

Supplementary Planning Guidance

Planning Obligations



User Guide



1.0 The Aim of the Planning Obligations' Supplementary Planning Guidance

The purpose of this Planning Obligations' Supplementary Planning Guidance (SPG) is to explain how the Council will use obligations, to identify the types of development for which obligations can be required, and to explain both the legal content and the procedures involved when entering into obligations. The aim is to provide clarity and certainty to developers, statutory consultees, local residents and other organisations involved in the development process. The use of Section 106 Obligations should ensure that the key infrastructure and other enabling requirements are provided in the first instance to allow development to proceed. The range of activities which could require contributions are not prescriptive but will form the basis for further negotiation.

Whilst a blanket approach is not sought, it is necessary to have a consistent and transparent process so that applicants can be aware early on in the development process what the Council's expectations might be. It is important to note that not all of these obligations relate to every development proposal and a trigger point being reached does not necessarily lead to contributions for that activity being secured. However, they do provide an indication of what could be expected – for certain schemes one of the measures may be appropriate whilst for others a combination could be required. It may be necessary to determine the relative priority of different forms of provision in the context of the individual circumstances and planning objectives relative to each particular development proposal. This element of flexibility in the process should ensure that the viability of development schemes is not prejudiced.

2.0 Step by Step Guide to How Agreements are Developed

Step 1: Agreements usually apply to larger applications and are dependent on the planning merits of each case. In certain cases the matters for inclusion in an Agreement are first discussed at pre-application stage with a specific officer who will normally be the Principal Planner in the Major Projects Team. This is considered to be good practice as it informs the applicant as to what obligations may be required as early on in the planning process as possible.

Step 2: When an application has been submitted, all relevant internal departments, statutory and non-statutory bodies are consulted. The consultation responses will include any requirements for which a Section 106 Agreement will be necessary.

Step 3: Once consultations have been completed, a specific officer who will normally be the Principal Planning Officer in the Major Projects Team reviews the responses and gives consideration to matters for which contributions may be required.

Step 4: These requirements will be communicated to the applicant for discussion and feedback. A report is then prepared for Planning Committee setting out these requirements as part of the recommendation.

Step 5: Members of the Planning Committee have the opportunity to comment on any matters proposed in the Agreement and can vary these matters if thought fit.

Step 6: Provided that Members agree with the recommendation, they may resolve that subject to the applicant's entering into a Section 106 Agreement then permission would be granted for the development. Planning permission will only be issued once a Section 106 Agreement has been entered into.

OR: If it becomes clear that, subsequent to a resolution of the Committee to permit development (Subject to a Section 106 Agreement), the applicant is unwilling to enter into that Agreement then the application will be referred back to Committee, possibly with a recommendation for refusal.

Step 7: Following Committee approval, the Council's Head of Legal Services will normally draft the Legal Agreement and will coordinate the detailed negotiation over precise terms which are to be included.

Step 8: Once signed and consent is issued, it is the responsibility of a specific officer who will normally be the Principal Planning Officer in the Major Projects Team primarily to maintain the monitoring database and to ensure that the requirements of the Agreement are discharged. An Agreement is a legal document and any failure to comply could result in the Council taking legal action.

3.0 How Obligations are Considered

If an application is subject to an Agreement (See the thresholds set out in Section 4.0) then the following process will be followed. A specific officer who will normally be the Principal Planner in the Major Projects Team will:

- 1) **Contact the relevant internal departments with details of the proposal and request a breakdown/justification of the contributions sought. Whilst the thresholds that form the basis of the obligations provide a maximum requirement it will be made clear that the contributions sought must be supported by evidence of need, be justified and be relevant to the application being determined.**

On most applications the need for obligations relating to the following will be assessed:

- Affordable Housing
- Education
- Outdoor Play Space
- Transport

The need for obligations relating to the following will be assessed where appropriate:

- Employment and Enterprise
- Biodiversity
- Public Art

- 2) **Review the responses and give consideration (where appropriate in consultation with the Local Member(s)) to the matters for which contributions may be required. This may involve for certain schemes one of the measures being appropriate whilst for others a combination could be required. It may be necessary to determine the relative priority of different forms of provision in the context of the individual circumstances and planning objectives relative to each particular development proposal. This element of flexibility in the process should ensure that the viability of development schemes is not prejudiced.**
- 3) **Communicate the specific requirements to the applicant for discussion and feedback.**

4.0 Planning Obligations and the Basis for Contributions

Obligation	What is the Obligation for?	Basis of the Obligation	Do Thresholds Apply?	Which Section of the SPG?
<p>Affordable Housing</p>	<p>To ensure where appropriate the provision of on-site or contributions towards off-site affordable housing provision.</p>	<p>UDP Policy HC3 (Affordable Housing)</p> <p>UDP Policy EV18 (Local Needs Affordable Housing)</p> <p>City and County of Swansea Council: Local Housing Market Assessment</p>	<p>Who does the Calculation:</p> <p>Planning Services will use the basis of the appropriate UDP policies to calculate the provision of affordable housing but will consult with the Housing Department to ascertain the overall demand/need.</p> <p>How is it Calculated:</p> <p>Thresholds are based on the scale of residential development outlined in the Unitary Development Plan. Housing developments of 25 or more dwellings or sites of 1ha or more or phases of such developments.</p> <p>Large and small villages subject to Policies EV16 and EV17 and Swansea West Strategic Housing Policy Zone a percentage of affordable housing in new housing schemes will be sought on developments of 10 or more dwellings or sites of 0.4ha or more or phases of such developments.</p> <p>In exceptional circumstances permission may be granted for the development of small sites within and adjoining settlements. This would be for the specific purpose of providing affordable housing to meet existing deficiency for people who need to live in the locality and who cannot reasonably be accommodated through the area's general housing market.</p> <p>The exact amount of affordable housing to be provided on sites will depend on the merits and circumstances of each proposal but given the housing need identified in the Local Housing Market Assessment a target of 25-30% affordable housing will normally be expected.</p>	<p>Part 3 – Paragraph 3.2</p>

<p>Education</p>	<p>To ensure that where appropriate necessary improvements to local schools' infrastructure are properly met through developer contributions.</p>	<p>City and County of Swansea Council: 'A Better Swansea – Schools for the Future'</p> <p>City and County of Swansea Council: Quality in Education Programme (QEd 2020)</p>	<p>Who does the Calculation:</p> <p>The Education Department will establish if the new development generates a need for any specific facilities or if there is surplus capacity which the development could take up. If need is generated, a formula is provided to calculate contributions based on housing type and number of bedrooms.</p> <p>How is it Calculated:</p> <p>In general, contributions will be sought from proposed developments (including mixed use developments) containing the equivalent of 10 or more new dwellings. Contributions will not normally be sought on sites smaller than 10 units although the cumulative impact of incremental developments will be considered, as will contributions for smaller developments in areas where there is particular pressure on local schools.</p> <p>The school provision required may include land and/or buildings for a new school or an extension to an existing school to increase capacity and/or improve facilities to make the available capacity suitable (i.e. fit for purpose) and so increase the capacity of the school to meet the needs of additional pupils. Sometimes contributions from a number of sites may be required to enable school infrastructure improvements.</p>	<p>Part 3 – Paragraph 3.3</p>
<p>Outdoor Play Space</p>	<p>To ensure that areas of open space should be provided in accordance with the National Playing Fields Association Standard. The provision should be well related to the housing that it is intended to serve with the exact form and type having regard to the nature and size of the development and the needs of the residents.</p>	<p>UDP Policy HC24 (Play Areas/Public Open Space)</p> <p>National Playing Field Association Standard</p>	<p>Who does the Calculation:</p> <p>The Culture and Tourism Service will first of all calculate the outdoor play requirements for a development using the National Playing Fields Association (or now referred to as the Fields in Trust) standard. They will then compare this figure with the current levels of provision within the affected ward/locality and calculate the contributions made payable.</p> <p>How is it Calculated:</p> <p>NPFA standard of 2.4 hectares per 1000 population represents the minimum scale of provision that will be sought throughout urban Swansea. This can be broken down to square metre requirement per person of:</p>	<p>Part 3 – Paragraph 3.4</p>

