (2011-2026) sets out the Planning Authorities' policies and proposals for development and use of land until 2026. New development proposals should have regard to all relevant policies in the Plan. The requirement for planning obligations is outlined in Strategic Policy PS2 and explicitly set out in Policy ISA 1 which state:

STRATEGIC POLICY PS 2: INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS

The Councils will expect new development to ensure sufficient provision of essential infrastructure (either on-site or to service the site) is either already available or provided in a timely manner to make the proposal acceptable, by means of a planning condition or obligation. Subject to

meeting the statutory tests, maintenance payments may be required pursuant to section 106 agreements in order to meet the initial costs of running services and facilities and to compensate communities for loss or damage caused by development.

Where the essential, enabling and necessary infrastructure is required as a consequence of a scheme and cannot be provided on site, financial contributions will be requested, within limits allowed by legislation, to get essential investment off site. If the effect of the development is cumulative, the financial contributions may be accumulated, within legislative constraints, in order to alleviate the cumulative effect.

POLICY ISA 1: INFRASTRUCTURE PROVISION

Proposals will only be granted where adequate infrastructure capacity exists or where it is delivered in a timely manner. Where proposals generate a directly related need for new or improved infrastructure and this is not provided by a service or infrastructure company, this must be funded by the proposal. A financial contribution may be sought to secure improvements in infrastructure, facilities, services and related works, where they are necessary to make proposals acceptable. Where appropriate, contributions may be sought for a range of purposes, including:

1. Affordable housing
2. Sports and leisure facilities
3. Education facilities
4. Employment and training facilities
5. Recreation and open space
6. Transport infrastructure including public transport
7. Healthcare facilities
8. Nature conservation
9. Recycling and waste facilities
10. Renewable and low carbon infrastructure
11. Cultural and community facilities
12. Welsh language measures
13. Broadband infrastructure
14. Public Realm
15. Flood risk management measures
16. Service and utilities infrastructure, including water supply, drainage, sewers, gas and electricity
17. Archaeological and historic assets

Proposals for utility services to improve infrastructure provision will be granted subject to detailed planning considerations.

- 3.7 It should be remembered, that other Anglesey and Gwynedd JLDP policies may also be applicable. Part 3 of the SPG refers to other policies that may be relevant with regards to different types planning obligations.

4. PLANNING OBLIGATIONS: GENERAL GUIDANCE

Use of Planning Obligations

- 4.1 The Planning Authorities endorse the principles of the use of planning obligations as set out in Welsh Office Circular 13/97 and the CIL Regulations as summarised in paragraphs 3.2 and 3.4 above. The Planning Authorities will therefore seek to negotiate appropriate planning obligations to ensure that new development makes a positive and sustainable contribution to the communities of Anglesey and Gwynedd.
- 4.2 The Planning Authorities will first consider whether infrastructure can be delivered through planning conditions. Where a planning condition could be used to secure the same outcome as a legal agreement, the Planning Authorities will use conditions rather than planning obligations. Alternatively where it is necessary to the fulfilment of the infrastructure requirement the Planning Authorities will seek to secure planning obligations in accordance with Regulation 122 and Circular 13/97 tests set out in Part 1 of this Guidance for onsite or offsite works and infrastructure provision and / or financial contributions.
- 4.3 The Planning Authorities will assess each application individually to determine if a planning obligation is needed and what matters it should address. Where it is decided that a planning obligation is necessary the Planning Authorities will fully justify their reasons for seeking an obligation. It will not be legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. It will also ensure that an agreement will only be entered into where planning conditions cannot be used to prescribe the nature of the development, compensate for the loss or damage created by a development, or to mitigate a development's impact.

Types of Obligations

- 4.4 There are numerous types of planning obligations and the nature of the contribution that developers can make will depend on the specific circumstances of the proposal, including the location of the development site and the scale and type of development being proposed. Planning obligations can take the form of:
- i) One-off payments – A single payment to the Planning Authority for a new facility as a result of the demand created directly from a new development (e.g. provision of a new permanent classroom).
 - ii) Financial contributions - A standard contribution paid by the developer to the Planning Authority for the creation or improvement of a facility within the vicinity of a development.
 - iii) In-kind Contributions – the developer carries out required works directly. Where a developer is providing a facility in kind, the Planning Authority will ensure that the facility is either incorporated into the proposed development (i.e. on site) or is in close proximity to the development, and that the S106 Agreement states the necessary build standards and specification for the

facility (e.g. a standard contribution for the improvement of open spaces and play areas within the vicinity of the development)

- iv) Phased Payments - When a development itself is phased, and where the scale of payment or facilities is significant relative to the size of the development it may be appropriate to phase obligation payments or provision (e.g. for infrastructure provision commencing with a new footpath during the initial phase of construction, followed by a new bus link later in the scheme).
- v) Maintenance payments – the developer contributes financially towards the physical upkeep of facilities that they have funded or provided for a set period of time once development on site has finished. The Planning Authority and developer should formally agree the expected time period for which maintenance payments will be made, and when they will be due (e.g. open space maintenance fund).
- vi) Pooled contributions - It is recognised that, in some cases, the necessary infrastructure required to cater for a development may go beyond the scope of an individual development. In such cases, it may be appropriate to pool contributions from several developments to achieve the required provision. Where a pooled contribution is required, it will be necessary for all parties concerned, including the Planning Authority, to enter into an agreement regarding the timescale within which the money is to be spent. It should be noted that Regulation 123 of the CIL Regulations limits the number of planning obligations that can be pooled (maximum of 5).
- vii) Index-linked Payments - In some cases a one-off payment may not be sufficient and funding over much longer timescales will be required. An example would be the protection and enhancement of biodiversity assets which may need to be subject to regular management, payment for wardening and monitoring over a long-term period. In appropriate cases, therefore, financial contributions should be index linked so that the agreed sums of money retain their relative value and allow for the fluctuation of prices. The method of indexation should be specified within the planning obligation and will usually be the Retail Price Index (RPI published by the Department of Trade and Industry (DTI) or the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), depending on the nature of the contribution.**

- 4.5 Trigger dates for the payment of financial contributions will be included in the planning agreement, as will any time periods by which the contribution is to be spent.

Participants

- 4.6 Planning obligations run with the land and are enforceable against the original landowner or owners and anyone subsequently acquiring an interest in the land. As such it is expected that those parties with an interest in the land in question at the point in time that the planning application is submitted will be expected to enter into planning obligations.
- 4.7 In some circumstances the developer may offer a 'Unilateral Undertaking' whereby an applicant offers a planning obligation in support of a planning

application. Unilateral Undertakings bind the developer to their terms but not the Local Authority. When submitted in connection with an appeal, the appellant's solicitors normally draft the Undertaking, although the Local Authority will usually welcome an opportunity to discuss terms prior to submission to the Inspector.

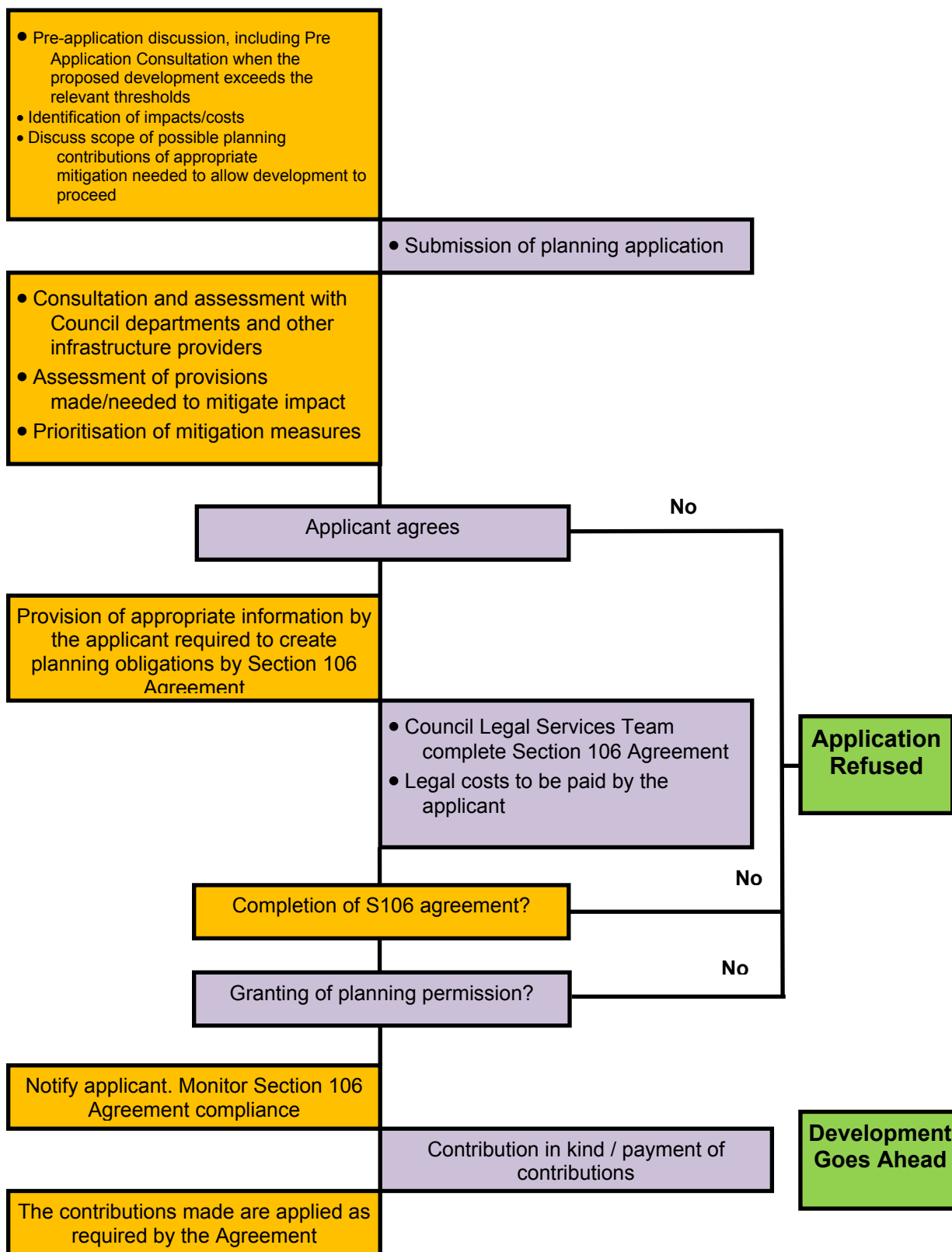
Thresholds

- 4.8 Certain types of obligation contain individual minimum thresholds, e.g. affordable housing, below which an obligation of that type will not be sought. However, not all Policies in the Plan set an overall minimum threshold below which obligations will not be sought. Whether an obligation is sought will depend upon the nature, type, location and impact of the proposal. It may also be possible that some planning obligations will include trigger points which will allow for the planning obligations to be met in a phased manner. The process of negotiation between the Planning Authority and the applicant will establish whether thresholds and trigger points will be appropriate in the context of the development proposal and how they will be applied.
- 4.9 Criterion (3) of Policy PCYFF 2 seeks to ensure that proposals should demonstrate that it makes the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density). In light of this the Council will seek justification from the applicant for proposals at a lower density to ensure that applications do not seek to avoid any specified development threshold noted in the SPG.

5. PLANNING OBLIGATIONS PROCESS

5.1 Figure 5.1 illustrates the general process of establishing planning obligations as part of planning applications.

Figure 5.1 – Planning Obligations Process



- 5.2 Pre-application enquiries can establish whether any planning contributions will be required. Entering discussions at an early stage prior to submitting a planning application provide a valuable opportunity for all parties to consider the scope and impact of the development proposal. Both Planning Authorities provide pre-application advice. Further information on the pre-application stage is available at: <https://www.gwynedd.gov.uk/en/Residents/Planning-and-building-control/Planning/Pre-application-advice.aspx> for Gwynedd and <http://www.anglesey.gov.uk/planning-and-waste/planning-control/before-you-apply/> for Anglesey. Where these do not occur negotiations will take place as soon as possible after the planning application has been submitted. Before anyone enters into a planning obligation it is advisable they take legal advice.
- 5.3 The case officer will be the main point of contact for negotiations. It will be the case officer's responsibility to discuss, where appropriate, the scope of possible planning contributions with, for example, community representatives, other services and with other officers on any specific service or local area requirements, and how it will secure the infrastructure needed (by Unilateral or S106 agreement).

Viability Assessment

- 5.4 It is recognised that all sites and projects will differ in terms of their context and characteristics. There may be occasions when not all of the identified obligations can be met without compromising the overall viability of a particular development scheme. Where a developer can demonstrate that a scheme is unviable because of the required planning obligations, the Planning Authorities are prepared to consider a reduction to the planning obligations. Financial viability assessments should be submitted to the Local Authority by the developer, in line with the pro-forma contained within the SPG on Affordable Housing, to demonstrate that planning obligation requirement will affect the deliverability of proposals. This assessment will include a thorough appraisal of the site economics and will require co-operation and an open book approach between the applicant, developer or landowner and the Planning Authority.
- 5.5 The Planning Authorities will expect that any costs associated with developing a particular site have been taken into account when land has been purchased (land purchase agreements). Therefore allowance will only be made where applicants can demonstrate post-purchase abnormal costs. The balance between, for example, affordable housing and all the other Planning Obligations will be determined by the Case Officer, on a case by case basis, so that it does not become part of the negotiations with the applicant/ developer.
- 5.6 The following list sets out the typical information required in order for the Local Planning Authority, or an independent expert appointed by the Authority, to undertake a financial appraisal. The pro-forma contained in the Affordable Housing SPG provides details of the information that is required:
- Details of the proposed development (site layout plan, unit descriptions and areas (Gross Internal Area (GIA))
 - Details of affordable content (identification of units, tenure, type for each and areas (GIA))
 - Details of any RSL bid for the affordable content or likely bids
 - Details of S106 obligations provided

- Acquisition price of the site and date price agreed or price under option agreement
 - Applicant's independent evidence of final sales values unit by unit
 - Applicant's independent evidence of construction costs on a price per m² GIA
 - Applicant's independent evidence of additional costs – fees, contingency, abnormals, finance (including recent quotes)
 - Applicant's profit requirements as a % of a Gross Development value and of Costs
- 5.7 Ideally, the information should be provided during the pre-application discussion stage so as not to unduly delay the planning approval process. When a formal application is submitted any viability information provided will be dealt with as confidential information. However, a redacted copy of this information should also be provided for the public file.
- 5.8 Any viability information provided to the Planning Authority should be in the form of the viability pro-forma contained in the Affordable Housing SPG. If the Local Planning Authority and developer/applicant cannot agree on the findings of the viability appraisal, the information may be referred to the District Valuer Services (DVS) or a similar competent provider, as an independent and qualified service, for the purpose of assisting in the financial appraisal process, for example:
- if the applicant is making a case for a reduction from the normal level of affordable housing provision;
 - if the scheme is particularly complex or unusual in nature;
 - if the applicant and the case officer are unable to reach any sort of agreement on the appropriateness of the figures provided.
- 5.9 The Planning Authority will inform the applicant of its intention as soon as it becomes apparent that the services of the DVS or the services of a similar competent provider will be required. The review of the financial information by the DVS or competent service will be funded by the applicant.

