

## **SUPPLEMENTARY PLANNING GUIDANCE**

### **PLANNING OBLIGATIONS**



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**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.



## Part 2: General Guidance

### 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.

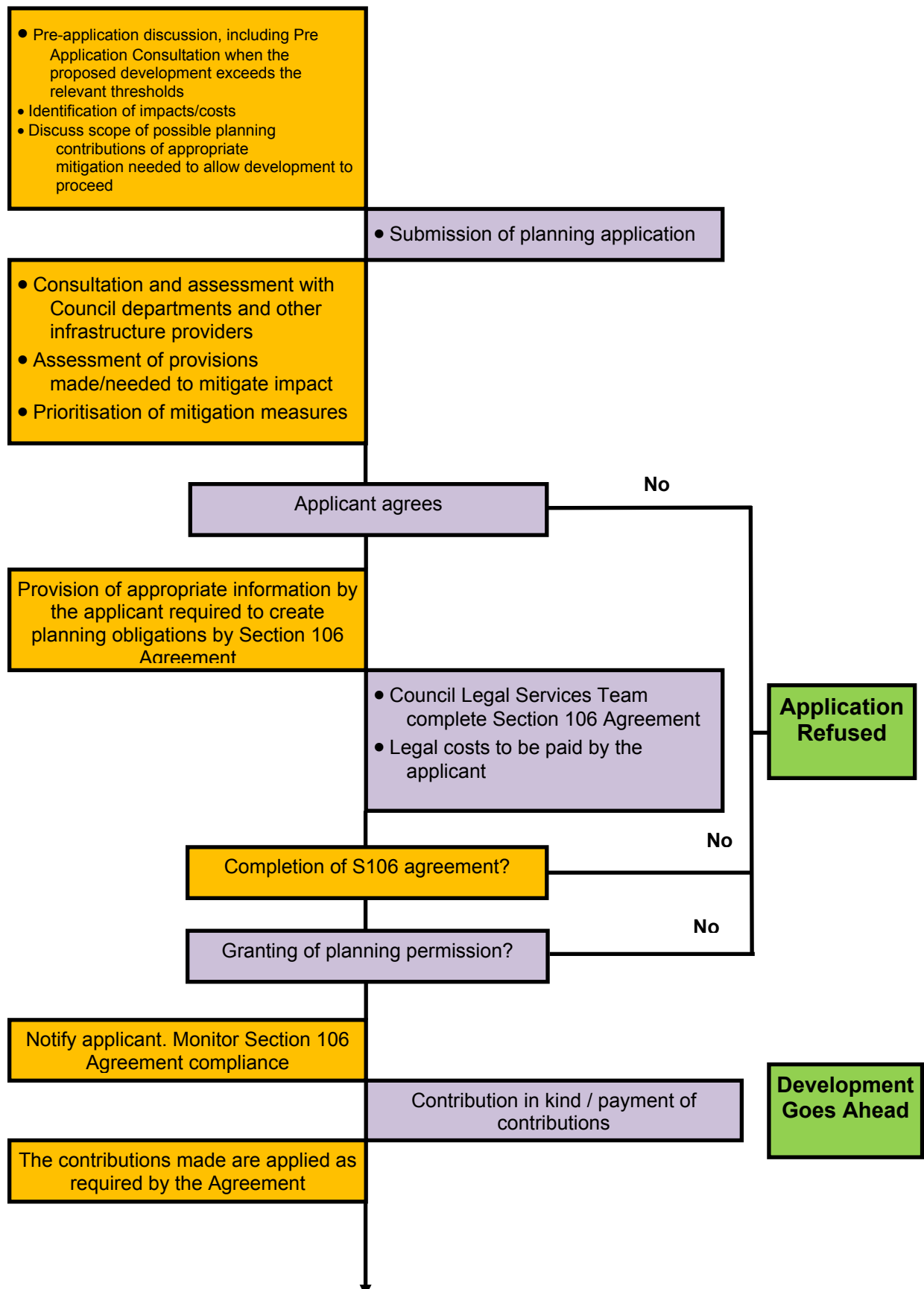
### **Thresholds**

- 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 m<sup>2</sup> 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 <b>2+</b> housing units and all units in ‘Clusters’ will be expected to contribute towards an element of affordable housing as follows:  <b>30%</b> of affordable housing in: Gwynedd High Value Coastal, Rhosneigr, Beaumaris, Rural North West, Bridgehead, Trearddur & Rhoscolyn, South West, North East Rural, Larger Coastal Settlements.  <b>20%</b> of affordable housing in: Rural Centres, Mid Rural, Northern Coast and South Arfon, Rural West.  <b>10%</b> 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
<b>Sub-regional Centre</b>	2 or more housing units
<b>Urban Service Centres</b>	
<b>Local Service Centres</b>	
<b>Service Villages</b>	
<b>Rural / Coastal Villages</b>	
<b>Local Villages</b>	Only sites of 100% affordable housing will be supported within clusters
<b>Clusters</b>	
<b>Subdivision of Rural Dwellings</b>	2 or more additional units
<b>Conversion of Traditional Buildings in Open Countryside</b>	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 <sup>2</sup> gross floor area
Non-food retail	>1,000m <sup>2</sup> gross floor area
Cinemas and conference facilities	>1,000m <sup>2</sup> gross floor area
Leisure facilities	>1,000m <sup>2</sup> gross floor area
Business	>2,500m <sup>2</sup> gross floor area
Industry	>5,000m <sup>2</sup> gross floor area
Distribution and warehousing	>10,000m <sup>2</sup> gross floor area
Hospitals	>2,500m <sup>2</sup> gross floor area
Higher and further education	>2,500m <sup>2</sup> 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 1,000m<sup>2</sup> 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](mailto: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](mailto: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](mailto: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 3 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:

<b>MINIMUM STANDARD</b> <b>2.4ha per 1000 population</b>	
<b>Outdoor Sport</b>	<b>Children's Playing Space</b>
1.6ha per 1000 population = 16m <sup>2</sup> per person	0.8ha per 1000 population = 0.8m <sup>2</sup> 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 40m<sup>2</sup> (Row 'C' Column '1') = 1000 m<sup>2</sup>

25 (four bed dwellings x 48m<sup>2</sup> Row 'D' Column '1') = 1200m<sup>2</sup>

Total = 2200m<sup>2</sup>

**Children's Playing Area Need(s)**

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

25 (three bed dwellings x 20m<sup>2</sup> (Row 'C' Column 2) = 500m<sup>2</sup>

25 (four bed dwellings x 24m<sup>2</sup> (Row 'D' Column 2) = 600m<sup>2</sup>

Total = 1100m<sup>2</sup>

**Total Provision of Outdoor Space of Recreational Value = 3330m<sup>2</sup>**