



Complete Agenda



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

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

JOINT PLANNING POLICY COMMITTEE

Date and Time

10.00 am, FRIDAY, 21ST SEPTEMBER, 2018

*** A MEETING OF THE JOINT LOCAL DEVELOPMENT PLAN PANEL WILL
FOLLOW THIS MEETING**

Location

Siambr Hywel Dda - Pencadlys Caernarfon

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(DISTRIBUTED 14 September 2018)

MEMBERSHIP

GWYNEDD

Councillors

John Brynmor Hughes
Berwyn Parry Jones
Owain Williams
Vacant seat

Dafydd Meurig
John Pughe Roberts
Paul Rowlinson

ISLE OF ANGLESEY

Councillors

Richard Dew
Kenneth Hughes
Bryan Owen
Robin Wyn Williams

John Griffith
Richard O Jones
Nicola Roberts

A G E N D A

1. APOLOGIES

To receive any apologies for absence

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT BUSINESS

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

4. MINUTES

4 - 5

The Chairman shall propose that the minutes of the meeting of this committee held 22.06.2018 be signed as a true record.

5. COMMUNITY INFRASTRUCTURE LEVY

6 - 10

To submit the Policy Manager's report

6. CONSULTATION DRAFT SUPPLEMENTARY PLANNING GUIDANCE 11 - 60

To submit the Senior Planning Policy Officers' reports

Agenda Item 4



JOINT LOCAL DEVELOPMENT PLAN

Joint Planning Policy Committee

10.00 am, 22 June 2018

Glyder Fawr, Caernarfon

Present:

Isle of Anglesey County Council

Cllr Richard Dew
Cllr Kenneth P. Hughes
Cllr Bryan Owen
Cllr Nicola Roberts

Gwynedd Council

Cllr Sian Wyn Hughes
Cllr John Brynmor Hughes
Cllr Berwyn Parry Jones
Cllr John Pughe Roberts
Cllr Owain Williams
Cllr Paul Rowlinson

Officers:

Nia Haf Davies	Manager - JDLP (GC)
Gareth Jones	Senior Manager, Planning and Public Protection Service (GC)
Dewi Francis Jones	Chief Planning Officer (IACC)
Rhun ap Gareth	Senior Solicitor (GC)
Ffion Madog Evans	Senior Finance Manager (GC)

Apologies:

Cllr Dafydd Meurig (GC)
Cllr Richard Owen Jones (IACC)
Cllr Robin Williams (IACC)

1. ELECT CHAIRMAN

Cllr. Richard Dew was elected as Chairman for 2018 – 2019

2. ELECT VICE- CHAIRMAN

Cllr. Dafydd Meurif was elected as Vice - Chairman for 2018 – 2019

3. APOLOGIES

Apologies as noted above.

4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

5. URGENT ITEMS

No urgent items were received.

6. MINUTES

The minutes of the Committee held on 26 April 2018 were accepted as a true record.

7. FINAL ACCOUNTS AND ANNUAL GOVERNANCE STATEMENT FOR THE JOINT PLANNING POLICY COMMITTEE

A report was presented by Ffion Madog Evans, which responds to a statutory requirement under Accounts and Auditing Regulations (Wales) (Amendments) 2018 to report specifically on accounting and audit of the Joint Committee's accounts.

It was explained that official forms had to be completed for the Wales Audit Office and these would be subject to a separate audit.

A copy of the forms were submitted in Appendices A & B. The appointed Auditor, namely Deloitte, would audit the information. It was explained to the Committee that the differences between the budget for 2017/ 2018 and the final accounts for 2017/ 2018 related to some expenditure elements, e.g. the Inspector's fee during the first months of the financial year to complete the Examination was lower than expected when the expenditure profile was prepared, that fewer substantial documents needed to be translated within a tight timescale, etc.

It was explained that there would be no need to re-submit the report to the Joint Planning Policy Committee in September, unless it would be necessary to draw the Committee's attention to the amendments recommended by the Appointed Auditor.

Matters raised:

- i. Why had Deloitte been appointed rather than a local company?
- ii. What happened to the 'under spend'?
- iii. Should the £280 (Sales) in Appendix A be recorded in row 3 (Total other receipts) in Appendix B, in order to ensure consistency between both Appendices?

Response to the matters raised:

- i. The company is appointed by the Wales Audit Office, and the company has been appointed by the Auditors for Gwynedd Council and the joint committees in Gwynedd and Anglesey.
- ii. The money is invested in the Joint Planning Policy Unit and the work required to be undertaken in the following year.
- iii. Agreed.

Decision:

It was decided to receive and approve the information presented in Appendix A and Appendix B. The relevant documents were signed by the Chairman on behalf of the Joint Planning Policy Committee.

END OF THE MEETING.

Agenda Item 5

MEETING	JOINT PLANNING POLICY COMMITTEE
DATE	21 SEPTEMBER 2018
SUBJECT	COMMUNITY INFRASTRUCTURE LEVY (CIL)
RECOMMENDATION	POSTPONE THE PROCESS OF PREPARING THE CIL UNTIL WE RECEIVE CLEAR GUIDANCE ON THE FUTURE OF CIL IN WALES
AUTHOR	PLANNING POLICY MANAGER, JOINT PLANNING POLICY UNIT

1. Purpose of the report

- 1.1 This report provides an update about the Community Infrastructure Levy. In doing so, it also provides an update of the situation in Wales under the devolved procedure and its future in the national context. The report outlines possible changes in the pipeline and the subsequent implications.

2 Background of CIL

- 2.1 The CIL is a planning charge, introduced under the Planning Act 2008 as a tool for local authorities in Wales and England to help to deliver infrastructure to support development in their areas. It came into force on 6 April 2010 under the Community Infrastructure Levy Regulations 2010. These Regulations stipulate how local authorities may introduce the CIL and it changes the way in which planning obligations may be used through section 106 agreements. It should be noted that CIL legislation was part of the Department of Communities and Local Government's remit at the time and had not been devolved to the Welsh Government.
- 2.2 Should CIL be adopted, various developments would make financial contributions under a 'Charging Schedule', which would identify the level of CIL to apply to each development. Should the CIL be introduced, the payment would be mandatory and would be charged against all new developments that meet the qualifying criteria. The money collected from the CIL would be used to fund a wide range of infrastructure that is needed to support growth in the area.
- 2.3 It should be noted that local authorities do not have to introduce the CIL charge and it is not intended to replace planning obligations made through section 106 agreements. However, the scope and capacity to collect planning obligations has been curtailed as a consequence of the Community Infrastructure Levy Regulations 2010, even if the CIL is not introduced. This is due to the 'pooling restriction' created by regulation 123 and the formalisation of the tests for a valid planning obligation, which can be taken into account in reaching decisions (that had previously only been set out in policy). The capacity to introduce CIL depends on having robust evidence to demonstrate that it is viable to impose it, and has to be the subject of a public consultation and public examination.
- 2.4 While the Councils do not have a CIL schedule in place, they can seek planning obligations under s106. However, the pooling restriction means that no more than five obligations that relate to either (a) a type of infrastructure, or (b) a specific infrastructure project, can be entered into after 6 April 2010. This means that obligations have to be as specific as possible to try to preserve the maximum scope for future obligations to be sought. The ability to seek such contributions may become more constrained over time as more qualifying obligations use up the pooling capacity.

3 The Process for preparing CIL under the current system

3.1 The key steps outlined in the following table must be carried out in order to establish CIL in the Plan Area.

ACTIONS
A) Gathering evidence
i. Assess infrastructure capacity across the Plan Area ¹
ii. After assessing infrastructure capacity, establish the costs of providing the infrastructure and identify any funding gaps
iii. Undertake a viability assessment and consider the findings
iv. Address any evidence gaps
v. The Joint Planning Policy Committee to consider a report on the evidence base and authorise consultation on a Preliminary Draft Charging Schedule
B) Preliminary Draft Charging Schedule
i. Informal consultation on the Viability Study
ii. Prepare Preliminary Draft Charging Schedule
iii. Public Consultation (six weeks) on the Preliminary Draft Charging Schedule and the evidence on infrastructure and viability
C) Draft Charging Schedule
i. Report to the Joint Planning Policy Committee - respond to the Preliminary Draft Charging Schedule and authorise a public consultation on the Draft Charging Schedule and to submit the responses and the Schedule for public examination.
ii. Prepare and publish the Draft Charging Schedule
iii. Public consultation (six weeks)
CH) Submit the Charging Schedule to the Planning Inspectorate
D) Public Examination
Dd) Approve and publish the Charging Schedule

Table 1: Steps to prepare the CIL

3.2 It is emphasised that information and costs to support CIL must be sound enough to be examined in a formal independent examination (similar to the one held for the Joint LDP). All of this (especially the work involved in steps A - B) will require significant investment in terms of officers' time and will involve work for several services within the Councils.

3.3 Although the Conwy Council and Denbigh Council have adopted their local development plans some years ago and are by now in the process of preparing revised plans, for various reasons, neither of the two went past stage A in the process described above.

4 The future of CIL - Relevant matters to consider

CIL Review undertaken by DCLG - "A New Approach to Developer Contributions"

4.1 In November 2015, Westminster Government commissioned an independent national review of CIL to:

¹ Assess infrastructure capacity - some work has already been carried out on this as background to the Local Development Plan and as part of the work to gather evidence on the impact of Wylfa Newydd - the evidence would need to be updated.

'Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the government's wider housing and growth objectives.'

- 4.2 The review looked at how much revenue CIL generated, the types of developments that pay CIL, impacts on viability and how the neighbourhood portion of the CIL is implemented. The independent review group published its report in October 2016 and it was published in February 2017. The report is called "A New Approach to Developer Contributions to Ministers". <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>
- 4.3 To summarise, the report's general conclusion was:
- (i) that CIL in its current form does not deliver the original intention of providing a quicker, fairer and simpler, more specific and more transparent way of ensuring that every development contributes something towards the necessary accumulative infrastructure, and that it has also
 - (ii) impacted upon and complicated section 106 agreements which, although it has received considerable criticism, in fact works reasonable well for many sites.
- 4.4 In identifying the way forward, the report recommends that the Government should consider a twin-track approach, which allows local authorities to take advantage of the best elements of CIL and section 106. It recommends that the Government creates a hybrid method, namely a low level Local Infrastructure Tariff and section 106 for larger developments. The report also identifies a series of further recommendations on the way forward. Legislative change would be required to facilitate this to remove the pooling restriction, which would substantially limit the ability to effectively pursue this course.