Legal Requirements

- 5.10 The Planning Authorities' legal service will normally only be instructed to draw up the planning obligation once a determination has been made by planning officers or once a resolution to grant planning permission has been made by a planning committee. The Planning Authorities' legal service will require two items from the applicant's agent/ solicitor:
- Details of the Title to the land to include information as to everyone with an interest in the land. Everyone with such an interest will be required to enter into the agreement;
 - A written solicitor's undertaking to meet the Planning Authority's stated legal costs in connection with preparation of the agreement, whether or not the agreement is completed.
- 5.11 It should be noted that depending on the nature and complexity of the case it can take a considerable time to conclude final agreement on the detailed terms, and developers are expected to ensure that sufficient time and resources are made available in their programme. In the case of certain obligations (e.g. affordable

housing), the Planning Authority has prepared a standard obligation agreement which assist the process.

Contents of obligations

5.12 A valid planning obligation must be by legal deed and include:

- identification of the land involved
- identification of the person entering the agreement and their interest in the land
- identification of the authority who will enforce the obligation

5.13 The planning obligation will also include:

- description of the development
- the type and amount of obligations the developer has agreed to, this may be in the form of actual works or financial contributions
- a trigger for when the benefits should be provided
- if financial requirements are provided the agreement may state a time limit within which the money should be spent
- definitions of terms used within the agreement
- provision for the legal costs of drafting the agreement to be met.

Prioritising Obligations

5.14 The range of activities which could require contributions, identified in Part 3 of this guidance are not prescriptive but will form the basis for further negotiation. Trigger points or thresholds are identified for each type of activity seeking Section 106 contributions which means that this is then considered in determining what contributions should be sought. The choices made, if it is not viable to provide all the obligations, will reflect the site circumstances, the proposed land use, the scale of the proposed development and the issues facing the local community.

Maintenance Costs

5.15 It is important that infrastructure assets provided through planning obligations are delivered to the required standard and are subsequently maintained. Certain types of infrastructure such as green spaces and sports facilities may require maintenance and such cases the developer will be required to provide for the long term management of the site.

5.16 The length of maintenance contributions will be determined on a case by case basis and will take into account the viability of a development.

5.17 Where applicants choose to retain responsibility for a facility then they will be bound to ensure proper maintenance of this through the Section 106 Agreement.

Legal Costs

5.18 Section 106 Agreements will be drafted by the Local Authorities' Legal Services Team or by solicitors acting on the Local Authorities' behalf. Applicants are required to pay the Local Authority's reasonable legal costs for preparing and completing the Section 106 Agreement. Payment will be required prior to completion of the Section 106 Agreement.

- 5.19 Where developers provide a unilateral undertaking to deal with any planning obligations they will still be required to cover the Local Authority's legal costs in considering and advising on the unilateral undertaking. If a unilateral undertaking is provided the Local Authority will not be required to do anything by the terms of the undertaking but will be able to enforce the obligations against the parties to the undertaking.

Modifying a S106 Planning Agreement

- 5.20 Where a planning obligations package is agreed below the requirements of this Guidance and where there is an expectation that a site will be delivered over several years or where development does not commence for a number of years, a review of the viability of the scheme will be incorporated into the S106 agreement. The review will be triggered by the reaching of phases of a scheme or to a specified timetable and will be the basis for re-negotiating planning obligation requirements for the remainder of the development.

Monitoring and Enforcement

- 5.21 The Planning Authorities will monitor all planning obligations to establish whether or not terms are adhered to. It should be noted that it is the responsibility of the developer to notify the Planning Authorities prior to commencement of development and also when any triggers specified within the agreement are reached.
- 5.22 **The Council will require the developer to pay a bond to ensure delivery of obligations, in the event that the land owner defaults against a payment or fails to deliver infrastructure.** Where it is found that an agreement is not being complied with, the Planning Authorities will, in the first instance, informally seek to enforce compliance with the legal agreement. If this approach is unsuccessful, the Planning Authorities will consider the appropriate enforcement action to be taken. Planning obligations can be enforced through the use of injunctions, which can stop the development from proceeding and/or ensure compliance with the terms of the Agreement. The Planning Authorities have the power upon notice to enter the land and carry out any works that were required and recover costs. Anyone who obstructs the authority from performing these duties may be guilty of a criminal offence, and may be liable to prosecution.

Part 3: Specific Contributions

6. CATEGORIES OF OBLIGATION

6.1 The range of development types that may be subject to a planning obligation are varied. Some of the types of obligations outlined in Policy ISA1 of the Plan have been grouped together in the following sections to avoid repetition. In addition it should be noted that many planning obligations may not fit neatly into a simple categorisation and consequently the Planning Authorities will consider each development proposal on its merits. Whilst the following list provides an indication of the principal categories, they are not listed in any particular order of priority, neither the list is designed to be exhaustive. The categories of obligation relate to:

- Affordable Housing
- Training and Employment
- Transportation
- Education
- Community Facilities (including Sports and Leisure Facilities)
- Open Space and Recreation
- Environment
- Healthcare Facilities
- Welsh Language
- Public Realm
- Broadband Infrastructure
- Recycling and Waste
- Renewable and Low Carbon Energy
- Flood Risk Management

Summary of Policy Requirements

6.2 The nature of planning obligations, and the legislative requirements which govern their use, means that each obligation needs to be considered individually having regard to the site-specific circumstances of a development proposal. Details of the development thresholds and formulas for each type of obligation are set out in this Part of the Guidance and are summarised in the table below.

Type of Obligation	Threshold		Obligation	
	Residential	Commercial		
Affordable Housing	Applications for 2+ housing units and all units in ‘Clusters’ will be expected to contribute towards an element of affordable housing as follows: 30% of affordable housing in: Gwynedd High Value Coastal, Rhosneigr, Beaumaris, Rural North West, Bridgehead, Trearddur & Rhoscolyn, South West, North East Rural, Larger Coastal Settlements. 20% of affordable housing in: Rural Centres, Mid Rural, Northern Coast and South Arfon, Rural West. 10% of affordable housing in: Llangefni, Llŷn, Western Coastal & Rural Arfon, Holyhead, Amlwch & Hinterland, The Mountains, Eastern Gwynedd & National Park, Blaenau Ffestiniog.			
Training & Employment	No threshold - assessment on a case by case basis	No threshold - assessment on a case by case basis	Assessment on a case by case basis depending on the nature and scale of development.	
Transportation	No threshold - assessment on a case by case basis	No threshold - assessment on a case by case basis	Site specific – highways infrastructure works and / or sustainable transport works according to need.	
Education	No threshold - assessment on a case by case basis	N/A	Site specific – provision for additional capacity according to need. See Appendix 2 for details.	
Community Facilities	No threshold - assessment on a case by case basis	No threshold - assessment on a case by case basis	Site specific- provision of additional capacity according to need	
Open Space and Recreation	10+ dwellings	N/A	Provision	Cost per sq/m
			Playing pitches	£16.92
			Outdoor sports	£16.92

Type of Obligation	Threshold		Obligation	
	Residential	Commercial		
			Children’s play area (equipped)	£117.29
			Children’s play area (informal)	£16.97
			Neighbourhood amenity	£16.92
Environment	No threshold - assessment on a case by case basis	No threshold - assessment on a case by case basis	Site specific- provision of additional capacity according to need	
Healthcare	No threshold - assessment on a case by case basis	No threshold – assessment on a case by case basis.	Site specific- provision of additional capacity according to need	
Welsh Language	Subject to PS1 thresholds for submitting Welsh Language Statements and Impact Assessments			
Public Realm	No threshold – assessment on a case by case basis.	No threshold – assessment on a case by case basis.	1% of build costs	
Broadband Infrastructure	No threshold – assessment on a case by case basis.	No threshold – assessment on a case by case basis.	Assessment on a case by case basis.	
Recycling and Waste	No threshold – assessment on a case by case basis.	No threshold – assessment on a case by case basis.	Assessment on a case by case basis.	
Energy	Energy Assessment required for development of 100 units +	Energy Assessment required for development exceeding 1000sq.m	Assessment on a case by case basis.	
Flood Risk Management	No threshold – assessment on a case by case basis.	No threshold - assessment on a case by case basis.	Site specific- provision of additional capacity according to need	

Type of Obligation	Threshold		Obligation
	Residential	Commercial	
	10+ dwellings - Water conservation Statement required	1000sqm - Water conservation Statement required	

Note:

This table is a guide and there may be specific cases that vary from this for justifiable reasons. The thresholds identified should be read as a guide for normal procedure and are set at practical levels that can be easily identified and measured. The formulas contained in this guidance are provided as a guide to developers as to the Council's general expectations in respect of planning obligations. Other issues may be relevant to particular planning applications and each case will be considered on its own merits. In most cases, the Councils will encourage developers to provide facilities and infrastructure on site to serve the future occupiers of the developments. Where this is the case, these 'in kind' contributions will be taken into account when calculating the amount of any off-site contributions. Where a development is considered to meet all its needs on site and mitigate its impacts through sufficient in-kind contributions, it is unlikely that any additional financial contributions will be sought.

6. AFFORDABLE HOUSING

Background

- 6.1 The provision of affordable homes is a key objective in the Plan. The Plan play an important role in helping to deliver low cost homes through quotas of affordable dwellings being negotiated and delivered on open market housing sites. Affordable housing is defined in national policy as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. All relevant new residential developments, including conversions and mixed use schemes will be considered for developer contributions.

Policy Context

- 6.2 The planning policy basis and justification for seeking developer contributions in respect of affordable housing is set out in:
- Planning Policy Wales 10 (Section 4.2)
 - TAN2 – Planning and Affordable Housing (2007)
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; TAI1 Housing in sub-regional centre and urban service centres; TAI2 Housing in Local Service Centres; TAI3 Housing in Service Villages; TAI4 Housing in local, rural and coastal villages; TAI5 Local market housing; TAI6 Housing in clusters; TAI8 Appropriate Housing Mix; PS18 Affordable housing; TAI15 Affordable housing threshold and distribution; TAI16 Exception sites.
 - SPG – Affordable Housing; Local market housing; Type and mix of housing

Threshold for Obligation

- 6.3 Relevant housing development, both new build and conversions, in settlements identified within the settlement hierarchy will be expected to make an affordable housing contribution in line with the threshold figures set out in Policy TAI15 and reproduced in the table below:

Category of Settlement	Threshold
Sub-regional Centre	2 or more housing units
Urban Service Centres	
Local Service Centres	
Service Villages	
Rural / Coastal Villages	
Local Villages	Only sites of 100% affordable housing will be supported within clusters
Clusters	
Subdivision of Rural Dwellings	2 or more additional units
Conversion of Traditional Buildings in Open Countryside	100% affordable housing (unless the residential use is a subordinate element associated with a wider scheme for business re-use)

- 6.4 The following percentage of affordable housing provision (based on social rent tenure) is expected within the Housing Price Area presented in the table below:

Percentage of Affordable Housing	Housing Price Areas
30%	Gwynedd High Value Coastal, Rhosneigr, Beaumaris, Rural North West, bridgehead, Trearddur & Rhoscolyn, South West, North East Rural, Larger Coastal Settlements
20%	Rural Centres, Mid Rural, Northern Coast and South Arfon, Rural West
10%	Llangefni, Llŷn, Western Coastal & Rural Arfon, Holyhead, Amlwch & Hinterland, The Mountains, Eastern Gwynedd & National Park, Blaenau Ffestiniog

- 6.5 The requirement that a proportion of affordable housing be sought from developers applies to both the allocated sites and to unallocated (windfall) sites in Centres and Villages. Where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain the priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site.
- 6.6 Where an applicant proposes to demonstrate that there are particular costs (e.g. abnormal costs) that cannot be offset by depreciating the land value or where they cannot be recouped in the open market sale price of the new homes, a financial viability assessment will have to be supplied. If it is shown that there are viability problems, a revision may be agreed either to the overall scale of affordable housing provision or to the property mix and/or tenure type.

Type of contribution

- 6.7 Planning obligations for affordable housing could include the following:
- Affordable housing
 - Infrastructure provision
 - Open space provision. Financial contributions to open space improvements
 - Maintenance of open space
- 6.8 Off-site contributions can be used for the following:
- Affordable housing provision on a different site.
 - Delivery of 'Homebuy' loans
 - Enabling the purchase and refurbishment of empty properties by a Registered Social Landlord for affordable housing
 - Purchase of land for affordable housing or to enable affordable housing deliverability.

Level of Contribution

- 6.9 Appendix 1 provides detailed guidance on how contributions are calculated. The Section 106 Planning Obligation must include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types and sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- A price fixing mechanism for the affordable units which will determine initial sale price and subsequent sales
- A description of who can buy or rent the affordable units
- Arrangements in relation to the selling on of affordable units
- The timing of the construction and occupation of the land or affordable housing element in relation to the development of the whole site
- The timing and conditions for the transfer of the land or affordable housing to a RSL (or other bona fide affordable housing provider)
- The arrangements regarding the future affordability, management and ownership of the affordable dwellings including a protection mechanism for future re-sales.

6.10 Further details of how planning obligations with regards to how affordable housing will be sought are included in the Affordable Housing SPG.

7. TRAINING AND EMPLOYMENT

Background

- 7.1 New developments can make a significant contribution to the economic well-being of local communities through the provision of local training and employment opportunities. Where employment floor space is lost, the purpose of the obligation is to compensate for this loss by contributing to the provision of training and support to enable the displaced workforce to access employment opportunities offered by the new development on the site or elsewhere.

Policy Context

- 7.2 The planning policy basis and justification for seeking developer contributions in respect of training and employment is set out in:
- Planning Policy Wales 10 (Chapter 5)
 - TAN23 – Economic Development
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; PS5 Sustainable Development; ISA1 Infrastructure provision; PS13 Providing opportunity for a flourishing economy; CYF1 Safeguarding, Allocating and reserving land and units for employment use; CYF2 Adwy'r Hafan Pwllheli; Ancillary uses on employment sites; CYF 4 New large single user industrial or business enterprise on sites not safeguarded or allocated for employment purposes; CYF5 Alternative uses of existing employment sites; CYF7 Regeneration sites; CYF8 Holyhead Regeneration Area;
 - SPG Change of use of community facilities and services, employment sites, retail units.

Threshold for Obligation

- 7.3 All appropriate developments will be encouraged to maximise opportunities for local employment and additional contributions will be assessed on a case by case basis. The 'Local Authorities' Economic Department will be consulted on relevant applications to identify relevant opportunities.
- 7.4 In circumstances where employment land or floor space is lost as part of a proposed development, a contribution may be sought towards the provision of training and support to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere.

Type of contribution

- 7.5 Planning obligations in relation to employment and training could include the following:
- Provision of affordable business space
 - Development of local supply chains
 - Job fairs
 - Direct labour agreements, work experience, and/or apprenticeship schemes
 - Relocation assistance of existing businesses
 - Funding for training and recruitment and activities linked to the development.

Level of Contribution

- 7.4 It is not possible to create a formula for training and employment initiatives. The cost of training and support into employment should be provided through working in partnership with the public, private and volunteer sectors.
- 7.5 The level of contribution will be assessed on a case by case basis and be determined against the following:
- The nature and scale of the development;
 - The number of people that could have been employed in the employment floor space to be lost;
 - The proportion of displaced employees that would be unable to find new employment without retraining or other support;
 - The cost of providing the training and support necessary to enable a person to gain employment.

8. TRANSPORTATION

Background

- 8.1 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the Plan Area. The Planning Authorities are committed to promoting high quality, modern and integrated transport network reducing where possible the number of journeys in private cars. New developments can create an impact on the transport network. New development also increases the need for measures to reduce travel demand. In particular, larger new developments can have significant impacts on the transport infrastructure and services in terms of traffic movements and also on public transport, cycling and pedestrian movement. To accommodate this increase in demand and to facilitate change to more sustainable modes of transport, additional infrastructure may need to be provided. Contributions may be achieved by way of Section 106 Agreement or an Agreement pursuant to section 278 of the Highways Act 1980 (where appropriate).

