

## REPORT OF THE HEAD OF PARK DIRECTION

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### **SUBJECT: LOCAL DEVELOPMENT PLAN: PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING GUIDANCE (SPG)**

#### **Purpose of this Report**

1. This report asks Members to adopt a new Planning Obligations Supplementary Planning Guidance (SPG) document. It will replace the Authority's current supplementary planning guidance on obligations.

#### **Background**

2. New development can offer great benefits to the community by virtue of the homes, workplaces and facilities it provides. It stimulates the economy, but also has consequences for the provision of public services.
3. The Council and the National Park Authority secure developer contributions through legal obligations in order to ensure that local services and infrastructure have adequate capacity to meet the additional demands arising from new development. The draft Supplementary Planning Guidance sets out Pembrokeshire County Council's (the Council's) and Pembrokeshire Coast National Park Authority (the National Park Authority's) approach towards securing the improvements to local infrastructure, facilities, services and amenities that are required as a consequence of new development through the use of Section 106 Planning Obligations (in the form of unilateral undertakings by developers or agreements between developers and the Local Planning Authority (LPA)). Once adopted following public consultation, such a Supplementary Planning Guidance becomes a material consideration in the evaluation of planning applications. It can also be used to inform Local Impact Reports for Developments of National Significance, or Nationally Significant Infrastructure Projects.

#### **Officer Appraisal**

4. In April 2016 the Authority agreed to publish a draft Planning Obligations Supplementary Planning Guidance for public consultation. This document sets out Pembrokeshire County Council's (the Council's) and Pembrokeshire Coast National Park Authority (the National Park Authority's) approach towards securing the improvements to local infrastructure, facilities, services and amenities that are required as a consequence of new development, through the use of Section 106 Planning Obligations.
5. A public consultation on the Planning Obligations Supplementary Planning Guidance took place between 11th May and 6th July 2016. A formal notice

was published in the Western Telegraph advertising the consultation and a press release advertising the consultation was also sent to local papers and radio outlets. Copies were made available on our websites.

6. A report summarising the results of the public consultation and identifying recommended changes to the Supplementary Planning Guidance is attached as Annex 1, section A. A total of four consultation responses were received, making fifteen representations on the document. In addition to this, further changes following internal consultation are identified in Annex 1, section B.
7. The main changes identified to the Supplementary Planning Guidance following the public and internal consultations are:
  - a. Removal of references in the document to 'maximum contributions'. It is recommended that the draft Supplementary Planning Guidance be amended to provide an indication of general costs, but not use the term 'maximum contributions'. This is in recognition of the Community Infrastructure Levy Regulations (CIL Regulations) requirement that contributions must be related to the development proposal. It is therefore not possible with certainty to identify a maximum contribution, given that individual development proposals may vary in scale and nature. Within the Sustainable Transport section the SPG now specifies that a figure commensurate to the impact of a development will be sought, but identifies that as a guide, historically contributions based on trip generation analysis have generally not exceeded £2500 per dwelling.
  - b. A re-worked section on Open Space contributions. A revised section is proposed to improve clarity.
  - c. A reduction of paragraphs in the Sustainable Transport Section. This section has been simplified, to improve clarity.
  - d. Community Facilities – change threshold to 20 units for all residential developments, rather than the previous proposal of 50 in urban areas and 20 in rural areas. To improve consistency (Library and Education contributions both established at 20 units).
  - e. Library Section –Planning Obligations will specify that contributions will be spent on infrastructure within the geographic zone within which a development is located. This is necessary to overcome the 'pooling restriction' created by the Community Infrastructure Levy Regulations.
  - f. Library Section –Clarifying that the precise level of contribution to support library services will vary, depending on the needs of a service in a particular area at a particular time. Include a cross-reference to the Public Library Standards cost assessment (moved to an Appendix), noting that this provides an indication of how costs might be assessed. This provides greater clarity and ensures compliance with the Community Infrastructure Levy Regulations.

- g. Biodiversity - Remove the references to a Tree Replacement charge. This change is proposed because of concern that the focus should be on retaining Trees on site wherever possible, rather than considering off-site provision via a planning obligation as compensation for tree loss. Instead of this section a Joint Tree Supplementary Planning Guidance will be developed which will prioritise on site retention of trees. The general section on Biodiversity within the Planning Obligations Supplementary Planning Guidance will still enable off-site tree replacement where appropriate, but based on an individual assessment of the cost of replacement on a case-by-case basis.
  - h. Amend the Implementation and Monitoring section to note that it may be appropriate to enable the spend of contributions over a period of longer than 5 years in certain circumstances. This change is proposed to enable the Local Planning Authority to have greater flexibility in spending contributions in appropriate circumstances.
8. These changes are aimed at improving the clarity of the document and also ensuring compliance with the CIL Regulations which place restrictions on the ways in which LPAs can use Planning Obligations.
9. Minor re-wording and editing changes throughout the document are also proposed to improve clarity. A final version of the Supplementary Planning Guidance proposed for adoption is attached as Annex 2.
10. The following issues were raised by National Park Authority Members prior to the guidance being published for consultation:
- a. Compatibility with the Wellbeing of Future Generations (Wales) Act 2015 – as requested reference was made in the covering letter when the guidance was published for consultation.
  - b. Ensure economic interests are consulted – This has been done.
  - c. Ensure sports clubs have an opportunity to access money – this is possible.
  - d. Can the Authority have a greater say on how highways money is spent? – Unless a scheme requires planning permission the Authority is dependant on informal liaison on individual schemes in terms of design. The Authority is consulted on larger schemes. Control of liaison cannot be addressed through a S106 agreement.
  - e. Can a biodiversity tree fund be arranged? – The final version of the guidance attached aims to put greater emphasis on retaining trees in situ. The need for obligations must be based on the planning requirements of the site itself and to have a fund that would essentially pool payments is likely to be contrary to the Community Infrastructure Levy Regulations which place restrictions on the ways in which local planning authorities can use Planning Obligations. There are other mechanisms for woodland creation available.

### **Financial considerations**

11. The Authority had funding available to carry out this consultation. It is a requirement to complete a consultation for such documents to be given weight in the Authority's planning decision making.

### **Risk considerations**

12. The guidance when adopted will provide an updated position regarding obligations requirements in line with more recent advice from Welsh Government and UK Government. The guidance also provides for a consistent approach to negotiating the types of planning obligations set out in the guidance.

### **Equality considerations**

13. The Public Equality Duty requires the Authority to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relation between different communities. This means that, in the formative stages of our policies, procedure, practice or guidelines, the Authority needs to take into account what impact its decisions will have on people who are protected under the Equality Act 2010 (people who share a protected characteristic of age, sex, race, disability, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief).
14. Officers have undertaken a screening of the guidance and a Full Equalities Impact Assessment is not required.

### **Welsh Language considerations**

15. The publication and consultation exercises will be carried out in accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards Regulations (No.1) 2015.
16. Assessing impacts on the Welsh language is also an integral part of the Sustainability Appraisal process for Local Development Plan preparation.
17. Policy 48 Community Facilities & Infrastructure Requirements of the Local Development has been subject to Appraisal and the attached draft guidance is subservient to that policy.

## **RECOMMENDATION**

**That Members:**

1. **Agree the Officer's response to the consultation responses received in Annex 1.**
2. **Adopt the attached Supplementary Planning Guidance on Planning Obligations – Annex 2.**

Background papers:

[Pembrokeshire Coast National Park Local Development Plan, September 2010](#)

Local Development Plan Manual – Welsh Government

<http://gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en>

Current Local Development Plan Supplementary Planning Guidance on Planning Obligations

<http://www.pembrokeshirecoast.org.uk/Files/Files/dev%20plans/AdoptedSPG/WebPlanningObligationsFinalJune11E.pdf>

Planning Policy Wales (Edition 8, July 2016):

<http://wales.gov.uk/topics/planning/policy/ppw/?jsessionid=959D17CBE44B4C21C123285AA5AE6E99?lang=en>

[The Community Infrastructure Levy Regulations 2010 No. 948](#)

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/123>

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<b>Annex 1: Consultation Responses – Section A</b>				
<b>Ref. number</b>	<b>Individual/ Organisation</b>	<b>Representation summary</b>	<b>PCNPA Response</b>	<b>Recommended change to SPG (if required)</b>
1	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 1:</i> Support approach of Planning Obligations SPG setting out maximum contributions that will be sought from developer's to support development. With the provisos given on the other pages considered in order to give certain policies more clarity and avoid long drawn out debate in the future between applicants/agents/officers.	Support noted.  Section B of this Annex sets out changes to the draft SPG following internal consultation. As a result of these changes it is recommended that the draft SPG be amended to provide an indication of general costs, but not use the term 'maximum contributions', recognising that contributions must be related to the development proposal and that therefore it is not possible with certainty to identify a maximum contribution, given that individual	See reference number 8 noted below in Section B in response to internal consultation.

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			development proposals may vary.	
2	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 2:</i> Support thresholds set out in the SPG for residential development. Similar comments apply regarding provisos, being taken into account to make the understanding of the process, especially for 'lay' clients, an easier task.	Support noted.	No change to SPG required.
3	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 3:</i> Support onsite and offsite contributions for Recreational and Amenity Open Space being based on Fields in Trust standards. However note that greater clarity is needed in the definition of "off site provision" and its distance from the application site.	Support noted. A revised section on Open Space is proposed in the SPG to improve the clarity of this section. Standards however are still based on the Fields in Trust standards.	A revised section on Open Space is proposed to improve the clarity of this section.
4	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 4:</i> Support the section on how the Authorities will administer planning obligations and publicly provide information on monitoring. However some guidance needs to be provided as to how the larger sites S106 obligations are broken down into a	Support noted. The SPG already notes in paragraph 6.2 that in the case of large sites, payments will be phased around key stages of developments. As these stages will vary according to the size of an individual	No change required to the SPG.

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		series of payments at key stages of the development in order to avoid future hassle/delays in the negotiation process.	development, it is not possible for the SPG to prescribe specific parameters.	
5	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 5:</i> Could greater emphasis be given to the use of Standard S106/UU documents not being allowed to be altered by our 'legal eagles' in order to speed up the process of determination.	Agree – insert a sentence into paragraph 6.5 to state that the Authorities strongly encourage the use of the template UU available for Affordable Housing.	Amend paragraph 6.5 to read: For straightforward obligations that contain only financial obligations, the Council encourages the use of Unilateral Undertakings, which are a simplified form of Section 106 Planning Obligation. A Unilateral Undertaking template for commuted sums for Affordable Housing, containing standard clauses is available to download on both Authorities' websites. In the majority of cases, use of this template will result in the speedier conclusion of Section 106 planning obligation. Applicants will be required to meet the Council's reasonable costs incurred in checking the Unilateral Undertaking.



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6	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 6:</i> Where provision of facilities is to be 'elsewhere', rather than on site, surely some sort of reasonable distance should be given in the guidelines?	It is not possible to specify precise distances as this will depend on the nature of the facility proposed. The Council's LDP policy which refers to provision of facilities elsewhere in certain circumstances includes the caveat that this is provided their location can adequately service the development. Acceptable distances are identified for open space within the SPG, but provision of facilities such as schools, biodiversity mitigation measures, highways facilities and community facilities will all vary in terms of what is a reasonable distance to serve a development.	No change proposed to the SPG.
7	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 7:</i> Better guidance is needed on how the LA assesses discounts on highway contributions, especially on residential developments.	Agree – revised wording in this section will note that individual impacts of a development will be identified in order to establish a financial	Amend paragraphs 3.24,3.25 and 3.26 to read:  Levels of contributions to transport infrastructure are assessed having regard to the

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			<p>contribution.</p>	<p>size of the development, the estimated increase in population and estimated additional transport impact. Contributions towards infrastructure improvements may be sought from development with a <b>net gain of five dwellings or more where a need is generated</b>. The contribution will allow the Highway Authority to mitigate the impact from the additional trips <i>generated</i> with the level of contribution being commensurate to the impact of a development.</p> <p>Previous contributions based on trip generation analysis have historically not exceeded £2500 per dwelling. The precise levels required may vary from this, depending on the levels of necessary infrastructure required to deliver a specific development. These contributions will be spent on public transport, cycling and walking services and infrastructure.</p>
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				<p>The use of any contribution will depend on the size of the development and the requirements identified. An individual assessment will be undertaken for each proposal. For example a development of 5 dwellings could make a transportation contribution of £5,000 which might be used to provide a new footpath connecting the new houses to the existing footpath network. On a larger development of 100 dwellings, contributions might be necessary to provide a new bus service or the diversion of an existing route. Other examples of the use of contributions include the provision of improved street lighting, controlled and uncontrolled pedestrian crossings, cycle and pedestrian routes, cycle lock up provision etc. This is not an exhaustive list. Applicants who can demonstrate that particular developments generate fewer trips may have a case for making a reduced contribution. In considering any discount, the</p>
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				Highway Authority will assess the existing availability of, and accessibility to, high quality public transport, cycle and pedestrian facilities, along with easy access to nearby employment, education, leisure and shopping facilities by methods other than the private car.
8	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 8:</i> Surely public art should be more greatly encouraged on a wider spread of new developments, and not just the larger projects?	Public art will be encouraged on site through the design process and can generally be promoted via appropriate conditions on smaller sites. The SPG aims to identify circumstances where planning obligations may be required, which will generally be for larger projects.	No change proposed to the SPG.
9	Mr Gareth Scourfield (Pembroke Design Ltd)	<i>Representation 9:</i> A clearer indication of acceptable distances for off-site planting of new trees should be considered.	This section of the SPG will now be removed, see changes proposed under internal feedback (section B below).	See section B internal changes proposed.