Devolving CIL Powers

- 4.5 As part of the Wales Act 2017, CIL became a devolved matter and powers were transferred to Welsh Government in April 2018. To this end, a Transfer of Functions Order is required to enable Welsh Ministers to amend existing secondary legislation. Following this, should Welsh Ministers consider it appropriate to rewrite the CIL Regulations, then it is possible that further legislation will be needed to allow this to happen. However, this has not been confirmed thus far.
- 4.6 Given the above, it is currently unclear as to how Welsh Government will wish to deal with CIL, and specifically will it continue with CIL Regulations in their current form, or will it develop specific amendments or give it up completely.

5 Conclusion

- 5.1 Given that it is not clear yet what form the CIL will take (if it still exists) or whether there will be something else in its place, it is recommended that the work of preparing CIL for the Plan Area is postponed until there is greater clarity on its future in Wales. This recommendation reflects not only the uncertainty in relation to the form of CIL in future, but also the commitments and the implications in terms of financial costs and officers' time that would be required to get the CIL in place. The financial investment and officers' time could be in vain should it be decided to do away with the CIL or amend it or to replace it with an alternative.

- 5.2 Current requirements in relation to section 106 and developer contributions will still apply. These requirements will continue to be implemented to ensure that policies within the Joint LDP are complied with (Policy PS 2 and Policy ISA 1) and that developers, the community and the public continue to be clear in terms of what would be considered appropriate contributions from relevant developments. The requirements of the relevant part of CIL Regulations will be used to manage when to ask for contributions, including the need to keep monitor the effect of the pooling.
- 5.3 As soon as clear guidance is published on the future of CIL in Wales, it is intended to submit another report in future to the Joint Planning Policy Committee with an update.

6 Recommendation

- 6.1 To postpone the process of preparing the CIL until we receive clear guidance on the future of CIL in Wales

MEETING	Joint Planning Policy Committee
DATE	21 September 2018
NAME	Supplementary Planning Guidance
PURPOSE	Consider consultation drafts of Supplementary Planning Guidance included in Appendix 1 and 2a and obtain a decision to publish them for public consultation.
RECOMMENDATION	<p>Approve the following Supplementary Planning Guidance included in Appendix 1 and 2a for public consultation:</p> <ul style="list-style-type: none"> i. Supplementary Planning Guidance: Open spaces in new residential development ii. Supplementary Planning Guidance: Local market housing
AUTHOR	Planning Policy Manager, Planning Policy Manager, Anglesey and Gwynedd Joint Planning Policy Unit

1. Background

1.1 The Planning Authorities are committed to prepare a range of Supplementary Planning Guidance to support the Joint Local Development Plan. This report presents a draft consultation version of two of these guidance, which are included in Appendix 1 and 2a (i.e. SPG Open spaces in new residential developments and SPG Local market housing), and information about the next steps and timetable.

2. The purpose of Supplementary Planning Guidance

2.1 Supplementary planning guidance are prepared in order to provide more detail about specific policies in the Joint Local Development Plan. Supplementary Planning Guidance help to ensure that policies are better understood, are implemented more effectively and implemented in a consistent manner.

2.2 In preparing the new Guidance it is important to keep in mind that Guidance must be consistent with the Joint Local Development Plan and national planning policy. Any Guidance should not include new policies.

2.3 Based on the above, only the Plan's policies and proposals have special status (priority) when making decisions on planning applications. However, after they have been adopted, and provided they have been subject to public consultation and have been adopted by the Authorities, the Guidance will be used as a material consideration in decision-making regarding relevant planning applications.

ITEM 5

3. The process so far

3.1 So far, the process of preparing the Supplementary Planning Guidance in Appendix 1 – 2 has included:

- i. consideration of relevant policies in the Local Development Plan;
- ii. review of existing supplementary planning guidance about providing open spaces. For information, there is no existing guidance about local market housing.
- iii. Discussions with various officers within both Authorities and considering their feedback about draft versions of the Guidance;
- iv. Consideration of the Joint Local Development Plan Panel's comments on 17/7/18 as well as additional discussions with various officers. Appendix 2 provides a record of the Panel's comments about the Local Market Housing SPG and the response to these comments.

4. Next steps and timetable

4.1 The next table sets out the next steps and an indicative timetable for carrying out the actions. The final timetable will depend on the number of comments received during the public consultation period and the issues raised in those observations. A report will be presented to the meeting of the Joint Local Development Panel after the end of the public consultation period to provide an update, including a final timetable.

Table 1: next steps and timetable

Steps	Indicative timetable
Public consultation	October - November 2018 for 6 weeks
Consider the comments and identify proposed changes that will be required	December 2018
Report about the public consultation and a copy of the final draft of the Supplementary Planning Guidance – Joint Local Development Plan Panel	January 2019
Report about the public consultation and a copy of the final draft of the Supplementary Planning Guidance – Joint Planning Policy Committee	February 2019
Publish the adopted Supplementary Planning Guidance and the consultation report on the Councils' websites and apply them as material planning consideration.	February 2019

5. Recommendation

ITEM 5

5.1 That the Joint Planning Policy Committee approves the following Supplementary Planning Guidance for public consultation:

- (i) Supplementary Planning Guidance: Open spaces in new residential development
- (ii) Supplementary Planning Guidance: Local market housing (incorporating the amendments included in Appendix 2a)

Appendix

Appendix 1 – Supplementary Planning Guidance: Open spaces in new residential development

Appendix 2 – Schedule of the Joint Local Development Plan's comments and actions

Appendix 2a – Supplementary Planning Guidance: Local market housing

CONSULTATION DRAFT SUPPLEMENTARY PLANNING GUIDANCE

OPEN SPACES IN NEW RESIDENTIAL DEVELOPMENT



SEPTEMBER 2018

ANGLESEY AND GWYNEDD JOINT LOCAL DEVELOPMENT PLAN

Contents

1.0	Introduction and Purpose of the Supplementary Planning Guidance	3
1.1	Purpose	3
1.2	Introduction.....	4
2.0	Planning Policy Context	5
2.1	National Planning Policy	5
2.2	Joint Local Development Plan.....	5
3.0	Step 1: Setting Standards	7
3.1	The Fields in Trust (FiT) Benchmark Standards	7
3.2	Categories of Open Space	7
3.3	Accessibility of Open Space.....	8
3.4	Exceptions	8
3.5	Financial Contribution	8
4.0	Step 2: Assessment of Existing Open Space Provision	9
4.1	A) Open Space Assessment (OSA)	9
4.2	B) Estimation of Resident Population	10
5.0	Step 3: Establishing the Open Space Requirement of the Proposed New Development	11
5.1	A) Occupancy Assumptions	11
5.2	B) Recreational Needs	11
6.0	Further Information & Contacts	13
	Appendix 1 – Breakdown of Costs	14
	Appendix 2 – Open Space Assessment Maps.....	15
	Appendix 3 – Estimation of population.....	16

1.0 Introduction and Purpose of the Supplementary Planning Guidance

1.1 Purpose

1.1.1 The Purpose of this Guidance is to:

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

1.1.2 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

1.1.3 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 areas.

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

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

The need for Supplementary Planning Guidance

1.1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of Supplementary Planning 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

1.1.6 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 and cannot amend the Plan's policies.

1.1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a resolution to adopt by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on *date* by *Committee name*. The supplementary planning guidance was

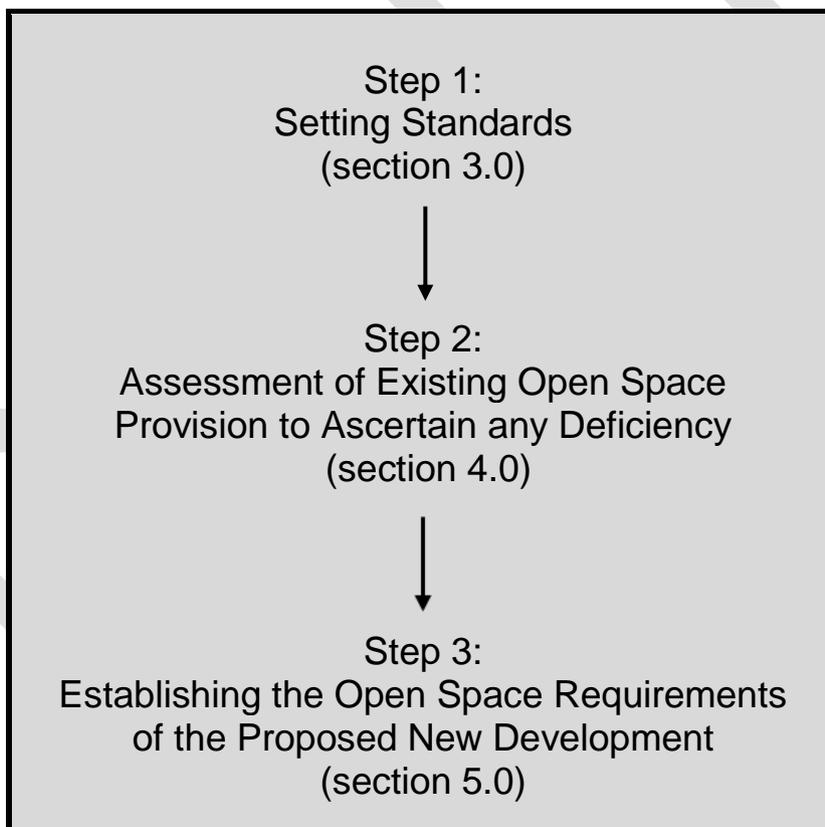
the subject of a public consultation exercise between *date*. The *x* observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by the *Joint Planning Policy Committee* on *date* to be used as a material consideration when assessing and determining planning applications and appeals. A summary of the observations and the Councils' response are given in *Appendix or location of a Committee report*.

(Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.