Policy Context

- 8.2 The planning policy basis and justification for seeking developer contributions in respect of transportation is set out in:
- Planning Policy Wales 10 (Section 4.1)
 - TAN18: Transport (2007)
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; PS4 Sustainable transport, development and accessibility; PS5 Sustainable Development; ISA1 Infrastructure provision; TRA1 Transport Network Developments; TRA4 Managing Transport Impacts.

Threshold for Obligation

- 8.3 No specific threshold. A planning obligation relating to highways and transport may apply to any scale and any type of development, according to the specific characteristics of the proposed site and the potential impact from the proposed development. Sites will be considered on a case by case basis.
- 8.4 Transport Assessments will identify the potential adverse transport impacts of development and help determine whether a contribution is required. Transport Assessments will be required in the following cases:

Use Threshold	
Food retail	>1,000m ² gross floor area
Non-food retail	>1,000m ² gross floor area
Cinemas and conference facilities	>1,000m ² gross floor area
Leisure facilities	>1,000m ² gross floor area
Business	>2,500m ² gross floor area
Industry	>5,000m ² gross floor area
Distribution and warehousing	>10,000m ² gross floor area
Hospitals	>2,500m ² gross floor area
Higher and further education	>2,500m ² gross floor area
Schools	All new schools
Stadia	>1,500 seats

Housing	>100 dwellings
Hotels	>1,000m2 gross floor area

In some cases it may be necessary to seek contributions on smaller developments or seek a higher level of contribution, for example where a location is particularly poorly accessible. Each application will be considered on its own merits.

- 8.5 Travel Plans can be used to assess and influence the travel patterns of users of a proposed development and are a means of encouraging sustainable transportation by ensuring the widest choice of modes of travel are made available.

Type of contribution

- 8.6 Planning obligations for transportation infrastructure fall under two main categories:

- 8.7 Highway Infrastructure – where highway infrastructure works are required in order to service a development proposal. Pooled contributions may be required for larger highway schemes in Anglesey and Gwynedd and contributions to these will be based on the proportionate increase in vehicular movements generated by the new development. The Local Authorities may seek a variety of highway contributions such as:

- Traffic management schemes
- Highway improvements e.g. junction improvements
- Road safety schemes
- Signage
- Provision of public car parking

- 8.8 Public Transport Improvements – where the aim is to reduce private car usage, increase the use of public transport, cycling and walking, and deliver sustainable transport objectives. The Local Authorities may seek a variety of travel plans/public transport contributions such as:

- New cycle routes
- Provision of secure cycle parking
- Pedestrianisation / pedestrian crossings
- Provision/improvements of footways / footpaths
- Public transport / initiatives e.g. bus stops
- Provision of new /improved bus services
- School travel initiatives

Level of Contribution

- 8.9 Each proposal will be assessed on a case by case basis. The need for developer contribution will depend on a number of factors including:

- The type of development (i.e. residential, commercial or leisure)
- The scale of the development proposal
- The location of the development site
- The capacity of the existing highway network
- The impact on the existing walking and cycling infrastructure

- 8.10 Pooled contributions towards infrastructure capacity issues may be appropriate when a number of individual developments create a combined need or an unacceptable cumulative impact.

9. EDUCATION

Background

- 9.1 A new residential development can increase the demand for places in local schools. If these schools are operating above their capacity prior to or as a result of a new residential development, then more places will have to be provided in them in order to meet the requirements of these additional pupils. If there are insufficient places in local schools and if the Local Authority has no firm proposals to fund the necessary additional places, this can be a sufficient reason to refuse a planning application for a residential development. Planning obligations, which ensure contributions from developers towards local schools, can be a means of overcoming this.

Policy Context

- Planning Policy Wales 10 (Section 4.1)
- Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; PS5 Sustainable Development; ISA1 Infrastructure provision; ISA3 Further and higher education development)

Threshold for Obligation

- 9.2 There is no minimum development size for which an educational contribution may be required. The likely requirement for school places arising from development both within and immediately adjacent to the relevant catchment area will be taken into account and assessed on a site by site basis. A case by case assessment will be conducted by the Planning Authorities to establish whether there would be an increased need that exceeds an existing or planned facility's capacity. If no need is identified, a planning obligation will not be sought.
- 9.3 The main factors to consider when assessing the need for an educational contribution, as well as the expected amount (if that need has been proven), are:
- The likely number of children and young people aged 4-18 arising from the new development i.e. the additional demand for places in local schools as a result of the proposed development.
 - Existing school capacity.
 - The cost of providing additional places for pupils in schools.

Type of contribution

- 9.4 Planning obligations for education could include the following:
- Upgrading / improving education facilities
 - New educational facilities e.g. new schools
 - Extending existing schools e.g. new classrooms
 - Purchasing new land for a new classroom

Level of Contribution

- 9.5 If a contribution is shown to be necessary, the sum requested must reasonably relate to the scale of the proposed development [i.e. the number of residential units likely to contain children and young people (aged 4-18)], the type of

development, as well as how full the local school is when compared to its identified capacity. In this regard, such a contribution should only be requested in cases where the 'local' school /schools are operating above their capacity level, either prior to the proposed residential development or as a result of this development.

- 9.6 The process of assessing whether an educational contribution is necessary, together with the process of calculating the sum of any contribution, is noted in Appendix 2.

10. COMMUNITY FACILITIES

Background

- 10.1 Cultural and community facilities play an important role in ensuring our communities function effectively and contribute strongly to community cohesion. Where residential development is likely to increase the need for community facilities, the Planning Authority will seek a contribution towards either building more facilities or improving existing facilities. For the purposes of securing planning obligations, community facilities are defined as facilities used by local communities for health, leisure, and social purposes. Although local authority educational establishments are a community facility, for the purpose of this document and in relation to planning obligations, education is considered as a separate category.

Policy Context

- 10.2 The planning policy basis and justification for seeking developer contributions in respect of community facilities is set out in:
- Planning Policy Wales 10 (Section 4.4)
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision, ISA2 Community facilities ISA4, PS5 Sustainable Development;; PCYFF3 Design and place shaping; PCYFF4 Design and landscaping.
 - SPG Change of use of community facilities and services, employment sites, retail units

Threshold for Obligation

- 10.3 As there are no established standards of provision of cultural and community facilities, applications will be assessed on a case by case basis. The Planning Authorities will undertake an assessment to determine whether or not the proposed development would result in an increase in demand that exceeds the existing capacity of the local community. If no need is identified, a planning obligation will not be sought.

Type of contribution

- 10.4 The Planning Authorities will determine both the impact and the level of need and the best way of utilising the financial contribution. The Planning Authorities may seek a variety of community facility contributions, for example:
- Direct provision of a new facility e.g. new community hall;
 - Community facilities payment – the provision of a financial sum paid to the Planning Authorities at a specific stage of the development. This payment will contribute towards the upgrading and/or extension of existing facilities. The specific use of the payment will be determined by the Planning Authorities;
 - The transfer of land to the Planning Authority together with a financial payment to deliver the facility;
 - Improvement/expansion to existing facilities e.g. improvement to local library services or community centres.

- 10.5 The exact details will be the subject of negotiation between all the relevant parties.

Level of Contribution

- 10.6 The level and type of contribution will vary from site to site depending on the type and scale of provision required. Each application will be assessed on a case by case basis.

11. OPEN SPACE AND RECREATION

Background

11.1 Open space can be defined as amenity green space, allotments, public parks and gardens, outdoors sports facilities and play provision for children and young people. These open spaces play an important part in satisfying the recreational needs of local communities. Therefore, in line with policy ISA4: Safeguarding Existing Open Space, proposals that lead to the loss of open space which has significant recreational, amenity or wildlife value will be refused unless they conform to the following criteria:

- There is an overall surplus of provision in the community;
- The long term requirement for the facility has ceased;
- Alternative provision of the same standard can be offered in an area equally accessible to the local community in question;
- The redevelopment of only a small part of the site would allow the retention and enhancement of the facility as a recreational resource.

Policy Context

11.2 The planning policy basis and justification for seeking developer contributions in respect of open space and recreation is set out in:

- Planning Policy Wales 10 (Section 4.5)
- TAN16: Sport , Recreation and Open Space
- Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; PS5 Sustainable Development; ISA1 Infrastructure provision; ISA4 Safeguarding existing open space; ISA5 Provision of open spaces in new housing developments)
- SPG –Open spaces in new residential development

Threshold for Obligation

11.3 Policy ISA5 of the Anglesey and Gwynedd JLDP states that new housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust benchmark standards of 2.4 hectares per 1000 population.

11.4 In exceptional circumstances, where it is not possible to provide outdoor playing spaces as an integral part of a new housing development, the developer will be required to:

- Provide suitable off site provision which is close to and accessible to the development in terms of walking and cycling, or, where this is not feasible/practical
- Contribute financially towards new facilities including equipment, improving existing facilities on readily accessible sites or improving accessibility to existing open spaces.

11.5 Developer contributions will be subject to a legal agreement in line with Policy ISA 1.

Type of contribution

11.6 Planning obligations for open space and recreation could include the following:

- New onsite provision of open space
- Enhance, upgrade or maintain existing provision
- Ensure funding is available for future maintenance of play equipment and open spaces
- Facilities for pitch-based sports, such as football or cricket
- Designated areas for children's play containing a range of facilities

11.7 The exact form and type of play space will be determined during the application process having regard to the individual characteristics of the development site, the nature and size of the proposed development and the quality, quantity and accessibility of recreation and play space facilities in the local area.

Level of Contribution

11.8 Appendix 3 contains information on the level of financial contribution required for the provision of open spaces.

11.9 Further information on planning obligations relating to open spaces can be found in the 'Open Spaces Within New Housing Developments' SPG.

12. ENVIRONMENT

Background

- 12.1 Any type of development has the potential to impact upon the landscape, biodiversity and archaeology. Conserving and enhancing biodiversity is one of the key aims of sustainable development. Impacts can occur in a variety of ways, for example a development can result in direct loss of habitats, fragmentation or loss of connectivity of habitats/populations, changes to hydrological regimes upon which a species is reliant, or disturbance to habitats. To address the impacts of development on biodiversity, the Planning Authorities will where appropriate, seek planning obligations to provide for nature conservation. Similarly the Plan Area retains valuable heritage assets, and the Plan considers the historic environment as a precious resource which should be preserved and enhanced. Such assets include Listed Buildings, Scheduled Ancient Monuments, Conservation Areas, Landscape and Parks of Historic Interest.

Policy Context

- 12.2 The planning policy basis and justification for seeking developer contributions in respect of the natural and historic environment is set out in:
- Planning Policy Wales 10 (Chapter 6)
 - TAN5 – Nature Conservation and Planning
 - TAN24 – The Historic Environment (2017)
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA4, PS5 Sustainable Development; PS6 Alleviating and adapting to the effects of climate change; PCYFF3 Design and place shaping; PCYFF4 Design and landscaping, PS19 Conserving and where appropriate enhancing the natural environment; AMG1 Area of Outstanding Natural Beauty Management Plans; AMG2 Special Landscape Areas; AMG3 Protecting and enhancing features and qualities that are distinctive to the local landscape character, AMG5 Local Biodiversity Conservation, AMG6 Protecting Sites of Regional or Local Significance, PS20 Preserving and where appropriate enhancing heritage assets, AT1 Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens, AT2 Enabling development, AT3 Locally or regionally significant non-designated heritage sites, AT4 Protection of non-designated archaeological sites and their setting.
 - SPG: Best Practice in Biodiversity Conservation in Planning and Development; Heritage assets.

Threshold for Obligation

- 12.3 Planning obligations may be required with any proposal for new development that will detrimentally impact upon local, national or international important designated sites, habitats and species populations, as well as important archaeological/heritage assets. In general impacts of development should be compensated or mitigated by the enhancement and /or creation of features of a comparable scale and nature to which is being lost or damaged. As impacts are site specific costs can only be considered on a case by case basis.

Type of contribution

12.4 The nature and scale of the obligation will reflect the impact of development and the need for improvements, management or monitoring of biodiversity. The Planning Authority's approach to nature conservation is based upon the Five Point Approach to Planning Decisions as advocated in TAN5 as follows:

- Information - appropriate information will be required at the outset when development proposals are likely affect, either directly or indirectly, nature conservation interests.
- Avoidance – wherever possible, all adverse effects on species and habitats should be avoided.
- Mitigation – where adverse effects are unavoidable, negative impacts on biodiversity should be minimised through appropriate mitigation.
- Compensation – when mitigation is not possible and loss or damage to natural habitats is inevitable, compensatory measures will be required.
- Enhancement/New Benefits – wherever possible, opportunities to improve the ecological value of all or part of the development site should be pursued e.g. through habitat creation or enhancement.

12.5 Examples of how planning obligations can be used with respect to the natural environment include:

- Restrict development in sensitive areas so as not harm existing biodiversity features.
- Secure on-site works to enhance existing biodiversity features e.g. woodlands, hedgerows, ponds.
- Creation of new habitats for species affected by the development.
- Secure monitoring measures of habitats or species.
- Improving access to nearby areas of green space and other conservation assets.

12.6 Section 106's could include the following provisions concerning the long term protection and enhancement of the environment,:

- **Integration of payment schedules and occupancy;**
- **Long term implementation of targeted conservation management via management plans and/or supplementary management agreements, e.g. Wildlife and Countryside Act 1981 (as amended) Section 39 Agreements;**
- **Long term surveillance, monitoring and data management;**
- **Provision of long term resources (commuted sum or ground rent service charges);**
- **Changes in tenure;**
- **Biosecurity;**
- **Bond that can be accessed in the event of non-compliance.**

12.7 Development sites that are close to historic assets, or that directly impact upon or fall within a historic asset may mean that obligations may be sought. Examples of how planning obligations can be used with respect to the historic environment include:

- Preservation and enhancement of conservation areas

- Preservation and enhancement of historic features
- Contribution towards the repair, restoration or maintenance of an historic asset

Level of Contribution

- 12.8 The level and type of contribution will vary from site to site. Each application will be assessed on a case by case basis.

Mitigation of Development

- 12.9 Mitigation measures may be required before development starts on site and will depend on the nature of the potential impact and mitigation proposed. Many planning applications will be expected to be accompanied by an ecological survey that will inform the ecological implications of a proposal and provide details of mitigation / enhancement measures.

13. HEALTHCARE FACILITIES

Background

- 13.1 Health provision in the Plan Area is currently coordinated by the Betsi Cadwaladr University Health Board. The levels of housing and predicted population growth planned for the Plan Area may place additional pressure on existing healthcare provision. Access to health facilities is vital for the health and well-being of residents and the basis of the sustainable communities that define the localities they live in. Where development would produce extra demand on the local healthcare provision beyond the capacity of existing provision, planning obligations may be sought to meet the needs arising and make the development acceptable.

Policy Context

- 13.2 The planning policy basis and justification for seeking developer contributions in respect of the healthcare is set out in:
- Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development)

Threshold for Obligation

- 13.3 No threshold. An assessment will be made on a case by case basis and a contribution will be required where the demand from a significant number of new dwellings cannot be met by the existing healthcare facilities. The requirement for new facilities or the enhancement of existing facilities will be sought in consultation with the emergency services and Betsi Cadwaladr Health Board. Planning Authorities consult with the Betsi Cadwaladr Health Board on proposals where 100 + new dwellings are proposed.

Type of contribution

- 13.4 Planning obligations for healthcare could include the following:
- The provision of additional facilities
 - Extensions or alterations of existing healthcare facilities
 - Replacement of and/ or improvements to existing facilities to meet the needs of the additional residents expected from the proposed development.

