

Conwy Local Development Plan 2007 – 2022



SUPPLEMENTARY PLANNING GUIDANCE

LDP4: Planning Obligations

Adopted July 2014

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Supplementary Planning Guidance on
Planning Obligations

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1 Planning Obligations Summary

The following tables summarise the planning obligations sought through the Conwy Local Development Plan and are grouped by priority. This list is not exhaustive and other contributions may be required on a site by site basis.

Works required to secure a safe environment for the community and future occupiers of the proposed development

TRAFFIC, TRANSPORT AND HIGHWAY INITIATIVES	
Nature of Contribution	Works required to mitigate any impacts of new development and to promote and manage sustainable methods of travel.
Threshold for Provision	No set threshold – costs to be worked out on a site by site basis.
Exceptions	n/a
Delivery Trigger	Dependent on works required. However, contributions likely to be required either prior to the occupation of the first building on site or before the practical completion of 30% of buildings on site. Works necessary for safety reasons may be required at the pre-commencement stage of development. Public transport provision likely to be required upon practical completion of the development and phased accordingly on larger sites.
Comments	Policies DP/5, STR/1 and STR/3

NATURAL AND BUILT ENVIRONMENT	
Nature of Contribution	Mitigation and / or management of countryside, landscape and built environment.
Threshold for Provision	Calculated on a site by site basis, depending upon local requirements.
Exceptions	n/a
Delivery Trigger	Contributions likely to be required either prior to the commencement of the development or before the practical completion of buildings on site, depending on both the nature of the development and type of contribution required.
Comments	Policies DP/5, NTE/1, NTE/3 and CTH/1-4

WASTE MANAGEMENT AND RECYCLING	
Nature of Contribution	Contributions for the capital costs of equipping new residential properties with kerbside and domestic waste/recycling containers
Threshold for Provision	Standard charge to be applied to all new dwellings
Exceptions	n/a although viability is a consideration.
Delivery Trigger	No later than the first occupation of the new dwellings
Comments	Policies DP/3 and DP/5. The Council will assess whether multiple unit dwellings receive individual or communal containers on a case by case basis.

In the case of residential development the provision of affordable housing to meet the needs of the local community

AFFORDABLE HOUSING	
Nature of Contribution	Provision of affordable housing units as part of the development proposal either on site, or via a commuted sum.
Threshold for Provision	One dwelling and above
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the Local Planning Authority (LPA), but likely to be before the practical completion of 30% of the open market units on site. For sites under 10 dwellings this is likely to be required before the practical completion of the first dwelling.
Comments	Policies DP/5 and HOU/2

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community

PUBLIC OPEN SPACE	
Nature of Contribution	Provision of public open space and recreational facilities in association with new developments.
Threshold for Provision	All housing developments, from one dwelling upwards.
Exceptions	Specialist elderly / sheltered housing are exempt from children's play space, playing fields and outdoor sports contributions. Studio dwellings, one bed dwellings owned by a registered social landlord, student housing or any development where children will not be resident are exempt from children's play space contributions.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policies DP/5 and CFS/11. Contributions for playing pitches, outdoor sports facilities and children's play space will be calculated using the FIT standards (2008).

EDUCATIONAL FACILITIES	
Nature of Contribution	Contribution towards upgrading and/or extension of existing educational facilities where new development increases the pressure on such services.
Threshold for Provision	10 or more dwellings.
Exceptions	Studio dwellings, student housing and specialist elderly / sheltered housing where children will not be resident.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policies DP/5 and CFS/15.

ALLOTMENTS	
Nature of Contribution	Contribution towards new allotment provision
Threshold for Provision	All residential developments, from one dwelling upwards.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policy DP/5 and CFS/10

LEISURE	
Nature of Contribution	The building of community facilities or the improvement of existing facilities where new development increases the pressure on such services.
Threshold for Provision	25 or more dwellings.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policies DP/5 and CFS/1.

LIBRARIES	
Nature of Contribution	The building of libraries or the improvement of existing facilities where new development increases the pressure on such services.
Threshold for Provision	25 or more dwellings.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policies DP/5 and CFS/1.

HEALTH	
Nature of Contribution	The building of health facilities or the improvement of existing facilities where new development increases the pressure on such services.
Threshold for Provision	100 or more dwellings. All developments for the elderly may be required to contribute.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the LPA. However, contributions likely to be required either prior to the practical completion of the first building on site or before the practical completion of 30% of buildings on site depending on the size and scale of development.
Comments	Policies DP/5 and CFS/1.

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance

EMPLOYMENT AND TRAINING	
Nature of Contribution	Employment and training measures which will contribute to the economic well being of the local community.
Threshold for Provision	Generally large scale commercial and residential developments where opportunities for local employment and skills training are generated, although this may differ depending on the impact/need created by new development.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	Required prior to the commencement of development and may continue throughout the development period.
Comments	Policies DP/5 and EMP/3.

WELSH LANGUAGE	
Nature of Contribution	Welsh language infrastructure measures which will contribute to the character and linguistic balance of a community.
Threshold for Provision	As per policy CTH/5 requirements – allocated housing sites in Abergele and Llanrwst, mixed use allocation in Dolgarrog and other windfall schemes on unallocated sites of certain types, sizes and scales of development. Subject to assessment results per proposal.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	Timescales for provision to be negotiated and agreed with the LPA.
Comments	Policies DP/4, DP/5 and CTH/5. Contributions will be determined in line with results of Community and Linguistic Statement and Impacts Assessments, and Mitigation Statements.

COLWYN BAY MASTERPLAN	
Nature of Contribution	Contributions towards the regeneration of Colwyn Bay.
Threshold for Provision	All residential developments of 5 or more dwellings and all new retail, commercial, leisure, office and employment uses within or adjacent to the Colwyn Bay Masterplan Boundary.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	Delivery of works dependent on nature of contributions required, depending on both the nature of the development and level of contribution required.
Comments	Policies DP/5 and DP/8. Developer contributions may be pooled to secure implementation of the Masterplan proposals.

COMMUNITY SAFETY	
Nature of Contribution	Measures to improve community safety and tackle risks of access and security on the area of a development.
Threshold for Provision	Calculated on a site by site basis, depending upon local requirements.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	To be agreed with the LPA. Works required for safety and security are likely to be required at the pre-commencement or pre-occupation stages of the planning process
Comments	Policies DP/3 and DP/5. Requirement for and level of contribution determined in accordance with advice from Police Architectural Liaison Officer.

PUBLIC ART	
Nature of Contribution	Public art features are encouraged where a development will have a significant impact on its physical environment and setting.
Threshold for Provision	Calculated on a site by site basis, depending upon local requirements. Subject to a maximum 1% of development value.
Exceptions	n/a although viability is a consideration.
Delivery Trigger	Timescales for provision to be negotiated and agreed with the LPA.
Comments	Policies DP/3 and DP/5. Developers encouraged to make on-site provision in-lieu of a financial contribution. Public art should be related to the scale, location and use of the development site

Monitoring Measures

MONITORING AND ADMINISTRATION	
Nature of Contribution	Charges for administration /monitoring of planning obligations.
Threshold for Provision	All proposals which require the provision of obligations or contributions. Charges will be imposed on a per clause basis.
Exceptions	n/a
Delivery Trigger	Required either prior to completion of a legal agreement or at the pre-commencement of development stage.
Comments	

Table 1: Sites Contributions by Obligations Thresholds – Residential Development Schemes

Planning obligation	Number of Dwellings Proposed								
	1	3	4	5	10	25	30	100	200
Access / Highway	Subject to site specific requirements. Note Transport Assessment threshold – 100 dwellings (TAN 18)								
Natural/Built Environment	Subject to site specific requirements.								
Waste Management	Subject to site specific requirements and viability								
On-Site Affordable Housing	100% sought in Tier 2 Main Villages and Minor Villages. Required in Hamlets (single units only) and conversions in open countryside. 10% threshold triggered – Abergele, Towyn, Kimmel Bay. 20% threshold triggered – Llanfairfechan, Penmaenmawr, Colwyn Bay, Dwygyfylchi, Llanddulas & Llysfaen. 30% threshold triggered – Conwy, Llandudno Junction, Glan Conwy, Llanrwst. 35% threshold triggered – Llandudno, Penrhyn Bay, Rhos on Sea.								
	Sought as per policy HOU/2 requirements with preference for on-site provision								
Off-Site Affordable Housing	All areas (subject to viability and justification in cases where on-site provision is possible)								
Public Open Space	Off-site provision subject to need and evidence						On-site play space; off site outdoor sports space		All provision on-site
Education	Not sought				Seek provision or improvement – commuted sum				On-site provision may be required
Allotments	Off-site provision subject to need and evidence								On-site provision may be required
Leisure	Not sought					Seek provision or improvement – commuted sum			On-site provision may be required
Libraries	Not sought					Seek provision or improvement – commuted sum			On-site provision may be required
Health	Not sought						Seek provision–commuted sum		On-site provision may be required
Employment & Training	Subject to site specific requirements and viability								
Welsh Language	Subject to CTH/5 thresholds for submitting Community Linguistic Statements and Impact Assessments as well as details included in Mitigation Statements								
Colwyn Bay Masterplan	Not sought			Applications in or adjacent Masterplan zone only					
Community Safety	Subject to site specific requirements and viability								
Public Art	Subject to site specific requirements and viability								

2 Introduction

2.1 Purpose of the SPG

This Planning Obligations Supplementary Planning Guidance (SPG) has been prepared for public consultation in support of the adopted Conwy Local Development Plan (LDP). Once comments have been considered, it is intended that the SPG will be adopted for development management use in the determination of planning applications.

SPG is prepared to give further guidance on how policies and proposals in the current Development Plan are to be implemented. This SPG supplements policies DP/4 and DP/5 of the Conwy LDP and provides guidance on the circumstances in which a developer will be required to enter into a planning obligation and the approach that the Council will take in respect of the negotiation, drafting, implementation and subsequent monitoring of planning obligations.

The provision of this advice is intended to ensure that the process of negotiating, agreeing and monitoring a planning obligation is fair and transparent to all participants of the planning system.

2.2 Status and Preparation of the SPG

This SPG will be a material consideration in the determination of planning applications and appeals.

This document has been revised following responses received to a previous 6 week consultation exercise. The comments received have been considered by the Planning Authority and, where appropriate, changes made to accommodate representations received.