1.2 Introduction

- 1.2.1 This Guidance aims to put in place the relevant planning mechanisms that will facilitate the provision and maintenance of an appropriate level of open space of recreational value in respect of new housing developments of 10 or more residential units in the Plan area. This threshold is set in Policy ISA 5: Provision of open spaces in new housing developments.

The following flow chart shows the key stages in determining need for and amount of new open spaces in new housing developments:



2.0 Planning Policy Context

2.1 National Planning Policy

2.1.1 National planning policy guidance on sport and recreation is set out in Chapter 11 of Planning Policy Wales (PPW, Edition 9, Nov 2016) and recognises the contribution sport and recreation have on our quality of life (11.1.3). The Welsh Government's main planning objectives are to promote:

- a more sustainable pattern of development, creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel, in particular within urban areas;
- social inclusion, improved health and well-being by ensuring that everyone, including children and young people, the elderly and those with disabilities, has easy access to the natural environment and to good quality, well-designed facilities and open space; and
- the provision of innovative, user-friendly, accessible facilities to make our urban areas, particularly town centres, more attractive places, where people will choose to live, to work and to visit (11.1.3).

2.1.2 PPW recognises that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater (11.1.11).

2.1.3 Further guidance is also contained in Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2009) which provides advice relating to the preparation of Open Space Assessments, the protection of existing facilities, the provision of new facilities and the planning for allotments and spaces for children's and young people's play.

2.2 Joint Local Development Plan

2.2.1 The Anglesey and Gwynedd Joint Local Development Plan (JLDP) was adopted on the 31st July 2017 and provides the planning policy framework for this SPG. The important role of open spaces within communities in the Plan area is reflected in the JLDP which seeks to protect existing open spaces and require the provision of new open spaces to address the needs of relevant households in new housing developments.

2.2.2 Policy ISA 5: Provision of Open Spaces in New Housing Developments 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.

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:

1. 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

2. Contribute financially towards new facilities including equipment, improving existing facilities on readily accessible sites or improving accessibility to existing open spaces.

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

- 2.2.3 This Policy will only be relaxed where it can be demonstrated that there is adequate suitable open space provision and outdoor playing spaces in accordance with the Fields in Trust (FiT) benchmark standards.
- 2.2.4 Criterion (3) of Policy PCYFF 2 seeks to ensure that proposals should demonstrate its compliance with making 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).
- 2.2.5 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 the threshold level of 10 or more dwellings for the provision of open spaces where there is a need for such provision in the area.

3.0 Step 1: Setting Standards

For the purposes of the JLDP the Councils' standard reflects the Fields in Trust benchmark standards and TAN16 (2009).

3.1 The Fields in Trust (FiT) Benchmark Standards

3.1.1 FiT (formerly the National Playing Fields Association) has prepared benchmark standards to aid local authorities in the provision and protection of spaces for sport, recreation and play. The benchmark standard proposed by the FiT consists of a minimum **2.4 hectares per 1000 population** which is divided as follows:

- **1.6ha of outdoor sports facilities**
 - 1.2ha playing pitches or 12m² per person
 - 0.4ha outdoor sport or 4m² per person
- **0.8ha for children's' playing space**
 - 0.25ha equipped playing space or 2.5m² per person
 - 0.55ha informal playing space or 5.5m² per person

3.2 Categories of Open Space

3.2.1 Outdoor Sport Facilities

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 within 1.2km of all dwellings in residential areas

3.2.2 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.

3.3 Accessibility of Open Space

3.3.1 The FiT standards include accessibility of outdoor sports, which are as follows:

- 20 minutes travel from outdoor bowls and tennis
- 45 minutes travel from a synthetic athletics tracks
- 1.2km from a sports pitch (over 0.4ha and marked for games)

3.3.2 Accessibility standards for children’s playing space are as follows:

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

3.4 Exceptions

3.4.1 A contribution towards children’s play areas will not be sought from one bedroom dwellings, student accommodation, sheltered and elderly housing, extra care facilities and other specialist forms of development where children in the 0-14 age range will not usually be resident. The 2011 Census does not indicate that children live in one bedroom properties.

3.4.2 Similarly, a financial contribution towards the enhancement and development of playing fields and recreational facilities will not be sought from sheltered housing and extra care facilities as residents of this type of development are unlikely to utilise playing fields. It will still be necessary to consider whether such development trigger the need to contribute to neighbourhood amenity open space.

3.5 Financial Contribution

3.5.1 Policy ISA 5 does acknowledge that in some circumstances on site provision may not be feasible. **The applicant must provide robust justification to prove that it is not possible to provide outdoor playing spaces as an integral part of the new housing development.** In such cases, the Authority will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. A planning obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space and provided that the relevant tests relating to the use of planning obligations are satisfied. Supplementary Planning Guidance: Planning Obligations provide information and advice about planning obligations.

3.5.2 The level of financial contribution required is calculated using the estimated number of residents and current costs per square metre of providing the required outdoor playing space. The costs are based on the cost of providing new facilities and associated works.

3.5.3 A breakdown of costs can be found in Appendix 1.

4.0 Step 2: Assessment of Existing Open Space Provision

Paragraph 6.1.28 of the JLDP states that Policy ISA 5 will only be relaxed where it can be demonstrated that there is adequate suitable open space provision and outdoor playing spaces. Therefore an assessment of existing open space will be required in order to ascertain if there is adequate provision or not.

This assessment is divided into two parts:

- a) An open space assessment
- b) A estimation of the residential population

4.1 A) Open Space Assessment (OSA)

4.1.1 The OSA identifies all forms of open spaces found in TAN16. Further information can be found in Topic Paper 14: Open Space Assessment. A OSA has been undertaken and the results table and maps can be found in Appendix ?.

4.1.2 Guidance found in TAN 16 states that the Open Space Assessment should address all forms of open space provision. Appendix 2 of TAN 16 provides a 'Typology of Open Space' as a useful basis for preparing Open Space Assessments and development plan policies¹. The typology should be taken into account by authorities when assessing existing need and provision, and when determining future requirements for open space.

- i. **public parks and gardens** – including urban, country parks and formal gardens;
- ii. **natural and semi-natural greenspaces** – including woodland, urban forestry, scrub, grasslands, open access land (e.g. mountain, moor, heath, downland, common land and meadows) wetlands, wastelands and derelict open land and rocky areas (e.g. cliffs, quarries and pits), and coastal land;
- iii. **green corridors** – including river and canal banks, footpaths, cycleways, bridleways, disused railway land and rights of way; these may link different areas within and between urban areas. They may also form part of a network which links urban areas, or links them to the surrounding countryside;
- iv. **outdoor sports facilities** (with natural or artificial surfaces, publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas, A sports pitch is currently defined as a playing field, larger than 0.4 hectares in size, that has been marked for team games in the last five years;
- v. **amenity greenspace** (most commonly, but not exclusively in housing areas) – including informal recreation spaces (private or open to the public), roadside verges, greenspaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises, domestic gardens and grounds, and village greens;
- vi. **provision for children and young people** – including play areas, areas for wheeled play, including skateboarding, outdoor kickabout areas, and other less formal areas (e.g. 'hanging out' area, teenage shelters);
- vii. **allotments, community gardens , and city (urban) farms** – a statutory allotment is defined as having an area not exceeding 40 poles (1000sq metres);
- viii. **cemeteries and churchyards;**
- ix. **accessible areas of countryside in the urban fringe** – which directly adjoin or are connected to an urban area;

¹ Where open spaces have multiple uses, the areas will be categorised by the primary or main use of the area concerned.

- x. **civic spaces** - including civic and market squares, promenades and other predominately hard surfaced areas designed for pedestrians. These spaces may include planted areas and trees;
- xi. **water** – including open air tidal and freshwater pools, ponds, rivers, canals, lakes, reservoirs, docks, and harbours.

4.1.3 The OSA has primarily focussed on the 28 settlements identified as the sub-regional centre, urban service centres and local service centres listed below as planning applications for 10 or more houses are more likely to be submitted in these settlements. If a planning application for 10 or more houses is submitted in a settlement not listed below, the Joint Planning Policy Unit can undertake a desktop assessment to ascertain the existing provision in that settlement.

Sub-regional Centre	
<u>Gwynedd:</u>	
Bangor	
Urban Service Centre	
<u>Gwynedd:</u>	<u>Isle of Anglesey:</u>
Blaenau Ffestiniog Caernarfon Porthmadog Pwllheli	Amlwch Holyhead Llangefni
Local Service Centre:	
<u>Gwynedd:</u>	<u>Isle of Anglesey:</u>
Abermaw Abersoch Bethesda Criccieth Llanberis Llanrug Nefyn Penrhyndeudraeth Penygroes Tywyn	Beaumaris Benllech Bodedern Cemaes Gaerwen Llanfairpwll Menai Bridge Pentraeth Rhosneigr Valley

4.1.3 When an application is received the Council’s GIS system is used to calculate the existing open space provision within the prescribed distances (see section 3.3).

4.2 B) Estimation of Resident Population

4.2.1 The next step is to estimate the resident population so that target recreational needs can be calculated. The Council’s GIS system will be used to calculate the population within distances identified in section 3.3 by multiplying the number of residential address points by average household size (Census 2011 table PHP01). Examples of which can be found in Appendix 2.

5.0 Step 3: Establishing the Open Space Requirement of the Proposed New Development

Once it is established that there is a deficiency of open space within the locality, it is then necessary to establish the open space requirement of the proposed new development. This is divided into two parts:

- a) Occupancy Assumptions;
- b) Recreational Needs.

Occupancy assumptions establish the number of people per dwelling type which when multiplied with the FiT benchmark standard for each open space category establishes the recreation needs of the proposed new developments.

5.1 A) Occupancy Assumptions

5.1.1 Since FiT’s standards are based on population it is necessary to estimate the average level of occupancy of the proposed new development is required. The average occupancy rate is based on table DC4405EW, Tenure by household size by number of bedrooms Census 2011.

No. of Bedrooms	Average Occupancy Rate	
	Gwynedd	Anglesey
1	1.31	1.26
2	1.72	1.74
3	2.35	2.36
4	2.82	2.41
5 or more	3.18	3.04

5.1.2 Where the numbers and/or bedroom sizes of dwellings are unknown (e.g. outline applications), the open space provision would have been reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made.