Level of Contribution

- 13.5 Contributions toward additional or improved primary healthcare GP facilities will be based on the following factors:

Dwellings:

- i) The number and type of dwelling units in the development
- ii) The number of people likely to be generated by each dwelling.
- iii) Capacity surplus within GP catchments
- iv) Cost/floorspace requirement per patient place.

14. WELSH LANGUAGE

Background

- 14.1 The future well-being of the Welsh language in Anglesey and Gwynedd depends on a wide range of factors including education, demographic change, the availability of good quality and affordable housing, community activities and a strong economic base. The land use planning system can assist in providing a framework to secure the vitality of communities thus protecting the social and cultural use of the language. As part of the evidence base supporting the Plan, a Welsh Language Impact Assessment (WLIA) was undertaken which identified potential negative and positive impacts on the integrity of the language. Furthermore, the Sustainability Appraisal prepared by the Planning Authorities considered impacts on the Welsh language as part of a comprehensive co-ordinated appraisal.

Policy Context

- 14.2 The planning policy basis and justification for seeking developer contributions in respect of the Welsh language is set out in:
- Planning Policy Wales 10 (Section 3.2)
 - TAN 20 – Planning and the Welsh Language
 - Anglesey & Gwynedd JLDP (Policies PS 2 Infrastructure and Developer Contributions; ISA 1 Infrastructure provision; PS 5 Sustainable Development; PS 1 Welsh Language and Culture).
 - SPG – Maintenance and creation of distinctive and sustainable communities

Threshold for Obligation

- 14.3 Policy PS 1 requires the needs and interests of the Welsh language to be considered in the determination of planning applications. To enable an informed decision to be made on applications which may have an effect on the future of the Welsh language, the policy sets out thresholds for the requirement for Welsh language Statements and reports about Welsh Language Impact Assessments to be submitted with planning applications which are outlined below. These should identify any potential negative and positive impacts of proposed developments and mitigation measures required, when required. Further guidance on the contents is provided in the Maintenance and Creation of Sustainable Distinctive Communities SPG.

Thresholds for undertaking assessments to be submitted as Welsh Language Statements and reports about Welsh Language Impact Assessments		
Type of Development	Welsh language Statement Required	Welsh Language Impact Assessment Required
Housing – 5+ units on allocated or windfall sites within development boundaries or rural exception sites that doesn't address evidence of need and demand for a mix of housing	✓	✗
Housing development which provides more units than the indicative housing provision set out in Policies TAI 1 –TAI 6 on allocated or windfall sites within	✓	✗

development boundaries or rural exception sites		
Retail / industrial/ commercial - 50+ employees and/or 1000sq m + floorspace	✓	✗
Large scale housing on an unexpected windfall site	✗	✓
Large scale employment on an unexpected windfall site that would require a significant influx of workers	✗	✓

- 14.4 Each proposal will be different and will be judged on its own merits. The scope and range of measures to be included in Statements / Assessments will depend on the scale, character and location of the development as well as the linguistic characteristics of the area. Appendices to the SPG maintaining and creating distinctive and sustainable communities provides guidance about methodologies that will need to be applied.

Type of contribution

- 14.5 Specific mitigation measures where obligation could be expected include:

- Affordable housing provision
- Phasing of housing proposals
- Education provision and places
- Employment initiatives and training
- Contribution to community facilities and groups
- Funding for Welsh courses

- 14.6 An appendix to the SPG maintaining and creating distinctive and sustaining communities provides examples of mitigation and enhancement measures to be considered. Where a financial contribution is sought, only those areas affected by the development will receive the benefit of the contribution. The level of contributions sought will be determined on a case by case basis.

- 14.7 The SPG maintaining and creating distinctive and sustaining communities sets out further details of the policy.

15. PUBLIC REALM

Background

- 15.1 The public realm is an important contributor to the achievement of a high quality urban design and can help improve the quality of development. Where appropriate, the Planning Authorities will encourage public art features and improvements to the streetscape to be included within a new development. Streetscape and public art can be diverse and not only includes sculptural or monumental features but also work that is integrated into the development. Developers are encouraged to discuss public realm proposals at an early stage in the design process.

Policy Context

- 15.2 The planning policy basis and justification for seeking developer contributions in respect of the public realm is set out in:
- Planning Policy Wales 10 (Section 4.1)
 - TAN12 – Design
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; PCYFF3 Design and place shaping; PCYFF 4 Design and landscaping).
 - SPG – Design, incorporating carbon management, accessibility, infill sites, lighting

Threshold for obligation

- 15.3 The determination of whether public art or streetscape improvements should be provided will be determined on a case by case basis and will be dependent on the size, nature and location of the development.

Type of contribution

- 15.4 The Planning Authorities may seek a variety of public art contributions, including, but not exclusively confined to:
- Sculptures
 - Murals
 - Memorials
 - Street furniture
 - Lighting
 - Creative landscape design
 - Architectural enhancement
- 15.5 When assessing a contribution, developers will be expected to demonstrate how streetscape improvements and public art will be incorporated into the scheme and must reasonably relate to the scale, location and use of the site.

Level of Contribution

- 15.6 The Planning Authority will aim to secure a contribution in the region of approximately 1% of the capital costs of the proposed development towards the provision of specific works of public art on significant sites.

16. BROADBAND CONNECTIVITY

Background

- 16.1 The internet is a key tool in facilitating knowledge and communication. In line with the Planning Authorities' strategy to enhance productivity and improve information access for enterprise and for all sections of the community, the Planning Authorities will seek the provision of appropriate cabling in new development to facilitate IT connections in line with emerging technology, Broadband, including any sharing of facilities such as satellite receivers and other TV connections.

Policy Context

- 16.2 The planning policy basis and justification for seeking developer contributions in respect of broadband connectivity is set out in:
- Planning Policy Wales 10 (Section 5.2)
 - TAN19 – Telecommunications
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; PS3 Information and communications technology)

Threshold for obligation

- 16.3 All new developments should have access to high speed broadband. Developers should take active steps to incorporate a high-speed internet connection at the pre-planning phase for all development and should engage with telecommunication providers to ensure high speed broadband is available as soon as the development is complete.

Type of contribution

- 16.4 Measures taken could be the provision of appropriate cabling in new development with open access to all service providers and provision within the fabric of the buildings. Where such provision is secured by planning obligations, the terms of the agreement will identify whether any 'clawback' finance from the provider may be appropriate.

17. RECYCLING AND WASTE FACILITIES

Background

- 17.1 All new residential developments in the Plan Area are required to provide adequate storage for domestic waste/recycling containers. The Planning Authorities will take into account the need to increase the re-use, recycling and recovery and disposal of waste in development proposals in accordance with national, regional and local policy objectives.

Policy Context

- 17.2 The planning policy basis and justification for seeking developer contributions in respect of recycling and waste facilities is set out in:
- Planning Policy Wales 10 (Section 5.11)
 - TAN24 – Waste (2014)
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; PS21 Waste Management; GWA1 Provision of waste management and recycling infrastructure).

Threshold for Obligation

- 17.3 All new residential developments will be required to provide necessary waste containers. A standard charge for waste and recycling facilities will be applied to all new dwellings.
- 17.4 Major residential developments may be required to contribute towards the provision of community recycling centres. The level of provision will be determined on a case by case basis. Whether a contribution will be required towards the provision of new waste management facilities/recycling facilities or the upgrading of existing facilities, will depend on the location and capacity of existing provision. The level and type of contribution will vary from site to site depending on the type and scale of provision. Each application will be assessed on a case by case basis.

Level of Contribution

- 17.5 The level and type of contribution will vary from site to site depending on the type and scale of provision required. Each application will be assessed on a case by case basis.

18. RENEWABLE AND LOW CARBON INFRASTRUCTURE

Background

18.1 In order to help combat the impacts of climate change and to ensure energy security the Planning Authorities support the development of energy efficient development and the use of renewable low carbon energy infrastructure. Consistent with TAN12 and the Welsh Government's 'Energy Efficiency in Wales' strategy, developers will be expected to follow the principles of the energy hierarchy, which advocates a sequential approach to minimising energy demand and carbon emissions:

- i) Energy Reduction
- ii) Energy Efficiency
- iii) Renewable Energy
- iv) Minimise carbon impact of other energy generation

Policy Context

18.2 The planning policy basis and justification for seeking developer contributions in respect of low carbon and renewable energy is set out in:

- Planning Policy Wales 10 (Section 5.7)
- TAN8 – Renewable Energy
- Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; PS7 Renewable energy technology; ADN1 On-shore wind energy; ADN2 PV Solar energy; ADN3 Other renewable energy and low carbon technologies)
- SPG – Design, incorporating carbon management, accessibility, infill sites, lighting

Threshold for Obligation

18.3 Policy PCYFF5 (Carbon Management) of the Anglesey and Gwynedd JLDP states that residential development on sites for 100 housing units or more, and non-residential development of 1000 sq. metres or more will be required to submit a comprehensive Energy Assessment to determine the feasibility, including viability issues, of incorporating renewable or low carbon technology and / or, where appropriate, connect to renewable or low carbon technology.

Type of contribution

18.4 Planning obligations for renewable and low carbon infrastructure could include the following:

- Solar thermal
- Active photovoltaic energy
- Geo-thermal water heating
- Wind turbines
- Energy crops and biomass
- Ground source heat pumps

Level of Contribution

- 18.5 The level and type of contribution will vary from site to site depending on the type and scale of provision required. Each application will be assessed on a case by case basis.

Mitigation of Development

- 18.6 Energy Assessment will be required for developments that exceed the above noted thresholds. This assessment should ensure that the development maximises energy efficiency through design, layout, orientation, and use of other techniques to incorporate energy efficient methods.
- 18.7 Further guidance on incorporating carbon management in developments is available in the 'Design, incorporating carbon management, accessibility, infill sites, lighting' SPG.

19. FLOOD RISK MANAGEMENT

Background

- 19.1 There are extensive areas within the Plan Area that have been identified as being at risk of flooding. Surface water flooding is a key flood risk consideration in the Area. Surface water flooding includes surface water runoff and sewer flooding. Developers will be expected to identify the extent to which developing sites could result in increased runoff rates, and demonstrate what mitigation measures have been put in place to ensure that the development does not result in a net increase in runoff rates. Planning obligations will be sought, where appropriate, for the provision of and/or maintenance of, suitable surface water drainage systems, especially those using Sustainable Urban Drainage (SUDs) principles. Flood protection works may also be required.

Policy Context

- 19.2 The planning policy basis and justification for seeking developer contributions in respect of flood risk management is set out in:
- Planning Policy Wales 10 (Section 6.6)
 - TAN15 – Development and Flood Risk
 - Anglesey & Gwynedd JLDP (Policies PS2 Infrastructure and Developer Contributions; ISA1 Infrastructure provision; PS5 Sustainable Development; PS6 Alleviating and adapting to the effects of climate change; ARNA1 Coastal Change Management Area)
 - SPG – Design, incorporating carbon management, accessibility, infill sites, lighting

Threshold for Obligation

- 19.3 All likely flood risk impacts will need to be assessed individually on residential, commercial and all other development sites. Therefore no lower thresholds apply where a site may have flood risk implications. However, proposals greater than 1,000m² or 10 dwellings should be accompanied by a Water Conservation Statement. The exact amount of financial contribution will be assessed for each individual project/development.

Type of contribution

- 19.4 Planning obligations for flood risk management could include the following:
- Flood prevention scheme- **a scheme for the management of flood risk within the authority area. This includes defence measures.**
 - 'Soft' drainage techniques e.g. green open spaces
 - 'Hard' drainage techniques e.g. walls, embankments, underground storage tanks.

Level of Contribution

- 19.5 The level and type of contribution will vary from site to site depending on the type and scale of provision required. Each application will be assessed on a case by case basis.

Mitigation of development

- 19.6 All development in areas at risk of flooding will be required to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates appropriate mitigation and management measures. All proposals should implement flood minimisation or mitigation measures where possible. For larger schemes Water Conservation Statements will ensure that the risk of development being affected by flooding is minimised and that water conservation measures are effectively incorporated into the development.

19.7 Improving the resilience of communities should be a priority for planning authorities, and design consideration should be a key factor when development is considered acceptable in flood risk areas. Where the tests set out in TAN15 have been shown to have been met, then new development should be resilient to potential flooding at both the property and site levels:

- **Property Level Resilient Design – minimise the amount of flood water that can enter a property and limit the damage caused if water does enter.**
- **Site Level Resilient Design - minimise the amount of flood water entering a site, and effectively managing any water that does reach the site so that it does not adversely affect development.**

19.8 Developer contributions will be used to both mitigate and adapt to the effects of climate change, and minimise emissions of carbon dioxide arising from development, so that flood risk is considered over a development's lifetime. These could include:

Mitigation:

- **Using less energy, in particular by adopting sustainable design and construction measures;**
- **Supplying energy efficiently in particular by prioritising decentralised energy generation; and**
- **Using renewable energy.**

Adaptation:

- **contributing to reducing flood risk including applying principles of sustainable urban drainage;**
- **minimising water use;**
- **carbon fund contributions; and protecting and enhancing green infrastructure.**

20. CONTACT INFORMATION

To receive further information, please contact the following:

Planning Service

Gwynedd Council

Address: Development Management Service, Swyddfa'r Cyngor, Ffordd y Cob, Pwllheli, Gwynedd, LL53 5AA

Phone: 01766 771000

E-mail: planning@gwynedd.gov.uk

Anglesey County Council

Address: Planning and Public Protection Service, Sustainable Development Directorate, Isle of Anglesey County Council, Council Offices, Llangefni, Anglesey LL77 7TW

Phone: Main reception: 01248 752428

Phone: Building Control: 01248 752222

Email: planning@ynysmon.gov.uk

Anglesey and Gwynedd Joint Planning Policy Unit

Address: Joint Planning Policy Unit (Gwynedd and Anglesey), Council Offices, Ffordd y Castell, Caernarfon, Gwynedd, LL55 1SH

Phone: (01766) 771000

E-mail: Polisicynllunio@gwynedd.llyw.cymru

APPENDIX 1 – Calculating Affordable Housing Provision

Where the Council is satisfied that it is not viable to provide an affordable unit in instances where the requirement is for below a single unit then a pro-rata payment will be expected. Also in exceptional circumstances where on-site provision is not considered appropriate and off-site units cannot be delivered on an alternative site, the Local Planning Authority will require a commuted payment in lieu of on-site affordable housing provision.

The pro-rata payment / commuted sum should be of equivalent value to the developer contribution if the affordable housing was provided on site.

The high level testing undertaken within the AHVS is based upon a notional one hectare site for a series of house price sub markets that have been identified in the Plan. This is used as a comparable and practice measure for benchmarking results.

This AHVS identified at 30 dwellings per hectare (Dph) whether 30%, 20% or 10% affordable housing provision was viable for the different housing price areas.

The AHVS calculates the Residual Value of a site based on different levels of affordable housing provision. The Residual Value is the difference between Gross Development Value and total scheme costs. It provides an indication to the developer and / or land owner of what should be paid for a site.

The methodology below outlines the commuted sum payment for pro-rata where the scheme falls below a single dwelling on the site or in lieu of providing an affordable unit(s) on the site:

Step 1: Identify the Relevant percentage of affordable housing sought in the specific housing price area (shown in grey in Table 5 in this SPG).

Step 2: Calculate the difference between the Residual Value at the affordable housing provision applicable to a housing price area and the Residual Value with no affordable housing provision on the site (see Table 5 below).

Step 3: Divide the figure from Step 2 by the number of affordable units delivered on a notional 1 ha site (i.e. 3 affordable units in a 10% House Price Area, 6 in a 20% area and 9 in a 30% area). This gives the commuted sum for the provision of a single affordable dwelling

Step 4: Multiply the Relevant % of expected affordable housing provision (this is figure from Step 1) by the number of residential units in the proposed scheme.