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10	Mr Gareth Scourfield (Pembroke Design Ltd)	<p><i>Representation 10:</i>          Better and more informative information is required on the District Valuer's fee scales are needed if they only provide valuation advice and other parties do the viability assessments.</p>	<p>Appendix 4 sets out indicative fee scales for the District Valuer to undertake viability assessments. Precise quotations will be provided on a case by case basis, depending on the individual circumstances of a development site.</p>	No change proposed to SPG.
11	CADW	<p><i>Representation 1:</i>          Consider that a section regarding the historic environment could be added to the document and suggest that such a section could be worded as follows:</p> <p>“ The preservation and/or enhancement of historic assets may be required as an integral part of a development proposal. In many cases such measures may be addressed through the imposition of a planning condition. Planning obligations (as an alternative, or in addition to planning conditions) may be used where mitigation, compensation or enhancement measures require a long-term or complex commitment, or where a financial contribution and/or transfer of land is required. The nature and</p>	<p>The SPG aims to provide additional information on the most commonly sought types of Planning Obligation and to provide detailed information on the methodology to be used (where applicable). The SPG clarifies that contributions for other types of infrastructure may still be sought where an application generates a particular need for a specific infrastructure obligation. Instead of inserting a new section, an amendment to paragraph 1.14 is proposed, including the historic environment in</p>	<p>Amend paragraph 1.14 to read:</p> <p>Contributions for other types of infrastructure including for example (but not limited to) regeneration, waste, the historic environment and renewable energy may still be sought where an application generates a particular need for a specific infrastructure obligation.</p>

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		<p>scale of the obligation will reflect the impact of development. The Authorities may seek a wide variety of historic environment obligations, including, but not exclusively limited to:</p> <ul style="list-style-type: none"> <li>• Securing on-site works to enhance and restore the historic asset;</li> <li>• Restricting development in identified/sensitive areas;</li> <li>• Financial contributions for future management of the historic asset;</li> <li>• Transfer of land for the purposes of conservation.”</li> </ul>	<p>the list of other examples of contributions which may be sought.</p>	
12	CADW	<p><i>Representation 2:</i></p> <p>You will wish to reconsider the reference to the Minister for Cultural and Sport in paragraph 3.60 of the documents.</p>	<p>Agree – amend to refer to Welsh Government.</p>	<p>Paragraph 3.47 to read:  The Welsh Government oversees the library services provided by local authorities through the non-statutory Welsh Public Library Standards and Assessment Framework (the Standards’). The purpose of the Standards is:</p>
13	Marloes and St Brides Community Council	<p><i>Representation 1:</i></p> <p>This document should be re-drafted so that contributions towards “Affordable Housing” become contributions towards “Affordable</p>	<p>Both the Council and the Pembrokeshire Coast National Park Authority recognise the important role that Community Land</p>	<p>No change proposed to SPG.</p>

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		Housing and/or Community Land Trusts”. In moral terms we see both sorts of project as equally deserving of support.	Trusts can have in delivering Affordable Housing for local communities. Both Authorities have existing Supplementary Planning Guidance documents on Affordable Housing which recognises that Community Land Trusts can deliver Affordable Housing successfully for local communities. This draft SPG on Planning Obligations cross-references these existing Affordable Housing SPG’s and does not seek to amend their content. No further change is therefore proposed.	
14	Marloes and St Brides Community Council	<i>Representation 2:</i> In this draft document Affordable Housing developments are exempted from certain Planning Obligations; it should be re-drafted so that, throughout, Community Land Trusts are granted the same exemptions. Again, in moral terms both sorts of	Both Authorities have policies which specify that in cases where a proposal would not be financially viable in terms of the policy requirements of the Plan, that priority will usually be given to Affordable Housing	No change proposed to SPG.

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		project are equally deserving.	provision. As noted in response to Representation 1, both Authorities SPGs on Affordable Housing recognise that Community Land Trusts can deliver Affordable Housing. On this basis, no change is proposed to this draft SPG.	
15	St Davids City Council	<i>Representation 1:</i> I write to inform you that at a meeting on 11th July 2016, having considered the many amendments and improvements contained in the draft guidance documents, St Davids City Council unanimously resolved to support the adoption of the Planning Obligations SPG.	Support noted.	No change proposed to SPG.



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**Annex 1: Internal recommendations for amendments to SPG – Section B**

Ref. number	Internal recommendation	Recommended change to SPG	
1	Amend glossary to include additional references to Highway Authority and Local Planning Authority.	<b>Highway Authority</b>  	A Highway Authority is a name given to a body responsible for the administration of public roads. In Pembrokeshire, Pembrokeshire County Council is the Highway Authority for the whole County (including the Pembrokeshire Coast National Park Authority).
		<b>Local Planning Authority</b>  	A Local Planning Authority (LPA) is the local authority that is empowered by law to exercise statutory town planning functions for a particular area of the United Kingdom. In Pembrokeshire the Pembrokeshire Coast National Park Authority is the LPA for the area of the Pembrokeshire Coast National Park. Pembrokeshire County Council is the LPA for the

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			area of Pembrokeshire excluding the Pembrokeshire Coast National Park.
2	Insert amended and additional text to glossary to provide additional clarity to the definitions used.	Insert minor additional text to definitions of “Planning Obligation”, “Section 106 Agreements”, “Section 278 Agreements” and “Unilateral Undertakings” to improve clarity.	
3	Amend references throughout document to refer to “Local Planning Authority” where appropriate, to ensure that it is clear that the determining Authority will be the Local Planning Authority rather than the joint Authorities of the Council and the Pembrokeshire Coast National Park Authority.	Amend references throughout SPG to refer to Local Planning Authority where appropriate.	
4	Clarify that those obligations not covered by the CIL Regulations must take into consideration the Welsh Government Circular on Planning Obligations.	<p>Amend paragraph 1.3 to read:</p> <p>The tests in Circular 13/97 Planning Obligations apply to all Planning Obligations, including those not covered by the CIL Regulations. The tests make it clear that a Planning Obligation must be:</p> <ul style="list-style-type: none"> <li>• Relevant to planning;</li> <li>• Necessary to make the proposed development acceptable in planning terms;</li> <li>• Directly related to the proposed development;</li> <li>• Fairly and reasonably related in scale and kind to the proposed development; and</li> <li>• Reasonable in all other respects.</li> </ul>	

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5	Amend paragraph 1.9 to ensure that it is sufficiently clear that the Local Planning Authorities are progressing an interpretation of a specific infrastructure project.	Amend paragraph 1.9 to read:  In addition, under CIL Regulation 123 an LPA cannot collect pooled contributions for the same infrastructure project from more than 5 developments which could be funded from CIL. When assessing whether 5 separate planning obligations have already been entered into for a specific infrastructure project or a type of infrastructure project, the LPA are required to review agreements that have been entered into since 6 <sup>th</sup> April 2010.
6	Amend paragraph 1.14 to clarify that other contributions in addition to those highlighted in the SPG may also be sought.	Amend paragraph 1.14 to read:  Contributions for other types of infrastructure including for example (but not limited to) regeneration, waste and renewable energy may still be sought where an application generates a particular need for a specific infrastructure obligation.
7	Clarify position regarding charging for pre-application advice.	Amend paragraph 1.17 to read:  Planning officers are also able to give pre-application advice, which will be current for six months from the initial enquiry date. There is a charge for this service, see the Local Planning Authority's website for more information. This will give developers confidence that Officers will not seek to amend Planning Obligation requests during this timescale

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8	Amend references throughout document to remove reference to 'maximum' contributions but instead refer to contributions generally required from development. This is a more appropriate expression, reflecting the fact that contributions should be related to the nature and scale of the development proposed.	Amend document throughout to remove reference to 'maximum' contributions and refer instead to contributions 'generally required' from development.
9	Simplify Section on Sustainable Transport Facilities by cutting paragraphs not essential to explaining planning obligations.	Remove non-essential paragraphs, for example on Transport Assessments and Transport and Travel Plans.
10	In Section on Education, clarify that Planning Obligations will state which project contributions will be used for.	Amend paragraph 3.36 to read:  Education officers will advise as to whether or not a contribution is required, based on an assessment of the adequacy of local facilities. Consideration will also be given to the potential for other contributions to be delivered in that area, given the limitations placed on Local Planning Authorities regarding the ability to pool contributions from only 5 obligations in Regulation 123 of the CIL Regulations. The Planning Obligation will specify the particular project for which the contribution will be used.
11	Amend reference within Community Facilities section to seeking contributions from developments of over 20 units in both urban and rural areas, to ensure a greater consistency of approach.	Amend reference in paragraph 3.42 to read:  Planning Obligations for community facilities will only be considered on residential developments of over 20 units and where there is an evidence of need that accords with the tests laid down in Regulation 122 of the CIL Regulations. In the case of library provision, more detail is set out below.

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12	Move the table within the Libraries section to the Appendices and clarify that this is an indication of how costs might be assessed.	Amend paragraph 3.53 to read:  It is important to ensure that library services have the facilities to meet library standards. The total cost to ensure that Welsh Public Library Standards are met for every new dwelling is set out in Appendix 2. Ongoing service delivery costs are covered by Council tax, the amount in the table below reflects the upfront delivery costs to the Authority created by new development. The precise level of contribution required to support library services in Pembrokeshire will vary, depending on the needs of the service in a particular area at a particular time. Appendix 2 however, provides an indication of how costs might be assessed.
13	Within the Libraries section clarify that contributions will be spent within the geographic zone within which they are identified.	Add the following sentence to the end of paragraph 3.54:  Planning Obligations will therefore specify that contributions towards library services will be spent on infrastructure within the geographic zone within which a development is located.
14	Delete example of planning obligation contributions for libraries.	Delete table.
15	Within the Biodiversity section clarify that a Planning Obligation may be used to restrict development until the transfer of land for the purposes of conservation	Amend paragraph 3.65 and paragraph 3.66 to read:  Ecological mitigation and/or enhancement may be required as an integral part of a development proposal. In many cases such measures may be addressed through the imposition of a planning

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	<p>has taken place.</p>	<p>condition. Planning Obligations (as an alternative, or in addition to planning conditions) may be used where mitigation, compensation or enhancement measures require a long-term or complex commitment, or where a financial contribution and/or restriction on development until a transfer of land is required. The nature and scale of the obligation will reflect the impact of development. The Local Planning Authority may seek a wide variety of biodiversity obligations, including, but not exclusively limited to:</p> <ul style="list-style-type: none"> <li>• Improving habitat and monitoring for protected species;</li> <li>• Securing on-site works to enhance and restore existing features such as woodlands, hedgerows and ponds;</li> <li>• Habitat creation, protection and monitoring;</li> <li>• Restricting development in identified/sensitive areas;</li> <li>• Financial contributions for future management, and</li> <li>• Restricting development until transfer of land for the purposes of conservation.</li> </ul> <p>Where a European Protected Species (EPS), such as dormouse, is present certain provisions will be required to ensure the ongoing protection and management of the site. In most cases where dormice have been recorded on site,</p>
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		<p>the hedgerows and a designated buffer will be protected in perpetuity and a plan required for their ongoing management. In such cases, a Planning Obligation will be sought restricting development until the transfer of land (outside the ownership of the curtilage of the individual properties) and payment of a financial contribution for the ongoing management of the area of land has taken place. Each case will be considered on a case by case basis, in consultation with Natural Resources Wales.</p>
16	<p>Remove the references to a Tree Replacement charge. Concern that first approach should be to retain Trees on site wherever possible. Instead of this section a Joint Tree SPG is proposed which will prioritise on site retention. General section on Biodiversity will still enable off-site tree replacement where appropriate, but based on an individual assessment of the cost of replacement.</p>	<p>Remove references to a Tree Replacement charge.</p>
17	<p>Clarify that in some cases a period longer than 5 years will be referred to within the Planning Obligation to enable greater flexibility for the timing of spend if required.</p>	<p>Amend paragraph 6.1 to read:</p> <p>Section 106 Agreements will specify that all contributions will be used for a stated purpose. Where this has not been achieved within 5 years of being paid (or such longer periods in appropriate circumstances), the monies will be re-funded at a level that takes into account loss of interest over that time.</p>

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18	Clarify that legal costs will be payable, regardless of whether or not the agreement completes.	<p>Amend paragraph 6.3 and 6.4 to read:</p> <p>Section 106 Agreements will be drafted by the Pembrokeshire County Council’s Legal Services Team.</p> <p>Applicants will be required to pay the Council’s reasonable costs incurred in drafting and completing the agreement and will be required to secure the same by way of solicitors undertaking, payable regardless of whether the agreement completes or payment in advance.</p>
19	Note that continual failure to pay Planning Obligations may result in formal legal proceedings being issued.	<p>Amend paragraph 6.9 to read:</p> <p>Interest will be charged on the late payment of contributions, to reflect the additional administrative burden placed on the Local Planning Authority. Continued failure to pay may result in formal legal proceedings being issued.”</p>
20	Minor clarifications and amendments to wording throughout document to improve clarity.	Minor clarifications and amendments to wording throughout document to improve clarity.