5.2 B) Recreational Needs

5.2.1 In order to calculate the recreational needs of a proposed new development the following calculation is needed:

Occupancy Assumptions (per bedroom size)		
x		
Need per Unit (m²)		
Outdoor Sport 16m ²	Children’s Informal Play Space 5.5m ²	Children’s Equipped Play Space 2.5m ²
x		
Number of Units		

Example:

Proposed development of 50 houses in Gwynedd (10 two bedroom, 25 three bedroom and fifteen 4 bedroom).

i) Outdoor Sport

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 16m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	20.96	0	0
2	1.72	27.52	10	275.20
3	2.35	37.60	25	940.00
4	2.82	45.12	15	676.80
5 or more	3.18	50.88	0	0
Total	-	-	50	1892m²

ii) Children's Informal Play Space

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 5.5m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	7.21	0	0
2	1.72	9.46	10	72.10
3	2.35	12.93	25	323.25
4	2.82	15.51	15	232.65
5 or more	3.18	17.49	0	0
Total	-	-	50	628m²

iii) Equipped Children's Play Space

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 2.5m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	3.28	0	0
2	1.72	4.30	10	43.00
3	2.35	5.88	25	147.00
4	2.82	7.05	15	105.75
5 or more	3.18	7.95	0	0
Total	-	-	50	295.75m²

Therefore for the above example the estimated new provision of open spaces for the proposed development is as follows:

- i. Outdoor Sport = 1892m²**
- ii. Informal Children's Play Space = 628m²**
- iii. Equipped Children's Play Space = 295.m²**

6.0 Further Information & Contacts

For further information please contact the:

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Appendix 1 – Breakdown of Costs

The calculation of costs is based on (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision.

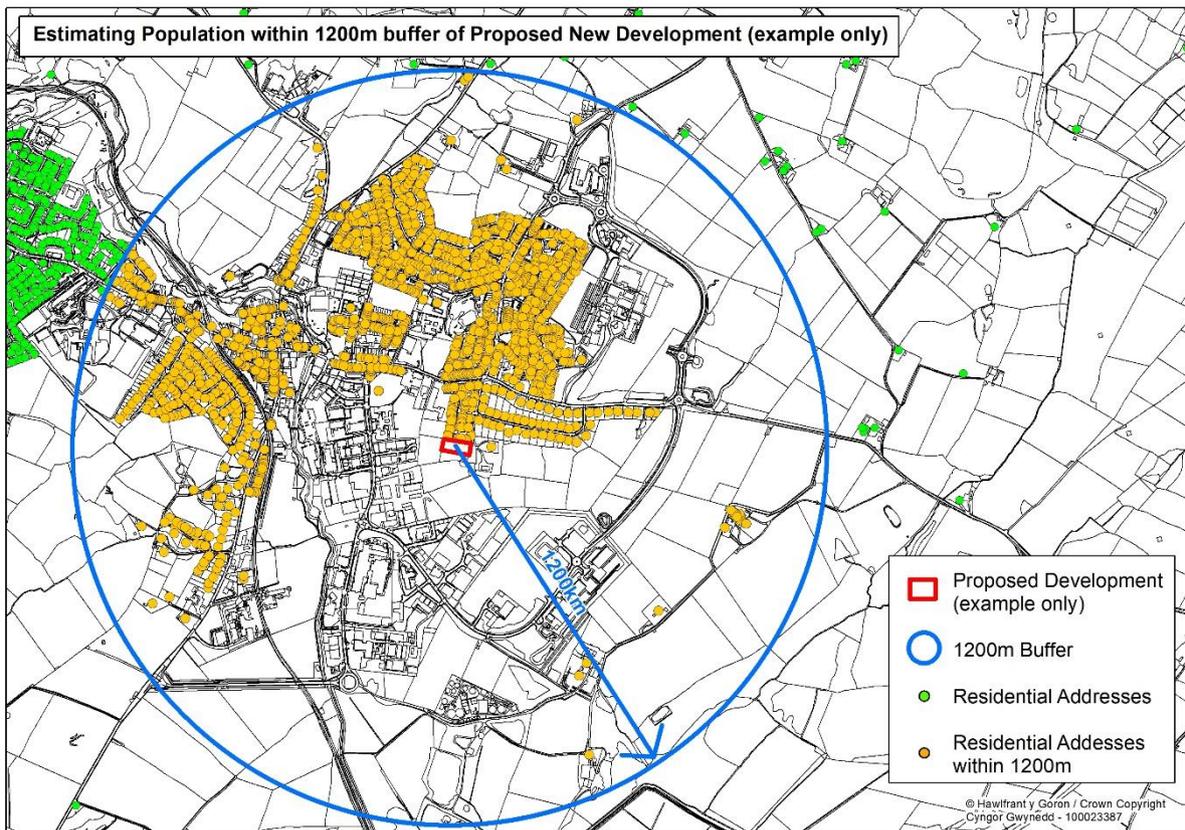
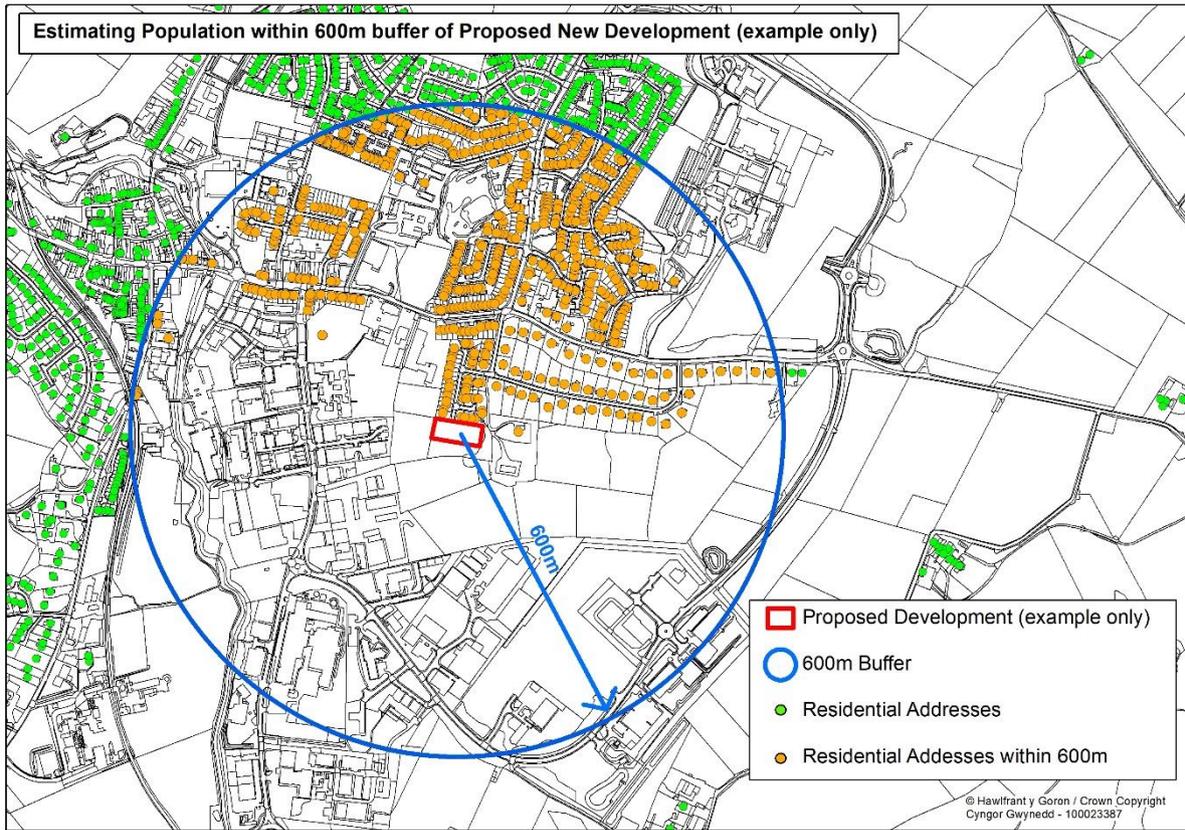
	Cost per square metre		
	Provision	Maintenance	Total
Playing pitches	£11.69	£5.23	£16.92
Outdoor sports	£11.69	£5.23	£16.92
Children's play space (equipped)	£37.99	£79.30	£117.29
Children's play space (informal)	£11.40	£5.57	£16.97
Neighbourhood amenity	£11.69	£5.23	£16.92

* As a general rule funds which have not been spent within 8 years from the date of payment or 5 years from completion of the development whichever is the later, will returned to the applicant.

Appendix 2 – Open Space Assessment Maps

DRAFT

Appendix 3 – Estimation of population



Item 6 Appendix 2: List of the Joint Local Development Plan Panel comments, the response to these comments and other actions

It is noted that any new text to the wording of the Supplementary Planning Guidance is noted in **bold text that is underlined**. Wording that has been deleted is shown with a strikethrough.