Step 5: Multiple the commuted sum required for a single dwelling at this location (figure from Step 3) by the proportion or number of units required (figure from Step 4)

Table 5: Copy of Residual Value Figures from Table 2.2 within the Updated Affordable Housing Viability Study (Prices in £ millions)

House Price Area	0%	10%	20%	30%
Gwynedd High Value Coastal, Rhosneigr, Beaumaris.	£3.55	£3.04	£2.53	£2.01

House Price Area	0%	10%	20%	30%
Rural North West, Bridgehead, Trearddur & Rhoscolyn.	£1.99	£1.61	£1.19	£0.86
South West, North East Rural, Larger Coastal Settlements.	£1.49	£1.16	£0.84	£0.51
Rural Centres, Mid Rural, North Coast & South Arfon, Rural West.	£1.05	£0.81	£0.52	£0.23
Llangefni, Llŷn	£0.75	£0.50	£0.24	-£0.01
Western Coast & Rural Arfon, Holyhead, Amlwch & Hinterland.	£0.56	£0.26	£0.02	-£0.22
The Mountains, Eastern Gwynedd & National Park, Blaenau Ffestiniog	£0.20	-£0.01	-£0.08	-£0.43

Below are examples of the calculation for different proposed schemes:

Example 1: Development of 3 housing units in Gwalchmai

Step 1: Gwalchmai is in the Rural West Housing Price Area, which is expected to deliver **20%** affordable housing.

Step 2: Residual Value with 20% affordable housing provision for 30 dwellings = £0.52m

Residual Value with 0% affordable housing provision for 30 dwellings = £1.05m

Difference = **£0.53m**

Step 3: This £530,000 represents the requirement to deliver 6 affordable homes (20% of 30 units), which is **£88,333 per unit** (in other words £88,333 is what is required in this sub-market to deliver one affordable unit).

Step 4: For a scheme of 3 units 20% of 2 units = **0.6** of an affordable housing unit.

Step 5: Therefore the commuted sum that should be sought for this proposals is £88,333 x 0.6 = **£52,999.**

Example 2: Development of 2 housing units in Bethel (Gwynedd)

Step 1: Bethel (Gwynedd) is in the Larger Coastal Settlements Housing Price Area which is expected to deliver **30%** affordable housing.

Step 2: Residual Value with 30% affordable housing provision for 30 dwellings = £0.51m

Residual Value with 0% affordable housing provision for 30 dwellings = £1.49m

Difference = **£0.98m**

Step 3: This £980,000 represents the requirement to deliver 9 affordable homes (30% of 30 units), which is **£108,333 per unit** (in other words £108,333 is what is required in this sub-market to deliver one affordable unit).

Step 4: For a scheme of 2 units 30% of 2 units = **0.6** of an affordable housing unit.

Step 5: Therefore the commuted sum that should be sought for this proposals is £108,333 x 0.6 = **£65,333.**

Should the applicant / developer / landowner question the viability of providing this

commuted sum then, in line with Policy TAI 15, the onus will be on them to clearly demonstrate on a viability assessment pro-forma the circumstances justifying a lower affordable housing contribution.

Following the submission of such evidence if there is still disagreement between the applicant / developer/ landowner and the Local Planning Authority as to the affordable housing provision within a scheme, an independent external examination of the scheme will be undertaken at the applicant's expense. The commuted sum will reflect the conclusions of this assessment.

APPENDIX 2 – Calculating Education Provision

The likely number of pupils aged 4-18 arising from a new development

A consistent approach will be used to calculate the number of pupils (aged 4-18) arising from a proposed residential development. Identifying this is vital in order to assess the impact of a development on the local schools.

The method of calculating the number of additional pupils arising from a new residential development is based on the information included in the following table.

Type of educational establishment	Number of pupils arising from each 2+ bedroom house	Number of pupils arising from each 2+ bedroom flat
Primary School	0.40	0.11
Secondary School years 7-11	0.29	0.08
Secondary School Years 12 & 13	0.02	0.006

By multiplying the number of specific types of dwellings proposed with the relevant proportions in the table, it is possible to estimate the number of pupils that will reside in the new development. The relevant formula for calculating this is given below. **This calculation should be repeated for the three type of educational establishments i.e. primary school, secondary school (years 7- 11) and secondary school (years 12 and 13), in order to establish the final figure.**

The number of pupils arising from a residential development = [number of pupils arising from each 2+ bedroom house x number of proposed 2+ bedroom houses] + [number of pupils arising from each 2+ bedroom flat x number of proposed 2+ bedroom flats]

The ability of local schools to cope with the demand arising from the new Development

The capacity of each school is based on a formula provided by the Welsh Assembly Government. The following formula is used to calculate the number of pupils (arising from the new residential development) that are eligible for consideration when calculating the sum of the contribution required from developers. If the number of pupils attending a specific local educational establishment is less than its capacity when the planning application is submitted, then the number of pupils above this threshold as a result of the new residential development will have to be calculated. However if an educational establishment is already operating above its capacity before the application is submitted, then all the additional pupils (eligible to attend that particular educational establishment) arising from the new development will be relevant when calculating the sum of the final contribution. This calculation will have to be made individually for each 'local' educational establishment.

The number of pupils eligible for contribution = (The number of pupils attending the educational establishment + the number of pupils arising from the development) – the capacity of the educational establishment.

Any educational establishment that is above its capacity is likely to have difficulty operating effectively and to provide the best possible education to its pupils. In these circumstances it is vital to ensure a contribution in order to overcome the direct problems created by a specific residential development.

The cost of providing additional places for pupils in educational Establishments

Due to the fact that the Welsh Assembly Government has not provided specific guidance regarding the cost of providing additional places for pupils in schools, the sum of the contribution expected from developers is based on the cost multipliers of the central Government's Department of Education and Skills (now the Department for Children, Schools and Families). These multipliers reflect the cost of providing an additional place for one pupil when such a need has been proven.

The multipliers for 2011/12 are as follows:

- Primary Schools — £10,096
- Secondary Schools (years 7-11) — £15,299
- Secondary Schools (years 12 and 13) — £16,572

The sum of these multipliers will be periodically upgraded in order to correspond with the latest information provided by the Department for Children, Schools and Families. The sum of the multipliers that are applicable at the time the planning application is submitted will be used to calculate the sum of the educational contribution.

Providing a new school

If the scale of a specific residential development is sufficiently large, either individually or in conjunction with other residential developments, to ensure that a new school is needed, additional costs must be considered when calculating the contribution expected from the developer. This reflects the cost of purchasing a suitable new site or preparing a site that is already available (either in the ownership of the Council or the developer) to ensure that it is suitable for a new school. The decision regarding the need for a new school will be based upon an assessment of all the relevant information and on pre-planning application discussions with the Local Authority and representatives of other Council services. The additional financial contributions expected in these cases will be based on the Council and/or District Valuer's valuation.

It is important to consider a site for providing a new school at an early stage in the development process. If such a need has been proven, it is possible to ensure that a residential development cannot commence until this issue has been resolved. It must be ensured that the site and location of any new school is acceptable and complies with relevant planning considerations.

If a new school is necessary in order to meet current local need (e.g. when schools are already above their capacity) together with the need arising from a new residential development, the cost of purchasing or preparing the site will be proportionally shared between the developer and the Council. In these circumstances the sum of the contributions will be based on the capacity of the new school, with the developer

providing the cost for the pupils arising from the new development and the Council providing the costs required to meet the needs of current local pupils.

Calculating the sum of the contribution

Having considered all the relevant aspects, the following formula is used to establish the sum of the contribution required from developers for educational provision. This calculation should be repeated for each type of educational establishment i.e. primary school, secondary school (years 7-11) and secondary school (years 12 and 13), where the need for a contribution has been proven. These figures should be added together in order to establish the amount of the final contribution.

Developers' contribution to each individual educational establishment =
(The number of pupils eligible for contribution x cost multiplier) + any additional costs

Having calculated the sum of the contribution, consideration will be given to any financial funding the specific educational establishment receives from other sources (prior to the planning application being submitted) e.g. following a financial bid by the Local Authority. This amount will be deducted from the expected contribution that is identified by using the above formula.

APPENDIX 3 - Calculating Open Space Provision

Fields in Trust (FIT), formerly the National Playing Fields Association, has prepared 'Benchmark Standards' for outdoor sport and play to replace the "Six Acre Standard" and are helpful for authorities formulating local standards of provision, and for others with an interest in the provision and protection of spaces for sport, recreation and play.

As set out in Policy ISA 5, in order to inform the open space requirements on future developments, the Council uses the benchmark standards proposed by Fields in Trust (FIT) which consists of a minimum of 2.4 hectares per 1000 population. This consists of 1.6ha of outdoor sports facilities (of which 1.2ha are formal playing pitches) and 0.8ha of children's playing space (of which 0.25ha are equipped play spaces). This can be translated into the requirement per person as follows:

MINIMUM STANDARD 2.4ha per 1000 population	
Outdoor Sport	Children's Playing Space
1.6ha per 1000 population = 16m ² per person	0.8ha per 1000 population = 0.8m ² per person

Outdoor Sport

This covers the following:

- Facilities such as pitches, greens, courts, athletic tracks and miscellaneous sites such as croquet lawns and training areas in the ownership of local government, at all tiers.
- Facilities as described above within the educational sector which are available for public use by written agreement. The informal or unauthorized use of such facilities by the public does not qualify.
- Facilities described above within the voluntary, private, commercial sectors that serve the leisure needs for outdoor sport and recreation of their members, or the public.

FIT recommends that playing pitches should be available within 1.2km of all major residential areas.

Children's Playing Space

This covers the following:

- Designated areas for children containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play
- Casual or informal playing space within housing areas which provide opportunities for informal play.

FIT defines three categories of children's playing space. These are:

1. Local Area for Playing (LAP): A small area of unsupervised open space specifically designated for young children for play activities close to where they live.

2. Local Equipped Area for Playing (LEAP): An unsupervised play area equipped for children of early school age.
3. Neighbourhood Equipped Area for Playing (NEAP): An unsupervised site servicing a substantial residential area, equipped mainly for unaccompanied older children between 8 and 14, but with opportunities for play for younger children, older children and those with special needs.

FIT have accessibility standards for children's playing space which are as follows:

Type of Space	Distance Criteria (m)	
	Walking Distance	Straight Line Distance
LAP	100	60
LEAP	400	240
NEAP	1000	600

Occupancy Assumptions

Since FIT's standard is based on population it is necessary to estimate the average level of occupancy of different types of housing units in order to calculate the OSRV requirement. Using one occupancy rate (i.e. average occupancy rate per dwelling (2011 Census)) for all developments would fail to distinguish between sizes of dwellings. The Council considers that the following average occupancy rates are reasonable within the LPA area:

1 bedroom dwellings = 1.5 people
2 bedroom dwellings = 2 people
3 bedroom dwellings = 2.5 people
4 bedroom dwellings = 3 people

Source: Residential Development and Open Space of Recreational Value SPG, Gwynedd Council, 2009

Recreational Needs of the Proposed Development

In order to work out the level of provision a simple calculation is required. Using the occupancy assumptions above the need per unit is worked out, multiplied with the number of units and multiplied with the standard per person to find the total need.

	Nos of bedrooms	Nos of people	OSRV provision		1	2	3
			Outdoor Sport m2/person	Children's m2/person	Sports Ground Need (youth and adult use) m2	Children's Playing Area Need (LAP's, LEAP's, NEAP's Casual/Informal) m2	Total OSRV Need(s) m2
A	1	1.5	16	8	24	None	24
B	2	2	16	8	32	16	48

C	3	2.5	16	8	40	20	60
D	4+	3	16	8	48	24	72

Example:

Proposed development of 50 houses (25 three bed & 25 four bed):-

Youth and adult use

25 (three bed dwellings x 40m² (Row 'C' Column '1') = 1000 m²

25 (four bed dwellings x 48m² Row 'D' Column '1') = 1200m²

Total = 2200m²

Children's Playing Area Need(s)

(LAP's, LEAP's, NEAP's, Casual/Informal)

25 (three bed dwellings x 20m² (Row 'C' Column 2) = 500m²

25 (four bed dwellings x 24m² (Row 'D' Column 2) = 600m²

Total = 1100m²

Total Provision of Outdoor Space of Recreational Value = 3330m²

Agenda Item 6

ITEM 6

MEETING	Joint Local Development Plan Committee
DATE	6 September 2019
NAME	Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside
PURPOSE	Consider and approve the proposed response to comments received about the Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance and adopt this Guidance
RECOMMENDATION	That the Committee approves the proposed response to the comments received about the following Supplementary Planning Guidance and adopt this Guidance: <ul style="list-style-type: none">Replacement Dwellings and Conversions in the Countryside
AUTHOR	Team Leader, Anglesey and Gwynedd Joint Planning Policy Unit

1. Background

- 1.1 The Planning Authorities are committed to prepare a range of Supplementary Planning Guidance to support the Joint Local Development Plan. This report presents:
- A consultation report on the Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance (Appendix 1); and
 - The final draft version of the Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance (Appendix 2).

2. The public consultation and the final draft Guidance

- 2.1 The Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance consultation draft was compiled on the basis of consultation with relevant officers in the two Councils and the Joint Local Development Plan Panel. Approval was received by the Joint Planning Policy Committee on the 25 January 2019 for public consultation on this draft Guidance.
- 2.2 There was a public consultation on the content of the draft document between 21 February 2019 and 4 April, 2019. The Public Consultation Report shown in Appendix 1 record the comments received and the response to them. The Guidance in Appendix 2 has been amended as a result of the consultation, taking some of the issues raised into consideration.

3. Strategic Environmental Assessment and the Habitat Regulations Assessment

- 3.1 Screening assessments were conducted to determine if this Guidance should be subject to a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004. Habitats Regulations Assessment (HRA) of plans and programmes that may affect sites of international importance is one of the requirements of the Habitats Directive (92/42/EEC). This Guidance was therefore assessed to determine whether there was a requirement for a full appropriate assessment under the Habitats Regulations.
- 3.2 The Regulations set out a process for Authorities to undertake a screening opinion. Primarily because this SPG support policies that have been subject to SEA, the conclusion was that there was no need for these Guidance to be subject to SEA. The Plan's policies were assessed under the Habitats Regulations and the conclusion was that there was no need for an appropriate assessment of the Plan. Because this Guidance support some of those policies, the screening assessment referred to in paragraph 3.1 above came to a conclusion that there was no need for an appropriate assessment of this Guidance.
- 3.3 In accordance with the processes set out in the Regulations referred to above, a copy of the screening assessments was sent to Natural Resources Wales and CADW, which are the specific environmental bodies. These organisations were required to respond within 5 weeks.
- 3.4 This process has determined that the Councils' screening assessment was correct, and, therefore, a SEA and an Appropriate Assessment of this Guidance are not required. Screening Statements will be published to reflect this decision.

4. Next steps

- 4.1 After this Guidance is adopted it will be a material planning consideration.
- 4.2 A copy of the final SPG will be available on the websites of the two Councils and hard copy can be found in the offices of the two Planning Services and the Office of the Joint Planning Policy Unit.
- 4.3 A copy of the Public Consultation Report can be found on the websites of the two Councils and hard copy can be found in the offices of the two Planning Service and the Office of the Joint Planning Policy Unit.
- 4.4 A copy of the Strategic Environmental Assessment and the Habitat Regulations Assessment Screening Statements will be available to view on the Councils' websites and a paper copy will be available to view in the offices of the two Planning Service and the office of the Joint Planning Policy Unit.
- 4.5 We shall inform the individuals that took part on the public consultation that these Guidance have been adopted.