**SUPPLEMENTARY PLANNING GUIDANCE**  
**Planning Obligations**

**PEMBROKESHIRE COUNTY COUNCIL**  
**AND**  
**PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY**

For use alongside:

**Pembrokeshire County Council Local Development Plan: from  
Adoption (2013) – 2021**

**Pembrokeshire Coast National Park Local Development Plan: from  
Adoption (2010) - 2021**

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## Glossary

<b>Community Infrastructure Levy Regulations (CIL)</b>	Regulations introduced by the UK government to encourage Local Planning Authorities to adopt a Community Infrastructure charging schedule. These regulations apply to all authorities in England and Wales, even those who have not adopted a charging schedule.
<b>Highway Authority</b>	A Highway Authority is a name given to a body responsible for the administration of public roads. Pembrokeshire County Council is the Highway Authority for the whole of Pembrokeshire (including the Pembrokeshire Coast National Park Authority).
<b>Local Planning Authority</b>	A Local Planning Authority (LPA) is the local authority that is empowered by law to exercise statutory town planning functions for a particular area of the United Kingdom. In Pembrokeshire the Pembrokeshire Coast National Park Authority is the LPA for the area of the Pembrokeshire Coast National Park. Pembrokeshire County Council is the LPA for the area of Pembrokeshire excluding the Pembrokeshire Coast National Park.
<b>Planning Obligation</b>	As part of the planning process, a developer may be required to enter into a Section 106 Agreement or a Unilateral Undertaking to provide infrastructure and services on or off the development site where it is not possible to achieve this through planning conditions. These legal documents are known as Planning Obligations and are a delivery mechanism for matters that are necessary to make the development acceptable in planning terms.
<b>Section 106 Agreements</b>	A legal agreement made under section 106 of the Town and Country Planning Act 1990, between a Local

	<p>Planning Authority and the person, organisation or business that owns the land subject of a planning application, specifying how various Planning Obligations are to be achieved. Section 106 Agreements run with the land and apply to successive owners.</p>
<p><b>Section 278 Agreements</b></p>	<p>A Section 278 Agreement is a legally binding document between the Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Highway Authority. The agreement details what the requirements of both the Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Highway Authority may act should the developer fail to complete the works. Where the developer is required to carry out works on the public highway, the works will need to be supported by a bond to cover the cost of the works.</p>
<p><b>Unilateral Undertaking</b></p>	<p>A Unilateral Undertaking is a version of a Planning Obligation, which is relatively quick and straightforward to complete, and is entered into under section 106 of the Town and Country Planning Act 1990 by the landowner and any other party with a legal interest in the development site, as an alternative to a Section 106 Agreement. Unlike with a Section 106 Agreement they do not have to be entered into by the Local Planning Authority.</p>
<p><b>Viability</b></p>	<p>A development scheme is considered viable if overall revenue is greater than costs, by sufficient margin for the developer to make a reasonable profit and the landowner to be paid an acceptable residual value.</p>

**Pembrokeshire County Council Local Development  
Plan / Pembrokeshire Coast National Park Authority  
Local Development Plan  
Supplementary Planning Guidance: Planning  
Obligations – the Approach to Developer  
Contributions in Pembrokeshire**

**Preface**

This paper sets out Pembrokeshire County Council's (the Council) and Pembrokeshire Coast National Park Authority's (the National Park Authority) approach towards securing the improvements to local infrastructure, facilities, services and amenities that are required as a consequence of new development through the use of Planning Obligations (in the form of Unilateral Undertakings by developers or Section 106 Agreements between developers and the Local Planning Authority (LPA)).

This Supplementary Planning Guidance (SPG) has been subject to a formal eight week consultation period before adoption by Pembrokeshire County Council's Cabinet and the Pembrokeshire Coast National Park Authority. On this basis, significant weight will be attached to this adopted SPG by both the County Council and the National Park Authority when determining planning applications.

This SPG will also be used by the Local Planning Authorities to inform preparation of Local Impact Reports in relation to applications for Nationally Significant Infrastructure Projects and Development of National Significance where such proposals include the forms of development and associated requirements covered by this guidance.

## 1. Introduction

- 1.1 New development can offer great benefits to the community by virtue of the homes, workplaces and facilities it provides. It stimulates the economy, but also has consequences for the provision of public services.
- 1.2 The Local Planning Authority will secure Planning Obligations in order to ensure that local services and infrastructure have adequate capacity to meet the additional demands arising from new development. All planning applications will be assessed on their own individual merits and Planning Obligations will be considered in accordance with Welsh Office Circular 13/97 "Planning Obligations" and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
- 1.3 The tests in Circular 13/97 Planning Obligations apply to all Planning Obligations, including those not covered by the CIL Regulations. The tests make it clear that a Planning Obligation must be:
- Relevant to planning;
  - Necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects.
- 1.4 In addition Regulation 122 of the CIL regulations stipulate that:
- "A planning obligation may only constitute a reason for granting planning permission if the obligation is:*
- a. Necessary to make to the development acceptable in planning terms;*
  - b. Directly related to the development; and*
  - c. Fairly and reasonably related in scale and kind to the development"*
- 1.5 Regulation 122 of the CIL Regulations places into law the UK Government's policy tests on the use of Planning Obligations. The CIL Regulations reinforce the purpose of Planning Obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to CIL.

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- 1.6 If a Planning Obligation is capable of being charged to CIL, even in cases where CIL is not in operation, it is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, if the obligation does not meet the three tests. In such a circumstance, the decision to grant planning permission would also be unlawful. For all other developments (i.e. those not capable of being charged CIL), the tests in Circular13/97 will continue to apply.
- 1.7 The CIL Regulations define infrastructure by referring to the definition in section 216 of the Planning Act 2008 (with amendments) - one of those being the deletion of affordable housing from the definition. The definition comprises:
- (a) Roads and other transport facilities;
  - (b) Flood defences;
  - (c) Schools and other educational facilities;
  - (d) Medical facilities;
  - (e) Sporting and recreational facilities; and
  - (f) Open spaces.
- 1.8 Essentially therefore, any of the above matters, if they are to be delivered by way of a planning obligation, must meet the three tests in Regulation 122 of the CIL Regulations in order for a prospective planning permission to be lawful. Other matters, such as recycling and waste facilities and affordable housing, will remain subject solely to the Circular tests in 13/97 and will not be subject to the statutory tests in Regulation 122.
- 1.9 In addition, under CIL Regulation 123 an LPA cannot collect pooled contributions for the same infrastructure project from more than 5 developments which could be funded from CIL. When assessing whether 5 separate planning obligations have already been entered into for a specific infrastructure project, the LPA is required to review agreements that have been entered into since 6<sup>th</sup> April 2010.
- 1.10 The Council and the National Park Authority have not introduced a CIL charging schedule and are consequently continuing to rely on Planning Obligations to provide necessary infrastructure. They may choose to introduce a CIL charging schedule in the future. However, since Regulation 123 of the CIL Regulations took effect on 6<sup>th</sup> April 2015 no more than 5 planning obligations contributions can be sought for any one infrastructure project. The new CIL Regulations apply only to Section 106 Agreements, and do not apply to agreements under Section 278 of the Highways Act 1980. This Guidance will be reviewed in the light of any future decision to introduce a CIL in the Council's planning area and / or in the Pembrokeshire Coast National Park.
- 1.11 Government advice stipulates that Planning Obligations must be governed by the fundamental principle that planning permission may

not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which do not meet the tests outlined within the CIL Regulations. Furthermore, Planning Obligations should never be used purely as a means of securing for the local community a share in the profits of a development (in other words, as a means of securing a betterment levy or “planning gain”).

- 1.12 To create some certainty for developers and to ensure consistency and transparency it is recognised that similar developments should result in a similar scale of Planning Obligations. This Supplementary Planning Guidance (SPG) is intended to provide landowners, developers and residents with guidance on the type and scale of contributions that the Local Planning Authority will seek from defined types and scales of development. It provides additional guidance to support policy GN.3 ‘Infrastructure and New Development’ of the Pembrokeshire County Council Local Development Plan and policy 48 ‘Community Facilities’ of Pembrokeshire Coast National Park Authority’s Local Development Plan.
- 1.13 This SPG covers the following services, facilities and infrastructure that the Local Planning Authority will generally seek contributions and obligations on and includes:
  - Affordable Housing (with more detail provided in separate SPGs available on both Authorities’ websites);
  - Recreational and Amenity Open Space;
  - Sustainable Transport Facilities;
  - Education;
  - Community Facilities (including Libraries);
  - Public Art; and
  - Biodiversity.
- 1.14 Contributions for other types of infrastructure including for example (but not limited to) regeneration, waste, the historic environment and renewable energy may still be sought where an application generates a particular need for a specific infrastructure obligation.
- 1.15 Information on the contribution generally sought (where applicable) for the types of obligation identified in paragraph 1.13 are set out in Section 6 of this document.
- 1.16 Applicants will need to address Planning Obligations as part of their planning application and are encouraged to include this information with their submission. Absence of a required obligation may lead to the refusal of an application.
- 1.17 Planning officers are also able to give pre-application advice, which will be current for six months from the initial enquiry date. There is a charge for this service – please see the Local Planning Authority’s



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website for more information. This will give developers confidence that Officers will not seek to amend Planning Obligation requests during this timescale.

## 2. Legislative and policy framework

### 2.1 National policy

2.1.1 Planning Policy Wales and various Welsh Technical Advice Notes, including Technical Advice Note 2 on 'Planning and Affordable Housing' and Welsh Office Circular 13/97 provide advice and guidance regarding the benefits that can be secured through appropriate use of Section 106 Planning Obligations.

### 2.2 Audit Commission

2.2.1 The principle and process of securing Planning Obligations through the use of legal agreements was considered by the Audit Commission in July 2006 in the following documents:

- 'Value for money self-assessment guide';
- 'Securing community benefits through the planning process';
- 'Route map to improving planning obligations'; and
- 'Corporate awareness checklist'.

2.2.2 The Audit Commission recommended various methodologies and processes which have informed this SPG.

### 2.3 Development Plan policies

2.3.1 The Pembrokeshire Local Development Plan (LDP) includes policy GN.3 on 'Infrastructure and New Development'.

The policy states that:

#### **GN.3 Infrastructure and New Development**

**Where development generates a directly related need for new or improved infrastructure, services or community facilities and this is not already programmed by a service or infrastructure company, then this must be funded by the development, and:**

**1. Related in scale and kind to the development; and**

**2. Provided on site wherever appropriate. In exceptional circumstances contributions may be made to the provision of facilities elsewhere, provided their location can adequately service the development. The timely provision of directly related infrastructure, services and community facilities shall be secured by planning condition(s), the seeking of planning obligation(s) by negotiation, and/or by any other agreement or undertaking.**

**The viability of a development will be a key consideration when securing planning obligations and dispensation may be allowed where these requirements cannot be supported by land values.**

**Measures necessary to physically deliver a development and ensure that it is acceptable in planning terms will be required in the first instance. Where appropriate contributions may be sought for a range of purposes, including:**

- 1) Affordable housing**
- 2) Recreational and Amenity Open Space**
- 3) Sustainable Transport Facilities**
- 4) Education**
- 5) Community Facilities, including libraries**
- 6) Regeneration**
- 7) Waste**
- 8) Renewable and low carbon energy**
- 9) Biodiversity**

**In the event that viability considerations indicate that not all the identified contributions can reasonably be required, priority contributions will be determined on the basis of the individual circumstances of each case. In the case of housing developments, priority will be given to affordable housing unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other appropriate purpose/s.**

2.3.2 Pembrokeshire Coast National Park's Local Development Plan Policy 48 states

#### **Pembrokeshire Coast National Park's Local Development Plan Policy 48**

#### **COMMUNITY FACILITIES & INFRASTRUCTURE REQUIREMENTS (Strategy Policy)**

**The provision and protection of community facilities will be achieved as follows:**

- a) With new and extended facilities these will be permitted where they are well located to meet the community's needs and they are convenient to public transport, shops and other services where this is required to serve the needs of the user.**

- b) Development which would adversely affect the operation of a community facility, or results in its loss will not be permitted except where a suitable replacement or enhanced facility is to be made available or where it can be shown the facility is no longer required or is not commercially viable. When considering a new use for a redundant community facility an employment use or affordable housing will be prioritised.**
- c) Planning permission will be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure, services and community facilities made necessary by the development. Arrangements for provision or improvement to the required standard will be secured by planning conditions attached to a planning permission or in some case planning obligations. The Authority will seek to obtain benefits to contribute to dealing with the most acute areas of need for National Park communities. Allocations for community facilities are listed in Table 9 and are shown on the Proposals Map.**

### **3. Contributions for different Obligations**

3.1. This chapter identifies the contributions that will generally be required from development.

#### **Affordable Housing**

3.2. For new residential development, Affordable Housing will be required in line with the policies of the Local Planning Authority. Affordable Housing is not required for non-residential development.

3.3. Further guidance on this is set out in the following Supplementary Planning Guidance documents:

- [Pembrokeshire County Council Affordable Housing Supplementary Planning Guidance](#) adopted 14<sup>th</sup> September 2015.
- [Pembrokeshire Coast National Park Authority Affordable Housing Supplementary Planning](#) Guidance adopted 5<sup>th</sup> November 2014.

## **Recreational and Amenity Open Space;**

- 3.4. Additional development (especially housing) places increased demand on existing open space and therefore new provision may be required to meet the need that is generated. The Local Planning Authority will usually only require Open Space to be delivered by residential developments. However, in some cases the provision of informal open space on non-residential development may be required.
- 3.5. For developments of 10 or more units, development will normally be required to provide necessary Open Space. Depending on the size and location of the development, this might be in the form of new on-site provision, financial contributions towards off-site open space, or a mixture of the two.

### **On-site Open Space Requirements**

- 3.6. The Fields in Trust (FiT), previously known as the National Playing Fields Association, is the charitable organisation that introduced the “Six Acre Standard”, which continues to be widely recognised as the benchmark standard for open space provision.
- 3.7. The FIT guidance has been used to identify minimum sizes for Local Equipped Areas for Play (LEAP), Multi-Use Games Areas (MUGA) and Neighbourhood Equipped Areas for Play (NEAP). Thresholds have been identified for on-site provision of these types of open space, based on the average household size in Pembrokeshire. Below these thresholds it would not be feasible to provide open space that was related in nature and kind to the development. Provision of open space on site should not be making up for a shortfall in provision elsewhere in the vicinity – it should be directly related to the need generated by a development.
- 3.8. In relation to informal open space, the FIT standards propose a minimum area of 100m<sup>2</sup>. In a Pembrokeshire context, the establishment of any on-site open space requires the setting up of a management company to manage maintenance payments on behalf of residents and to undertake maintenance. In this context, 100m<sup>2</sup> is considered too small an area to justify the administrative costs associated with this, as well as being unlikely to deliver a meaningful area of space. 400m<sup>2</sup> has instead been used as the minimum deliverable area of informal open space required as an on-site contribution.
- 3.9. The thresholds at which different types of Open Space will be required on site are set out below, as is the methodology that has been used to identify these thresholds:
- 3.10. Informal Open Space (including play space) is best positioned beside a pedestrian route and should occupy a well-drained, reasonably flat site surfaced with grass or a hard surface. A buffer zone of 5 metres minimum

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depth should normally separate the activity zone from the boundary of the nearest dwelling that faces the open space. Depending on location it may have a 600mm guard rail, low fence or planting to indicate the perimeter. The area may have little or no equipment but should be imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play.

<b>Size of informal play space (m2)</b>	400 <sup>1</sup>
FIT standards - informal children's play space 0.55ha per 1000 population (m2 per person)	5.5
Average number of persons per household (WG 2011 based household projections at 2016)	2.2
Number of persons required to justify informal play space (400/5.5)	72.72
Number of Dwellings which generate 73 persons (73/2.2)	33.05
<b>Threshold - 33 Dwellings</b>	

3.11. Local Equipped Area for Play Provision (LEAP) should be designed and laid out with a minimum activity zone of 400m<sup>2</sup>. The play area should also have a buffer zone of at least 10m separating the activity zone and the boundary of the nearest property containing a dwelling. A minimum of 20m should normally be provided between the activity zone and the habitable room façade of the nearest dwelling. There will be an expectation that LEAPS will cater for a range of ages, including those children up to the age of 6 and also those children above this age who are beginning to play independently. A minimum number of 4 play experiences should be provided, for example including swings, a climbing frame, slide and see-saw.

<b>Size of a Local Equipped Area for Play - LEAP (m2)</b>	400
FIT standards – total equipped children’s play space 0.25ha per 1000 population (m2 per person)	2.5
Average number of persons per household (WG 2011 based household projections at 2016)	2.2
Number of persons required to justify a LEAP (400/2.5)	160
Number of Dwellings which generate 160 persons (160/2.2)	72.7
<b>Threshold - 72 Dwellings</b>	

3.12. Multi-Use Games Area (MUGA) should be specified, designed and constructed in accordance with the guidance provided by Sport England. There should be a 30m minimum separation between activity zone and the boundary of dwellings. Whilst this is a relatively large buffer area, this could be addressed by including either informal open space or a LEAP within this area. The existence of playing pitches/football fields or other

<sup>11</sup> The target of 400m<sup>2</sup> has been set by the Local Planning Authorities and is higher than the 100m<sup>2</sup> FIT standard for LAPs, but has been calculated based on the FIT standards which recommend a standard amount of informal play space per person.

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recreational open space within the vicinity of a site will be considered as an equivalent to MUGA provision. Where there is no adequate provision of a MUGA or recreational playing field provision within the vicinity of a site, an off-site contribution may be required to support either the development or improvement of a new MUGA or new or existing recreational open space.

<b>Size of MUGA (m2)</b>	800.0
FIT standards - MUGA or other outdoor provision such as a skateboard park - 0.30 per 1000 population (m2 per person)	3.0
Average number of persons per household (WG 2011 based household projections at 2016)	2.2
Number of persons required to justify an onsite MUGA requirement (800/3.0)	266.6
Number of Dwellings which generate 266 persons (266/2.2)	121
<b>Threshold - 121 Dwellings</b>	

3.13. Neighbourhood Equipped Areas for Play (NEAP) is an area of open space specifically designated, laid out and equipped mainly for older children but also with play opportunities for younger children. A NEAP is sufficiently large to enable provision for play opportunities that cannot be provided within a LEAP. The recommended minimum activity area is 1000m<sup>2</sup>, comprising an area for play equipment and structures and a hard surfaced area of at least 465m<sup>2</sup>. The space should be designed to provide stimulating and challenging play experiences and a minimum of nine play experiences should be provided, along with bicycle parking. The play area should also have a buffer zone of at least 30m in depth, containing varied planting, although a greater distance may be required where purpose-built skateboarding facilities are to be produced.

3.14. Good practice guidance suggests that in all cases, the site should be enclosed.

<b>Size of Neighbourhood Equipped Area for Play - NEAP (m2)</b>	1000
FIT standards - NEAP - equipped children's play space 0.25ha per 1000 population (m2 per person)	2.5
Average number of persons per household (WG 2011 based household projections at 2016)	2.2
Number of persons required to justify an onsite NEAP requirement (1000/2.5)	400
Number of Dwellings which generate 400 persons (400/2.2)	181.8
<b>Threshold - 182 Dwellings</b>	

### Off-site Open Space Requirements

3.15. For developments of 10 or more units, the payment of a commuted sum may be required to provide necessary off-site Open Space provision. In order to assess whether a contribution is required the LPA will consider



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whether or not sufficient and accessible provision exists within the locality to meet the needs of the development.

- 3.16. If there is no provision of informal open space or equipped play and games areas (that relate to those categories defined in Table 1) within the distances recommended or if existing provision of such facilities within the distances recommended are not adequate to meet the needs of a development (and only where the requirement for on-site provision for a specific category is not triggered) a commuted sum payment per dwelling as set out in Table 1 will be required. The Planning Obligation will identify the necessary open space and/or play provision to which the payment will be applied.

Table 1: Commuted sum requirements

<b>On-Site Threshold</b>	<b>Off-site Open Space contribution</b> <small><sup>2</sup>Requirements (per dwelling) based on cost of provision &amp; maintenance</small>	<b>Distance Criteria (metres) (FIT Standards)</b> <small><i>(contribution required where no comparable &amp; appropriate provision exists within the following walking distances (from centre of site))</i></small>
33 (Informal Open Space)	£289	100
72 (LEAP)	£467	400
182 (NEAP)	£381	1000
121 (MUGA)	£940	700

**Summary**

- 3.17. For residential developments of 10 or more units, open space provision may be required in order to provide necessary open space to serve a development. This might be in the form of new on-site provision, financial contributions towards the necessary provision or upgrade of existing off-site provision, or a mixture of the two. For example, a proposal of 72 dwellings would be required to provide both informal open space and a Local Equipped Play Area, to comprise informal open space of 800m<sup>2</sup> (400m<sup>2</sup> for every 33 dwellings) and a LEAP, and may be required to provide contributions towards off site MUGA and/or NEAP.
- 3.18. The commuted sum will be applied to those categories of open space or equipped play & games areas where there is an evidenced shortfall. It will be used to contribute to the delivery of identified open space and equipped play/games areas to meet the needs of the development; either in the form of new provision or the enhancement / maintenance of existing provision. In compliance with the CIL Regulations, no single type of infrastructure can be supported by more than 5 pooled contributions.

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## **Sustainable Transport Facilities**

- 3.19. New transport infrastructure, or improvement to existing infrastructure, is often required to ensure that developments can be accessed in a safe and satisfactory manner. In addition, transport infrastructure can play a vital role in delivering the Local Planning Authority's sustainability aims and reducing reliance on cars. Transport facilities include road and walking connections, rail and cycling. Any likely contributions required will be identified through the pre-application process.

### **Conditions**

- 3.20. Planning Conditions will be used where necessary and relevant to ensure that development provides adequate access and parking facilities.

### **Planning Obligations**

- 3.21. The Local Planning Authorities will also seek, where appropriate, related off-site improvements such as new and improved road infrastructure, traffic calming, public transport improvements, cycleways, footpaths/bridleways, lighting and associated landscaping to mitigate the potential transport impact of a development and to encourage forms of transport other than the private car. The Active Travel (Wales) Act 2013 aims to make walking and cycling the most attractive option for shorter journeys. Planning Policy Wales states that the determination of planning applications should take account of opportunities to promote active travel journeys. The Local Planning Authority may also seek ongoing revenue contributions to fund the running of a bus service made necessary by the development in appropriate circumstances.
- 3.22. For works that are directly related to a particular development and are required either on-site or close to the site, the developer will be required to enter into a Planning Obligation to secure the works required. This might include contributions towards, for example, the upgrade of a particular junction, set of traffic lights or bus route which serves a particular development. To ensure CIL compliance, the Planning Obligation should specify the works required to be carried out.

### **S.278 Agreements**

- 3.23. A Section 278 (of the Highways Act 1980) Agreement may also be used where works will take place entirely within the public highway. A Section 278 Agreement is a legally binding document between the Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Highway Authority. The agreement details what the requirements of both the Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Highway Authority may act should the developer fail to complete

the works. Where the developer is required to carry out works on the public highway, the works will need to be supported by a bond to cover the cost of the works. The entering into of a Planning Obligation with the Local Planning Authority will not usually obviate the need to enter into a section 278 Agreement with the Highway Authority.

### **Levels of contributions for Residential Developments**

- 3.24. Levels of contributions to transport infrastructure are assessed having regard to the size of the development, the estimated increase in population and estimated additional transport impact. Contributions towards infrastructure improvements may be sought from development with a **net gain of five dwellings or more where a need is generated**. The contribution will allow the Highway Authority to mitigate the impact from the additional trips *generated* with the level of contribution being commensurate to the impact of a development.
- 3.25. Previous contributions based on trip generation analysis have historically not exceeded £2500 per dwelling. The precise levels required may vary from this, depending on the levels of necessary infrastructure required to deliver a specific development. These contributions will be spent on public transport, cycling and walking services and infrastructure.
- 3.26. The use of any contribution will depend on the size of the development and the requirements identified. An individual assessment will be undertaken for each proposal. For example a development of 5 dwellings could make a transportation contribution of £5,000 which might be used to provide a new footpath connecting the new houses to the existing footpath network. On a larger development of 100 dwellings, contributions might be necessary to provide a new bus service or the diversion of an existing route. Other examples of the use of contributions include the provision of improved street lighting, controlled and uncontrolled pedestrian crossings, cycle and pedestrian routes, cycle lock up provision etc. This is not an exhaustive list. Applicants who can demonstrate that particular developments generate fewer trips may have a case for making a reduced contribution. In considering any discount, the Highway Authority will assess the existing availability of, and accessibility to, high quality public transport, cycle and pedestrian facilities, along with easy access to nearby employment, education, leisure and shopping facilities by methods other than the private car.
- 3.27. Developers may also wish to undertake any necessary highway works themselves, where all the works will take place within their own land or the public highway. In such circumstances this can take place via a Section 278 Agreement with the Highway Authority, although a Planning Obligation will still be required to ensure that the works are delivered to a timetable agreed via the planning process.

### **Levels of contributions for non-Residential Developments**

- 3.28. Highway related planning obligations for non-residential developments will be assessed on a case by case basis, using a Transport Assessment as required. The Transport Assessment will consider factors such as activity, location, contribution to the community, highways engineering works and multi modal infrastructure which will be required to make the development accessible for all likely users and suppliers.

### **Traffic Regulation Orders**

- 3.29. A Traffic Regulation Order (TRO) will often be required where there is a requirement for highway infrastructure works as part of a development. The developer is expected to pay the cost of the TRO, which will be calculated on a case by case basis. A Planning Obligation or Grampian Condition may be used to restrict development until a TRO is in place.

## Education

- 3.30. Planning Obligations in relation to education should be used to ensure that sufficient provision exists to meet the educational needs of communities in which the development takes place. New housing development and some mixed use development which includes a residential element can generate an increased demand for school places and other educational facilities. Where a new residential development generates additional demand for school places, from early years to secondary and beyond, a contribution will be required. Sufficient provision exists for Special Educational Needs (SEN) provision for the foreseeable future in Pembrokeshire and therefore no contribution for SEN will currently be required, albeit provision will be kept under review. This SPG will need to be updated if circumstances change.
- 3.31. Development will be expected to bear the full cost of the education facilities (to meet statutory site criteria and specification standards) needed to support it. Where existing facilities do not have sufficient capacity to support additional students, or require upgrading, a contribution from the developer (payable to the local authority) will be required.
- 3.32. Education contributions have been established on the basis of a single dwelling creating a 0.15 primary school pupil and a 0.18 secondary school pupil requirement.<sup>3</sup>
- 3.33. Table 3 indicates the contribution levels that may be required.
- 3.34. **In some cases existing facilities have additional capacity to incorporate the additional use generated by a development, in such cases no contribution will be required.**
- 3.35. Other exceptions would include housing specifically designed for occupation by elderly persons and one bed dwellings or one bed studio apartments/flats which are unlikely to generate a need for education contributions.
- 3.36. Education officers will advise as to whether or not a contribution is required, based on an assessment of the adequacy of local facilities. Consideration will also be given to the potential for other contributions to be delivered in a catchment area, given the limitations placed on Local Planning Authorities regarding the ability to pool contributions from only 5 obligations in Regulation 123 of the CIL Regulations. The Planning Obligation will specify the particular project for which the contribution will be used.
- 3.37. **Housing Development will generally be expected to support education contributions on developments of over 20 dwellings.**

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<sup>3</sup> Based on Names 2011 Census data for Pembrokeshire at 22<sup>nd</sup> January 2015.

**Table 3 Education Contributions required for Residential Development**

	<b>Primary school</b>	<b>Secondary school</b>
<b>Capital cost per pupil</b>	£16,000	£24,000
<b>Approximate pupil yield per dwelling (based on 2011 census in Pembrokeshire)</b>	0.15	0.18
<b>Contribution per dwelling</b>	<b>£2,400</b>	<b>£4,320</b>

- 3.38. The average capital cost of a school place is derived from information provided by the Welsh Government and based on 21<sup>st</sup> Century Schools – Project Update, published May 2015.
- 3.39. The threshold of 20 is based on the minimum number of contributions required to deliver the smallest viable project to provide increased capacity within a school – the provision of a mobile classroom. The approximate cost of delivering a mobile classroom is £50,000. Based on this cost, a development would need to be of at least 20 dwellings before such a need could be delivered from a single payment for primary school provision. Ensuring that single contributions can be used effectively without pooling means that the Authorities reduce the risk of having to return contributions and can also deliver necessary improvements quickly when required as a result of new development.

## **Community Facilities including Libraries and Cultural Services**

- 3.40. Community facilities are essential to foster community cohesion and the nurturing of sustainable communities. Facilities for which obligations may be sought include spaces or buildings which are managed, occupied or used primarily by voluntary, community or public sectors for community-led activities. This includes leisure centres, sports halls, community halls, cinemas, theatres and health centres and libraries. Although educational establishments and open spaces are a community facility, for the purposes of this document and in relation to Planning Obligations these are considered as a separate category.
- 3.41. Obligations will be sought for community facilities where there is evidence that a development will create an increased demand on these facilities, to a level that may exceed existing and/or planned capacity.
- 3.42. Planning Obligations for community facilities will only be considered on residential developments of over 20 units and where there is an evidence of need that accords with the tests laid down in Regulation 122 of the CIL Regulations. In the case of library provision, more detail is set out below.

### **Community Councils, Town Councils and other delivery bodies**

- 3.43. Local communities will often have identified services and facilities which will be subject to increased pressure from new development. Action plans may have been produced which highlight such potential pressures. Developer contributions may be sought which contribute to the enhancements of such services and facilities where fully justified.
- 3.44. In settlements where, for instance, a Town or Community Council or a Trust is responsible for the provision, upgrading and maintenance of existing facilities, financial contributions can, with the agreement of those organisations, be made available to them for the upgrading of existing facilities to meet any additional demands arising from new residential development. In such circumstances, the Council will remain responsible for the monitoring and collection of monies and will distribute the contributions within an agreed timescale, or at certain trigger points identified in the Planning Obligation, to the appropriate organisation, who will be responsible for delivering the required facilities and/or services within a defined timescale.

### **Libraries and Cultural Services**

- 3.45. Pembrokeshire County Council has a statutory duty<sup>4</sup> to provide a public library service to those who live, work or study in the county. Pembrokeshire County Council's library service provides access to

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<sup>4</sup> Under the Public Libraries and Museums Act 1964, local authorities in England and Wales must provide "comprehensive and efficient" public library services.



educational, cultural and recreational library materials in a variety of formats and technologies, to encourage life-long learning.

- 3.46. In providing this service, the Council has taken into account the current level of households within the County. Any residential development is likely to increase the potential number of library users, which would impose an additional financial burden on the service.
- 3.47. The Welsh Government oversees the library services provided by local authorities through the non-statutory Welsh Public Library Standards and Assessment Framework (the Standards<sup>5</sup>). The purpose of the Standards is:

*“To ensure a broad equity of service delivery, no matter where the person lives or accesses the library service. For library services, they provide a benchmark for provision, support service planning, and allow for the sharing of good practice.”*

- 3.48. The Public Library Standards<sup>5</sup> include a number of standards linked to the population and household levels in the local area. The standards require that a certain percentage of households are within established distances from static service points and mobile library stops, depending on the population density of an area (an increased population density would result in different distance requirements). The standards also require a set number of items to be provided each year to ensure up-to-date reading material, based on the resident population size. The percentage of the material budget spent on resources for children should reflect the percentage of children within the resident population. The standard for the number of computer access points to enable public access to the Internet and networked digital content is also related to the resident population. Similarly staffing levels within libraries are required to relate to resident population levels. It is therefore clear that an increase in household and population levels within an area will impact on the Council’s ability to meet the Welsh Public Library Standards and its ability to meet its statutory duties.
- 3.49. Planning Obligations from developers, in the form of financial contributions, will be required to fund the investment needed to address the additional demand generated by the occupiers of new residential development.
- 3.50. All contributions will help ensure that the Council maintains progress towards meeting national library standards.

#### **Existing provision**

- 3.51. As at 1<sup>st</sup> April 2015, Pembrokeshire County Council provided 12 static libraries in the main population centres of Haverfordwest, Pembroke Dock,

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<sup>5</sup> The fifth quality framework of Welsh Public Library Standards 2014-2017 –Welsh Government.

Milford Haven, Tenby, Fishguard, Neyland, Pembroke, Saundersfoot, Crymch, Newport, Narberth and St Davids.

3.52. The service also delivers:

- Local studies services, primarily from Pembrokeshire Archives
- Health and wellbeing outreach libraries at Haverfordwest and Fishguard Leisure Centres
- A Mobile Library Service, including home delivery service
- Activity which takes place off site through outreach work, e.g. talk to groups
- Online services, e.g. the Library Catalogue, E-books, E-audio books, E-magazines, online reference tools such as Theory Test Pro, Britannica, etc

#### **Cost of delivering the service**

3.53. It is important to ensure that library services have the facilities to meet library standards. The calculations which cost the additional pressure placed by a new household on the Council's ability to meet the Welsh Public Library Standards are shown in Appendix 2. Ongoing service delivery costs are covered by Council tax. The figures in the table below reflect the upfront delivery costs to the Authority created by new development. The precise level of contribution required to support library services in Pembrokeshire will vary, depending on the needs of the service in a particular area at a particular time. Appendix 2, provides an indication of how costs might be assessed.

#### **The geography of the library service**

3.54. Although the ways in which people connect with the library service are changing (including through access to online services), the vast majority of services are still delivered through an on-site library. The map below shows the 12 different permanent libraries in Pembrokeshire and identifies the different geographic areas which they serve. Although individuals may access any library in Pembrokeshire, they are most likely to use the closest library. Certain elements of the library service operate across all sites, for example book stock is accessible on request throughout all libraries (including mobile libraries). However key costs such as providing internet access within the fixed libraries and resourcing their physical delivery are associated with their location. Planning Obligations will therefore specify that contributions towards library services will be spent on infrastructure within the geographic zone within which a development is located.

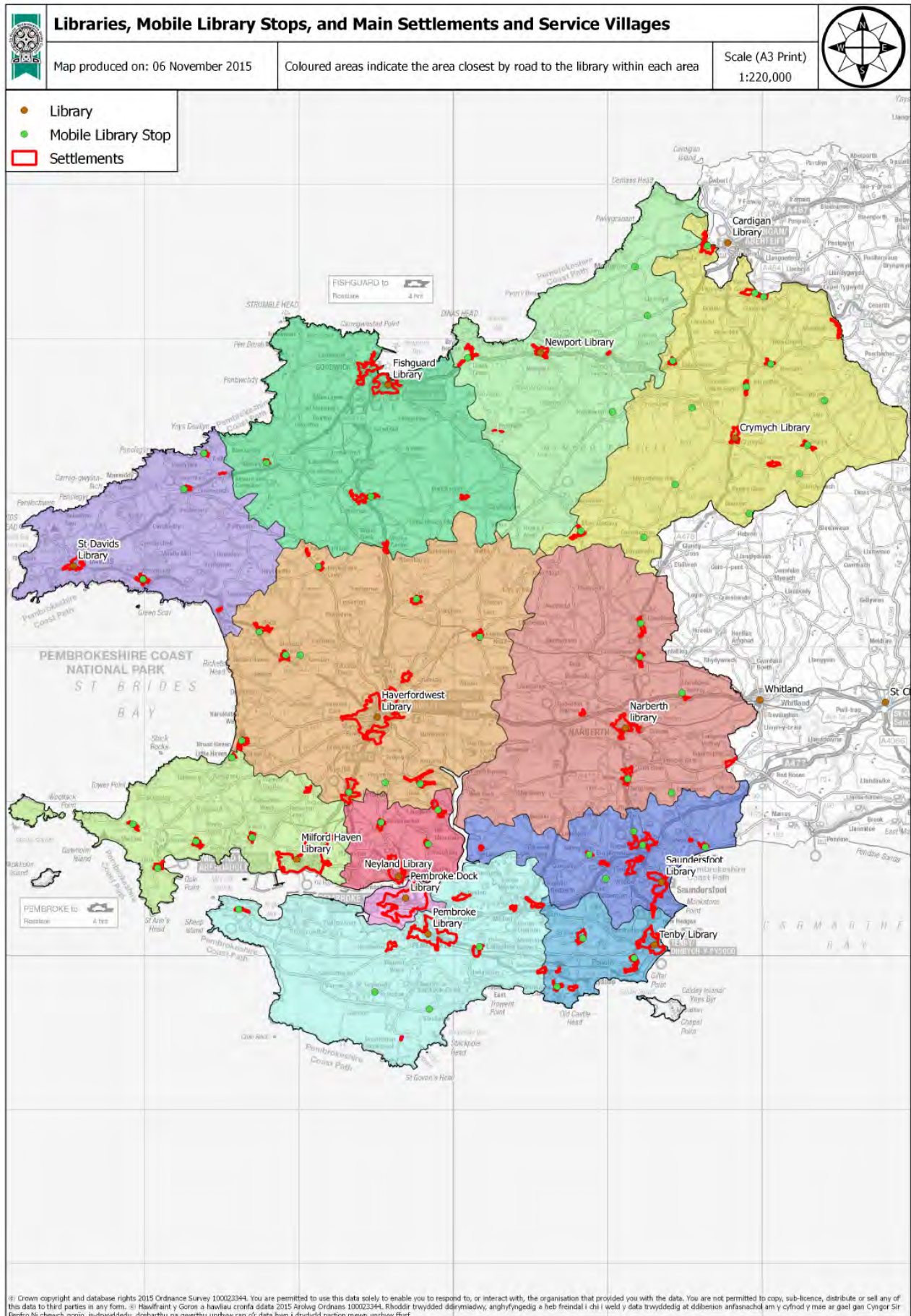
#### **Thresholds**

3.55. Within the geographic zones, financial contributions will only be sought on residential developments of over 20 units. This threshold addresses the limitations on pooling imposed by the CIL Regulations and ensures that obligations are only applicable to the larger developments that will result in the greatest burden on the library service. A table in Appendix 1 lists all

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housing allocations within both PCC and PCNPA's library catchment areas, for information.

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## Public Art

- 3.56. Welsh Government Technical Advice Note 12 on Design (2009) notes that public art “*plays an important part in creating or enhancing individuality and distinctiveness and in raising the profile of our towns, villages, cities and urban and rural landscape.*”
- 3.57. Public Art can be diverse in form and function. In some cases forming part of the built fabric of a development such as murals, street furniture and lighting. In other cases it might include elements such as sculptures or monuments. Public Art can create a unique identity for a place through work that is original and site specific. It can enhance the physical quality of an environment and the experience of those using it.
- 3.58. Public Art provision can be suitably provided in any type of development and will be welcomed in any appropriate location. However, there are certain types of development where a provision of Public Art would be strongly encouraged by the Local Planning Authority as part of a development proposal, these being:
- Development which creates new public spaces;
  - Significant development within or in close proximity to town and local centres;
  - Development at ‘key locations’ within the settlements (considered to be entry points to larger settlements) and
  - Major road junctions or transport interchanges including roundabouts;
  - Large major development proposals (normally defined as 50 dwellings and above, or 2,500 sq m and above of commercial floor-space or development sites over 5ha); and
  - Large-scale redevelopment or regeneration proposals.
- 3.59. No minimum threshold is identified for Public Art provision. Schemes will be considered on their merits. It is, however, anticipated that major development schemes and development proposals that are publicly accessible will be most likely to accommodate public art provision.
- 3.60. Public Art obligations might include the provision of:
- Sculptures;
  - Water features such as fountains;
  - Stained glass or metalwork features;
  - Murals;
  - Memorials;
  - Street furniture and signage;
  - Lighting;
  - Landscaping woven into the fabric of the design of the site;
  - Facilities for performance arts;
  - Creative landscape design; and
  - Elements of architectural enhancement.

3.61. In some cases it will be necessary to establish a management company to ensure ongoing maintenance of the public art.

## Biodiversity

- 3.62. Pembrokeshire's outstanding natural environment is a valuable resource for the County as a whole. Development can have both direct and indirect negative impacts on biodiversity, (for instance through the destruction of habitat or through severing critical nature connection corridors). These impacts can be significant and lead to the loss of biodiversity in the County. The Welsh Government document "Understanding Wales' Future" notes that biodiversity in Wales is already under pressure and that this pressure will be intensified by the effects of climate change. It explains that ensuring that habitats are connected will assist in species migrating to adapt. Development can also have positive impacts for biodiversity, for instance, by integrating new roosting or nesting opportunities into buildings and enhancing the surrounding environment.
- 3.63. Policies in both Authorities' LDPs aim to ensure that species and their habitats in countryside and urban environments are protected from the potentially adverse effects of development, and where possible enhanced. Additional advice is provided in Pembrokeshire County Council's SPG on *Biodiversity: How biodiversity can be protected and enhanced in the development process*.
- 3.64. All types of development have the potential to impact upon biodiversity. The Local Planning Authority will consider development proposals on their own merits and will carry out assessments for Planning Obligations on a case-by-case basis. No minimum threshold for obligations is therefore established for this type of infrastructure.
- 3.65. Ecological mitigation and/or enhancement may be required as an integral part of a development proposal. In many cases such measures may be addressed through the imposition of a planning condition. Planning Obligations (as an alternative, or in addition to planning conditions) may be used where mitigation, compensation or enhancement measures require a long-term or complex commitment, or where a financial contribution and/or restriction on development until a transfer of land is required. The nature and scale of the obligation will reflect the impact of development. The Local Planning Authority may seek a wide variety of biodiversity obligations, including, but not exclusively limited to:
- Improving habitat and monitoring for protected species;
  - Securing on-site works to enhance and restore existing features such as woodlands, hedgerows and ponds;
  - Habitat creation, protection and monitoring;
  - Restricting development in identified/sensitive areas;
  - Financial contributions for future management, and
  - Restricting development until transfer of land for the purposes of conservation.

3.66. Where a European Protected Species (EPS), such as dormouse, is present certain provisions will be required to ensure the ongoing protection and management of the site. In most cases where dormice have been recorded on site, the hedgerows and a designated buffer will be protected in perpetuity and a plan required for their ongoing management. In such cases, a Planning Obligation will be sought restricting development until the transfer of land (outside the ownership of the curtilage of the individual properties) and payment of a financial contribution for the ongoing management of the area of land has taken place. Each case will be considered on a case by case basis, in consultation with Natural Resources Wales.



## 4. Application of this Supplementary Planning Guidance

- 4.1 Planning Obligation developer contributions will be sought for all types of development. In all cases, contributions will be agreed through negotiation based on the provisions of this SPG and any other relevant material planning considerations. In cases where contributions requested are not agreed by the developer, the Authorities will be likely to refuse planning permission for a development proposal, as it would conflict with the Council's LDP policy GN.3 or the National Park Authority's LDP policy 48 and would fail to make adequate provision for the impact that it would create.
- 4.2 The level of contributions sought through Planning Obligations will be based on the Authorities' assessment of the demands and impacts generated by the development proposed. Guidance on how this will be assessed is included in this SPG. Planning Obligations should be seen as a development cost and should be included within the initial costings of a build which determine yield and ultimately site value. Notwithstanding this, the Authorities recognise that in some cases issues of viability may mean that not all of the demands and impacts generated by a development can be met fully. The Authorities are keen to ensure that the requirements of a Planning Obligation do not unreasonably stifle or prevent development. The extent to which Section 106 contributions affect the economic viability of a scheme will be tested through the use of a 'Development Appraisal Toolkit'. In such cases, developers will be expected to provide access to their financial evaluations by using an 'open book approach'. The Local Planning Authority will consider whether a Planning Obligation can be reduced or dispensed with where there is sufficient evidence to demonstrate that to do otherwise would jeopardise the economic viability of a development. However, equally, the Local Planning Authority will need to consider whether, without the Planning Obligation, the development is acceptable in planning terms.
- 4.3 In the interests of transparency and timeliness, the Local Planning Authority will normally commission the District Valuer's Office (or internal surveyors working within the Local Planning Authority) to assess the viability of proposals. In most cases, given reduced resources within the Local Planning Authority, the preference will be to engage the District Valuer's services. A flow chart below indicates the process for this. The applicant must provide all of the information required to enable a viability appraisal to take place along with the planning application. The appropriate fee must also be provided to cover the cost of a viability appraisal. The information and fee levels required are set out in Appendix 4.
- 4.4 In some cases, economic viability considerations will make it necessary to prioritise the contributions which can realistically be required through

Planning Obligations. It is strongly recommended that developers establish the likely requirements of a Planning obligation at an early point in the site acquisition process as they can have a significant effect on land value. In establishing such priorities it is important that this is done in a transparent and fair manner recognising that it will be necessary to judge each case on its individual merits.

4.5 The Local Planning Authority will take the following factors into account in determining which contributions to prioritise (these factors are illustrated in Stage 4 of the process diagram on page 12):

1. *The nature and the extent of the need to be met by the potential contribution;*
2. *The extent to which the potential contribution would meet the identified need (e.g. will it meet all of the need or only a small part, or would the contribution be dependent on other sources of contribution before it delivers any effect);*
3. *The likely ability to meet the need through other delivery mechanisms, and the likely timescale of any such alternative delivery;*
4. *The extent of the wider public benefit that would arise by meeting the need;*
5. *Whether the potential contributions would allow delivery of infrastructure where that might not otherwise be possible; and*
6. *Potential contributions from other sites.*

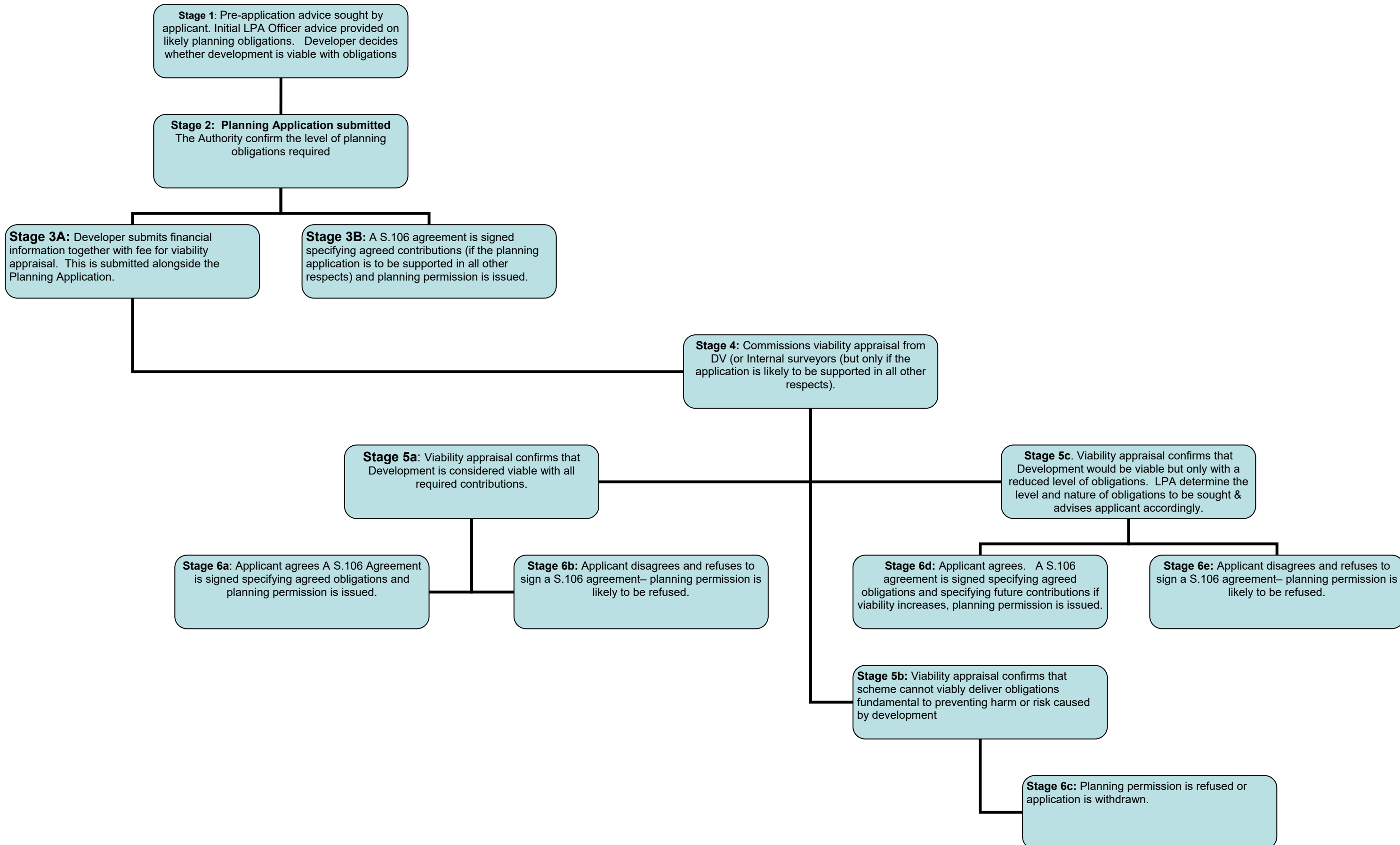
4.6 As set out in LDP Policy GN.3 Infrastructure and New Development, for the Council, in the case of housing developments, priority will usually be given to Affordable Housing, recognising that this is a LDP priority in order to achieve Policy SP 8 'Affordable Housing Target' and that delivering Affordable Housing is also a Welsh Government target. There may however be exceptional cases where failure to contribute to other needs would create such challenges that in these cases, meeting such needs should be elevated above some or part of the potential contribution to Affordable Housing. Policy 45 Affordable Housing of the Pembrokeshire Coast National Park Authority's Local Development Plan advises that '*Where it can be proven that a proposal is unable to deliver (i.e. the proposal would not be financially viable) in terms of the policy requirements of the Plan (i.e. for affordable housing provision, sustainable design standards expected and community infrastructure provision) priority will be given to the delivery of affordable housing in any further negotiations, provided that it can be demonstrated that the proposal would not unduly overburden existing community infrastructure provision.*'

4.7 Whilst the Local Planning Authority will consider all circumstances where viability issues mean that some planning contributions may need to be reduced or waived, in some cases where a development could not reasonably take place without a Planning Obligation, issues of viability will not result in such a Planning Obligation being relaxed (examples could include where flood alleviation is necessary or where

the obligation is required to address issues of highway safety). These are circumstances where the absence of measures to address the needs created by an application would create such harm or risk that it is impossible for the development to take place without such provision. In some cases where it is accepted that certain contributions are not viable at a specific point in time, the Planning Obligation will require the issue of viability to be re-assessed if development (or a phase of development) has not commenced within a given time period. More information on this is set out in paragraph 6.7.



Process Diagram for Issues of Viability when considering Planning Obligations:





## **5. Thresholds**

- 5.1 In cases of applications for outline planning permission for residential development, Planning Obligations will be sought where the plans submitted with the application indicate a number of dwellings which exceed the thresholds set out in Chapter 3. If at the outline planning application stage a proposal is found not to be viable or partly viable with reduced obligations, then the outline planning permission may impose limitations to ensure that the development at Reserved Matters remains applicable to the viability testing undertaken.

## **6. Implementation: Legal Agreements and Administration/Monitoring**

- 6.1 Section 106 Agreements will specify that all contributions will be used for a stated purpose. Where this has not been achieved within 5 years of being paid (or longer periods in appropriate circumstances), the monies will be re-funded at a level that takes into account loss of interest over that time.
- 6.2 Planning Obligations will usually require financial obligations to be paid prior to commencement of development. In the case of large sites, payments may be phased around key stages of the development, where appropriate, with the agreement of the Local Planning Authority.

### **Legal agreements and planning administrative costs**

#### **Drafting of Section 106 Agreements**

- 6.3 Section 106 Agreements will be drafted by the Pembrokeshire County Council's Legal Services Team.
- 6.4 **Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement and will be required to secure the same by way of solicitors undertaking, payable regardless of whether the agreement completes.**

#### **Drafting of Unilateral Undertakings**

- 6.5 For straightforward obligations that contain only financial obligations, the Council encourages the use of Unilateral Undertakings, which are a simplified form of Section 106 Planning Obligation. A Unilateral Undertaking template for commuted sums for Affordable Housing, containing standard clauses is available to download on both Authorities' websites. In the majority of cases, use of this template will result in the speedier conclusion of Section 106 planning obligation. Applicants will be required to meet the Council's reasonable costs incurred in checking the Unilateral Undertaking.

#### **Transfer of land**

- 6.6 Occasionally obligations will restrict development until land is transferred to the Council. In such cases, developers will be required to pay the Council's legal costs in respect of the land transfer.

#### **Updating**

- 6.7 This SPG is available on the Authorities' websites. Information on costs which form the basis of developer contributions will be updated where applicable on an Annual basis.



- 6.8 In cases where a reduced or nil level of contributions is considered justified on grounds of development viability, a Planning Obligation requiring development viability to be reassessed at specific development milestones or time-periods is necessary to guard against a consented development (with reduced or nil contributions based on an evidenced development viability assessment) being delayed until economic conditions improve.

### **Late payment charges**

- 6.9 Interest will be charged on the late payment of contributions, to reflect the additional administrative burden placed on the Local Planning Authority. Continued failure to pay may result in formal legal proceedings being issued.

### **Reporting of Section 106 Contributions**

- 6.10 Annual updates containing details of Section 106 monies received, held and spent by both Authorities, will be produced and made available on the Authorities' websites. These will contain the following information:
- Information relating to Section 106 monies received during the previous year;
  - Information relating to schemes funded through Section 106 monies during the previous year; and
  - Information on all Section 106 monies currently held.
- 6.11 A specific map showing Affordable Housing commuted sum payments received from both Authorities is available on the Pembrokeshire Coast National Park website:

<http://www.pembrokeshirecoast.org.uk/default.asp?pid=663&LangID=1>

## Appendices

### Appendix 1: Library Catchment Areas and Housing Allocations.

Library Name	Housing Allocations LDP	Site Reference Number	Number of Units
Crymych Library	Crymych - Between the school and station road	HSG/030/00043	60
Crymych Library	Crymych - east of Waunaeron	HSG/030/LDP/01	35
Crymych Library	Maenclochog - north west of the Globe inn	HSG/081/LDP/01	30
Crymych Library	Cilgerran - adjacent to Holly Lodge	HSG/020/00062	24
Crymych Library	St Dogmaels - Awel y Mor extension	HSG/122/00035	16
Crymych Library	HA750	Policies 44 and 45	15
Crymych Library	Eglwysrwrw - South west of the school	HSG/033/00035	15
Crymych Library	Boncath - north of Cilfan y Coed	HSG/007/LDP/01	10
Crymych Library	Blaenffos - adjacent to Hafod	HSG/006/00003	8
Fishguard Library	Fishguard - Maesgwynne Farm	HSG/034/00215	399
Fishguard Library	Letterston - Court Meadow	HSG/053/00009	91
Fishguard Library	Fishguard -East of Maesgwynne	HSG/034/00165	24
Fishguard Library	Fishguard - Old Infants School	HSG/034/LDP/01	21
Fishguard Library	Puncheston -	HSG/108/LDP/02	12

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
	west of Awelfa		
Fishguard Library	Mathry - South of the Woodturner's	HSG/085/LDP/01	6
Fishguard Library	Puncheston	HSG/108/LDP/01	6
Haverfordwest Library	Haverfordwest - Slade Lane South	HSG/040/00274	512
Haverfordwest Library	Haverfordwest - Slade Lane North	HSG/040/00273	459
Haverfordwest Library	Haverfordwest - between Shoals Hook Lane and the bypass	HSG/040/00275	150
Haverfordwest Library	Haverfordwest - Scarrowscant / Glenover	HSG/040/00106	140
Haverfordwest Library	Johnston - adjacent to Milford Road	HSG/048/00038	119
Haverfordwest Library	Crundale - Land at Cardigan Slade	HSG/029/00017	55
Haverfordwest Library	Roch - east of Pilgrim's Way	HSG/114/LDP/01	44
Haverfordwest Library	Haverfordwest - Hermitage Farm	HSG/040/00269	38
Haverfordwest Library	MA776	Policies 42, 44 and 45	35
Haverfordwest Library	Wolfscastle - Opposite Haul y Bryn	HSG/149/LDP/01	30
Haverfordwest Library	Llangwm - Opposite The Kilns	HSG/063/00024	25
Haverfordwest Library	Spittal - north west of Wesley Way	HSG/120/00018	22
Haverfordwest Library	Clarbeston Road - West of Ash Grove	HSG/022/00012	21

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
Haverfordwest Library	Hook, Rear of Pill Road	HSG/044/00050	15
Haverfordwest Library	Crundale - Opposite Woodholm Close	HSG/029/00014	13
Haverfordwest Library	Simpson Cross - east of Hill Lane	HSG/119/LDP/01	11
Haverfordwest Library	Hayscastle Cross - land opposite Barrowgate	HSG/041/LDP/01	6
Milford Haven Library	Milford Haven - Steynton Thornton Road	HSG/086/00223	224
Milford Haven Library	Milford Haven - Hubberston Adjacent to Kings Function Centre, Dale Road	HSG/086/00117 HSG/086/002	168
Milford Haven Library	Milford Haven - Steynton Greenmeadow	HSG/086/00129	149
Milford Haven Library	Milford Haven - South West of The Meads	HSG/086/00222	93
Milford Haven Library	Milford Haven - Castle Pill - 96/0491/PA	HSG/086/00318	72
Milford Haven Library	Milford Haven - Hubberston West of Silverstream	HSG/086/00095	50
Milford Haven Library	MA733	Policies 42, 44 and 45	40
Milford Haven Library	Tiers Cross - north of Bulford Road	HSG/135/00004	23
Milford Haven Library	HA382	Policies 44 and 45	12
Milford Haven Library	HA732	Policies 44 and 45	12
Milford Haven Library	HA734	Policies 44 and 45	8
Narberth library	Narberth -	HSG/088/00078	89

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
	west of Bloomfield Gardens		
Narberth library	Narberth - west of Rushacre	HSG/088/00077	58
Narberth library	Clunderwen - Depot site	HSG/152/LDP/01	28
Narberth library	Llandissilio - Pwll Quarry Cross	HSG/060/LDP/01	25
Narberth library	Templeton - South of the Boars Head junction	HSG/132/LDP/01	22
Narberth library	Templeton - South of the B4315	HSG/132/00030	18
Narberth library	Robeston Wathen - south of Robeston Court	HSG/113/LDP/01	12
Narberth library	Llanddewi Velfrey - North of the Village Hall	HSG/057/LDP/01	12
Newport Library	HA825	Policies 44 and 45	20
Newport Library	HA387	Policies 44 and 45	12
Newport Library	MA232	Policies 42, 44 and 45	6
Neyland Library	Neyland - East of Poppy Drive	HSG/093/00066	101
Neyland Library	Houghton - Nursery	HSG/045/00008	15
Neyland Library	Rosemarket - opposite The Glades	HSG/116/LDP/01	13
Pembroke Dock Library	Pembroke Dock - North of Pembroke Road	HSG/096/00238	98
Pembroke Dock Library	Pembroke Dock - North of Imble Lane	HSG/096/00231	96

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
Pembroke Dock Library	Pembroke Dock - East of Hill Farm, Imble Lane	HSG/096/00233	63
Pembroke Library	Pembroke - north and west of Railway Tunnel	HSG/095/00154	150
Pembroke Library	Pembroke - adjacent to Monkton Swifts	HSG/095/00153	118
Pembroke Library	Pembroke - adjacent to Long Mains and Monkton Priory	HSG/095/00147	115
Pembroke Library	Pembroke - north of Gibbas Way	HSG/095/00144	70
Pembroke Library	Pembroke - south of Gibbas Way	HSG/095/00144	58
Pembroke Library	Lamphey - South of Cleggars Park	HSG/052/00011	55
Pembroke Library	Hundleton - east of Bentlass Road	HSG/046/00015	40
Pembroke Library	HA436	Policies 44 and 45	7
Pembroke Library	Cosheston - south of Tinkers Fold	HSG/025/00028	6
Pembroke Library	HA821	Policies 44 and 45	5
Saundersfoot Library	Kilgetty - extension to James Park and Cotswold Gardens	HSG/050/00042	75
Saundersfoot Library	Begelly - North of New Road	HSG/003/00024	65
Saundersfoot Library	Pentlepoir - Land adjacent to Coppins	HSG/099/LDP/01	33

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
	Lodge		
Saundersfoot Library	HA559	Policies 44 and 45	30
Saundersfoot Library	HA813	Policies 44 and 45	30
Saundersfoot Library	Kilgetty - land to the rear of Newton Hall	HSG/050/00043	26
Saundersfoot Library	MA777	Policies 42, 44 and 45	25
Saundersfoot Library	Kilgetty - land to the south of Kivelgy Park	HSG/050/00044	20
Saundersfoot Library	Kilgetty - land west of Stepside School	HSG/050/00041	19
Saundersfoot Library	Jeffreyston - Rear of Beggars Roost & Sunny Side	HSG/047/LDP/01	14
Saundersfoot Library	Broadmoor - Northwest of Lyndhurst Avenue	HSG/008/LDP/01	12
St Davids Library	HA737	Policies 44 and 45	90
St Davids Library	Croesgoch - East of the Forge	HSG/028/00013	22
St Davids Library	Croesgoch - OS 7445, North of the Forge	HSG/028/00012	20
St Davids Library	HA384	Policies 44 and 45	18
St Davids Library	HA738	Policies 44 and 45	15
St Davids Library	HA385	Policies 44 and 45	13
St Davids Library	HA792	Policies 44 and 45	12
St Davids Library	HA789	Policies 44 and 45	10
St Davids Library	MA746	Policies 42, 44 and 45	5
Tenby Library	HA377	Policies 44 and 45	168
Tenby Library	HA752	Policies 44 and 45	80
Tenby Library	MA707	Policies 42, 44 and 45	74
Tenby Library	HA724	Policies 44 and 45	50
Tenby Library	HA730	Policies 44 and 45	35
Tenby Library	Sageston - South of the	HSG/015/00022	31

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
	Plough Inn		
Tenby Library	St. Florence - north of Parsons Green	HSG/123/LDP/01	25
Tenby Library	HA727	Policies 44 and 45	25
Tenby Library	HA848	Policies 44 and 45	19
Tenby Library	MA895	Policies 42, 44 and 45	15
Tenby Library	HA760	Policies 44 and 45	12
Tenby Library	Penally - Penally Heights	HSG/097/LDP/02	11
Tenby Library	HA723	Policies 44 and 45	10
Tenby Library	Penally - North of The Paddock	HSG/097/LDP/01	8
Tenby Library	MA710	Policies 42, 44 and 45	5
Tenby Library	MA706	Policies 42, 44 and 45	4



## Appendix 2: Example of Calculation of Library Costs

Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
Up-to-date reading material (books and e-books, periodicals, audio-visual material and electronic resources are all included)	Either a minimum of 243 items acquired per 1,000 resident population <b>OR a minimum spend of £2,180 per 1,000 resident population annually</b>	£2180 per 1000 population	2,180	2.18	4.80	
Up-to-date reading material (books and e-books, periodicals, audio-visual material and electronic resources are all included)	Acquisitions during the year of materials for loan (including electronic materials for loan) should be equivalent to at least 11% of the lending stock at the start of the year. <i>This requires the total replacement of all</i>	£4.796 multiplied by 9			43.16	

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Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
	<i>stock over a 9 year period.</i>					
Appropriate reading material	Either a minimum of 4% of the material budget, or a <b>minimum of £750 per 1,000 Welsh speaking resident population, should be spent on the purchase of Welsh Language materials.</b> <i>Welsh speaking population in 2016 is 23863.3 (based on a population of 124288 at 2016 (2011 WG</i>	Resident population speaking Welsh rounded up to 24,000. Cost therefore £18,000 (£750 X 24)	£750	0.1448 (divide £18000 by total Pembrokeshire population of 124288)	<b>0.32</b>	

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Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
	<i>based population projections) where 19.2% of population speaks Welsh (2011 census percentage)</i>					

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Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
Online Access	Every static library and mobile library should provide a minimum of one device giving public access to the Internet and networked digital content. <b>Authorities should achieve an aggregate total across the authority of no fewer than 9 such devices per 10,000 resident population. Cost of 9 computers (based on cost of a DELL Inspiron 24 7000 Series All-in-One £1049)</b>	£8100 (9 computers per 10,000 at £900 per computer)	810	0.81	1.78	

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Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
Staffing levels	Library authorities shall achieve total establishment staffing levels for the service of <b>3.6 (full time equivalent) per 10,000 resident population</b> . Staff who do not work directly in service provision, e.g. Cleaners, are excluded.	FTE cost for 1 staff member is £17,350. Cost for 3.6 staff members = £62,460 for 10,000 population.	6.246	0.006246	<b>0.01</b>	
Opening hours	Welsh public libraries should achieve a level of aggregate opening hours across <b>all service points</b> administered by the authority (defined as those that provide access to materials,	Currently providing 126 opening hours per 1,000 resident population. Cost of delivering whole service for entire resident population is £267,000. Cost of delivering whole service of would therefore be	2050.7	2.0507	<b>4.51</b>	

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Description	Standard	Costs based on standards	Cost per 1,000 resident population	Cost per person (£)	Cost per average household in Pembrokeshire (based on 2.2 persons per household source WG 2011 household projections)	Notes
	staff and a range of library services) <b>of no less than 120 hours per annum per 1,000 resident population</b>	£267,000/126X120 = £254,285. Cost per 1000 population = £254,285/124 = 2050.7				
					<b>£54.58</b>	

**Appendix 3 – Cost for Commuted Sum payments  
for Open Space Obligations**

<b>Costs of delivering an Informal Open Space</b>							
Based on Spons suppliers costs (Quantitative surveyors manual)							
Equipment						Cost per m2	Total cost
General planting (assume 10 m2 buffer)						21	210
rail fence (assume 20 m2)						190	3800
grass (50%)						7.2	1440
safety surface (50%)						14	2800
<b>Total cost</b>							<b>8250</b>
<b>Total maintenance costs</b>							<b>1000</b>
<b>Total (delivery and maintenance)</b>							<b>9250</b>
<b>Total cost per household (divide by 32 - see onsite contribution levels)</b>							<b>289.0625</b>
<b>Costs of delivering a Local Equipped Area for Play Provision</b>							
Based on Wicksteeds suppliers costs							
Equipment	Equipment price	Installation	Safety Surface (sq m)	Pin Kerb Lin Metre	Surfacing Price	Base Installation	Total
Swings (2 Bay 2 Flat and 2 Cradle Seats)	3909	953	35	28	1610	1015	7487
Medium Pedestal Slide	4261	873	21	20	966	609	6709
Xceed (climbing frame and slide)	8517	1571	31	28	1426	899	12413
Glow Worm (see saw)	1517	512	16	17	736	464	3229
Carriage	910.2				236.9		1147.1
<b>Total cost</b>	<b>19114.2</b>	<b>3909</b>	<b>103</b>	<b>93</b>	<b>4974.9</b>	<b>2987</b>	<b>30985.1</b>
<b>Total maintenance and inspection costs</b>							<b>1700</b>
<b>Total (delivery and maintenance)</b>							<b>32685.1</b>
<b>Total cost per household (divide by 70 - see onsite contribution levels)</b>							<b>466.93</b>
<b>Costs of delivering a Neighbourhood Equipped Area for Play Provision</b>							
Based on Wicksteeds suppliers costs							
Equipment	Equipment price	Installation	Safety Surface (sq m)	Pin Kerb Lin mtr	Surfacing Price	Base Installation	Total
BICYCLE PARKING (Double sided rack)	137	208					345
Bench X2	916	490					1406
General planting (assume 40 m2 in buffered area)	840						840
Swings (2 bay 2 flat and 2 cradle seats) x2	7818	1906	70	56	3220	2030	14974
Medium pedestal slide	8522	1746	42	40	1932	1218	13418

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XCEED CLIMBING FRAME AND SLIDE (X2)	17034	3142	62	56	2852	1798	24826
GLOW WORM SEE-SAW (x2)	3034	1024	32	34	1472	928	6458
Carriage	1873.05				473.8		2346.85
<b>Total cost</b>	<b>40174.05</b>	<b>8516</b>	<b>206</b>	<b>186</b>	<b>9949.8</b>	<b>5974</b>	<b>64613.85</b>
<b>Total maintenance and inspection costs</b>							<b>1700</b>
<b>Total (delivery and maintenance)</b>							<b>66313.85</b>
Total cost per household (divide by 174 - see onsite contribution levels)							<b>381.1140805</b>
<b>Costs of delivering a Multi Use Games Area (based on 39.9 x 20.1 m)</b>							
<b>Based on Wicksteeds suppliers costs</b>							
<b>Equipment</b>	<b>Equipment price</b>						<b>Total</b>
Ballcourt supply	34312						34312
Ballcourt install	12867						12867
Tarmac approx 800 m @73.00	58700						58700
Line marking for basketball and football	1500						1500
<b>Total cost</b>	<b>107379</b>						<b>107379</b>
<b>Total maintenance and inspection costs</b>							<b>1700</b>
<b>Total (delivery and maintenance)</b>							<b>109079</b>
Total cost per household (divide by 116 - see onsite contribution levels)							<b>940.33</b>



## Appendix 4: Information required for Viability Testing

The following information should be submitted with any application, where the applicant is seeking a reduction in the level of planning obligations required.

<b>1. Existing Site Information</b>				
Address (including post code)				
House market area ( <i>Note 2</i> )				
Describe land and existing buildings and state the number of dwellings (photos are helpful)				
Gross site area (sq m) and Gross internal area of existing buildings ( <i>Note 3</i> )				
Date acquired and price paid				
Existing use value				
Alternative use value (if any)				
Market value				
Evidence		Please provide sales evidence to justify the values provided. For commercial properties a professional valuation should be provided showing sales/rental/yield comparables.		
<b>2. Proposed Development</b>				
<i>Type of Dwelling (Note 4)</i>	<i>Number of bedrooms (Note 5)</i>	<i>Number of units</i>	<i>Gross internal area of house/flat (Note 3)</i>	<i>Estimated market value</i>
Sales Evidence		Please attach details of three comparable sales for each of the dwelling units above. These should be as comparable as possible in terms of dwelling type, nos. Beds, size and age. At a minimum these should include the full address, asking/sale price and date for sale/sold.		
<b>3. Proposed Affordable Development</b>				
Nos. Units required to meet policy				
Types/tenure required to meet policy				
Estimated rents and/or values based				

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on benchmark or intermediate rents or ACG values.	
Describe any discussions of value/sale/grant with Registered Providers.	
<b>4. Proposed Commercial Development</b>	
A professional valuation should be attached describing the development and providing conclusive evidence of capital values/rents/yields.	
<b>5. Development Costs</b>	
Base build cost (including preliminaries, services and external works). Show the total and £/GIA sq m.	Ideally a full QS cost schedule should be provided. If costs in excess of the Development Appraisal Toolkit (DAT) for Wales default cost are used then reasoning should be provided.
Demolition costs	
Exceptional costs – describe and cost separately (e.g. contamination) (additional information regarding what constitutes exceptional costs is set out in the Council’s Affordable Housing SPG	
Finance costs %	
Other costs	
Developers return (% Value)	
<b>6. Planning Obligations</b>	
Describe and set out cost in detail	
<b>Total cost</b>	
<b>7. Timing</b>	
Development build period	
Anticipated sales dates	
<b>8. Other</b>	
Please describe any other matters that you wish to mention for example phasing details for larger sites.	

**Notes**

1. **Financial development appraisals include the Development Appraisal Toolkit (DAT) for Wales which helpfully sets out default values. Alternately an applicant may wish to obtain a professional valuation setting out the development appraisal in another format.**
2. **Identify nearest Town.**
3. **Gross Internal Area is the area measured from internal wall to internal wall**
4. **Types of dwelling must be one of the following categories: Detached, Semi detached, Terrace/Town House, Bungalow or Flat.**
5. **Use a separate line for each dwelling type and number of bedrooms.**

**Indicative Charges for Viability Appraisals (both District Valuer and Local Authority Surveyors)**

Desk-based Assessments:

Scheme Size (Nos. Units)	Standard Scheme Fee (plus vat)	Other Schemes Fees (plus vat)
1-2	£750	£1,000
3-4	£1,000	£1,250
5-9	£1,500	£1,750
10+	Individual quotations	

These include all expenses. VAT is additional.

*Standard Scheme Fees* reflect all new build (with no refurbishment/conversion) and no significant abnormal costs.

*Other Schemes Fees* reflect the need for additional professional input such as abnormal costs advice.

Any additional work such as discussions of value, will be charged at hourly rates of £90 to £140 an hour depending on the expertise needed.

Abortive fees would be based on work already carried out.

## **Appendix 5: Useful Contacts**

### **For Pre Application Advice on development proposals and obligations required:**

Pembrokeshire County Council  
Development Management  
Planning  
0B County Hall  
Haverfordwest  
Pembrokeshire  
SA61 1TP

Telephone: 01437 764551

Email: [planningenquiries@pembrokeshire.gov.uk](mailto:planningenquiries@pembrokeshire.gov.uk)

Pembrokeshire Coast National Park Authority  
Development Management  
Llanion Park  
Pembroke Dock  
Pembrokeshire  
SA72 6DY

Telephone: 01646 624800

Email: [DC@pembrokeshirecoast.org.uk](mailto:DC@pembrokeshirecoast.org.uk)

### **For monitoring information (both Authorities):**

Eirian Forrest  
Planning Obligations Monitoring Officer  
Pembrokeshire County Council  
Planning  
1A County Hall  
Haverfordwest  
Pembrokeshire  
SA61 1TP

Telephone: 01437 775322

Email: [planningobligationsmonitoring@pembrokeshire.gov.uk](mailto:planningobligationsmonitoring@pembrokeshire.gov.uk)

### **For legal advice on Section 106 Agreements (both Authorities):**

Nick Haggar  
Legal Executive  
Pembrokeshire County Council  
County Hall  
Haverfordwest  
Pembrokeshire  
SA61 1TP

Telephone: 01437 775787

Email: [Nick.haggar@pembrokeshire.gov.uk](mailto:Nick.haggar@pembrokeshire.gov.uk)