Issues raised in the Panel	Response
<p>What type of evidence is appropriate in order to justify that someone conforms with the definition of local? The importance of robust evidence was noted.</p>	<p>It is believed that the SPG needs to be clearer in terms of the type of information that would need to be submitted in order to provide justification that the prospective occupants of local market housing are eligible to live in such a property. It is noted that the type of evidence that would be appropriate is not limited to only the specified information but the Local Planning Authority must be satisfied that the evidence is appropriate and that it corresponds with the definition noted in the Plan and also the SPG.</p> <p>Specifically, the SPG specifies information in terms of utility bills, information in terms of Council Tax and information from the electoral roll. The Local Planning Authority can require that more than one evidence source is provided in order to ensure that they are satisfied that the prospective occupiers of a local market property are genuinely eligible to live in the property.</p> <p>Additionally, an additional paragraph is included in the Guidance (following paragraph 4.11), which notes that a local market unit has to be occupied as the principle home of the eligible household. This is to maintain the integrity of the Policy and to avoid people who are eligible in terms of the definition of 'local' to take advantage of the Policy by obtaining houses at a price that is likely to be lower than their value on the open market whilst they retain their ownership of another property</p>

	<p>Action: Additional wording to follow paragraph 4.11 and additional wording at paragraph 4.14</p>
<p>How is it ensured that the future occupancy of local market units are limited to those that are eligible?</p>	<p>Section 5.1-5.4 of the Guidance refers to the use of a planning obligation through a section 106 legal agreement in order to control the occupancy of local market units, now and in the future.</p> <p>Action: There is no need to amend the Guidance on the basis of this comment.</p>
<p>Can an element of affordable housing be provided in a local market housing development?</p>	<p>Policy TAI 15 of the JLDP provides the basis for ensuring an appropriate provision of affordable housing within developments that meet the relevant threshold. This is also relevant for local market housing development. Information in relation to this can be seen in section 4.3-4.5 of the SPG.</p> <p>Action: There is no need to amend the Guidance on the basis of this comment.</p>
<p>What is the basis for the period of 8 weeks for marketing local market units before they are eligible to be marketed more widely?</p>	<p>The 8 week period is based on initial legal input in terms of the period that is likely to be acceptable to lenders in terms of them offering a mortgage. This is an attempt to ensure that policy works in practice.</p> <p>Following further legal input, it is noted that there is a basis to increase the relevant marketing period in stages 1 and 2 of the cascade mechanism to 12 weeks (see Diagram 1 in the SPG following paragraph 5.7 and also paragraph 5.9). This is based on the fact that these units can only be sold/rented to a specific group of people and therefore it will take slightly longer for the advert and the information to reach those that are eligible to live in the unit.</p> <p>Action: Amend the period for marketing a local market unit in stages</p>

	<p>1 and 2 of the cascade mechanism from 8 weeks to 12 weeks.</p>
<p>Need to confirm that the correct areas have been identified within the relevant maps in the guidance</p>	<p>It is noted that the correct areas have been identified within the relevant maps in Appendix 1 of the Guidance.</p> <p>However in order to ensure that the SPG is clearer in terms of the relevant areas that are referred to, it is agreed to refer to 'Isle of Anglesey County Council electoral wards prior to 2013' in paragraph 4.9.</p> <p>In addition, the name of the wards that relate to the definition of 'local' are to be added to the map titles in Appendix 1.</p> <p>Action: Amend paragraph 4.9 in order to refer to 'Isle of Anglesey County Council electoral wards prior to 2013' so to clearly convey the areas that are referred to.</p> <p>Also in the map titles in Appendix 1, the name of the relevant wards that relate to the definition of 'local' are given.</p>
<p>Further issues that have been identified</p>	
<p>Action: The wording at the start of the Local Market Housing Proforma noted in Appendix 2 has been amended in order to better reflect the requirement of the General Data Protection Regulation (2018).</p>	
<p>Action: The wording in scenario 1 in the section of the Guidance that relates to 'assessing eligible households' (paragraph 4.13) has been amended in order to convey the fact that it is not compulsory for those that submit planning applications for self-build units for their own use to submit a Local Market Housing Proforma. This is not required in relation to scenario 2 in terms of commercial development because the need for local market housing has already been proven through the Policy. It is not therefore reasonable to insist on this in relation to scenario 1. However, receiving such information would be very beneficial, including in the pre-application advice stage. This is made evident in the amended wording.</p>	
<p>Action: Add the term 'speculative' to Scenario 2 (in paragraph 4.13) in order to convey more clearly the fact it refers to planning applications where it is not known who will be living in the unit(s) i.e. Commercial/speculative development</p>	

Action: In order to ensure that it will not be possible to take advantage of the Policy by using the garage as a living space and then developing an additional garage through Permitted Development Rights, the development of outbuildings in the curtilage by means of Permitted Development Rights, is restricted in order to ensure that such an alteration does not increase the size of the house to a level that is greater than the maximum size noted.

SUPPLEMENTARY PLANNING GUIDANCE

CONSULTATION DRAFT

LOCAL MARKET HOUSING



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

SEPTEMBER 2018

GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN

Content

1. Introduction.....	3
Purpose.....	3
The Policy Context.....	3
The Status of Supplementary Planning Guidance.....	3
2. The Purpose and Structure of this Supplementary Planning Guidance	5
3. Policy Context.....	5
When does this Policy apply?.....	6
Background.....	7
4. Specific considerations relating to Policy TAI 5.....	8
Tenure	8
Link with Policy TAI 15 ('Affordable Housing Threshold & Distribution').....	8
Housing allocation in Beaumaris (Site T31 – Casita).....	9
The definition of 'Local': Who is eligible to live in the local market units?.....	9
Assessing eligible households	10
Maximum property size.....	12
Extensions and adaptations.....	13
5. Control Mechanism.....	13
How to control the occupancy of local market units?	13
Cascading system	14
Mortgagee in Possession	16
Enforcement.....	16
6. Monitoring and review.....	16
7. Further information and contact details.....	19
APPENDIX 1: Definition of 'local': What is meant by 'relevant ward'?	20
APPENDIX 2: Local Market Housing Proforma.....	26

1. Introduction

Purpose

1.1 The Purpose of this Guidance is to:

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

Joint Local Development Plan

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

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

- help the Councils to make logical and consistent decisions on planning applications by providing a policy framework that is in line 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 Councils to make consistent and transparent decisions on development proposals, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils' are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of 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 decision by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on *date* by *Committee name*. The supplementary planning guidance were the subject of a public consultation exercise between *date*. The x observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by the *Joint Planning Policy Committee* on *date* to be used as a material consideration when assessing and determining planning applications and appeals. A summary of the observations and the Councils' response are given in *Appendix or location of a Committee report*.

1.8 **(Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.**

2. The Purpose and Structure of this Supplementary Planning Guidance

- 2.1 This Supplementary Planning Guidance has been published to give more detail and additional information to assist the Authorities to implement Policy TAI 5 ('Local Market Housing'), in order to ensure a consistent method of implementation.
- 2.2 Section 3 of the Guidance introduces the context in relation to Policy TAI 5; section 4 provides information in terms of specific considerations that relate to the Policy; section 5 specifies how the occupancy of local market units are controlled; and section 6 refers to the means of monitoring and reviewing the Policy.
- 2.3 This Guidance should be read in conjunction with the Joint Local Development Plan.

3. Policy Context

- 3.1 Policy TAI 5, 'Local Market Housing', is relevant to all proposals that create new residential units (use class C3 and C4) within the specific settlements noted in the Policy. Subject to the requirements of Policy TAI 15 ('Affordable Housing Threshold & Distribution') in terms of providing affordable units, this Policy ensures that any additional new residential unit within the development boundaries of these specific settlements must be a local market unit.

POLICY TAI 5: LOCAL MARKET HOUSING

Subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, local market housing (as defined in the Glossary of Terms) will be permitted within the development boundaries of the settlements named below on the condition that the proposal complies with the following criteria:

- 1. The size of the units comply with the defined maximum for the particular type of unit proposed;**
- 2. There are adequate arrangements available to restrict the occupancy of any local market house in the first place and in perpetuity to those who conform to the relevant occupancy definition.**

When a development is permitted, a planning condition will be used to manage Permitted Development Rights to ensure that an extension or alterations would not increase the size of the property beyond the defined accepted maximum size.

The relevant settlements:

(i) Local Service Centres

Anglesey

**Beaumaris
Rhosneigr**

Gwynedd

Abersoch

(ii) Local, Rural / Coastal Villages

Anglesey

**Trearddur Bay
Moelfre
Pontrhydybont**

Gwynedd

**Aberdaron
Borth-y-Gest
Llanbedrog
Llangian
Morfa Bychan**

**Mynytho
Rhoshirwaun
Sarn Bach
Tudweiliog**

The following site has been identified as a Housing Designation:

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

3.2 Local Market Housing is defined in the JLDP's glossary of terms as:

“Housing units either to rent or that are for sale within the defined settlements listed in Policy TAI 5. A planning mechanism e.g. a planning condition, is used to control the occupancy of a house to households that have a specific local connection but a mechanism is not used to control the price of the house”.

When does the Policy apply?

3.3 Policy TAI 5, applies when there is a proposal to develop new residential unit(s) that will add to the current stock of permanent residential units within the development boundaries of the settlements named in the Policy. It applies to all types of proposals that create new residential units (use class C3 and C4), regardless of the scale and type of the development. This includes Houses in Multiple Occupation (use class C4 and Extra Care Housing. In the case of Extra Care Housing, the requirements of Policy TAI 11 ('Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly') will also be a material consideration.

- 3.4 The requirements of Policy TAI 5 will only apply to a proposal to create Houses in Multiple Occupation if it creates such an unit from an use that is not classed as C3 residential use e.g. converting from commercial use. Creating a house in multiple occupation from a building that already has C3 use class will not add to the current housing stock i.e. the policy does not apply when converting from use class C3 to C4. The requirements of Policy TAI 9 (*'Subdivision of Existing Properties to Self-contained Flats & Houses in Multiple Occupation (HMOs)'*) will also apply.

Background

- 3.5 The Joint Local Development Plan has identified a range of main issues that the Plan needs to address. These include the following:

KI 2 - Impact of holiday / second homes on communities and the housing market

KI 5 – Losing young residents who are economically active

KI 6 - Insufficient supply of housing and responding to the need for a better range of housing in terms of location, type, size and affordability for local people

- 3.6 The Vision of the Plan also refers to developing the area to be an area "where the housing needs of local communities in the area are better addressed in terms of supply, type, quality, energy efficiency, location and affordability". In this respect, one of the objectives of the Plan notes the following:

SO16 – To provide a mixture of good quality housing units, of a range of types and tenures to meet the housing requirements of all sections of the population.

- 3.7 Therefore, the purpose of Policy TAI 5 is to tackle imbalance within specific housing markets within the Plan area and to maintain and strengthen vulnerable communities. It responds to recognised factors that influence the relevant housing markets. It aims to expand opportunities within housing markets where there are severe problems and ensure a provision of units that meet the community's needs. The Policy's objective is to ensure the social sustainability of communities, specifically vulnerable communities, where severe problems exist within the housing market. As a result, it is believed that it will create substantial social and economic benefit in these communities. It could also assist to achieve broader social policy aim, such as maintaining or strengthening Welsh language communities.