5. Recommendation

5.1 The Joint Planning Policy Committee is asked to approve the proposed response to comments about the following Supplementary Planning Guidance and adopt this Guidance:

- (i) Replacement Dwellings and Conversions in the Countryside (See Appendix 2).

APPENDICES:

Appendix 1: Public consultation report for the Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance

Appendix 2: Replacement Dwellings and Conversions in the Countryside Supplementary Planning Guidance Final draft

Item 6: Appendix 1

SUPPLEMENTARY PLANNING GUIDANCE - REPLACEMENT DWELLINGS AND CONVERSIONS IN THE COUNTRYSIDE

CONSULTATION REPORT AND OFFICERS' RECOMMENDATIONS



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

SEPTEMBER 2019

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1.0 BACKGROUND

Purpose of the Supplementary Planning Guidance (SPG)

- 1.1 The purpose of the SPG is:
- to assist applicants and their agents to prepare planning applications and guide them in discussions with officers regarding how to use the relevant policies in the Joint Local Development Plan before submitting planning applications,
 - to assist officers to assess planning applications, and officers and councillors to make decisions about planning applications, and
 - to help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent method of decision making that coincides with the relevant policies of the Joint Local Development Plan.

Policy Context

The Local Development Plan

- 1.3 Under planning legislation, planning policies for every area are included in the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It covers the area of Gwynedd and Anglesey Planning Authorities.
- 1.4 The Plan provides wide-ranging policies along with designations for the main land uses, such as housing, employment and retail; it will help shape the future of the area of the Plan physically and environmentally, and will also influence it economically, socially and culturally. Therefore, the Plan:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - leads developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development proposals, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The status of the Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) are material planning considerations during the process of assessing and making decisions on planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on Supplementary Planning Guidance that stem from, and are consistent with, a development plan. The SPG cannot introduce any new planning policies or amend existing policies.

- 1.7 Therefore, as soon as it is adopted, substantial weight should be placed on the SPG as a material planning consideration.

2.0 SPG REPLACEMENT DWELLINGS AND CONVERSIONS IN THE COUNTRYSIDE

- 2.1 The purpose of the SPG is to provide further information and detail to assist the two planning authorities to implement Policy CYF6 ('Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry'), Policy TWR2 ('Holiday Accommodation'), Policy TAI 7 ('Converting traditional buildings in open countryside into residential use') and policy TAI 13 ('Replacement dwellings') from the JLDP in order to ensure a consistent method of implementing these policies. The guidance explains the considerations associated with the conversion of rural buildings for alternative use and highlights the main consideration associated with the replacement of houses in the countryside, including principles relating to size and design.

The Public Consultation

- 2.2 A draft version of this SPG was approved for a public consultation by the Joint Planning Policy Committee on 25 January 2019. This draft was prepared in consultation with relevant officers from both Authorities. Prior to this, the SPG was reviewed by the Joint Local Development Plan Panel on 16 November 2018.
- 2.3 The SPG was subject to a public consultation between 21 February and 4 April 2019.
- 2.4 The details of the public consultation was placed on the websites of both Councils and e-mails/letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, nearby authorities and those who had expressed and interest in the SPG. Details of the consultation were sent to the experts in the subject field (e.g. estate agents and agricultural unions). Hard copies of the SPG were also available to read in every public library, the head office of Anglesey Council in Llangefni and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).
- 2.5 There was a number of different ways for people to respond to the consultation, including:
- On-line response form in Word and pdf - available on both websites and paper copies available in every library and Siop Gwynedd, and Anglesey Council's main office. Paper copies of the form were also available on request from the Joint Planning Policy Unit.
 - E-mail
 - Letter
- 2.6 Nine observations were received, including seven objections and 1 comment of support and 1 general comment.
- 2.7 The next section (Appendix 1) summarises the observations received. It includes the Councils' response to them and, when appropriate, recommends any modifications to the SPG that are required as a result of the observation. Any modification to the wording of the SPG has been noted in **bold and is underlined**.

Joint Local Development Panel

- 2.8 The Consultation Report was presented to the Joint Local Development Panel on 17 July 2019 in order to consider and comment upon the representations received and the Officer's response to them.

APPENDIX 1 - SUMMARY OF THE OBSERVATIONS RECEIVED AND OFFICERS' RECOMMENDATIONS

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
1	01	Object	Russell Hughes Architects	General	We feel that this frustrates good Architecture, and is also too restrictive. There is a need to bear in mind that this document will be strictly used as a Bible by Planning officers, despite the fact that it is guidance.	<p>Note the observation</p> <p>The observation does not elaborate on which section(s) of the Guidance is considered too strict. It is considered that the Guidance gives guidance to architects in terms of the type and standard of designs expected from Planning applications to convert or replace houses.</p> <p>Recommendation</p> <p>No need to change the SPG in light of this objection.</p>
2	02	Objection	Natural Resources Wales	General	Foul Drainage Infrastructure - In terms of sewage, we recommend that the guidance should highlight the point where appropriate sewage treatment facilities will be required according to the foul drainage hierarchy: connection to sewer, septic tank/treatment equipment, and water soak-away, or treatment to discharge into a water-course. NRW would object increases to private discharges within a reasonable distance to existing sewers, or when the proposed receiving water-course is already unable	<p>Note the observation</p> <p>This Guidance relates specifically to the main planning policy considerations associated with the principle of converting rural buildings and replacing houses. It is not reasonable for this guidance to include a guide on all planning considerations associated with such developments. Any prospective planning application to convert or replace must consider all relevant policies included within the</p>

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
Page 89					<p>to meet the Water Framework Directive targets due to foul drainage problems. If more than one dwelling is being proposed, consideration must be given to the number of dwellings multiplied by the 30 metre requirement to connect to a sewer.</p> <p>Private sewage treatment facilities must be registered with Natural Resources Wales under the Environmental Licensing Regulations 2016, or an appropriate licence must be available. There is no guarantee that NRW will issue a licence to discharge, or an exemption even if planning permission is granted.</p>	<p>Plan, including Policy ISA 1 (Infrastructure Provision).</p> <p>Recommendation No need to change the SPG in light of this objection.</p>
	3	03	Objection	Caernarfon Town Council	3.4	<p>We need houses, not businesses - there is a lack of houses.</p> <p>Note the observation</p> <p>The priority given to such economic uses of units derives from the Joint LDP as well as National Planning Policy requirements. Planning Policy Wales (Edition 10, 2019), notes that a positive attitude should be taken towards the re-use of rural buildings for business use. This principle is supported by Technical Advice Note</p>

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
Page 90						<p>6: Planning for Sustainable Rural Communities which notes the need to prioritise the re-use of rural buildings for economic purposes, rather than residential use.</p> <p>If it would be possible to prove that there is no suitable economic use for the units, then consideration could be given to the suitability of the unit for residential purposes - provided it is an affordable house in accordance with the guidance included in Policy TAI 7.</p> <p>Recommendation No need to change the SPG in light of this objection.</p>
	4	03	Objection	Caernarfon Town Council	4.6	<p>We need houses, not businesses - there is a lack of houses.</p> <p>See the above response to 'Observation ID No.' 3.</p>
	5	03	Objection	Caernarfon Town Council	5.1	<p>There is a need to consider affordable housing, rather than employment every time.</p> <p>See the above response to 'Observation ID No.' 3.</p>
	6	04	Object	Angela Gliddon	8.3	<p>Note the observation</p> <p>This Guidance and the guidance included in paragraph 8.3 of the Guidance relates specifically to the</p>

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
					<p>maintained, but it is completely unfair to differentiate houses in rural areas for this restriction in accordance with the guidance in the draft Guidance.</p> <p>The wording of the guidance should be amended as follows:</p> <p>To remove "...Any addition should be fit for purpose and should not be an aspiration by the applicant to add luxury (e.g. play room, additional bedroom)." And it should be replaced with the following "No addition should include an extra floor and it should not extend the floor area more than a maximum of 25% during a 20 year period. Any conservatory should be a dark coloured structure, e.g. grey, black, brown or dark green."</p>	<p>main considerations associated with applications to change the use of rural buildings, i.e. buildings that are not currently in residential use. Any application to extend a residential house in open countryside would be assessed in accordance with the general policies of the Plan, including Policy PCYFF 3 (Design and Place Shaping).</p> <p>When considering applications relating to the conversion of rural buildings (i.e. buildings not currently in residential use), it is considered appropriate to give guidance within the Guidance in relation to what is considered to be an acceptable extension to these buildings, particularly bearing in mind the national planning policy guidance included in TAN 23 which notes the need for buildings subject to conversion to be suitable for those purposes.</p> <p>Recommendation No need to change the SPG in light of this objection.</p>

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
7	05	Support	Tudweiliog Community Council	Not relevant	The Guidance is welcomed and supported.	Note the observation of support.
8	06	Objection	Dylan Llwyd	Not relevant	<p>In an area with high house prices and low economic prosperity, it is disappointing that rural buildings cannot be converted for the purposes of local need housing. The policy permits the conversion of rural traditional buildings into high quality holiday accommodation use; however, capital is needed to do so.</p> <p>The units granted permission as 'holiday accommodation' are rented throughout the year (which means that it changes into residential use.) Economic benefit is only available to those with money to invest.</p> <p>Can the development be bound to the owner rather than the property? This way, planning permission would not be passed on to the next owner, should the property be sold.</p>	<p>Note the observation</p> <p>See the above response to 'Observation ID No.' 3.</p> <p>Planning permission is granted on property/land in order to manage the current and future use. It is not possible for planning permission to be given to the individual.</p> <p>Recommendation</p> <p>No need to change the SPG in light of this objection.</p>
9	07	Observation	Officer	2.5 & 2.6	It is considered that further information needs to be included about what is expected to be included within a Structural Report - i.e. ensure that they are fit for purpose.	<p>Note the observation</p> <p>In order to add clarity, it is considered appropriate to amend the Guidance and include a further explanation in</p>

Observation ID No.	Person ID No.	Type of Observation	Organisation	Part	Summary of the Observations	Observations of Officers and the Recommendations
						<p>terms of the expectations associated with Structural Reports.</p> <p>Recommendation</p> <p>Propose including an additional paragraph after para 2.6, as follows:-</p> <p><u>"Any Structural Report should be comprehensive and thorough and include information about the condition of the building and its suitability for the proposed use. A Report that is only based on a visual inspection of the building will not be acceptable."</u></p>

SUPPLEMENTARY PLANNING GUIDANCE

Replacement Dwellings and Conversions in the Countryside



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

SEPTEMBER 2019

ANGLESEY ANG GWYNEDD JOINT LOCAL DEVELOPMENT PLAN

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1.0 Introduction and Purpose of Supplementary Planning Guidance

Purpose

1.1 The Purpose of this Guidance is to:

- assist the public and their agents in preparing planning applications and in guiding them in discussions with officers before submitting planning applications,
- assist officers to assess planning applications, and officers and councillors to make decisions about planning applications, and
- help Planning Inspectors make decisions on appeals.

1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions.

The Policy Context

Local Development Plan

1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority area.

1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore, attempts to:

- guide the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
- guide developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of Supplementary Planning Guidances to support the Plan that will provide more detailed guidances on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

1.6 Supplementary Planning Guidance (SPG) may be considered to be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs do not introduce any new planning policies.

1.1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a resolution to adopt by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on 25 January 2019 by the Joint Planning Policy Committee. The supplementary planning guidance was the subject of a public consultation exercise between **date**. The **x** observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by **the Joint Planning Policy Committee on date** to be used as a material consideration when assessing and determining planning applications and appeals. A summary of the observations and the Councils' response are given in **Appendix or location of a Committee report. (Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.**

1.8 The following guidance has been split into two sub-sections. The sub-sections relate to the following topics:-

Section A: Conversion of buildings in the countryside

Section B: Replacement dwellings in the countryside

1.9 This SPG will provide further guidance in relation to the planning considerations in relation to applications for the conversion of buildings and replacement dwellings in the countryside. The 'countryside' in this context is defined as being sites located outside the development boundary of a settlement or cluster as defined within the JLDP.

2.0 General considerations relating to the conversion and replacement of housing in the countryside

Wildlife

2.1 In some circumstances it may be possible that there are species protected by national or European legislation living and roosting in buildings proposed for conversion or replacement. It

will be necessary to ensure that any proposal conforms to national guidance as included in Planning Policy Wales, Technical Advice Note 5: Planning and Nature Conservation, together with the relevant policies in chapter 6.5 of the Joint Local Development Plan and the relevant Biodiversity Plans for both counties.

- 2.2 In conducting discussions with the Local Planning Authority during the Pre-application advice process or the formal Planning process, guidance will be required from the Authority regarding the necessity (or otherwise) to conduct a Wildlife Survey of the building as part of the planning process. Any such survey should be undertaken by a professional, qualified person. A discussion and agreement should be reached with the relevant Biodiversity Officer to determine the most suitable period to conduct the survey (dependent on what time of year the protected species roost). Conducting a survey is a means of assessing any impact the development work could have on the protected species. In addition, the survey is a means of identifying measures that can be taken to mitigate any impact as a result of the proposed development on protected species. Failure to produce a Wildlife Survey or a sub-standard survey may result in the planning application being refused.
- 2.3 The species most likely to be present in these types of buildings are bats, barn owls and swallows. Bats, barn owls and swallows (nesting birds) are protected under the Wildlife and Countryside Act 1981; bats receive additional protection under the Habitats Regulations 1994.
- 2.4 It is possible to obtain further advice on the considerations associated with wildlife by contacting the Biodiversity Officers of the Councils.

Structural report

- 2.5 Often there will be a requirement to submit a structural report along with an application to convert or replace dwellings, it will be necessary to ensure that the report is undertaken by a qualified person, such as a Structural Engineer. The information submitted should be in the form of a Report. Where appropriate, the use of drawings and photographs are encouraged to show the building's condition.
- 2.6 As the condition of dormant buildings can change significantly over time, it will be necessary to ensure that the Structural Report is undertaken within a period of 3 months of the planning application submission date.
- 2.7 **Any Structural Report should be comprehensive and thorough and include information about the condition of the building and its suitability for the proposed use. A Report that is only based on a visual inspection of the building will not be acceptable.**

Removal of permitted development rights

- 2.7 'Permitted Development Rights' allow specific types of development to take place without the need to receive planning permission for that work. When planning permission is granted to convert a rural building or to replace a dwelling, a Planning condition will be used to remove

the permitted development right associated with adaptations, extensions and other relevant associated development to enable the Local Planning Authority to have control over any future developments that take place on the site. This means that any proposed development on the site for extensions and adaptations should be subject to a planning application.

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SECTION A: CONVERSION OF BUILDINGS IN THE COUNTRYSIDE

3.0 Introduction - Conversion of buildings in the countryside

- 3.1 The types of buildings that are relevant to this Guidance are those that are no longer used for the original purpose, e.g. if the building in question is a domestic garage and the residential use of the dwelling continues, it is considered that the use of the garage has not ended. Where appropriate, the applicant will need to submit information to prove that no use is made of the building in question. In cases where approval has been given for a specific use of a building, it will be necessary to ensure that the building for conversion has been in use for that purpose. No application for the conversion of a building should be a means to try and circumvent the planning system.
- 3.2 Changes in social and economic circumstances often mean there are dormant buildings in the countryside as they are not required and are practically unsuitable for the original use. The types of dormant buildings can include, for example, farm outbuildings, barns, schools, chapels etc.
- 3.3 The Joint LDP supports the principle of finding an alternative use for dormant buildings in the countryside. Making use of dormant buildings reduces the need to develop on greenfield land and corresponds with the principle of sustainable development that is core to the Joint LDP strategy. Furthermore, finding suitable alternative uses for these buildings can contribute to supporting and enhancing the environment and the rural economy together with protecting the traditional social fabric of rural areas.
- 3.4 The demand for alternative uses of these buildings include a wide range of uses. Despite the pressure to convert rural buildings for residential purposes there is a presumption against this use locally and nationally, with economic use being favoured. Examples of alternative economic uses include business, leisure, industrial, tourism and sports use.
- 3.5 It is noted that the principles included within this guidance are also relevant to applications that have already received planning permission to convert a building and submission of new applications for extensions/ adaptations to those units.