This SPG has been prepared in accordance with the policies and guidance set out in:

- Welsh Office Circular 13/97: Planning Obligations
- Community Infrastructure Levy Regulations 2010
- Planning Policy Wales
- Local Development Plans Wales (2005)
- Conwy Local Development Plan
- Colwyn Bay Masterplan

This SPG is available on the Council's website and will be reviewed and updated as appropriate. Please note that the SPG will be reviewed as the Council prepares its Community Infrastructure Levy (CIL) charging schedule during 2014, because CIL will replace Section 106 agreements as the primary tool to mitigate development impacts. This SPG will therefore be reissued to ensure that infrastructure requirements are clearly categorised between what is sought through the CIL process and planning obligations (Section 106). Costs will be updated in line with inflation and evidence base updates.

2.3 Types and Use of Planning Obligations

Planning obligations serve an important role in the planning system. They can help to remedy genuine planning problems and to enhance the quality of development and its contribution to a particular area.

There are two types of planning obligations:-

1. Section 106 (S106) Agreement – entered into by the Local Planning Authority and the developer.
2. Unilateral Undertaking – commitment by the developer only.

A planning obligation is a legally binding agreement which usually runs with the land rather than with the person entering into the agreement. Planning obligations are therefore enforceable against subsequent owners of the land, as well as the original covenantor. Typically obligations are negotiated in the context of granting planning permission and are used to secure provisions to enable the development of land that are not suitable or capable of being contained in a condition attached to the planning permission.

Contributions may include the following:-

1. In Kind Contributions – The developer carries out required works directly.
2. On Site / Off Site Contributions – The developer contributes financially towards the provision of measures that would mitigate the detrimental impacts of development.
3. Maintenance Contributions – The developer contributes financially towards the physical upkeep of facilities that they have funded or provided.
4. Pooled Contributions – The Council may seek to pool contributions from more than one developer across the County Borough, in order to address the wider impacts across developments.

2.4 Legislative Background and Guidance

The legislative basis for planning obligations is Section 106 of the Town and Country Planning Act 1990 (amended by Section 12 of the Planning and Compensation Act 1991), Section s 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000. Further legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, and the CIL (Amendment) Regulations 2011.

Historically Circular 13/97 has provided guidance for the drafting of planning obligations and lists the tests that all planning obligations must satisfy. Regulation 122 of the CIL Regulations (2010) has effectively rationalised the tests within the Circular to the three tests as set out below. Regulation 122 (2) states the following:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- I. Necessary to make the development acceptable in planning terms;
- II. Directly related to the development; and
- III. Fairly and reasonably related in scale and kind to the development.

In April 2010, the Community Infrastructure Levy (CIL) Regulations were published by the Government, which empower local authorities to levy a charge to cover infrastructure costs on most types of new development.

The Government has set out transitional rules (originally up until April 2014 but now to be extended to April 2015) following which an LPA may not seek contributions for pooled resources; planning obligations should ideally be scaled back to cover the provision of affordable housing and site specific measures required to mitigate the impact of development. Once the Council has prepared its CIL charging schedule it should therefore be recognised that infrastructure will be delivered through this mechanism. The supporting text to policy DP/5 states this. As previously stated, this SPG will be reviewed and reissued in preparation for the CIL charging schedule to specify which infrastructure types will be sought via CIL and planning obligations (S106).

In preparing this SPG, the Council has also reflected upon, and taken into account, Government advice that planning obligations should not duplicate planning conditions. If there is a choice between the use of a condition and an obligation, preference should be given to a planning condition as this affords the developer a right to appeal and benefits from a simpler basis for amendment or removal. It also provides the local planning authority with a more robust enforcement mechanism in the event that the provisions contained within the condition are not fully satisfied. Where planning obligations are sought, Planning Policy Wales requires the parties to work for an early agreement to avoid unnecessary delay in the planning process.

A planning obligation may be modified or discharged by agreement between the Local Planning Authority and the person(s) against whom the obligation is enforceable or by application to the LPA after the expiration of such other period as may be prescribed, or if no period is prescribed, the period of five years beginning from the date on which the obligation is entered into.

3 Policy Context

3.1 Planning Policy Wales

Current land use planning policy is contained in Planning Policy Wales (PPW) which provides the strategic policy framework for the effective preparation of local planning authorities' LDPs. PPW is currently supplemented by 21 topic based Technical Advice Notes.

PPW contains specific reference to planning obligations although, in the main, this reflects the legal matters detailed in both Circular 13/97 and the CIL Regulations 2010, as outlined in Section 4.

3.2 Conwy Local Development Plan

The LDP sets out the Council's policies and proposals for the development and use of land until 2022.

The Council's requirement for planning agreements is explicitly outlined in LDP Policies DP/4 – Development Criteria and DP/5 – Infrastructure and New Developments. Policy extracts are included in Appendix 1. Both policies support LDP Spatial Objective SO13:-

To protect and improve accessibility to essential services and facilities, including open space, allotments, health, education and leisure.

LDP Policy DP/4 requires development proposals to provide, where appropriate, in accordance with the policies of the Plan and the Council's Standards: affordable housing, car parking, open space, and safe access for vehicles, cyclists and pedestrians. Also highlighted, is the need for financial contributions towards the provision and maintenance of infrastructure, services and facilities required by the development.

LDP Policy DP/5 states that where appropriate all new development will be expected to make adequate contributions towards new infrastructure to meet the additional social, economic, physical and / or environmental infrastructure requirements arising from the development or future maintenance and upkeep of facilities. Contributions will be sought in line with the Council's priorities set out in this SPG.

Proposals for development in Conwy that have made suitable arrangements for the improvement or provision of on-site and off-site infrastructure, services and facilities made necessary by the development and for their future maintenance, may include but not be limited to (please also see section 4.5 on prioritising obligations):

1. Car and cycle parking;
2. Safe and convenient access for pedestrians, cyclists and vehicles;
3. Public transport services and facilities;

4. Managing traffic and reducing congestion;
5. Public Rights of Way;
6. Biodiversity (including Management Agreements);
7. Building/surfacing materials;
8. Landscaping;
9. Foul and surface water drainage and watercourses;
10. Sustainable urban drainage systems;
11. Contamination and ground conditions;
12. Flood risk;
13. Pollution from noise, lighting, vibration, odour, emissions or dust;
14. Storage and recycling of waste;
15. Sustainable construction;
16. Use of renewable energy;
17. Affordable housing for local need;
18. Open space including play space;
19. Education facilities (including library provision and existing school maintenance);
20. Community and recreation facilities;
21. Employment skills and training;
22. Welsh language infrastructure;
23. Minimising opportunities for crime;
24. Layout and design (including Public Art);
25. Fire service.

The policy DP/5 supporting text states that development should not take place before the infrastructure needed by its occupants is in place and emphasises that development will only be permitted when agreement has been reached between the relevant parties on the funding and programmed implementation of required on-site and off-site provision as set out in Policies DP/4 and DP/5.

Additional policy areas within the LDP which provide a more general context for supporting planning obligations are referenced in each section and the summary tables. Please refer to the LDP for full policy wording.

4 Procedural Considerations

4.1 Types of Planning Obligations

A planning obligation may take the form of a S106 (or Bilateral) agreement or a Unilateral Undertaking. In most cases, it is expected that the Council will seek to finalise planning obligations by agreement (S106). However, it is recognised that there might be circumstances where only the developer needs to be bound by the agreement with no reciprocal commitments by the local planning authority. In such cases, the Council would prefer a developer to offer a Unilateral Undertaking.

4.2 Planning Obligation Triggers

Whilst all development proposals may generate some need for additional infrastructure and facilities, a contribution to address the potential impact may not be considered appropriate given the scale of the development and the likely cumulative impact upon capacity.

In assessing the requirement for planning obligations, it is necessary to manage the scale and scope of any contribution to ensure that it does not inhibit otherwise appropriate development from taking place.

Thresholds are commonly and effectively used to act as a trigger to the negotiation of planning obligations. For example, proposals that are above a particular size (number of dwellings or amount of floorspace) may generate requirements for a planning obligation and the Council would thereby seek to discuss contribution requirements with applicants at the pre-application stage. Such thresholds should reflect local circumstances and should be used to manage the Council's priorities in relation to the range of potential planning obligation issues.

The use of formal thresholds to trigger planning obligations ensures greater transparency and allows potential financial contributions to be assessed up front, thereby providing greater certainty to developers.

4.3 Exceptions

Unless otherwise stated, there are no exceptions. Viability is a consideration for obligations which are:

- In the case of residential development the provision of affordable housing to meet the needs of the local community.
- Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.
- Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

4.4 Process for Negotiation of Planning Obligations

All applicants and their agents are encouraged to discuss their development proposals with the LPA before they submit a formal planning application. Discussion before applying may highlight the likely impact of the development, and suggest ways to mitigate it. Applicants are also encouraged to discuss and agree draft S106 Heads of Terms at the pre-application stage whenever possible, so the obligation can be drafted at an appropriate stage after submission of a planning application. Any discussions or draft agreements will be without prejudice to the final decision of the Council on any application proposal. Alternatively, infrastructure requirements will be identified when applications are submitted.

The LPA case officer will be the main point of contact for negotiations and will normally conduct all negotiations unless specialist input is required (e.g. legal representation). The Council will inform applicants how it will secure the infrastructure needed (by Unilateral Undertaking or S106 agreement) and who will be involved. It is recommended that legal advice is taken before entering into a planning obligation.

Evidence of title and details of the solicitor acting for the applicant in relation to the agreement must be supplied to the Council as early as possible in the process. As all parties with an interest in the land will need to be party to any S106 agreement relating to it, an applicant must also inform and involve landlords and anyone with an interest in the land, such as a bank with a charge/interest or other mortgage, at an early stage who must consent to and be a party to an agreement. The Council will require full details of all parties that are to be subject to the agreement.

The case officer will be responsible for co-ordinating discussions with relevant interested parties such as housing, highways, education etc to avoid the situation where one department enters negotiations at a late stage. A partnership approach to contributions will be sought from the negotiations process.

Where possible, the Council encourages the use of the standard model clauses and S106 agreement; model S106 agreements will be made available on the Council's website. These are provided for example only and will be subject to change where required.

Under normal circumstances, an understanding in principle on the substantive financial contribution and Heads of Terms should be made before the planning application is reported to Committee. The Council's Legal Service will generally only be instructed to draw up the planning obligation once planning permission has been minded to be granted by the Council's Planning Committee. However, some delegated decisions will also be subject to these requirements.

4.5 Prioritising of Obligations

In accordance with national planning guidance, planning obligations will be sought to mitigate the impacts of development (i.e. to make the proposed development acceptable in planning terms). As a consequence, the Council will seek to ensure

that all of the reasonable requirements set out in this SPG are secured for each development. Furthermore, the assumption is that land purchase costs are negotiated on the basis of taking on board known planning obligations as identified in the LDP and known constraints.

However, it is accepted that in exceptional circumstances there may be situations where the fulfilment of all of the reasonable development requirements may affect the viability of a scheme. Where an applicant can robustly demonstrate that a planning obligation would adversely affect the viability of a development, the Council will negotiate obligations in the following order of priority:

- 1 Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations (e.g. satisfactory access arrangements, off-site highway improvements, natural or built environment and flood risk prevention).
- 2 In the case of residential development, the provision of affordable housing to meet the needs of the local community.
- 3 Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the measure would impose unacceptable impacts on the local community (e.g. public open space provision and education).
- 4 Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance (e.g. community safety, public art, employment and training).

Planning obligations are grouped by the above priority list. It is provided for guidance and will be applied on a case by case basis. The choices made will reflect the site circumstances, the proposed land use, the scale of the proposed development and the issues facing the local community which will be reviewed through the Council's Single Integrated Plan and emerging Conwy Locality Plans, for example in Abergele. Consultation with local stakeholders and communities, including Town and Community Councils, in preparing these documents will help to identify priority areas for obligations and relevant projects for the Community Infrastructure Levy. In all cases pre-application discussion can help identify local priorities and avoid delay in the determination of the planning application.

4.6 Commencement of Obligations

Planning obligations are normally conditional upon the granting of planning permission and the commencement of development. As a consequence, the planning obligation must be executed before the planning permission is issued.

If necessary, the Council will be minded to grant planning permission subject to the completion of a planning obligation. In such circumstances, planning permission will not be formally granted (and development may not lawfully commence) until the planning obligation has been finalised.

4.7 Financial and Delivery Provisions

Developers will be required to cover the costs incurred by the Council in negotiating, drafting and completing planning obligations and are therefore advised to contact the Council to be advised of any costs. In most cases these costs will be required to be paid prior to completion of a S106 agreement.

The timescales for delivery of the required works will be agreed with the Local Planning Authority and form part of the Legal Agreement. Contributions are likely to be required either prior to the occupation of the first building on the development site or before the occupation of 30% of buildings on site, depending on both the nature of the development and type of contribution required. However, some works may be required prior to the commencement of development, particularly when necessary for safety reasons. For larger scale proposals, the Council will (where appropriate) consider payment of phased contributions. In such cases, the planning obligation must detail the phasing and timing of payments.

Where the provision of affordable housing is to be made on-site, the S106 Agreement will require the developer to complete the affordable housing units (in accordance with the agreed standards and specification) and transfer the units to the RSL, where applicable, before the completion of 30% of the open market units on the site. Where developments are phased, the agreed proportion of affordable housing and open space provision for that phase should be provided (as above) before the completion of 30% of the open market units on that phase.

Payments will (where appropriate) be index linked to the All in Tender Price Index published by BCIS, or the Retail Price Index where this is not available, from the date of the agreement. All contributions will be held by the Council in an interest bearing account and will be individually identifiable at all times. Any contributions which remain unspent at the end of the time period specified in the planning obligation will, upon the specific request of the payee, be returned to the payee with any interest accrued, unless otherwise agreed in writing.

4.8 Monitoring

The Council will monitor planning obligations to ensure that they are complied with in full by the developer and the Council. The monitoring of planning obligations will be the subject of an annual report which will be made available on the Council's website. The report will assist in justifying when planning obligation monies can be collected and where such monies can be spent in light of restrictions on the use of pooling S106 contributions.

In addition, a review of specific costs will be carried out for each type of obligation as necessary. Obligations will be revised in response to the updating of the LDP evidence base, which in turn is monitored through the Council's Annual Monitoring Report (AMR) via a series of appropriate indicators and targets. Additional details on monitoring and administration costs are provided in section 20 of this SPG.

5 Traffic, Transport and Highway Initiatives

Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations.

5.1 Context

New developments often change and/or increase the pattern of trip making from a site. To accommodate this increase in demand and to facilitate a change to more sustainable modes of transport, additional infrastructure may need to be provided. This could include highway works to secure access and address the short term impacts and/or financial contributions to mitigate the longer term cumulative impacts of development.

For major developments, the extent of any facilities required to ensure the safe and efficient operation of the development and the local highway network will be determined by the agreed Transport Assessment (TA), which should accompany the application.

For smaller developments and those not situated within locally sensitive areas, where a TA will not be required, the local highway authority will determine the extent of the works or contribution required based on the level of impact of the new development. Highway improvements will only be required where they are essential for the operation of the development and in the vicinity of the highway network.

5.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of traffic, transport and highway initiatives is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 18 – Transport
- 2 Conwy LDP, notably Policies STR/1 – Sustainable Transport, Development and Accessibility and STR/3 – Mitigating Travel Impact
- 3 North Wales Regional Transport Plan (2009)

5.3 Threshold for Provision

No set threshold is provided as contributions will be required to mitigate the identified development impacts regardless of the development's type or size. PPW, however, sets thresholds for developments which will require the submission of a TA.

5.4 Mitigation of Development

In line with PPW and TAN 18 – Transport, where a TA is required, the output should be a Transport Implementation Strategy (TIS) that addresses relevant transport objectives for the site, guided by the development plan and the issues identified in the analysis of person movements.

Works to mitigate impacts from the proposed development may include:-

- 1 Traffic management/calming;
- 2 Traffic engineering/highway works, temporary or permanent;
- 3 Cycle routes, management, safety;
- 4 Pedestrianisation, pedestrian crossings; and,
- 5 Provision/improvement of footpaths or pathways.

The Council will work with partners to secure developer contributions and seek funding for improvements to cycling and walking, where required. Developers will be required to fund the design and construction of both on site and off site infrastructure works, such as junction improvements and the provision of links to a local pedestrian/cycle system and other sustainable transport forms.

Pooled contributions may be required for larger highway schemes in Conwy and contributions to these will be based on the proportionate increase in vehicular movements generated by the new development.

5.5 Management of Development

TAN 18 – Transport states that in order to determine the necessity and effectiveness of the Travel Plan, it is preferable that a TA is undertaken and the Travel Plan developed as a component of the TIS. It is therefore likely that only major traffic generating schemes will be expected to prepare and implement Travel Plans. Obligations and contributions covered by Travel Plans may include:-

- 1 The provision of public transport infrastructure in order to serve the development.
- 2 The provision of information and schemes to promote cycling, walking and car sharing.
- 3 The provision of car parking to serve the development. Parking provision will be assessed against the adopted maximum parking standards as set out in the Parking Standards SPG.

An off-site contribution for public car parking may be appropriate for developments proposed within or on the edge of town centres or for developments with insufficient car parking provision to meet its own needs.

Levels of contributions will be calculated on a site by site basis to reflect the impact of the development and the need for improved transport facilities, as well as the requirement to ensure that necessary and adequate maintenance is provided.

6 Natural and Built Environment

Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations.

6.1 Context

Conwy enjoys a rich and diverse environment and there is a need to protect and enhance the character of the countryside, landscape and built environment. There are many elements that can fall into the term 'environment' so contributions under this area can be wide ranging and may include:-

- 1 Flood Risk Management;
- 2 Ecology, nature conservation and countryside management (biodiversity);
- 3 Built Heritage (includes listed buildings, conservations areas, buildings at risk, enabling development and archaeology).

6.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the natural and built environment is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 5 – Nature Conservation and Planning
 - c TAN 15 – Development and Flood Risk
- 2 Conwy LDP, notably Policies NTE/1 – The Natural Environment; CTH/1 – Cultural Heritage, CTH/2 – Development Affecting Heritage Assets, CTH/3 – Buildings and Structures of Local Importance and CTH/4 Enabling Development.

Potential issues relating to the natural and built environment will be identified by the LPA via the application validation requirements e.g. the need for a flood risk assessment, conservation area appraisal, ecology survey etc. Planning Statements accompanying a planning application should therefore identify any potential impacts of the proposed development and the ensuing mitigation or management required.

6.3 Threshold for Provision

Natural or built environment obligations will be required where there is a need to improve, maintain, protect or enhance environmental interests. This is not necessarily related to the size of the site and it is therefore not appropriate to apply a set threshold for the negotiation of planning obligations in this instance. Costs will be worked out on a site by site basis depending on the issues involved and the mitigation or management measures required. Some measures, for example compensatory habitats, would be required to be provided prior to development commencement. Often, many biodiversity requirements are provided 'in kind' by the applicant/developer.

7 Waste Management and Recycling

Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations.

7.1 Context

Contributions will be sought by the Council for the capital costs of equipping all new residential properties with kerbside and domestic waste/recycling containers as appropriate.

7.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of waste management and recycling is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
- 2 Conwy LDP, notably Policies DP/1 – Sustainable Development Principles, DP/3 – Promoting Design Quality and Reducing Crime and DP/5 – Infrastructure and New Developments.
- 3 Municipal Waste Management Strategy for Conwy

7.3 Threshold for Provision

A standard charge for waste and recycling facilities will be applied to all new dwellings irrespective of the number of bedrooms. The standard charge will be calculated by using the cost per item as set out in Appendix 2. The Council will assess whether multiple unit dwellings receive individual or communal containers on a case by case basis.

Major residential developments may be required to contribute towards the provision of community recycling centres where they are needed. The provision of such facilities will be negotiated for large developments on a case by case basis.

8 Affordable Housing

In the case of residential development the provision of affordable housing to meet the needs of the local community.

8.1 Context

The need for affordable housing is a material planning consideration and is a pressing issue in Conwy. There is a requirement to ensure that up to approximately 1,875 new affordable homes for local need (AHLN) are provided to contribute to the levels of demand and to promote a more balanced age structure.

All new residential developments, including conversions and mixed use schemes will be considered for developer provision or contributions.

8.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of AHLN is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 2 – Planning and Affordable Housing
- 2 Conwy LDP, notably Policy HOU/2 – Affordable Housing for Local Need
- 3 Conwy Local Housing Market Assessment Phase 1 (2007)
- 4 LDP Background Paper 9: Conwy Affordable Housing Viability Study
- 5 LDP Background Paper 36: Affordable Housing Needs Calculation
- 6 Conwy Affordable Housing SPG (forthcoming)

8.3 Threshold for Provision

Policy HOU/2 states that the Council will seek affordable housing provision on all residential developments of one unit or more, through a split affordable housing target by housing market area and settlement location in the LDP hierarchy (policy DP/2).

Notes:

- Minimum and maximum levels will be subject to viability testing. Please refer to policy HOU/2 in the LDP and the Affordable Housing SPG for details on viability testing.
- Off-site commuted sums will be acceptable in justified circumstances for development proposals consisting of 3 or less dwellings, and may be acceptable for proposals consisting of 4 or more dwellings provided there is sufficient justification. In tier 2 main villages and minor villages the priority will be to provide 100% AHLN on site, whereas in hamlets policy HOU/2 states that single 100% AHLN schemes may be permitted.

- Please refer to table 1 for site obligations by dwelling threshold triggers; this includes on-site and off-site affordable housing provision. Table 3 in this section details the affordable housing requirements by area.

In order to avoid the negative implications of social exclusion, the provision of AHLN within housing developments should be evenly distributed across the site and the Council will require affordable housing to be grouped together in clusters of no more than 5-10 properties.

8.4 Viability

The general presumption is that the cost of providing affordable housing will be offset in the negotiation of the land purchase or option price. The Council considers the affordable housing percentages to be reasonable and justified. Only in exceptional circumstances will lower percentages be justified.

Where an applicant proposes to demonstrate that there are particular costs (e.g. abnormal costs or other obligations) that cannot be offset by depreciating the land value or where they cannot be recouped in the open market sale price of the new homes, a financial viability assessment will have to be supplied. If, following the completion of an assessment, a developer is able to demonstrate genuine viability problems, a revision may be agreed either to the overall scale of affordable housing provision, or to the property mix and/or tenure type.

The Council will make full use of the Three Dragons Toolkit (Development Appraisal Toolkit - DAT) to assess viability of a scheme and the percentage of affordable housing. The Council will make available on its website the following guidance notes to assist applicants in the submission of a viability assessment: -

- Affordable Housing Negotiating Procedure
- Affordable Housing Pre-Application Advice Form
- Affordable Housing Viability Assessment Proforma and Guidance
- Worked examples of the DAT
 - The Council will test the developer's costs through the DAT to assess the robustness of the appraisal.

8.5 Off-site Provision

In exceptional circumstances, where it can be robustly justified, the Council may accept off-site provision. In these circumstances, the first preference will be for the units to be provided by the developer on another site. The Council has absolute discretion on the location of the alternative site. Developers will have to provide more affordable housing units on the off-site land than was originally proposed on the application site. This is because there will be an increase in the number of market units now being developed on the original site and the contribution will be based on the total number of housing units to be erected on the application site.

The least preferred option is for a financial contribution to be made. Further information on affordable housing obligations will be provided in the forthcoming Affordable Housing SPG.

Table 3: LDP Affordable Housing Requirements

LDP Areas (according to policy DP/2 and the settlement hierarchy)	Affordable Housing for Local Need (Policy HOU/2)	Excepti on sites (100% AHLN)	Market dwellings (Minimum Level)	Allocated Housing Sites in the Area (number of units as per HOU/1)
Llandudno, Penrhyn Bay and Rhos on Sea (includes Craigside & Penrhynside)	35%	✘	65%	Plas yn dre, Llandudno (40); Plas Penrhyn, Penrhyn Bay (30); Dinerth Road (65) and Dinerth Hall Farm (80), Rhos on Sea.
Conwy, Llandudno Junction (includes Gyffin)	30%	✘	70%	Esgyryn (120), Social Club (40) and Woodland (75), Llandudno Junction
Llanfairfechan, Penmaenmawr & Colwyn Bay (includes Old Colwyn & Mochdre)	20%	✘	80%	Adjacent to Glanafon (15), Dexter Products (15) and West Coast Building (10), Llanfairfechan; BT Exchange (70), Lawson Road (35) and Glyn Farm (39), Colwyn Bay; Ysgol y Graig (30) and Ty Mawr (255), Old Colwyn;
Abergele, Towyn & Kinmel Bay (includes Pensarn)	10%	✘	90%	Rhuddlan Road & Tandderwen Farm (600) and Abergele Business Park (200)
Llanrwst	30%	✓	70%	Bryn Hyfryd, Ffordd Tan yr Ysgol (40), Site A North (50), Site D East (60) and Site E adjacent Bryn Hyfryd (50), Llanrwst
Glan Conwy	30%	✓	70%	Top Llan Road (80)
Dwygyfylchi, Llanddulas & Llysfaen	20%	✓	80%	Off Ysguborwen Road (15) and North of Groesffordd (30), Dwygyfylchi; South of the Mill (20) and Pencoed Road (20), Llanddulas; Adjoining former rectory (30) and Adjoining Ysgol Cynfran (40), Llysfaen
Tier 2 Main Villages (No AHLN need will be permitted outside the settlement boundary of Trefriw due to physical constraints)	Seek 100%	✓	Subject to viability	Minafon (10) and Ffordd Llanelwy (10), Betws yn Rhos; Land fronting B5105 (20), Cerrigydrudion; Tan y Ffordd (15), Dolgarrog; Off Heol Martin (10), Eglwysbach; The Smithy (25), Llanfairtalhaearn; Coed Digain (25), Llangernyw; North of Llansannan (25).
Minor Villages	Seek 100%	✓	Subject to viability	No site allocations
Hamlets	100% (single dwellings only)	✓	✘	No site allocations
Open Countryside	APPLY NATIONAL PLANNING GUIDANCE AS PER POLICY DP/6			

In meeting the priority objective to increase affordable housing delivery, the Council will implement the 'Conwy Commuted Sums Protocol' and seek to use affordable housing financial contributions on a County Borough wide basis.

9 Public Open Space

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.

9.1 Context

Formal and informal public open space can have a significant recreational and amenity value, in turn contributing to quality of life, biodiversity and to the environment generally.

The Council will, where appropriate, seek planning obligations to provide or improve public open space and recreational facilities in association with new developments.

9.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of public open space provision is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 16 – Sport, Recreation and Open Space
- 2 Conwy LDP, notably Policy CFS/11 - Development and Open Space
- 3 LDP Background Paper 19: Open Space Assessment and updates
- 4 Fields in Trust (FIT) 'Planning and Design for Outdoor Sport and Play'

9.3 Threshold for Provision

LDP policy CFS/11 requires all residential developments to contribute to open space provision where a deficit has been identified in the open space assessment. In areas where a surplus is identified, a qualitative assessment is being undertaken. If quality or accessibility is lacking, a contribution will still be required.

Policy CFS/11 outlines the Council standard for open space provision, which reflects the FIT benchmark standards and TAN16:

- 1.2 hectares playing pitches
- 0.4 hectares for outdoor sport
- 0.8 hectares for children's play space (0.25 designated equipped playing space; 0.55 informal playing space)
- 0.6 hectares for amenity open space (0.3 major amenity; 0.3 neighbourhood amenity)

FIT also identify recommend travel times to each type of open space provision. These requirements will be reflected in the new open space assessment.

9.4 Types of Open Space

Playing Pitches

FIT outline that playing pitches should be within 1.2km of all dwellings in residential areas. There are a number of key requirements to be considered to ensure a good quality playing surface is achieved, including the need for adequate drainage and irrigation systems (for natural turf pitches) as well as other issues such as floodlighting and changing accommodation.

Outdoor Sport

Different types of outdoor sport have different requirements for players and their equipment. FIT highlights benchmark standards for tennis, bowls and athletics provision:

- 1 Athletics – one synthetic track with floodlighting per 250,000 people living within 30 minutes drive time (45 minutes in rural areas) of the proposed location.
- 2 Tennis – community tennis courts within 20 minutes travel time (walking in urban areas, by car in rural areas).
- 3 Bowls – one green within 20 minutes travel time (walking in urban areas, by car in rural areas).

The design of outdoor sports facilities should include consideration of the surroundings in which facilities are to be sited. Ancillary provision such as changing accommodation, floodlighting and car parking also need to be considered as part of the provision of outdoor sports facilities.

Children's Playing Space

Youths and children require a range of facilities for different age groups. The Council standard for the main forms of children's play areas are:

Local Equipped Area for Play (LEAP):

- An unsupervised open access play area equipped for children of early school age (4-8 years of age) with consideration for the needs of supervised children from birth to 4 years and unaccompanied children up to the age of 14.
- It should be of at least 400 square meters in size, enclosed by play specification fencing of at least one metre in height with at least 2 outward opening, self-closing gates, joined by a tarmaced footpath.
- It should be overlooked by housing, or other well used public facilities and be within 5 minutes walking time from home and positioned beside a pedestrian pathway. It should be drained if the land is poorly drained.
- A minimum buffer zone of 20 metres should separate the activity zone and

the boundary of the nearest property containing a dwelling and a minimum buffer zone of 30 metres should separate the LEAP from the habitable room facade of the nearest dwelling.

- It should have at least 6 types of play activity, of which at least 3 are individual pieces rather than part of a combination multiplay unit, with appropriate safety surfacing, a litter bin and seating for accompanying adults and all to comply with current safety standards as detailed in BSEN 1176 and 1177.
- It must have a sign indicating the following information: that the area is solely for use by children, adults are not allowed unless accompanied by children, dogs are excluded, smoking is forbidden, name and telephone number of the operator of the facility to enable reporting of any incident or damage to the play equipment and the location of the nearest public telephone.

Neighbourhood Equipped Area for Play (NEAP):

- An unsupervised open access play area equipped for older children, but with play opportunities for younger children as well.
- It should be of at least 1,000 square meters in size, including a hard surface area of at least 465 square meters, enclosed by play specification fencing of at least one metre in height with at least 2 outward opening, self-closing gates, joined by a tarmaced footpath.
- It should be overlooked by housing or other well used public facilities and be within 15 minutes walking time from home and positioned beside a pedestrian pathway. It should be drained if the land is poorly drained.
- A minimum buffer zone of 30 metres should separate the activity zone and the boundary of the nearest property containing a dwelling and a minimum buffer zone of 40 metres should separate the NEAP from the habitable room facade of the nearest dwelling. This buffer should be greater if there is provision for a skate park.
- A NEAP should have at least 9 types of play activity, with appropriate safety surfacing, a litter bin and seating for accompanying adults and all to comply with current safety standards as detailed in BSEN 1176 and 1177.
- It must have a sign indicating the following information: that the area is solely for use by children, adults are not allowed unless accompanied by children, dogs are excluded, smoking is forbidden, name and telephone number of the operator of the facility to enable reporting of any incident or damage to the play equipment and the location of the nearest public telephone.
- Convenient and secure parking facilities for bicycles should be provided.

The FIT standards also outline local areas for play (LAP) and local landscaped areas for play (LLAP). Following incidents of anti-social behaviour, the Council will not endorse any provision of these.

In addition to the main types of children's playing space, alternative forms of recreational facilities for children and young people include Multi Use Game Areas (MUGAs), skate parks, BMX tracks and youth shelters.

Neighbourhood Amenity Open Space

Amenity space in this context relates to the definition in Annex B of TAN 16 in terms of neighbourhood amenity and could usefully provide the buffer area between neighbourhood play spaces and adjacent properties.

Major Amenity Open Space

Major amenity relates to urban parks, country parks, formal gardens, urban woodland, urban forestry, scrub, grasslands, open access land, wetlands, coastal land, river banks, cycleways, public rights of way and other footpaths and bridleways, promenades and civic and market squares. Major amenity open space should have open access to the public.

9.5 Level of Contribution

Financial contributions will be accepted for residential developments of less than 30 dwellings. For developments of between 2-29 dwellings, it may be possible to provide neighbourhood amenity open space on-site. For residential development of 30 or more dwellings, the Council will seek the provision of on-site children's play facilities and a financial contribution for off-site outdoor sports space. Developments of 200 or more residential dwellings will normally be expected to provide all required outdoor sport and children's playing space on site. In exceptional and justified circumstances, the Council will accept a sum as an alternative to on-site provision.

The financial contributions required are calculated using the estimated number of residents and current costs per square metre of providing the required outdoor playing space. Please see Appendix 3 for more details.

Committed sums will include the cost of setting out, equipping and maintaining the site for 25 years, where applicable. These costs are based on the actual costs of providing new facilities and associated works. Costs will be reviewed on an annual basis, and fixed for a period of 12 months. The current costs are set out in Appendix 3.

9.6 Provision, Maintenance and Management

For applications for fewer than 30 dwellings, open space provision is secured via a committed sum, which includes a cost for providing or improving open space provision and the cost for maintaining it for 25 years.

Where children's play and neighbourhood amenity open space provision is to be provided on site (residential developments of 30 or more dwellings), the developer is responsible for maintaining this in perpetuity. This could be through a resident's agreement. In exceptional and justified circumstances, the Council will accept a sum of money to cover maintenance for a 25 year period. There may be circumstances where this period will be longer.

The Council will not adopt LAPs, LLAPs or incidental space within developments. It will only adopt open space areas that have a clear functional use, for example play space or playing fields. These areas must also be 'fit for purpose' and comply with recognised minimum standards.

The Council will adopt any major open space provision provided on site (residential developments of 200 or more dwellings). A commuted sum to cover the cost of maintenance for a period of 25 years will be required only where it can be demonstrated that the provision will principally be of benefit to the development itself.

When determining the level of provision required by a development and how such open space will be maintained, the Planning Case Officer will consult with both the Strategic Planning Policy Service and the Open Spaces Manager. The Strategic Planning Policy Service will calculate the level of provision necessary and the Open Spaces Manager will advise on matters relating to the suitability of open space design when provided on site as part of the development scheme, and ongoing maintenance arrangements for all types of open space provision (including grass verges and amenity open space).

The open space contributions will be reviewed as appropriate, in accordance with the open space assessments updates.

9.7 Exceptions

A contribution towards the enhancement and development of play areas will not be sought from studio dwellings, one bed dwellings owned by a registered social landlord, sheltered and elderly housing and other specialist forms of development where children in the 0-14 age range will not be resident. One bed dwellings may be able to negotiate a reduced amount of contribution towards children's play; however, the 2011 Census does indicate that there are children living in one bedroom properties.

Similarly, a financial contribution towards the enhancement and development of playing fields and recreational facilities will not be sought from sheltered housing as residents of such forms of development are unlikely to utilise playing fields.

It will still be necessary for such developments to contribute to neighbourhood amenity and major amenity open space.

10 Educational Facilities

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community

10.1 Context

Education infrastructure is an integral part of new residential development and has a crucial role to play in achieving and maintaining sustainable communities. A contribution towards additional educational facilities or upgrading, extending or remodelling of existing educational facilities will be sought if the implementation of the development will result in the generation of additional pupil numbers in excess of existing or planned capacity at local schools.

Contributions may be used for:-

- 1 The provision of new classrooms;
- 2 Replacement of and / or improvements to existing unfilled places or facilities to bring them to an appropriate standard to meet the needs of the additional children expected from the proposed development;
- 3 Purchase of land for new school or classroom (s) or other accommodation, where necessary and subject to the scale of development;
- 4 Temporary accommodation or other measures to facilitate building works as a result of development; and,
- 5 Providing additional facilities to increase capacity to meet the added demand.

10.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of educational facilities is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
- 2 Conwy LDP
- 3 Welsh Government Circular 021/2011 'Measuring the Capacity of Schools in Wales'

10.3 Threshold for Provision

Contributions will be sought from proposed developments containing the equivalent of 10 or more new dwellings that have the potential to increase demand on local schools. This will be for nursery, primary, secondary and post 16 provision, where a capacity issue has been highlighted by Education Services, Conwy County Borough Council. It should be noted that empty places does not necessarily equate to there being sufficient capacity at that school. Investment may be needed to bring it up to

the required standard to make it suitable for the pupils generated from the proposed development.

The building of a new school may be required for significant housing proposals.

In assessing whether a proposed development of a site is eligible for seeking the provision of, or contributions towards, education facilities, the number of dwellings specified in this guidance will apply to, or take into account, the cumulative area to be developed for housing. For example, where a development is made up of two or more phases, or is the subject of two or more separate planning applications, the total number of dwellings will be the basis for determining whether provision will be sought. Thus developers should be aware that if it is considered that a contribution is justified, the requirement cannot be avoided by dealing with a site through more than one planning application.

10.4 Level of contribution

The financial contributions required are calculated using the estimated number of dependent children (aged 3-18) and current costs per square metre of providing new or improved education provision. Please see Appendix 4 for more details.

The percentage of pupils attending Welsh or English medium schools is not the same across the County Borough. Therefore, Education Services will assess which school(s) the commuted sum will be spent on according to school catchments and pupil preference.

10.5 Exceptions

Those types of accommodation which are unlikely to put demands on local schools will not be expected to contribute towards educational facilities. This will include, studio dwellings, student housing and specialist elderly / sheltered person housing.

11 Allotments

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.

11.1 Context

Allotments are an important community resource. They have positive benefits not only for environmental sustainability but also for food production, wildlife and general amenity value.

The Council will, where appropriate, seek planning obligations to provide allotments in association with new developments.

11.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of educational facilities is set out in:

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN16 – Sport, Recreation and Open Space
- 2 Conwy LDP, notably policies CFS/10 – New Allotments and DP/5 – Infrastructure and New Developments
- 3 LDP Background Paper 25: Allotment Demand and Supply Report

Allotments are included within TAN 16's Typology of Open Space. LDP Background Paper 25 – Allotment Site Demand and Supply Report recognises a shortage in the supply of allotments across the Borough and identifies 13 main locations where demand currently exists for allotments in Conwy.

11.3 Threshold for provision

All residential developments will be required to contribute towards allotment provision, where current provision will not meet the estimated demand arising from the proposed development. This is subject to viability.

11.4 Level of contribution

A contribution will be sought on a per dwelling basis. The method for calculating contributions towards allotments is in Appendix 5.

12 Leisure facilities

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.

12.1 Context

The provision of high quality and accessible Leisure Facilities is essential to improving the health, community cohesion, prosperity and wellbeing of residents.

12.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the natural and built environment is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
- 2 Conwy LDP, notably Policies CFS/1 – Community Facilities and Services and DP/5 – Infrastructure and New Developments

Where residential development is likely to increase the need for leisure facilities, the Council will be justified in seeking a contribution towards either building more facilities or improving existing facilities.

12.3 Threshold for provision

Residential developments of 25 dwellings or more will be required to contribute, where current provision will not meet the estimated demand arising from the proposed development. This is subject to viability.

12.4 Level of contribution

A recent Leisure Review has identified sites that are in need of upgrading. Where these are already covered in the public open space section, a contribution will not be sought. The findings of the review will be part of the qualitative assessment.

Where improvements or new leisure centre provision is required, costs will be based on current average build costs, specified by the Building Cost Information Service (BCIS). The level of contribution required will be assessed on a site by site basis, but will be no higher than 0.2 square metres per person. See Appendix 6 for details of the calculator.

13 Libraries

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.

13.1 Context

Public libraries are at the heart of communities, providing free access to books, information and IT as well as opportunities for learning. As a statutory service, local authorities must ensure that their libraries meet national standards and provide the quality of services people need and expect.

Contributions may be used for:

- 1 The provision of new libraries, books or other equipment;
- 2 Replacement of and / or improvements to existing provision to bring them to an appropriate standard to meet the needs of the additional residents expected from the proposed development.

13.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the natural and built environment is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
- 2 Conwy LDP, notably Policies CFS/1 – Community Facilities and Services and DP/5 – Infrastructure and New Developments

Where residential development is likely to increase the need for libraries and archives, the Council will be justified in seeking a contribution towards either building new facilities or improving existing facilities.

13.3 Threshold for provision

Residential developments of 25 dwellings or more will be required to contribute, where current provision will not meet the estimated demand arising from the proposed development. This is subject to viability.

13.4 Level of contribution

The Museums, Libraries and Archives Council has published advice on developer contributions and suggests a minimum benchmark for library provision in new housing, supported by local evidence of need and demand. An annual report by the Council's Library Service indicates that not all libraries meet the Welsh Public Library Standards. A contribution will be required in areas where the local library does not meet the standards. See Appendix 7 for details of the calculator.

14 Health facilities

Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the obligation would impose unacceptable impacts on the local community.

14.1 Context

Access to health facilities is vital for the health and well-being of residents and the basis of the sustainable communities that define the localities they live in.

- 1 The provision of new health facilities;
- 2 Replacement of and / or improvements to existing facilities to bring them to an appropriate standard to meet the needs of the additional residents expected from the proposed development;
- 3 Providing additional facilities necessitated by the increased demand.

14.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the Health facilities is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
- 2 Conwy LDP, notably Policy CFS/1 – Community Facilities and Services and DP/5 – Infrastructure and New Developments

Where residential development is likely to increase the need for health facilities, the Council will be justified in seeking a contribution towards either building more facilities or improving existing facilities.

14.3 Threshold for provision

Residential developments of 100 dwellings or more will be required to contribute, where current provision will not meet the estimated demand arising from the proposed development. All residential developments for the elderly may have to provide a contribution, due to the higher level of NHS service use. This is subject to viability.

14.4 Level of contribution

Consultation with Betsi Cadwaldr University Health Board has confirmed that the majority of GP surgeries are currently operating at full capacity. The level of contribution required will be assessed on a site by site basis, but will be no higher than 0.2 square metres per person. Costs will be based on current average build costs, specified by the Building Cost Information Service (BCIS). See Appendix 8 for details of the calculator.

15 Employment and Training

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

15.1 Context

New developments can make a significant contribution to the economic well-being of the local community through the provision of local training and employment opportunities. An emphasis on ensuring the local workforce and businesses are involved in the development of the area will ensure the benefits of development are realised for the local community for future years.

Various Employment and Training Measures may be sought through planning obligations to provide for the following:-

- 1 Local Construction Training
- 2 General Employment and Training Contributions
- 3 Job Fairs
- 4 New training facilities and related infrastructure
- 5 Local Supply Chain Initiatives.

15.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of employment and training is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b Draft Technical Advice Note 23 Economic Development
- 2 Conwy LDP
- 3 A Regeneration Strategy for Conwy 2005-2015

As new development places additional demands on the skills base it is considered that contributions to employment training can be justified.

15.3 Threshold for Provision

There is not a specific local formula or approach for seeking contributions with regard to local employment skills training. All appropriate developments will be encouraged to maximise opportunities for local employment and additional contributions will be assessed on a case by case basis. Contributions will largely be sought from major commercial and industrial developments; however, developers of significant housing developments may be required to finance local apprenticeships.

The Council's Business & Enterprise service will be consulted on relevant applications to identify need and ensure there is a functional and/or

geographical/spatial link between the development and the measure, project or programme that contributions will support.

15.4 Delivery Trigger

Obligations and contributions in respect of employment and training are likely to be required prior to commencement of development and may continue throughout the development period. The opportunities could be provided either throughout the construction phase of a development or for the end use of (non-residential) development.

16 Welsh Language Infrastructure

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

16.1 Context

The Council will ensure that development supports and sustains the long term well-being of the Welsh language, and will resist development which, because of its size, scale or location, will significantly harm the character and linguistic balance of a community.

Various Welsh language mitigation measures may be sought through planning obligations to provide for the necessary infrastructure. The Welsh Language SPG will detail mitigation measures to be sought as and when required.

16.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of Welsh language infrastructure is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b Technical Advice Note (TAN) 20: Planning and the Welsh Language
- 2 Conwy LDP – Policies DP/4 – Development Criteria and CTH/5 – The Welsh Language
- 3 Conwy Welsh Language SPG

TAN 20 states that an LDP could include in relation to S106 obligations measures and mechanisms to support the viability of the Welsh language as far as they are related to the planning system.

16.3 Threshold for Provision

Policy CTH/5 sets out the development scenarios where mitigation measures may be required and this is summarised in table 4.

It is important that any obligations sought regarding Welsh language infrastructure arise from a need for mitigation or enhancement measures as part of the assessment and applications processes. The Welsh Language SPG will set out details on the consultation process and relevant local and regional Welsh groups who may be contacted to establish current and proposed language related initiatives.

Table 4: Development Scenarios and Welsh Language Requirements

Scenarios	Community Linguistic Statement	Community Linguistic Impact Assessment	Mitigation Statement
Abergele and Llanrwst housing allocations; Dolgarrog mixed use allocation	Not requested ¹	Not requested ¹	Requested
All other allocated sites	Not requested ¹	Not requested ¹	Not requested ¹
Housing applications on unallocated sites – 10-19 units in the Urban Areas; 5-9 in the Rural Areas	Requested ²	Not requested ²	Dependent upon assessment ³
Commercial, industrial or tourist applications on unallocated sites 1,000-1,999 sq m in the Plan Area	Requested ²	Not requested ²	Dependent upon assessment ³
Policy CFS/6 – loss of community facilities	Requested ²	Requested ²	Dependent upon assessment ³
Housing windfall delivery reached for a spatial strategy area in line with figures in table 3 HOU1a	Review triggered ⁴	Review triggered ⁴	Dependent upon review
Housing applications on unallocated sites – 20+ units in the Urban Areas; 10+ in the Rural Areas	Not requested ²	Requested ²	Dependent upon assessment ³
Commercial, industrial or tourist applications on unallocated sites 2,000 sq m + in the Plan Area	Not requested ²	Requested ²	Dependent upon assessment ³

¹Not required – sites have already been assessed as part of LDP Strategy. See Background Papers 10 and 33

² Refer to policy CTH/5 and Welsh language SPG

³ Dependent upon results of assessments – Statement or Impact Assessment. May be requested separately if applicant has not demonstrated how any adverse impacts could be mitigated against.

⁴ Review triggered - assessment may be required subject to location and scale of development

17 Colwyn Bay Masterplan

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

17.1 Context

In 2008, the then Welsh Assembly Government (now Welsh Government - WG) launched the Strategic Regeneration Area Initiative (SRA) to regenerate coastal communities in Conwy and Denbighshire. The Council are working in partnership with WG to promote the comprehensive regeneration of coastal communities in need to broaden economic activity, address social exclusion and reduce deprivation. As part of this regeneration initiative, a multi-disciplinary team of consultants was appointed to prepare a Masterplan for Colwyn Bay to promote the sustainable regeneration of the area to 2025.

17.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the Colwyn Bay Masterplan is set out in:-

- 1 Wales Spatial Plan (reference to Strategic Regeneration Areas);
- 2 Conwy LDP, notably Policy DP/8 – Colwyn Bay Masterplan;
- 3 The Bay Life Initiative Development Plan 2007 – 2014;
- 4 Emerging Masterplan for Colwyn Bay.

17.3 Threshold for Provision

The Council will negotiate, where viable, a financial contribution towards the regeneration of Colwyn Bay from the following forms of development that come forward within or adjacent to the Masterplan Boundary:-

- 1 All residential developments of 5 or more dwellings, including conversions and changes of use.
- 2 All new retail, commercial, leisure, office and employment uses including redevelopment or extensions to existing facilities.

Developer contributions will be pooled to secure the implementation of the Masterplan proposals and specifically, the enhancements to the area, which the occupants of the new development will enjoy. The pooling of contributions will be undertaken in line with the CIL Regulations.

18 Community Safety

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

18.1 Context

There will be instances where the nature of development will create the requirement for management measures to be put in place to tackle risks of access and security in the area of a development. Often such measures will be incorporated in the development itself.

Measures to improve community safety in the vicinity of developments may include:-

- 1 Improved street lighting
- 2 CCTV camera installation, coverage, and monitoring arrangements
- 3 Pedestrian improvements required to address community safety
- 4 Police points
- 5 Signage with regards to security and community safety.

Contributions will be determined in consultation with the regional Police Architectural Liaison Officer.

18.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of community safety is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 12 – Design
- 2 Conwy LDP, notably Policy DP/3 – Promoting Design Quality and the Reduction of Crime

18.3 Threshold for Provision

The level of contribution will be considered on a case by case basis. Contributions are most likely to be sought from developments that are in high profile public areas, such as town centres, are in a high crime area or are for a use that is considered to be of high risk. They will apply to both new developments and to changes of use, extensions, applications for use of forecourts and for extensions to opening hours.

Development schemes that have a significant impact on emergency services and policing may be required to contribute to additional provision of these services in the vicinity of the scheme or adjoining area.

19 Streetscape improvements and public art

Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance.

19.1 Context

Streetscape and public art is an important contributor to the achievement of high-quality urban design and can help to raise the quality of development. The Council will therefore encourage public art features to be included within any new development which will have a significant impact on its physical environment and setting.

Streetscape and public art can be diverse in form and function and does not only encompass sculptural or monumental features, but also work that is integrated into a development, such as street furniture, lighting, brickwork, pedestrian railings, access ramps and signage.

When assessing a contribution, developers will be expected to demonstrate how streetscape and public art will be incorporated into their scheme that reasonably relates to the scale, location and use of the site as well as any consultation with the local community, for example where commissioned artists are involved.

19.2 Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of public art is set out in:-

- 1 National planning policy guidance:-
 - a Planning Policy Wales
 - b TAN 12 – Design
- 2 Conwy LDP, notably Policy DP/3 – Promoting Design Quality and the Reduction of Crime

The requirement must be necessary to make development acceptable in planning terms, through either compensation or mitigation which may include loss of habitat or built fabric, socioeconomic or physical appearance changes to an area and which could only be delivered outside of the application site. Public art can therefore seek to mitigate against such impacts through:-

- 1 Providing works which re-establish local identity, a sense of place and thereby contributing to local distinctiveness;
- 2 Creating a stimulating environment to live, work, invest or visit;
- 3 Enhancing important public spaces;
- 4 Helping to integrate new development within the existing built fabric; and,
- 5 Involving the community directly in new developments, creating a sense of local pride and ownership.

19.3 Threshold for Provision

The Council will seek to apply the 'Percent for Art' scheme, where a maximum of 1% of the capital costs of a new development is allocated to the provision of public art.

The determination of whether public art should be provided on or off-site will be determined on a case by case basis and will be dependent upon the size and nature of the development.

20 Other Improvements

20.1 This SPG is not an exhaustive list and planning obligations may be sought in respect of other matters. The relevance of these matters will depend on the specific site and proposed development in question. Developers are encouraged to engage in pre-application discussions as early as possible in order to identify which contributions will be sought by the Council.

21 Monitoring and Administration

21.1 In view of the significance of planning obligations to the development management process, it is important that the negotiation of planning obligations and expenditure of any contributions received from developers are carefully and efficiently monitored in a public and accountable way.

It is therefore intended to introduce charges for administration/monitoring of planning obligations in accordance with the rates set out below (see also section 4.7 of this SPG). The contributions paid for administration/monitoring will be used to cover the costs associated primarily but not exclusively with the following areas of work:-

- 1 Processing of financial contribution payments;
- 2 Updating of the Council's S106 database;
- 3 Administration of Unilateral Undertakings;
- 4 Carrying out of individual site monitoring checks to assess whether permissions have been implemented;
- 5 Monitoring of planning obligations;
- 6 Correspondence associated with payment of financial contributions; and,
- 7 Compiling of annual planning obligation monitoring reports on receipts and expenditure.
- 8 Establishing a S106 Officer Monitoring Group
- 9 Officer time required to undertake these above tasks

Different types of planning obligation will have different levels of administration and monitoring implications. Charges will be imposed on a per clause basis, required at development pre-commencement stage. Clauses that relate to the provision of financial contributions only will involve less administration and subsequent monitoring than clauses that relate to specific infrastructure provision and may have a series of follow-up monitoring implications. A different charge will therefore be levied according to the type of clause entailed.

Table 7 Charging Levels for S106 Monitoring (per agreement)

Type of Planning Obligation	Monitoring Charge
Financial Contribution Clause	£150
Infrastructure Provision Clause or Condition	£300

Planning Obligation Monitoring Reports will be presented to the Planning Committee and other forums and will refer to the planning obligations spending priorities identified in section 4.5 of this SPG including community engagement through forums such as the Conwy Locality Plans. These reports will detail:-

- 1 Information on the obligations entered into
- 2 Financial contributions received
- 3 Affordable housing negotiated
- 4 Completion of schemes funded from financial contributions

Appendix 1 Local Development Plan Policy

POLICY DP/4 – DEVELOPMENT CRITERIA

1. Development proposals, where appropriate and in accordance with the policies of the Plan and the Council's Standards, should provide the following:

- a) Affordable Housing for Local Need;
- b) Safe access from the highway network and enhancement of public transport, cycling and pedestrian infrastructure;
- c) Car parking;
- d) Safe and secure cycle parking;
- e) Open Space;
- f) Safe and convenient access for all to public buildings and spaces, including those with limited mobility or those with other impairments such as of sight or hearing;
- g) Screened storage of refuse, including recyclable materials;
- h) A design and layout that minimises opportunities for crime;
- i) Financial contributions towards the provision and maintenance of infrastructure, services and facilities required by the development.

2. Planning permission will not be granted where the proposed development would have an unacceptable adverse impact:

- a) On residential amenity;
- b) From traffic generated;
- c) On archaeological interests and the built form;
- d) On the Welsh language;
- e) On environmental conditions arising from noise, lighting, vibration, odour, noxious emissions or dust;
- f) On ecological and wildlife interests and landscape character;
- g) On flooding and flood risk;
- h) On the best and most versatile agricultural land;
- i) On quality of ground or surface water;
- j) On essential community facilities.

POLICY DP/5 – INFRASTRUCTURE AND NEW DEVELOPMENTS

All new development, where appropriate, will be expected to make adequate contributions towards new infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development or future maintenance and upkeep of facilities. Contributions will be sought in line with the Council's priorities.

Appendix 2 Calculator and costs for waste management & recycling

Standard Cost per Item for Individual Dwellings

Item	Cost
Wheeled Bin	£25.00
Recycled Container Set	£25.00
Food Waste Kitchen Caddy	£1.50
Food Waste Kerbside Caddy	£4.00
Food Waste Bioliners	£1.50
Garden Waste Bag	£1.50
Information Leaflet/Calendar	£0.50
Delivery	£10.00
Total	£69.00

Provision Required for Communal Properties

Per 6 Dwelling Units	Cost	Cost Per Dwelling
1 x 1100 litre Refuse Bin	£200.00	£33.33
4 x 240 litre Recycling Bins	£100.00	£16.66
6 x Food Waste Kitchen Caddy		£1.50
1 x Food Waste 140 litre Bin	£18.00	£6.00
6 x Food Waste Bioliners		£1.50
6 x Garden Waste Bags		£1.50
6 x Information Leaflet/Calendar		£0.50
1 x Delivery		£5.00
Total		£66.00

Source:

Environment, Roads & Facilities, Conwy County Borough Council

Appendix 3 Calculator and costs for open space provision

Development details (example 1 for one dwelling)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate	Number of dwellings
1	1.28	0
2	1.76	0
3	2.41	0
4	2.85	1
5+	3.11	0

OR Where number of bedrooms is not known:

Total dwellings	1
Average occupancy rate	2.20

Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known (example: one 4 bed dwelling):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	34.1	£281.88	N/A
Outdoor sports	11.4	£93.96	N/A
Major amenity	8.5	£102.60	N/A
Children's play space	22.8	£473.04	£686.64
Neighbourhood amenity*	8.5	£102.60	£50.13
Total	85.4	£1,054.08	£736.77

OR Where number of bedrooms is not known (example: one dwelling):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	26.4	£187.92	N/A
Outdoor sports	8.8	£62.64	N/A
Major amenity	6.6	£68.40	N/A
Children's play space	17.6	£315.36	£457.76
Neighbourhood amenity*	6.6	£68.40	£33.42
Total	66.0	£702.72	£491.18

*It may be possible to provide neighbourhood amenity open space on-site for some applications for between 2-29 dwellings.

Development details (example 2 for thirty dwellings)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate	Number of dwellings
1	1.28	0
2	1.76	10
3	2.41	10
4	2.85	10
5+	3.11	0

OR Where number of bedrooms is not known:

Total dwellings	30
Average occupancy rate	2.20

Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known (example: ten 2 bed dwellings, ten 3 bed dwellings, ten 4 bed dwellings):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	842.2	£6,577.20	N/A
Outdoor sports	280.7	£2,192.40	N/A
Major amenity	210.5	£2,394.00	N/A
Children's play space	561.5	To be provided on site & maintained by developer	
Neighbourhood amenity	210.5		
Total	2,105.4	£11,163.60	N/A

OR Where number of bedrooms is not known (example: thirty dwellings):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	792.0	£6,201.36	N/A
Outdoor sports	264.0	£2,067.12	N/A
Major amenity	198.0	£2,257.20	N/A
Children's play space	528.0	To be provided on site & maintained by developer	
Neighbourhood amenity	198.0		
Total	1,980.0	£10,525.68	N/A

Development details (example 3 for two hundred dwellings)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate	Number of dwellings
1	1.28	0
2	1.76	50
3	2.41	50
4	2.85	50
5+	3.11	50

OR Where number of bedrooms is not known:

Total dwellings	200
Average occupancy rate	2.20

Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known (example: fifty 2 bed dwellings, fifty 3 bed dwellings, fifty 4 bed dwellings, fifty 5 bed dwellings):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	6,078.7	To be provided on site by developer	N/A
Outdoor sports	2,026.2	To be provided on site by developer	N/A
Major amenity	1,519.7	To be provided on site by developer	N/A
Children's play space	4,052.5	To be provided on site & maintained by developer	
Neighbourhood amenity	1,519.7		
Total	15,196.7	N/A	N/A

OR Where number of bedrooms is not known (example: two hundred dwellings):

Open space type	Amount required (metres square)	Cost of	
		Equipping	Maintaining
Playing pitches	5,280.0	To be provided on site	N/A
Outdoor sports	1,760.0	To be provided on site by developer	N/A
Major amenity	1,320.0	To be provided on site by developer	N/A
Children's play space	3,520.0	To be provided on site & maintained by developer	
Neighbourhood amenity	1,320.0		
Total	13,200.0	N/A	N/A

Costs per person

Open space cost summary

	Children's play	Playing Pitches	Outdoor Sports	Amenity Open Space
Required area per 1,000 population	0.8 ha.	1.2ha	0.4ha	0.6 ha
Required area per person	8 sqm	12 sqm	4 sqm	6 sqm
Provision cost per person	£144.32	£136.80	£45.60	£68.40
Provision cost per sq. metre	£18.04	£11.40	£11.40	£11.40
Maintenance cost per person (over 25 yrs)	£209.44	£61.20	£20.40	£30.60
Maintenance cost per sq. metre (over 25 yrs)	£26.18	£5.10	£5.10	£5.10
Overall cost per person	£353.76	£198	£66	£99
Overall cost per sq. m.	£44.22	£16.50	£16.50	£16.50

Children's play space (8 sqm x cost per sqm £18.04) = £144.32

Plus maintenance (8 sqm x cost per sqm £26.18) = £209.44

Total per resident for children's play space = £353.76

Playing Pitches per resident (12 sqm x cost per sqm £11.40) = £136.80

Plus maintenance (12sqm x cost per sqm £5.10) = £61.20

Total per resident for Playing Pitches = £198

Outdoor sports per resident (4 sqm x cost per sqm £11.40) = £45.60

Plus maintenance (4 sqm x cost per sqm £5.10) = £20.40

Total per resident for Outdoor sports = £66

Amenity Open Space per resident (6 sqm x cost per sqm £11.40) = £68.40

Plus maintenance (4 sqm x cost per sqm £5.10) = £30.60

Total per resident for Outdoor sports = £99

Sources:

Open space costs: Environment, Roads & Facilities, Conwy County Borough Council

Average occupancy rate: 2011 Census, Office for National Statistics

Appendix 4 Calculator and costs for education provision

Development details (example)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Number of dwellings
1	50
2	50
3	50
4	50
5+	50

OR Where number of bedrooms is not known:

Total dwellings	50
-----------------	----

Number of dependent children expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate (dependent children aged 3-18 only)	Number of dependent children (age 3-18)	Cost new build	OR	Cost remodelling
1	0.03	18.21	£21,674.17	OR	£14,088.21
2	0.15	2.28	£106,409.34		£69,166.07
3	0.46	7.70	£346,239.29		£225,055.54
4	0.66	6.37	£505,433.03		£328,531.47
5+	0.77	1.87	£601,403.48		£390,912.26
Total	-	18.21	£1,581,159.32		£1,027,753.56

OR Where number of bedrooms is not known:

Dependent children	Average occupancy rate (dependent children aged 3-18 only)	Number of dependent children (age 3-18)	Cost new build	OR	Cost remodelling
Total	-	91.06	£274,360.56	OR	£155,941.24
Aged 3-4 (nursery)	0.05	11.39	£27,913.97		£18,144.08
Aged 5-11 (primary)	0.15	38.50	£94,387.79		£61,352.06
Aged 12-16 (secondary)	0.13	31.84	£117,594.30		£76,436.30
Aged 17-18 (post 16)	0.04	9.33	£34,464.50		£8.80

Developers will not be required to pay new build and remodelling costs. Strategic Planning Policy will consult with Education Services for each application to see which charge is applicable.

Costs per pupil

Pupil age	Cost of new build	Cost of remodelling (65% of new build)
Aged 3-4 (nursery)	£12,257	£7,967
Aged 5-11 (primary)	£12,257	£7,967
Aged 12-16 (secondary)	£18,469	£12,005
Aged 17-18 (post 16)	£18,469	£12,005

Sources:

Costs per pupil: Department of Children, Schools and Families (now Department for Education)

Average occupancy rate: Table DC4102EW "Number of bedrooms by accommodation type by age of dependent children", 2011 Census

Appendix 5 Calculator and costs for allotment provision

Development details (example)

The Council's policy for allotment provision is one allotment per household, so it is only the proposed number of dwellings that is needed, not number of bedrooms.

This example is for ten dwellings.

Allotment contribution required

(cost x allotment provision per dwelling x number of dwellings)

Cost per square metre	Total area required	Commuted sum required
£15.00	12.86 square metres	£192.95

Allotment costs

Average allotment size 111m ² (nominal, including infrastructure)	
Cost of providing one allotment: £1,666.67	
$£1,666.67 \div 111\text{m}^2 = \text{£15 per square metre}$	
Average costs based on:	
Purchase of 1 ha land at £50,000 per hectare	
+	infrastructure costs £100,000 = £150,000
÷	90 allotment plots = £1,666.67

To calculate need:

(allotment demand* ÷ number of dwellings in Conwy County Borough)

Demand for allotments	Number of dwellings	Average plot size (square metres)	Requirement per new dwelling
324 existing plots	53,340	111.11	0.012 plots OR
322 on waiting list			1.29 square metres
646 Total			

*includes number of existing plots and number of households on the waiting list

Sources:

Costs for allotment provision: Environment, Roads & Facilities, Conwy County Borough Council
 Number of dwellings: StatsWales table [000330] council tax dwellings, by local authority, Welsh Government

Appendix 6 Calculator and costs for leisure provision

Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate (all people)	Cost
1	1.28	
2	1.76	
3	2.41	
4	2.85	
5+	3.11	
Total	-	

OR Where number of bedrooms is not known:

	Average occupancy rate (all people)	Cost
Total	2.20	

Costs per person

See latest Building Cost Information Service figures. Licensing restrictions means that these cannot be published in this document.

Sources:

Average occupancy rate: 2011 Census, Office for National Statistics

Appendix 7 Calculator and costs for libraries provision

Development details (example)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Number of dwellings
1	50
2	50
3	50
4	50
5+	50

OR Where number of bedrooms is not known:

Total dwellings	50
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Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate (all people)	Cost
1	1.28	£6,048.00
2	1.76	£8,316.00
3	2.41	£11,387.25
4	2.85	£13,466.25
5+	3.11	£14,694.75
Total	-	£53,912.25

OR Where number of bedrooms is not known:

	Average occupancy rate (all people)	Cost
Total	2.20	£10,395.00

Costs per person

Standard charge of: £105 per person

Components:

- A standard of 30 square metres of library space per 1,000 population; and
- A library build and initial fit out/equipment cost of £3,514 per square metre

The standard in Wales is 27 square meters of library space per 1,000 population, so a reduction of 10% is made to the recommended charge to reflect this difference.

Standard charge of: £105 per person
- 10% to reflect difference in Welsh standards
= £94.50 per person

Sources:

Costs per person: "Public libraries, archives and new development: a standard charge approach", Museums, Libraries and Archives Council 2008, updated 2010, using Building Costs Information Service of the Royal Institution of Chartered Surveyors

Average occupancy rate: 2011 Census, Office for National Statistics

Appendix 8 Calculator and costs for health provision

Development details (example)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Number of dwellings
1	50
2	50
3	50
4	50
5+	50

OR Where number of bedrooms is not known:

Total dwellings	50
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Number of people expected to be resident in development

(average occupancy rate x number of dwellings x cost)

Where number of bedrooms for each dwelling is known:

Number of bedrooms	Average occupancy rate (all people)	Cost
1	1.28	
2	1.76	
3	2.41	
4	2.85	
5+	3.11	
Total	-	

OR Where number of bedrooms is not known:

	Average occupancy rate (all people)	Cost
Total	2.20	

Costs per person

See latest Building Cost Information Service figures. Licensing restrictions means that these cannot be published in this document.

Sources:

Average occupancy rate: 2011 Census, Office for National Statistics

Appendix 9 Glossary

Affordable Housing	Housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.
Annual Monitoring Report	Information on the implementation of the policies of the Local Development Plan. An annual report following LDP adoption based upon the period 1 st April – 31 st March.
Community Infrastructure Levy	The Community Infrastructure Levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The charges are set by the local planning authority, based on the size and type of the new development. The money raised from the Community Infrastructure Levy can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.
Department of Children, Schools and Families (DCSF) Basic Need Cost Multipliers	These give building costs per pupil place and are prepared annually by the DCSF. There is a separate cost multiplier for each phase of education (nursery, primary, secondary and sixth form) which reflect part of the costs of improving education infrastructure at schools. They are based on a weighted average of multipliers for extended and new schools.
Dwelling	Any type of self contained living accommodation, including a house, bungalow, flat, maisonette, annexe, etc however provided (new-build, conversion, sub-division, change of use, etc), apart from institutional use.
Heads of Terms	An outline of the main matters to be contained within and addressed by a planning obligation.
Intermediate Housing	Submarket housing which is above target rents but below open market levels. This includes various forms of shared ownership housing, key worker housing and submarket rent provision.
Local Planning Authority	The local authority that is empowered by law to exercise planning functions for a particular area of the United Kingdom – in this case, Conwy County Borough Council.
Major Planning Application	Definition of major application as set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012: <ol style="list-style-type: none">1. A residential development of 10 or more dwellings2. Residential development on a site of 0.5ha or more3. Development involving a building(s) with floorspace of 1,000 sqm or more4. Any other development on a site of 1 ha or more

Planning Condition	Specific requirements that are attached to a Planning Permission in order to overcome specific potential impacts that might otherwise arise from the development. Conditions may require specific action to happen (positive condition) or may prohibit a particular action (negative condition). A planning condition cannot require the payment of any monies.
Planning Obligation	A legally binding agreement or unilateral undertaking used to secure provisions to enable the development of land which may not otherwise be appropriate.
Section 106 Agreement	A legal document binding developers and the Council to carry out specific works or payments that are necessary to allow the development to go ahead.
Supplementary Planning Guidance	A document which is prepared to give greater guidance on how policies and proposals in the current development plan are to be implemented.
Travel Plans	Document detailing the potential transport impacts of a proposed development, and the ways of mitigating against these impacts.
Unilateral Undertaking	A planning obligation offered unilaterally by a developer to which the Council is not a signatory.
Welsh Office Circular 13/97	Welsh Office advice to local planning authorities on the use of planning obligations.

Appendix 10 Further Information

Further information and guidance on the issues relevant to the assessment of planning obligations can be obtained from:

Conwy County Borough Council:

Strategic Planning Policy Service

Contact details on inside cover page

Development Management Service (Applications and Planning Enforcement)

E-mail: regulatory.services@conwy.gov.uk

Phone: 01492 575247

Conservation Service

Email: regulatory.services@conwy.gov.uk

Phone: 01492 575250 / 575951 / 575285

Fax: 01492 512637

Legal Service

E-mail: legal@conwy.gov.uk

Phone: 01492 576108

Fax: 01492 576116

Environment, Roads and Facilities Service (For Highways, open space, countryside)

Mochdre Offices, Conway Road, Mochdre, Colwyn Bay, LL28 5AB

Phone: 01492 575337

Business & Enterprise Service

28 Wynnstay Road, Colwyn Bay, LL29 8NB

Phone: 01492 574522

Conwy Education Services

Government Buildings, Dinerth Road, Colwyn Bay. LL28 4UL

E-Mail: education@conwy.gov.uk

Phone: 01492 575031/032

Conwy Libraries Service

Library Building, Mostyn Street, Llandudno. LL30 2RP

Email: library@conwy.gov.uk

Phone: (01492) 576139

Community Development Service - Leisure

Library Building, Mostyn Street, Llandudno. LL30 2RP

Email: hamdden.leisure@conwy.gov.uk

Phone: 01492 575563/4

External bodies:

Natural Resources Wales

Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP

For all general enquiries contact 0300 065 3000 or email:

enquiries@naturalresourceswales.gov.uk

Cadw

Plas Carew, Unit 5/7, Cefn Coed, Parc Nantgarw, Cardiff, CF15 7QQ

E-mail: Cadw@Wales.gsi.gov.uk

Phone: 01443 33 6000

Fax: 01443 33 6001

The Royal Commission on the Ancient and Historical Monuments of Wales

Library and Enquiries Service, National Monuments Record of Wales, Plas Crug, Aberystwyth, SY23 1NJ

Email: nmr.wales@rcahmw.gov.uk

Phone: 01970 621200

Clwyd Powys Archaeological Trust

41 Broad Street, Welshpool SY21 7RR

Phone: 01938 553670

Gwynedd Archaeological Trust

Craig Beuno, Garth Road, Bangor, Gwynedd LL57 2RT

Email: gat@heneb.co.uk

Phone: 01248 352535

Architectural Liaison Officer (Crime Prevention Design Advisor) - Conwy & Denbighshire - Mr Ifan Hughes, MBE

Divisional HQ, Oxford Road, Llandudno, LL30 1DN

Email: ifan.hughes@north-wales.police.uk

Phone: 01492 805011

Menter Iaith Conwy

Y Sgwar, Llanrwst, LL26 OLG

Phone: 01492 642357