- 3.8 This Policy is based on paragraph 9.2.4 of Planning Policy Wales (Edition 9, November 2016) which states:

"Local planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas in specific locations. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing (which normally would have no occupancy restriction), local planning authorities will need carefully to justify the variation with robust evidence that they deem appropriate."

- 3.9 This Policy is therefore only relevant to specific locations where there is specific and intensive pressure within the local housing market. On this basis, the Plan aims to promote the right type of housing units within the areas that face the greatest challenges in order to assist with counteracting the trends of the past. It is important to do this in order to conform with the Plan's aims and vision to maintain or create sustainable communities. **The Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.**
- 3.10 This Policy and the choice of relevant settlements, is based on background work that is to be seen in Topic Papers 17 and 17A that was a part of the evidence base when preparing the Joint Local Development Plan. Topic Paper 17A provides a comprehensive description of the factors that demonstrate that there is specific and very intense pressure on housing markets in some areas within the Plan area. [https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-\(March-2016\).pdf](https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-(March-2016).pdf)
- 3.11 The Policy sits under Strategic Policies PS 16 (*'Housing Provision'*) and PS 17 (*'Settlement Strategy'*). It is noted that the housing strategy facilitated by the Plan is distributed in accordance with the division and strategy noted in Policy PS17. Policy TAI 5, along with policies TAI 1-4 and TAI 6 is the mechanism used to deliver this strategy effectively. Despite restricting the type of units that could be provided in specific settlements, there is a close link between Policy TAI 5 and the other housing provision policies. Policy TAI 5 ensures that the Plan promotes new housing on an appropriate scale when and where they are needed but that their occupancy is controlled.

4. Specific considerations relating to Policy TAI 5

Tenure

- 4.1 When a proposal relates to adding new residential units to the existing housing stock, it will not be possible to develop or provide new open market residential units in the settlements named in the Policy. Promoting open market units, namely houses without planning control over their occupancy or price, in the settlements named in the policy, would not correspond with the vision and objectives of the Plan. As noted in paragraph 3.9, the Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.
- 4.2 Policy TAI 5 is relevant to units that are to be purchased and units for rent.

Link with Policy TAI 15 ('Affordable Housing Threshold & Distribution')

- 4.3 The requirements of Policy TAI 15 are relevant to proposals for new housing units in the settlements named in Policy TAI 5 if the development meets the threshold noted in Policy TAI 15. Policy TAI 15 provides the indicative target for affordable housing per Housing Price Area. Table 22 in the Plan names the settlements that are within each Housing Price Area.

- 4.4 It would be expected for any scheme that is above the threshold noted in Policy TAI 15 to ensure the appropriate affordable provision, either by on-site provision or in exceptions, if that is not possible, a pro rata payment. If it is not believed that it would be practical to meet the affordable provision noted in Policy TAI 15, there is a responsibility on those who submit the application to justify a lower provision based on viability information.
- 4.5 In such cases, the same principles that are noted in Policy TAI 15 would be relevant and which are also highlighted in the 'Affordable Housing' Supplementary Planning Guidance.

Housing allocation in Beaumaris (Site T31 - Casita)

- 4.6 The Joint LDP has allocated a site for housing in Beaumaris, namely the Casita site (Reference T31).

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

- 4.7 At the time of adopting the JLDP, there was extant planning permission (reference 12C49K) for developing 35 residential units for people aged 55 years old and above on the allocation site. An appeal decision (application 12C49P/DEL, dated 17/01/18) has approved the removal of the minimum age occupancy restriction from the original permission. If this permission is implemented, there would be no need to consider the requirements of Policy TAI 5. However, if a new application is submitted, then Policy TAI 5 will be a key consideration i.e. every unit on the site must either be local market or affordable housing.

The definition of 'Local': Who is eligible to live in the local market units?

- 4.8 The definition of '**local**' in relation to local market housing is dependent on the settlement where it is intended to develop the new residential unit:

Local Service Centres – At least one member of the household must have a connection with the ward where the settlement is located or any ward directly adjoining it.

Local, Rural / Coastal Villages – At least one member of the household must have a connection with the ward where the settlement is located only.

- 4.9 In relation to Anglesey, 'ward' is defined **on the basis of the Isle of Anglesey County Council electoral wards prior to 2013** ~~in the terms of the statistical wards, namely~~

~~the pre-2013 political wards.~~ See a list and maps of the relevant wards in relation to each settlement noted in the Policy in Appendix 1.

4.10 '**Connection with the ward**' is defined as follows:

- i. An individual who currently lives within the relevant ward and who has lived there continuously for 5 years or longer; or
- ii. People who are not currently living in the relevant ward but who have a long and established connection with the local community, including having lived in the area for a period of 5 years or longer in the past; or
- iii. People who have an essential need to move to live close to relatives who are currently living in the relevant ward and who have lived there for at least the past 5 years or longer and who need support because of age or infirmity reasons; or
- iv. People who need support due to reasons relating to age or infirmity and who need to move to live near relatives who are currently living in the relevant ward and who have lived there for the past 5 years or longer.

4.11 '**Living in the relevant ward**' is defined as living within the area that is eligible for residing in a local market dwelling (see paragraph 4.8) for a period of at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

New paragraph: A local market unit has to be occupied as the principle home of the eligible household.

Assessing eligible households

4.12 Those submitting the application do not have to be eligible to live in the property in accordance with the definitions in paragraphs 4.8-4.11, however, it must be ensured that those living in the property are eligible to do so. These criteria must be complied with and any arguments from applicants in terms of the fact that they are 'local' based on any other factor should not be accepted e.g. no connection should be made with individuals' employment situation as people can live in other areas and travel to the relevant settlements named in the policy.

- 4.13 The type of planning application submitted influences how it is ~~concluded~~ **can be established** whether those living in a local market property comply with the occupancy requirement or not:

Scenario 1: Developing self-build units for the use of those submitting the planning application

In these cases, those who submit the planning application must **should** provide evidence that they conform with the definition of 'local'. A Local Market Housing Proforma must **should** be submitted with any application of this type (see Appendix 2). **Submitting this information will also be beneficial in terms of any discussion in relation to gaining pre-application planning advice.** The information noted in the proforma will provide the evidence for those who will live in the property. The information submitted in the Proforma will assist the Local Planning Authority to assess the proposal in full and to consider the suitability of the residents in accordance with Policy TAI 5. It should be explained how the household that will live in the property will comply with the definition of 'local' as noted in paragraphs 4.8-4.11 above.

Scenario 2: Commercial development

If it is a commercial development and it is not known at the time of the planning application who will be living in the units, then provided that the details relating to the application is acceptable, evidence will not need to be presented with the planning application as to who will be living in the units i.e. there will not be a need to submit a Local Market Housing Proforma. The need for houses to satisfy the local market has already been proven in preparing the Policy. See paragraph 4.14 in terms of the mechanism for assessing who will live in these units.

- 4.14 In order to ensure that those residing in a local market unit, after the houses have been built, are eligible to do so, a restriction will be placed on the property with the Land Registry. This means that permission will have to be sought from the Local Authority for permission to live in the property. Any prospective resident will have to provide suitable evidence to ensure that they conform with the definition of 'local' on the basis of what is noted in the Local Housing Market Proforma. The Local Authority or any suitable external body appointed by the Local Authority will assess whether the prospective residents are eligible on the basis of this evidence. The Section 106 legal obligation that will form part of any permission for local market units will refer to this procedure. **The type of evidence that will have to be provided by prospective occupants of local market units in order to prove that they conform with the definition of 'local' could include, but is not limited to, the following information:**

- **Utility bills e.g. electricity, water**
- **Information from the Electoral Roll**

- **Council Tax information**

It is noted that the Local Planning Authority can require that more than one evidence source is provided in order to ensure that they are satisfied that the prospective occupiers of local market properties are genuinely eligible to live in them.

- 4.15 Unless there is evidence to suggest that the proposed residential units meet 'local' needs, then the application will be contrary to the requirements of Policy TAI 5 and it will be refused.
- 4.16 Applicants and developers should be aware that implementing the objectives of Policy TAI 5 is strategic and long-term and consequently the restrictions on who will be allowed to reside in these units will not be relaxed, except for the exceptions described in paragraphs 5.5.5.11 i.e. the cascading procedure.

Maximum property size

- 4.17 In order to ensure that the policy meets its objectives, the policy manages the value of local market units by restricting their size. By controlling the maximum size of local market units, the value of these units will be more compatible with the policy's objective of maintaining sustainable communities.
- 4.18 Providing a specific discount on local market units will not be relevant as they are not affordable units. Any price or rent reduction compared to what would be expected on the open market would be something that would happen based on the impact of the policy and factors and mechanisms within the housing market. It does not necessarily mean that the price of any property will be lower than its value on the open market. No formal mechanism will be introduced that would ensure a reduction in the value of local market properties. The only thing being controlled will be the size of the property and those who are eligible to live in such a property.
- 4.19 Whilst the policy does not seek to inhibit the wishes and requirements of eligible households within the housing market, it is important that the approved units correspond with the policy's objectives. Approving residential units of an excessive size in the locations highlighted in the policy would be inconsistent with the evidence that provides the basis to the policy.
- 4.20 Table 1 below notes the maximum size of 'local market' residential units to be approved under Policy TAI 5. The Supplementary Planning Guidance in relation to 'Affordable Housing' notes the maximum size of any affordable units approved. The maximum size noted for local market housing is more than the maximum size for affordable housing. The maximum size of local market units allows households to meet their residential needs without endangering the sustainability of their communities.
- 4.21 The maximum sizes noted below refer to the total internal floor area of the local market units (i.e. the total of all floors within the building). It does not refer to the size of balconies, patios, gardens etc. but an assessment should be made as to whether any

aspects that are not considered within the defined sizes can have a negative impact on property value in relation to what the policy seeks to achieve.

Table 1: Maximum sizes of residential units in relation to Policy TAI 5.