4.0 National and Local Planning Policy Context

National Planning Policy Guidance

- 4.1 National planning policy guidance is included in Planning Policy Wales (PPW) (Edition 10, 2018). PPW note that development should be located adjacent to settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation. New building in the open countryside away from existing settlements or areas allocated for development must be strictly controlled. (para 3.56) As part of the principle of sustainable development, PPW also encourages the re-use of suitable previously developed sites rather than developing on Greenfield sites (Section 3.51).

- 4.2 Despite the considerations associated with sustainable development PPW also recognises the need to facilitate agricultural diversification by facilitating the re-use of rural buildings for business use (Para 5.6.6).
- 4.3 PPW stresses the need to protect the cultural and environmental identity of sites/buildings of heritage interest and how this contributes to our sense of place and cultural identity (para. 6.0.2). The importance to ensure that the historic environment is protected, managed and conserved is noted.
- 4.4 PPW is supported by a series of Technical Advice Notes (TANs). Technical Advice Note 6: Planning for Sustainable Rural Communities notes that the main consideration in the context of the conversion of rural buildings is to:-
- ensure that the nature and proposed new use is acceptable for the building in Planning terms;
 - that the proposal respects the landscape and local building materials (Section 3.2);
 - encourage economic use (including holiday accommodation use, para. 3.6.1) of buildings proposed for conversion rather than used as dwellings (para 3.5.1).
 - one occasion when dwelling use could be suitable is when it is a subordinate part of a wider employment use.
- 4.5 Technical Advice Note 23: Economic Development recognises the important role the conversion of rural buildings has on the local economy. TAN 23 states that any building proposed for conversion for alternative use should be suitable for the specific use without having to undertake significant work or total replacement.

Local Policies - Joint Local Development Plan

- 4.6 The policies within the Joint LDP that specifically deal with the conversion of rural buildings for alternative uses promote the re-use of suitable rural buildings for employment purposes in the first instance. Only on the occasions where it is possible to prove there is no viable employment use for the building will it be possible to consider it for residential use.
- 4.7 In relation to applications for the conversion of buildings for employment use, the principles included in Policy CYF 6 should be considered: 'Re-use and adapt rural buildings or a residential unit for business use or construct new units for business/industry' (See Appendix 1). This Policy supports applications that deal with the conversion of buildings for employment/business use as long as the building is structurally sound, that any extension is necessary and of reasonable size and the building is suitable for the proposed use.
- 4.8 Policy TWR 2 'Holiday Accommodation' (See Appendix 1) includes the principles associated with the conversion of a building for holiday accommodation use. The principle of converting a building for employment use is acceptable provided it is of a high quality in terms of design, layout and appearance and that the proposal conforms to a series of criteria included within the policy.
- 4.9 Residential use of units that are subject to a planning application for conversion will need to be considered against Policy TAI 7 'Conversion of Traditional Buildings in the Open Countryside to Residential Use' (See Appendix 1). Policy TAI 7 notes:-

- that priority will be given to the conversion of buildings in the countryside for employment use;
- only in the cases where it is possible to prove there is no viable suitable employment use for the building will it be possible to consider the building in question for residential use;
- if it is possible to provide evidence that demonstrates there is no suitable employment use for the unit, then the unit proposed for conversion will be for an affordable dwelling unit to meet local need or the residential use should be a subordinate element linked with a larger development for employment use, (working and living unit);
- the structure will have to be structurally sound;
- no extensive extensions are required to enable the development;
- that any architectural characteristics of merit and traditional materials are retained and that the proposal does not lead to the loss of the original structure's character.

5.0 Employment Use Priorities

- 5.1 Within the Joint LDP there is a presumption in favour of the conversion of suitable rural buildings for employment uses (Policies CYF 5, TWR 2 and TAI 7), unless it can be proven that there is no suitable viable employment use. Applications assessed against the requirements of Policy TAI 7 (i.e. for residential use) that have not made a reasonable effort to prove there is no viable suitable economic use for the site will not be approved. The types of employment use that may be suitable will include tourism use (including holiday accommodation), business, leisure and a community resource (examples only).
- 5.2 It will be essential to prove that a reasonable effort has been made to market the unit for employment use. Policy TAI 7 notes the need to advertise the unit for economic use for a period of time. The plan is not definitive regarding the period of time. However, it is noted that an effort should be made for a minimum period of 12 months. The Local Planning Authority has to be satisfied with the effort made to market the unit, perhaps in some circumstances, for example, due to the lack of effort there will be a requirement to market the unit for a longer period than 12 months.
- 5.3 As part of the effort to market the unit for employment use the following steps should be taken: -
- Market the property with Local Estate Agents as well as Estate Agents that specialise in commercial/business properties.
 - Evidence of the advertisement process on the web as well as in local newspapers.
 - Contact agencies/organisations that specialise in establishing new small businesses e.g. the Council's Economic Development Department, Local Business Enterprises, Community/Town Councils, Federation of Small Businesses, Welsh Government and Business Wales.
 - Information regarding any interest shown in the building together with any offers and the response to them - including justification for that response.

6.0 Live/Work Units

- 6.1 In accordance with Policy TAI 7, one occasion when it is possible to allow residential use of converted units in the countryside is when that use is a subordinate element linked with a larger development for employment use. These types of units are identified as 'Live/Work Units'. Live and work/units are defined as ones designed for dual use, combining residential use with employment use, but in Planning terms only one unit is created. In accordance with the Town and Country Planning Order (Use Classes) (1987) this is defined as 'exclusive use' (previously known as 'sui generis'). In order to change the use of such a unit (defined as 'exclusive use') planning permission would need to be received. Furthermore, permitted development rights for such units would be removed.
- 6.2 When permission is given for a 'live/work unit' a planning condition will be imposed to restrict the occupancy of the unit's residential element to be linked to the employment element.
- 6.3 It is noted that the concept of 'working from home' should not be confused with 'live/work units' as there is no need for change of use for an unit to 'work from home' however, 'live/work units' require specific permission for that use. It is noted that prior to considering a 'live/work' use of an unit it should be ensured that there is no suitable viable employment use for the building as a whole (in accordance with criterion 1 of Policy TAI 7).
- 6.4 During the process of submitting an application for live/work units firm evidence should be presented regarding the enterprise proposed in the unit in the form of a Business Plan together with a justification for the need to live on the site. The proposal should be part of the wider vision linked to supporting the rural economy and diversification. The types of businesses considered appropriate for 'living and working units' include for example, carpenter, blacksmith, local food production enterprises, arts studio/workshops. By living and working in the same location there are obvious economic and sustainability benefits. This dual-use makes it more affordable/viable for workers to live in the area where they work.
- 6.5 In considering the suitability and design of the units, it should be ensured that the unit has separate external access for the employment use and the residential use, which means that both uses do not disrupt each other. The employment space should have its own kitchen/bathroom facilities. The employment space within these units should be flexible enough to be adapted in accordance with the changes in technology and in business needs. The proposal should be located within the same shell - it is not appropriate to consider applications that have residential and employment use in two separate buildings. Furthermore, it should be ensured that there are sufficient parking spaces linked to the proposal for residents and those employed or visiting the site.
- 6.6 In all cases and in accordance with policy TAI 7, the residential element should be subordinate to the employment use, meaning that there is more ground floor employment space in the unit compared with residential ground floor space. As a measure it is considered that a split of 75% employment and 25% residential would be the acceptable.
- 6.7 Any proposal for living and working units should follow the principles of environmental, social and economic sustainability. It is recognised that there are obvious environmental

advantages of living and working on the same site by reducing the need to travel, however, it should also be ensured that the proposal suits the local landscape and has a sustainable link with the services of the nearby settlement.

6.8 In the context of sustainable development, live/work units should comply with the following accessibility principles:-

- Situated at the side of an existing road.
- Is not in an isolated location.
- Connection via sustainable methods of travel with local services, such as schools and shops.

6.9 Holiday accommodation sites (e.g. self-serviced/serviced holiday accommodation, bed and breakfast and caravan sites are not eligible for live/work units.

7.0 Definition of traditional buildings

7.1 Policy TAI 7 specifically relates to the conversion of traditional buildings. Generally, traditional buildings are considered to be those built prior to 1919 and of 'breathable construction', namely the building method means that the material used for construction can absorb and discharge damp. Therefore, the walls are robust and do not have a cavity.

7.2 Furthermore, a traditional building has an aesthetic value deriving from people's sensory and intellectual enjoyment of the building and its character and local uniqueness contributes to a sense of place.

8.0 Extensions

8.1 In the context of Policy TWR 2 together with Policy TAI 7 the building intended for conversion for alternative use should be suitable for the proposed use. No extensive extensions should be required to enable the development, the building in its current form (in terms of size) should be suitable.

8.2 Where it is possible to receive a strong justification, it will be possible to justify small additions in size as long as these additions have been designed in a way that is sensitive and in keeping with the original building. Any extensions should add value to the building in terms of architectural design as well as a wider contribution to the local environment.

8.3 Any addition should be fit for purpose and should not be an aspiration by the applicant to add luxury (e.g. play room, additional bedroom). The types of extensions considered to be suitable include a small foyer or small extension to the walls to create more practical space within the essential rooms (e.g. kitchen and bathroom).

9.0 Structure

9.1 Any building in the countryside proposed for conversion should be a permanent building with firm construction. Developments that entail significant re-building work will not be permitted

as this would be tantamount to constructing a new building. The walls should be robust and reach up to the level of the eaves. A building in the countryside that is in such a dilapidated condition that substantial parts of it would have to be replaced or that the building would have to be completely replaced, will not be acceptable. This will ensure that the special character and appearance of the building will not be damaged. As a guide, an application for the conversion of a building should not be considered if it is necessary to rebuild more than 10% of the total wall area when it is necessary to restore the roof, or 20% of the total wall area if there is no need to restore the roof.

- 9.2 Any application for conversion should include a 'Structural Report' to prove that it is possible to convert the building without major or complete reconstruction. The need to submit a structural report together with the application is noted during Pre-application Advice discussions.
- 9.3 During the construction work it will be necessary to ensure that appropriate measures are taken to safeguard/support the building's structure. A condition should be attached to the permission stating the need for the necessary work to support the building to be undertaken prior to undertaking any structural work. It should be ensured that the Structural Report recognises the building's proposed use with findings regarding the suitability of the building for that specific use.
- 9.4 In cases where the building that is the subject of conversion falls down during the process of restoration, the work of converting the building should end until discussions take place with the Local Planning Authority. The fact that sections of the building have fallen may mean that the original planning permission given is no longer valid. In such circumstances, a new planning application will need to be submitted and it may be that the proposal does not comply with the principle of the relevant policies within the Joint Local Development Plan. When undertaking restoration work, if sections of the original building are found not to be strong and will therefore prevent the restoration work, then it should be ensured that a discussion takes place with the Planning Service. The building should not intentionally be demolished and then rebuilt without firstly receiving the right to undertake this.

10.0 Design

- 10.1 The roof is one of the main features of any building as it is a prominent dominant/visible structure in the skyline. Often, the roof structure is one of the main features that can suffer structurally when a building is left vacant for a period of time. In cases where work is required on the roof or to re-build it completely, all efforts should be made to restore the original materials and re-use. Where this is not possible any new material used should be in accord with the original. Usually the roofs of old rural buildings in the area are made of Welsh slate and therefore it is likely that this would be the chosen roof covering. There may be some instances when another roof covering is suitable e.g. if the material is characteristic of the area's character. It should be ensured that any roof covering and design complies with the guidance set out in Policy PCYFF 3: Design and Place Shaping. It should be sought to ensure that the height, pitch and eaves of the roof are not modified/changed from the original levels. This will ensure that the area's skyline character is not harmed.

- 10.2 Consideration should be given to details such as the sides and eaves of the roof together with the rainwater pipes/associated guttering to ensure they are in keeping with the original building in terms of the nature and materials used. It should be ensured that only a limited/essential number of water pipes are installed.
- 10.3 Any proposal to convert a traditional building should respect the nature and those features that contribute towards its architectural value. Where possible it should be ensured that any modern/alien features are limited. In terms of materials, these should also be traditional and respect what already exists.
- 10.4 Unnecessary door and window openings should not be added, to try and ensure that the building's traditional character is respected. Usually, dormer windows are not permitted. In a case where it is considered that a skylight would be the only option to get more daylight into the building, then appropriate measures should be taken to mitigate any negative visual effect this could have, e.g. by installing a roof light that is level with the roof.
- 10.5 Some buildings that are non-traditional or of no architectural interest can be subject to an application for conversion. Often, it is likely that these type of buildings will include materials that do not add architectural interest and are not in keeping with the area. Applications for the conversion of buildings of this type should ensure that the building conversion work offers suitable modifications for a positive architectural contribution, respecting the wider environment and adds to improving the character and appearance of the site in compliance with Policy PCYFF 3: Design and Place Shaping.

SECTION B: REPLACEMENT OF HOUSING IN THE COUNTRYSIDE

11.0 Introduction - Replacement Dwellings in the Countryside

- 11.1 This section of the guidance offers advice on the proposals that deal with replacing dwellings in the countryside. The guidance does not offer advice in terms of demolition and rebuilding within the development boundaries or for alternative use.
- 11.2 In rural areas there are buildings that are now dilapidated and unsuitable for modern living. In considering residential units that are subject to an application for demolition and replacement the Authority will have to initially ensure that the proposed unit for demolition has a legal use as a residential unit, i.e. it will be necessary to ensure that no abandonment of the unit has taken place. 'Abandonment' is when the original use permitted has been lost. In order to determine if an abandonment of use has taken place then the proposal will have to be considered against the following 5 criteria:-
- a) The physical condition of the property;
 - b) The period that has elapsed since the building was last used;
 - c) If the building was used for alternative uses;
 - ch) The owner's intention;
 - d) Measures taken to protect the building/use.
- 11.3 It is noted that applications for demolition and replacement are only relevant to permanent units. Applications to replace a caravan/chalet with a permanent residential unit are not eligible in accordance with criterion 5 of Policy TAI 13.
- 11.4 In locations defined by the Plan as open countryside, applications for replacement will have to be one for one, namely an increase in the number of units on the site will not be permitted. Furthermore, applications will have to be full applications with all the details regarding design and access.
- 11.5 Due to the age of the units suitable for demolition and replacement and the construction of the units, it appears that we do not make efficient use of energy. Therefore it is considered that we should take advantage of opportunities to ensure that new developments are efficient and incorporate sustainable building methods.
- 11.6 Appropriate consideration should be given to applications for replacement dwellings in areas that are landscape sensitive, such as a site located within or near an Area of Outstanding Natural Beauty and a Special Landscape Area. Appropriate consideration will be given to the size, scale and design of the building that would have an impact on these landscape designations to ensure that priority is given in order that the area's rural nature and traditional architecture are protected.

12.0 National and Local Planning Policy Context

National Planning Policy

- 12.1 National Planning Policy guidance in relation to the principle of the demolition of and replacement of residential units can be seen in Planning Policy Wales (Edition 10, 2018). PPW states that new development the green Belt/open countryside should be strictly controlled. One case where development in such a location is appropriate is when that is for replacement.

Local Policies - Joint Local Development Plan

- 12.2 The policy that deals specifically with the demolition and replacement of dwellings is Policy TAI 13: 'Replacement Dwellings' in the Joint LDP. This policy supports the principle for the replacement of a dwelling that meet the criteria included in the policy, where appropriate (See Appendix 1).
- 12.3 In accordance with the Policy, proposals will not be supported to demolish and replace a listed building or a building of architectural and/or historical and/or visual special value.¹ These are the buildings that are locally unique and create a sense of place but do not receive statutory protection. The policies note the specific criteria for proposals to demolish and replace dependent on the location of the proposal, namely if the proposal is situated within or outside the development boundary or if the site is within the Coastal Change Management Area.

13.0 Suitability

- 13.1 In accordance with criterion 4 of Policy TAI 13 it should be ensured that the existing dwelling is not capable of retention through renovation and extension. Furthermore, it should be demonstrated that repairing the existing building is not economically practical. In order to comply with criterion 4 a Structural Report should be submitted with the application that notes the suitability of the building for reuse. Furthermore, any Structural Report should be supported by a Financial Viability Report detailing the cost of undertaking the restoration/adaptation of the building compared to the costs associated with demolition and replacement. A house that requires modernisation is not eligible to be considered for demolition and replacement. Any Viability Assessment should include costs associated with repairing the identified problem, the costs in terms of repairing the building should not include work that is part of the applicant's aspiration.

14.0 Size

- 14.1 Criterion 7 of Policy TAI 13 states that the siting and design of the development should be of a similar scale and size as the original building. Appropriate consideration will need to be given to the shape, design, height and openings of the proposed development

1 Please refer to section 2.2 of the document ['Managing Lists of Historic Assets of Special Local Interest in Wales' \(Cadw\) when considering architectural/historical value and/or visual special value of the building subject to a replacement application.](#)

especially in locations that are landscape sensitive (e.g. AONB and SLA) in order to ensure that the proposal blends in naturally into the landscape.

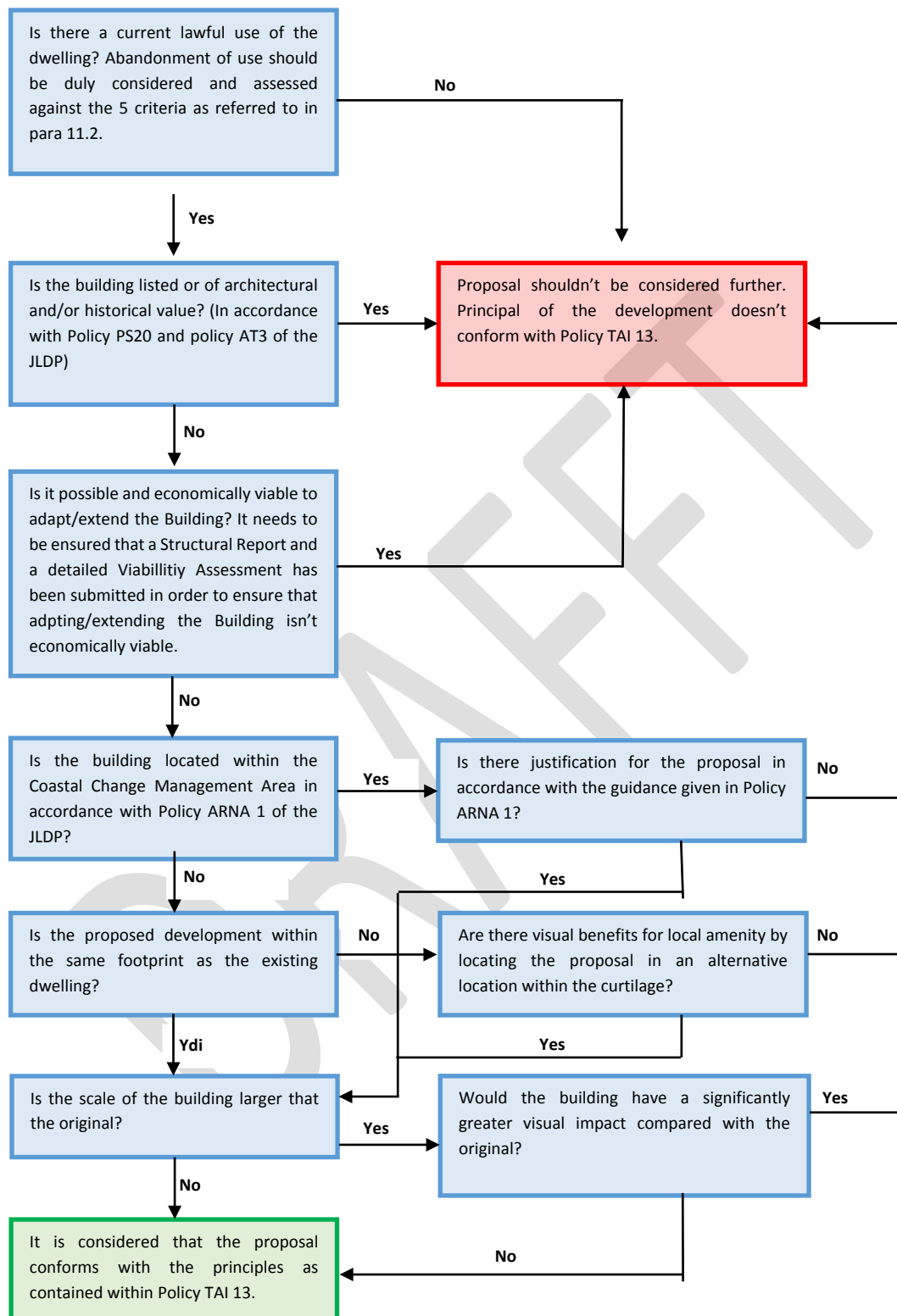
- 14.2 When considering if the development's scale is similar to the original the unit's floor area should be considered. Where a justification has been received that would mean that the floor area would need to be larger than the original building, it is considered that this addition should be no larger than 20% of the floor area of the original unit. It is noted that this figure is not a target to be achieved and every application will be assessed individually according to merit. It should be ensured that the addition in the floor area is totally essential in terms of practicality and should not be part of an aspiration for a larger house. No outbuilding should be considered when calculating the floor area of the residential unit. It is noted that nearby buildings that are larger in size are not a reasonable justification to increase the size of the residential unit that is subject to replacement.
- 14.3 Furthermore, when considering the appropriateness of the development's size, the principles included in Policy TAI 8: An Appropriate Mix of Housing, should be minded.

15.0 Location

- 15.1 The new unit will have to be located on the footprint of the existing building unless there are advantages in terms of visual impact and/or an impact on the amenities of local residents (except for cases when the house is located within a Coastal Change Management Area). If it is possible to prove that there are benefits to be had by locating the unit on an alternative site within the curtilage of the site then this would be acceptable. In addition to the benefits in terms of visual impact, there are other matters associated with locating the site in an alternative site within the curtilage that may include when there are road safety benefits and environmental interests. It will be necessary to ensure if the unit is situated in an alternative site within the curtilage that there is no negative impact in terms of an increase in the visual intervention of the unit within the landscape.

16.0 Design

- 16.1 It is expected that residential replacement will include the principles of good quality design. Proposals should give consideration to the traditional features of the design and materials and where appropriate should be in accord with the nearby built environment. Any design should respect the character of the landscape and should not introduce a development that is incongruous or intrusive within the landscape.
- 16.2 The following flow-chart gives a brief guidance in terms of the considerations linked with applications for demolition and replacement:-



17.0 Further information and contacts

For further information please contact the:

Joint Planning Policy Unit

✉ Council Offices,
Ffordd y Castell,
Caernarfon
Gwynedd
LL55 1SH

☎ 01286 685003

💻 planningpolicy@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Joint-Local-Development-Plan/Joint-Local-Development-Plan.aspx>

Gwynedd Council's Planning Service,

✉ Council Offices
Ffordd y Cob
Pwllheli
Gwynedd
LL53 5AA

☎ 01766 771000

💻 planning@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Residents/Planning-and-building-control/Planning/Planning.aspx>

Isle of Anglesey's Planning Service

✉ Council Offices
Llangefni
Anglesey
LL77 7TW

☎ 01286 752428

💻 planning@anglesey.gov.uk

<http://www.anglesey.gov.uk/planning-and-waste/planning-control/>

APPENDIX 1

POLICY CYF 6: REUSE AND CONVERSION OF RURAL BUILDINGS, USE OF RESIDENTIAL PROPERTIES OR NEW BUILD UNITS FOR BUSINESS/ INDUSTRIAL USE

Proposals to convert rural buildings for business use or modification of residential units to allow working from home or new business or industrial units will be granted provided they conform to the following criteria:

- 1. The scale and nature of the development is acceptable given its location and size of the building in question;**
- 2. That the development would not lead to an use that conflicts with nearby uses or has an impact on the viability of similar uses nearby;**
- 3. Where proposals involve the use of an existing building:**
 - i. The building is structurally sound;**
 - ii. The scale of any extension is necessary and of reasonable size;**
 - iii. The building is suitable for the specific use.**

Explanation:

6.3.36 With advances in technology and broadband connections within rural communities, there are more opportunities for people to work from home, to convert rural buildings to be used for businesses or build new units. The aim of this policy is to encourage rural communities to become more sustainable and to promote close links between living and working locations.

6.3.37 It is considered that the provision of rural workshops and small scale industrial units serve to support the sustainability and self-sufficiency of rural areas. This Policy encourages small scale developments that make appropriate use of existing buildings that are suitable for a business or industrial use as well as appropriately scaled new buildings. Supplementary Planning Guidance will be prepared to provide advice on the matter.

POLICY TWR 2: HOLIDAY ACCOMMODATION

Proposals for:

- 1. The development of new permanent serviced or self-serviced holiday accommodation, or**
- 2. The conversion of existing buildings into such accommodation, or**
- 3. Extending existing holiday accommodation establishments,**

will be permitted, provided they are of a high quality in terms of design, layout and appearance and that all the following criteria can be met:

- i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;
- ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;
- iii. That the proposal will not result in a loss of permanent housing stock;
- iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;
- v. That the development does not lead to an over-concentration of such accommodation within the area.

Explanation:

- 6.3.63 This policy is not relevant to proposals to establish new static holiday and touring caravans, holiday chalets or alternative luxury camping sites. Such proposals will be considered under policies TWR 3 and TWR 5 of this Plan.
- 6.3.64 In terms of serviced accommodation, this policy applies to a variety of different types from large high quality hotels to small bed and breakfast accommodation. Quality hotels and other serviced accommodation can potentially bring significant economic benefits to the Plan area and broaden the range of holiday accommodation available to visitors. It is widely recognized that the Plan area lacks an adequate range of such accommodation. The aim of this policy is to support the principle of expanding the range and improving the quantity and quality of serviced accommodation. In line with Policy PS 11 it is also important that the loss of hotels is resisted.
- 6.3.65 Evidence about occupancy rates suggests that good quality self-serviced accommodation continues to be a popular choice for visitors. Policy PS 11 and Policy TWR 2 recognises that managing the wide range of high quality self-serviced accommodation is essential in providing visitors with choice. The policy therefore aims to support the principle of providing high quality self-serviced holiday accommodation in sustainable locations which presents such a choice.
- 6.3.66 Where planning permission is given for self-serviced accommodation, a condition will be attached to ensure that the building will only be used as holiday accommodation and that it cannot be used for permanent occupation. 'New-build' self-serviced accommodation will not be permitted in the open countryside to protect the area from private holiday homes being built across the Plan Area
- 6.3.67 Historically national planning guidance and local planning policy (particularly within the Gwynedd Local Planning Authority area) has given priority to the conversion of existing buildings in the countryside for economic use. This means that within some areas there is an abundance of buildings that have been converted to self-serviced accommodation. Therefore, there is concern about oversupply of self-serviced accommodation in some parts of the Plan area. This could mean that providers and operators may not receive the anticipated return in income from what may be a significant investment. Clearly it is not the intention of national guidance or the Council for this policy to lead an over-concentration of this type of holiday accommodation within a particular location, which could result in businesses failing. Applicants will be required to submit a detailed business plan, which

demonstrates the robustness of the proposed scheme. This would enable the Council to assess whether the scheme has a realistic chance of being viable, is not speculative in nature, and would help to make sure that there is no loophole to allow the redevelopment of existing buildings in the countryside for holiday use, and then allow them to convert to residential use if shown to be unviable in holiday use. Supplementary Planning Guidance will be published to provide more information about the mater.

POLICY TAI 13: REPLACEMENT DWELLINGS

Proposals for the replacement of a dwelling that meet the following criteria, where appropriate, will be granted:

- 1. Outside development boundaries or identified clusters, the present dwelling has a lawful residential use;**
- 2. The building is not listed;**
- 3. The existing dwelling is of no particular architectural and/ or historic and/ or visual merit, for which it should be conserved;**
- 4. Outside development boundaries the existing dwelling is not capable of retention through renovation and extension and/ or it is demonstrated that the repair of the existing building is not economically feasible;**
- 5. Outside development boundaries, the proposed dwelling is not a replacement for a caravan or holiday chalet that has a legal residential use;**
- 6. Outside a Coastal Change Management Area, the siting of a replacement dwelling should be within the same footprint as the existing building unless it can be demonstrated that relocation within the curtilage lessen its visual and amenity impact in the locality;**
- 7. Outside development boundaries, the siting and design of the total new development should be of a similar scale and size and should not create a visual impact significantly greater than the existing dwelling in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances a larger well designed dwelling that does not lead to significant greater visual impact could be supported;**
- 8. In areas at risk from flooding and outside a Coastal Change Management Area:**
 - i. A flood consequence assessment has been undertaken for the development and satisfactory risk mitigation has been identified;**
 - ii. The dwelling will incorporate flood mitigation and resiliency measures in accordance with Community and Local Government (CLG) publication 'Improving the flood performance of new buildings: flood resilient construction';**
 - iii. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/ overtopping of the tidal defences;**
 - iv. A flood warning and evacuation plan has been prepared for the property and is to be displayed on site.**

9. **Exceptionally, when a recently inhabited or habitable dwelling is destroyed by accident, planning permission may be granted for a new dwelling, in situ. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.**

Planning permission for a replacement dwelling may be subject to a condition to ensure:

10. **The demolition of the original dwelling and where appropriate the demolition of outbuildings on the completion of the new dwelling, and/ or**
11. **That permitted development rights are removed.**

Explanation:

- 6.4.81 For sites unrelated to the settlement hierarchy, and thereby identified as open countryside, stricter control is required over replacement dwellings in relation to its existing use right, replacement of a temporary structure and its visual impact.
- 6.4.82 In open countryside locations, the existing dwelling must have an established use as a residential unit otherwise it would be considered to create a new dwelling in the open countryside contrary to National Policy. Preference will be given towards the renovation of buildings with new build only being permitted when it is unviable to undertake such renovation work.
- 6.4.83 This Policy will not permit the building of a house to replace a caravan or chalet that has a legal residential use (see definition of 'caravan' and 'holiday chalet' in Policy TWR 3).
- 6.4.84 The proposed new dwelling would be expected to incorporate the footprint of the existing building unless it can be demonstrated that its relocation within the curtilage lessens its visual impact and it would not lead to an impact upon the amenity of adjoining uses. For sites located within a Coastal Change Management Area, Policy ARNA 1 would carry greater weight than this policy.
- 6.4.85 In open countryside the proposed new build should reflect the size and scale of the existing building unless it can be demonstrated that the proposal would not lead to a significant greater visual impact and that the proposal would lead to a better designed dwelling.
- 6.4.86 New build is directed away from flood risk areas, however, proposals for replacement dwellings that incorporate flood mitigation and resilient measures can be permitted.