			<p>Formal Play Space: 1.6 ha per 1000 population (16 m² per person/48 m² per person) Children's Equipped Area: 0.3 ha per 1000 population (3 m² per person/9 m² per house) Informal/Casual Play Space: 0.5 ha per 1000 population (5 m² per person/15 m² per house)</p> <p>Once the level of deficiency is provided then the cost can be calculated:</p> <p>Provision (Per dwelling) Children's Equipped: £839 Formal Play: £781 Informal Play: £135</p> <p>Maintenance (Per dwelling/10 years) Children's Equipped: £137 Formal Play: £495 Informal Play: £69</p>	
Transport	To ensure that where new developments pose a significant impact on the transport infrastructure and services (in terms of traffic movements and also on public transport, cycling and pedestrian movement) they should contribute towards the mitigation of the negative impacts and also to transport improvement measures.	<p>UDP Policy AS1 (New Development Proposals)</p> <p>UDP Policy AS6 (Parking)</p>	<p>Who does the Calculation:</p> <p>The Transport Section will calculate the required contribution using the Trip Rate Information Computer System (TRICS) database.</p> <p>How is it Calculated:</p> <p>Necessary access, local works, and on-site works will be determined by the Transport Section. The individual contribution will reflect the overall transport impact(s) and implication(s) and therefore determine a cost which can be put towards mitigation.</p>	Part 3 – Paragraph 3.5
Employment and Enterprise	To ensure that in delivering regeneration projects that social benefit clauses are included in contracts and/or development agreements to promote initiatives that will allow local supply chains to benefit and local people to be employed and/or trained as an integral part of the development process.	<p>City and County of Swansea Council: Swansea 2020 Economic Regeneration Strategy</p> <p>City and County of Swansea Council: Beyond Bricks and</p>	<p>Who does the Calculation:</p> <p>The Economic and Strategic Development Division's Beyond Bricks and Mortar Team will make a case for the inclusion for each of the social benefits identified.</p> <p>How is it Calculated:</p> <p>It is anticipated that developments of a value of £2million and over could require Social Benefits targets</p>	Part 3 – Paragraph 3.6

		Mortar Initiative	in the form of targeted recruitment and training requirements and supply chain initiatives in the first instance. However, notwithstanding this threshold of £2million all developers will be required to enter into dialogue with the Council to assess the possibility of a contribution to targeted recruitment and training and supply chain initiatives.	
Biodiversity	To ensure that all new development adheres to the principle of biodiversity conservation by incorporating measures that maintain and enhance biodiversity.	Swansea Local Biodiversity Action Plan	<p>Who does the Calculation:</p> <p>Planning Services (in consultation with the Environment and Conservation Section) will ensure that where a development proposal is likely to significantly affect features of biodiversity or geological conservation interest, it will be necessary to submit with the planning application sufficient information on what those effects are.</p> <p>How is it Calculated:</p> <p>The Biodiversity Action Plan identifies a list of features which will require such additional information. In some cases this additional information may be required based on a survey of affected species, habitats or geological features and assessment of impacts. What is required will depend on the likely significance of the features and the scale and significance of the likely impacts, and the level of information already available.</p>	Part 3 – Paragraph 3.7
Public Art	Seeks to realise the production and installation of artworks within or close to key development sites for the specific enhancement of the ‘public faces’ of these sites.	<p>UDP Policy EV5 (Art in the Environment)</p> <p>City and County of Swansea: Percent for Art SPG (1990)</p>	<p>Who does the Calculation:</p> <p>Planning Services will aim to secure a contribution towards public artworks on significant sites.</p> <p>How is it Calculated:</p> <p>It is proposed that a contribution in the region of 1% of the capital costs of the proposed development towards the provision of specific works of public art on significant sites primarily within the City Centre, the Waterfront and major development areas. The Council will also welcome public art contributions from smaller scale developments towards small on site works or towards the Public Art Fund for the provision of public art works across the County.</p>	Part 3 – Paragraph 3.8