Type of residential unit	Local Market Housing
Single storey, 2 bedroom house	90m ²
Single storey, 3 bedroom house	100m ²
Single storey, 4 bedroom house	120m ²
Two storey or more, 2 bedroom house	100m ²
Two storey or more, 3 bedroom house	110m ²
Two storey or more, 4 bedroom house	130m ²
Two storey or more, 5 bedroom house	145m ²
Garage	Additional 20m ²

Extensions and adaptations

- 4.22 Bearing in mind the connection between the size of a local market unit and what the policy is attempting to achieve, a planning condition will form part of the permission for such an unit in order to control the Permitted Development Rights to extend or adapt the dwelling **including the erection of outbuildings within the curtilage.**
- 4.23 There will be a need to introduce specific justification for any planning application to extend a property that has been approved in line with Policy TAI 5 to be larger than the size noted in Table 1. If the proposal involves adding a bedroom, then it would be reasonable to increase the size of the property to the relevant figure noted in the table. In this respect, it would have to be clear that the additional bedroom meets a clear and justifiable need and that it is not a way of attempting to increase the size of the property without specific justification. If the extension involves providing rooms that are not bedrooms, then a definitive and strong justification would be needed for ensuring an unit that is larger than what is noted in the guidance.
- 4.24 Detailed consideration must also be given to any other planning applications that are submitted for a local market property so that they do not increase the value of an unit to such an extent that it contradicts the objectives of Policy TAI 5. This could include applications to extend the curtilage, change the use of part of the unit to an alternative use etc.

5. Control mechanism

How to control the occupancy of local market units?

- 5.1 It is essential that the occupancy of the units being provided in accordance with this policy is restricted to those who are eligible. A planning obligation, by means of a section

106 legal agreement is therefore used to restrict the occupancy of local market units. This is extremely important in order to ensure that the policy achieves its purpose and is not undermined.

5.2 The relevant use of a planning obligation is highlighted in Section 122 of the Community Levy Infrastructure Regulations 2010, where it is noted that a planning obligation will only constitute a reason for granting planning permission for a development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development;
- (c) Fairly and reasonably related in scale and kind to the development.

5.3 A planning obligation would be a way of achieving the policy's objectives and would provide assurance of the occupancy terms in relation to such units. As it is a legal agreement, it provides assurance and robustness to the policy. If an element of affordable housing is apparent within a proposal, the use of a planning obligation will be consistent with the mechanism used to restrict occupancy to those who are eligible for affordable housing.

5.4 The use of a planning obligation and the assurance it provides will also facilitate the way that the policy will work in practice. It is essential in this regard that Policy TAI 5 is not misused for personal gain, in complete contrast to the policy's objective of promoting social sustainability in housing markets that have suffered from severe problems. An effective planning obligation will consider the future occupancy of local market units and will not just consider the first occupier. This is advantageous in terms of avoiding a scenario such as a person who is eligible for a local market unit buying a house for a price that is lower than its open market value before selling it for a profit on the open market to a household that does not comply with the policy's requirements.

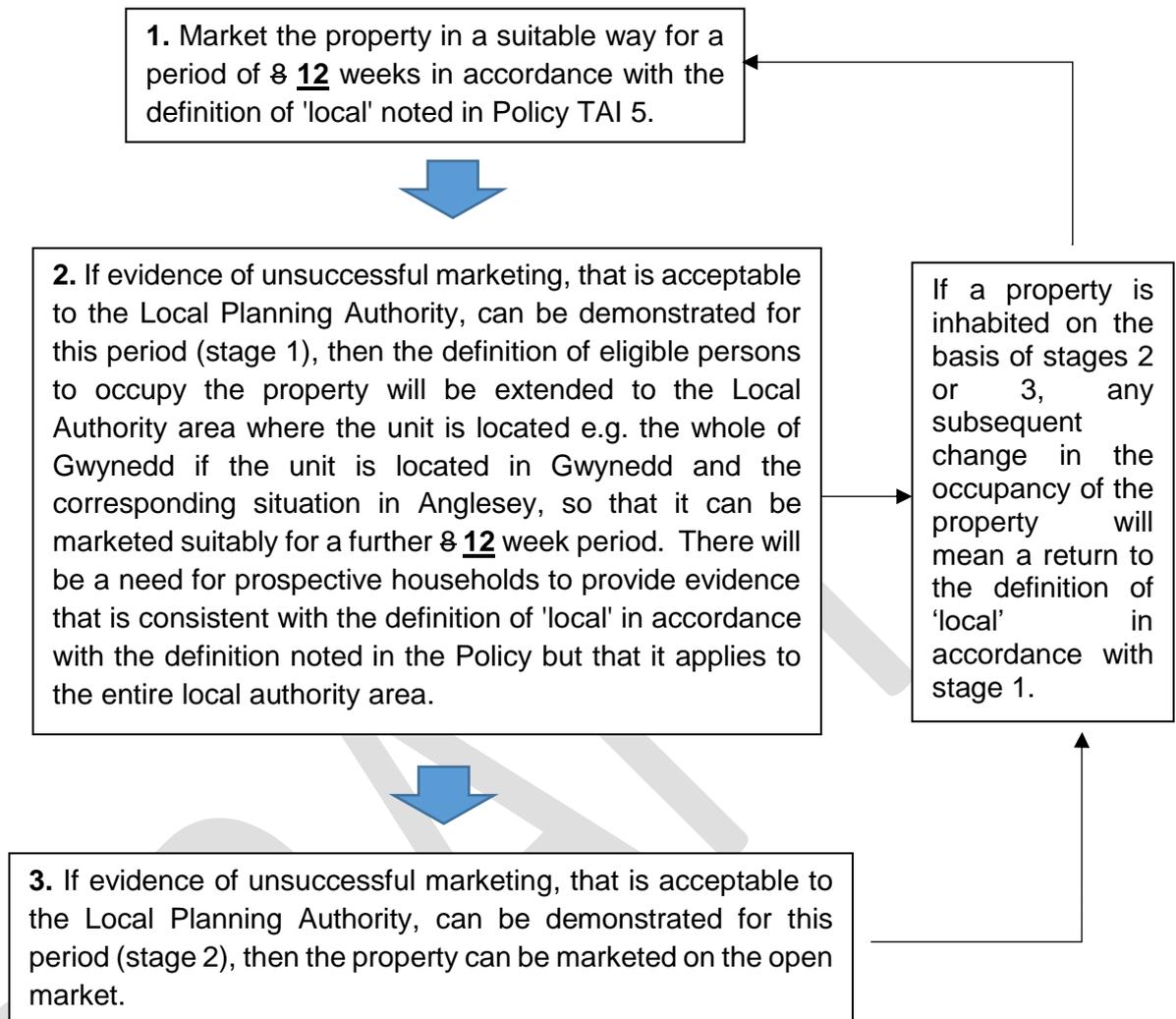
Cascading system

5.5 Whilst it is extremely important to retain the policy's integrity, an element of flexibility must be introduced so that it can work in practice. To this end, in order to facilitate the process of being able to obtain a mortgage or another loan in relation to the local market units and to overcome any potential problems in selling the units, the Section 106 planning obligation that corresponds with the planning permission introduces an element of sensitive cascading if there is a genuine failure to sell the units.

5.6 It is important that the cascading process respects the policy and what it seeks to achieve. The 106 Agreement in relation to a local market unit/units will clearly specify when and on what basis it is possible to expand who is eligible to live in a local market property and the evidence required to justify this.

5.7 The status of a planning obligation and the certainty that is associated with it is a means of ensuring that the policy works effectively, that its integrity is maintained, but that it is not possible to take advantage of the policy and misuse it.

Diagram 1: Cascading system for selling/letting a local market unit



5.8 It must be ensured that the property is marketed in a suitable way and at a reasonable price during the relevant periods noted in Diagram 1. The owner will have to provide 'evidence of unsuccessful marketing' in writing to the Local Planning Authority. The Local Planning Authority will have to be completely satisfied that this evidence demonstrates that every reasonable effort has been made to market the property effectively before being able to expand the marketing area.

5.9 **Evidence of Unsuccessful Marketing:** A written confirmation will be required from an Estate Agent, Letting Agent or a Charter Surveyor who practises within the Joint Local Development Plan area that the unit has been marketed unsuccessfully either for sale or for rent (as applicable) for the & 12 week period at a price/rent that reflects the restriction on who can occupy the property. Such confirmation must include the following:

- Copies of the sale or letting particulars
- Details of all viewings by those who are interested in buying/renting the property

- Confirmation that the information about the property has been advertised on the agent's website for the § **12** week period and/or that copies of advertisements regarding the availability of the property to purchase or to let have been placed in newspapers that are usually circulated in the local authority area where the application is located during the whole of the § **12** week period.

5.10 The Local Planning Authority must be satisfied that the price of the property/rental cost is acceptable and there has been no relevant interest in the property within the defined time periods if the property is to be marketed more extensively.

5.11 If the occupancy of a local market unit is extended to include a wider geographical area, the 106 Agreement ensures that any subsequent change in the occupancy of the unit i.e. when the property will next be sold or let, would mean that the occupancy of the unit will return to the original definition of 'local' that is noted in Policy TAI 5 (see Diagram 1). The property would have to be marketed in accordance with this definition.

Mortgagee in Possession

5.12 In order to facilitate the procedure of receiving a mortgage in relation to the local market units, the 106 planning obligation agreement includes a Mortgagee in Possession clause.

5.13 If a mortgage provider takes possession or assumes control of a local market unit (on the basis of being a Mortgagee in Possession) they will have a period of 4 weeks to sell the unit to a household that corresponds with the definition of 'local' at a price that reflects the occupancy restriction (see paragraph 5.9 for the 'Evidence of Unsuccessful Marketing' that would need to be provided).

5.14 If the Local Authority are content that no relevant interest has been shown in the property during that period, the mortgage provider can then sell the unit on the open market without any restriction on its occupancy.

Enforcement

5.15 If lack of compliance with the planning obligation comes to light, the monitoring officer will commence enforcement action. Planning obligations can be enforced by means of court orders that can prevent the development from proceeding and/or ensure compliance with the terms of the Agreement.

6. Monitoring and review

6.1 Two main indicators have been identified in the JLDP in relation to monitoring the success and effectiveness of Policy TAI 5 in the Annual Monitoring Report.

6.2 **Indicator D52** - Number of local market housing units built in settlements identified in Policy TAI 5

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D52 Number of local market housing units built in settlements identified in Policy TAI 5	Deliver the maximum level of local market housing in settlements listed in Policy TAI 5.	Less than 10 local market housing units built in settlements identified in Policy TAI 5 in any one year.	JPPU database Development Management databases

6.3 It is essential to assess the provision of new residential units developed in the settlements named in the policy. This is in order to ensure that the policy does not restrict the recognised supply of houses that are identified in the Plan. This would mean that the policy would not be of assistance in meeting the recognised need that the Plan is facilitating, thus meaning that it would be unlikely to meet some of its main objectives.

6.4 As noted in paragraph 3.11 of this Guidance, it is important that this policy assists to provide the relevant level of houses noted in the Joint Local Development Plan in the most suitable manner. Consideration should be given to the indicative supply for windfall sites identified for each of the settlements noted in Policy TAI 5 (Appendix 5 with the information updated annually). As is the case with any proposal within a defined settlement in the Plan, careful consideration must be given to the impact of supplying more houses than the Plan provides for.

6.5 **Indicator D53** - Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D53 Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing	Retain Section 106 agreements and conditions that facilitate delivery of local market housing in accordance with Policy TAI 5.	Planning application or to modify or remove S106 agreements or condition relating to local market housing approved or allowed (as appropriate) in any given year	JPPU database Development Management database

- 6.6 In order to maintain the Policy's integrity and to ensure that its objectives are not undermined, it is essential that the occupancy restriction emanating as a result of Policy TAI 5 is not lost through a decision on a planning application. This could possibly create a dangerous precedent that could have a negative impact on the objectives of this Policy and the Plan in a broader sense. It is important therefore that the objectives noted in this Guidance are followed and implemented effectively in order to prevent this from happening.

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7. Further information and contact details

For further information, contact the:

Joint Planning Policy Unit

✉ First Floor

Bangor City Council Offices

Ffordd Gwynedd

Bangor

Gwynedd

LL57 1DT

☎ 01286 685003

✉ polisicynllunio@gwynedd.llyw.cymru

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

Gwynedd Council Planning Service

✉ Council Offices

Ffordd y Cob

Pwllheli

Gwynedd

LL53 5AA

☎ 01766 771000

✉ cynllunio@gwynedd.llyw.cymru

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

Isle of Anglesey County Council Planning Service

✉ Council Offices

Llangefni

Anglesey

LL77 7TW

☎ 01286 752428

✉ cynllunio@ynysmon.gov.uk

<http://www.anglesey.gov.uk/planning-and-waste/planning-control?redirect=false>

APPENDIX 1 – Definition of ‘local’: What is meant by ‘relevant ward’?

The areas which meet the definition of ‘local’ are noted. Some of these areas are relevant for more than one settlement.

LOCAL SERVICE CENTRES

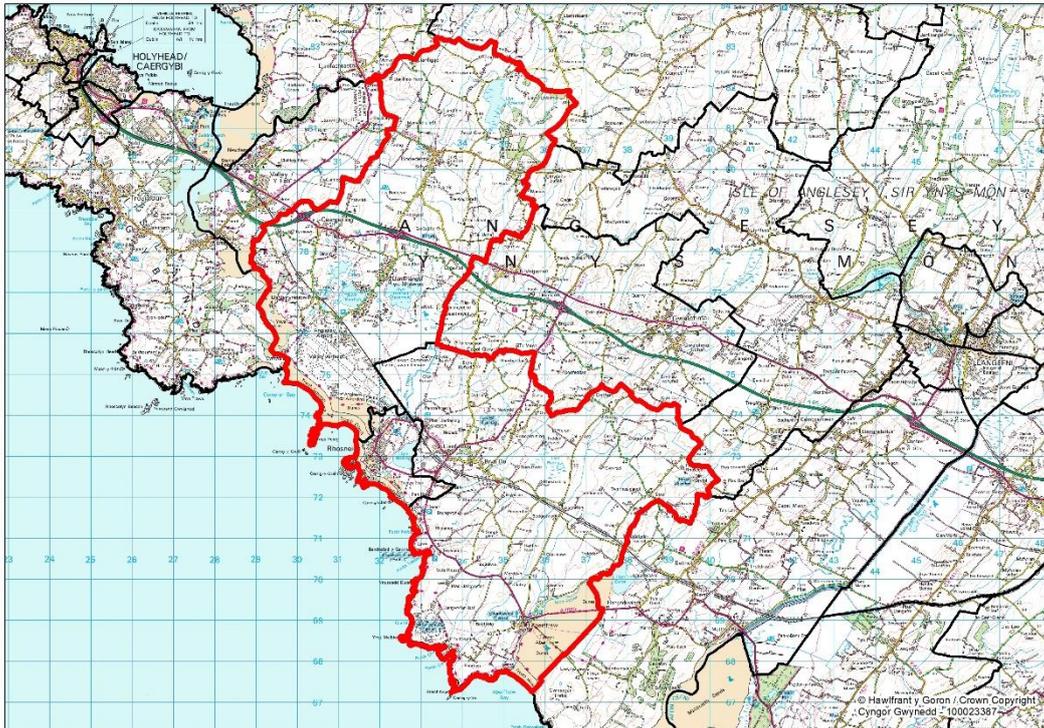
Abersoch (Abersoch, Llanbedrog and Llanengan wards)



Beaumaris (Beaumaris, Cwm Cadnant and Pentraeth wards)



Rhosneigr (Rhosneigr, Aberffraw and Llanfair-yn-Neubwll wards)



LOCAL, RURAL / COASTAL VILLAGES

Aberdaron and Rhoshirwaun (Aberdaron ward)



Borth-y-Gest and Morfa Bychan (Porthmadog West ward)



Llanbedrog (Llanbedrog ward)



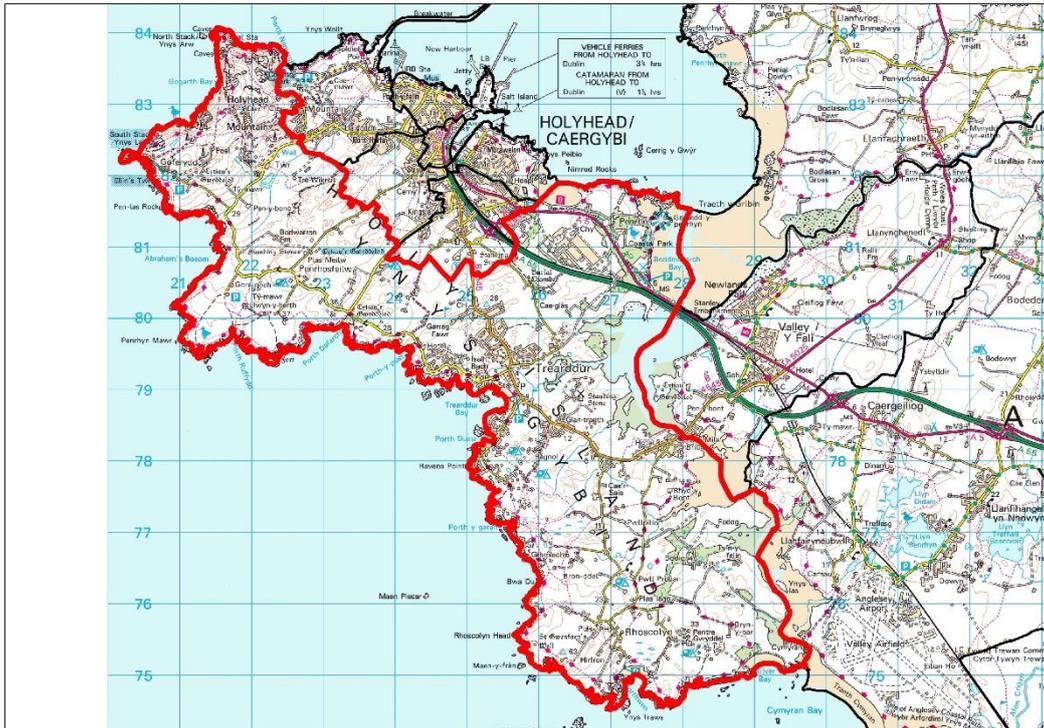
Llangian, Mynytho and Sarn Bach (Llanengan ward)



Tudweiliog (Tudweiliog ward)



Trearddur Bay (Trearddur ward)



Moelfre (Moelfre ward)



Four Mile Bridge (Trearddur and Valley)



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APPENDIX 2 - Local Market Housing Proforma

All information that meets the definition of personal data under the Data Protection Act will be used on a strictly confidential basis.

This information is collected in order to assess the eligibility of an individual/individuals that submit an application to live in a local market unit in accordance with the requirement of Policy TAI 5 of the Anglesey and Gwynedd Joint Local Development Plan (adopted July 2017). All the information that meets the definition of personal data in accordance with the Data Protection Act will be used in a strictly confidential manner and will not be shared outside the Council. The information will be kept on file for a period that conforms to the data protection policies of Gwynedd Council and the Isle of Anglesey County Council. For further information please refer to the Gwynedd Council and the Isle of Anglesey County Council websites.

What is the address of the planning application site?

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.....

How many people are there in your household?

Do you currently live¹ within a ward that meets the definition of 'local' in accordance with Policy TAI 5? Yes / No

If yes, what is your current address?

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.....
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¹ 'Living in the area' is defined as living within the area that is eligible for residing in local market housing for a period that is at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

How long have you lived at this address? Years Months

If less than 5 years, please provide your addresses for the previous five years and the relevant dates.

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You will need to attach documents that provide evidence of your place of residence for the past five years, e.g. bills, your details on the electoral register

If you do not currently live within a ward that meets the definition of 'local' in accordance with Policy TAI 5:

Have you previously lived within a ward that meets the definition of 'local' in accordance with Policy TAI 5 for a period of more than 5 years? Yes / No

If yes, please provide your addresses during your previous period of residence in the relevant ward along with the relevant dates.

.....
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.....

You will need to attach documents that provide evidence of your previous place of residence within the ward e.g. bills, your details on the electoral register

Complete any of the following sections that apply to you:

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer and who need(s) support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

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.....
.....
.....

Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer on the grounds that you need support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

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Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Declaration

Name:

Signed:

Date: