

# Supplementary Planning Guidance

# Planning Obligations



Published March 2010



# Contents

## Part 1: Background

Page Number

1.1	Introduction	1
1.2	Existing Planning Policy Framework	2
1.3	How are Obligations Secured?	3
1.4	Types of Contributions	4
1.5	Who May Enter Into a Planning Obligation?	5

## Part 2: How Agreements are Developed

2.1	Introduction	6
2.2	Step by Step Guide to How Agreements are Developed	6
2.3	What Can an Agreement Contain?	7
2.4	Pre Application Advice	8
2.5	Priorities for Planning Obligation Contributions	8
2.6	Flexibility and Site Viability	8
2.7	Payment of Contributions	9
2.8	Phasing and Trigger Points	10
2.9	Legal Fees	10
2.10	Management and Monitoring Fees	10
2.11	Monitoring	11
2.12	Enforcement	11

## Part 3: Types of Obligation Contributions

3.1	Introduction	12
3.2	Affordable Housing	13
3.3	Education	19
3.4	Outdoor Play Space	25
3.5	Transport	29
3.6	Employment and Enterprise	33
3.7	Biodiversity	40
3.8	Public Art	45

## Appendices

1	– Section 106: Planning Obligation Procedure	49
2	– UDP Policies Relating to Planning Obligations	50
3	– Summary of the Six Acre Standard	53
4	– Identification of Cost: Outdoor Play Spaces	58
5	– Accessibility Bandings for the City & County of Swansea	60
6	– Contact Point	61
7	– Appropriate Web Sites/Links	62

# Part 1: Background

## 1.1 Introduction

Development has an impact on society, its environment and the way that it functions. The planning system aims to mitigate these impacts and where possible deliver benefits through new development. Planning obligations, also known as Section 106 Agreements, are legal agreements between a developer and the Local Planning Authority (LPA) and any others that have an interest in the land. They are the means by which LPAs aim to balance the impact of developments with improvements to local infrastructure, facilities or services.

In dealing with planning applications, LPAs consider each on their own particular merits and reach a decision based on whether the application accords with relevant development plan policies unless material considerations indicate otherwise. Where applications do not meet these requirements, they will be refused. However, in some instances it may be possible through the use of planning conditions to make development proposals acceptable, which might otherwise have been unacceptable. Where conditions are not appropriate, the LPA will seek to mitigate the impacts of unacceptable proposals through planning obligations.

This Supplementary Planning Guidance (SPG) is intended to explain how the Council will use obligations, identify the types of development for which obligations can be required, and 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 SPG has been split up into the following three parts:

- Part 1:** Sets out the policy background and framework;
- Part 2:** Outlines the procedure for preparing a Section 106 Agreement;
- Part 3:** Deals with the types of obligation contributions in more detail.

## 1.2 Existing Planning Policy Framework

The Town and Country Planning Act 1990 (Section 106) gives powers to local authorities for Agreements to be negotiated in the context of the granting of planning consent. This enables developer contributions to be made towards infrastructure and services necessary to facilitate development. Planning obligations or Agreements therefore provide the means by which benefits to the community are legally secured, particularly when such gain cannot be achieved by conditions. The relevant national legislation and government guidance that currently exists in relation to planning obligations are set out below:

### ***National Policy***

Section 12(1) of the *Planning and Compensation Act 1991* updated Sections 106, 106A and 106B of the *Town and Country Planning Act 1990* to create a single Section 106. It introduces the concept of planning obligations, and identifies two types, namely a “Section 106 Agreement” and a “Unilateral Undertaking”.

Welsh Office *Circular 13/97*, “Planning Obligations”, provides LPAs with the Welsh Assembly Government’s (WAG) current guidance and sets out the benefits which can be secured from such Agreements and the role of development plan policy.

The Circular highlights the fact that any contribution must be:

- ***Necessary;***
- ***Relevant to planning;***
- ***Directly related to the proposed development;***
- ***Fairly and reasonably related in scale and kind to the proposed development;***
- ***Reasonable in all other respects.***

Paragraph 4.7.1 of *Planning Policy Wales (2002)* refers to planning obligations, mirroring the references in *Circular 13/97*. It notes that when granting planning permission LPAs may seek to enter into a planning obligation with a developer to:

- ***Restrict development or use of the land;***
- ***Require operations or activities to be carried out, in, on, under or over the land;***
- ***Require the land to be used in a specific way; or***
- ***Require payments to be made to the authority either in a single sum or periodically.***

## **Council Policy**

The policy context for negotiating planning obligations is set out in the Council's Unitary Development Plan (UDP), which states:

### **Policy HC17 Planning Obligations**

***In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:***

- (i) Improvements to infrastructure, services or community facilities;***
- (ii) Mitigating measures made necessary by a development; and***
- (iii) Other social, economic or environmental investment to address reasonable identified needs.***

***Provisions should be fairly and reasonably related in scale and in kind to the individual development.***

The amplification of this policy states *“To assist in the implementation process, occasions may arise where there is a need to seek agreements with developers for measures that cannot be achieved by the use of conditions attached to a planning permission. Section 106 of the Town and Country Planning Act 1990 (as amended) enables the Council to reach agreements with developers, or for developers to give undertakings, for such measures to be carried out in association with a development, referred to as planning obligations. These obligations can enhance the quality of development and enable proposals to go ahead which might otherwise be refused”*.

## **1.3 How are Obligations Secured?**

Planning obligations are secured by a formal deed whether “Unilaterally” or by “Agreement”. It is anticipated that the majority of planning contributions will be secured through the prior completion of a Section 106 Agreement. Where a planning obligation is carried out by a developer, this is considered to be a contribution “in kind” rather than paying a financial contribution to the Council. The Council will consider Unilateral Undertakings where they are appropriately worded. When an obligation is entered into by Agreement, it will be signed and sealed by the Council. It will contain covenants (the planning obligations) covering the matters the landowner agrees to do/agrees not to do, and the circumstances and timescales within which these matters will occur.

Where appropriate it will also contain a plan showing the land to which it relates.

## 1.4 Types of Contributions

Only development proposals with significant impacts will need an Agreement to be completed before planning permission is granted. If an Agreement is required the applicant will be advised of the main requirements and reasons. When negotiating the level of contributions that will be required, the LPA will take into account any abnormal costs that developers may face and any implications to the overall viability of the proposal (Appendix 1 sets out a step by step guide to the process). Examples of obligations can include:

- **Affordable homes;**
- **Community facilities, including library facilities, community halls;**
- **Habitat conservation and improvement;**
- **Highways, transport and travel schemes;**
- **Landscape improvements;**
- **Utilities;**
- **Flood prevention measures;**
- **Archaeological requirements;**
- **Local labour and training initiatives;**
- **Maintenance payments (relating to obligations);**
- **New open space;**
- **Pedestrian, cycle and public transport improvements;**
- **Pollution control contributions;**
- **Public art provision;**
- **Health care facilities;**
- **Public realm provision.**

Different types of contributions can include:

- **In kind and financial contributions (e.g. A standard contribution for the improvement of open spaces and play areas within the vicinity of a development);**
- **One off payments (e.g. Providing new permanent classroom space in order to meet rising school rolls);**
- **Phased payments (e.g. For infrastructure provision commencing with a new footpath during the initial phase of construction, followed by a new bus link later in the scheme);**
- **Maintenance payments (e.g. Open space maintenance fund);**
- **Pooled contributions across more than one development or area (e.g. To provide essential infrastructure).**

## 1.5 Who May Enter Into a Planning Obligation?

As planning obligations run with the land, all owners, lessees, mortgagees and any other person having an interest in the land should be signatories. Planning obligations are legally enforceable against the owner(s) (including their successors in title) of the land to which the obligation relates. This means that generally only parties with an interest in the land can enter into obligations even if a prospective purchaser/developer has applied for the planning permission (although it is possible for prospective purchasers to be party to the obligations where they have exchanged contracts to purchase).

## Part 2: How Agreements are Developed

### 2.1 Introduction

Not all planning applications will be subject to planning obligations. Only development proposals with significant impacts will need a planning obligation to be completed before planning permission is granted. Generally, developers will not be required to contribute towards resolving existing problems or deficiencies in facilities. However, they may be required to make a contribution towards resolving existing problems if the proposed development would make things worse. The Council will work with its partners to complete and monitor planning obligations. All partners will be required to provide the Council with clear justification for the contributions that they will wish to seek as a result of future development proposals.

### 2.2 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 (See contact details in Appendix 6). This is considered to be good practice as it informs the applicant as to what obligations may be required at an early stage 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 Team will normally be instructed to 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 management and 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.

## 2.3 What Can an Agreement Contain?

A Section 106 Agreement will usually contain the following details:

- **The date of the Agreement, and between whom it is made;**
- **Definition of words or phrases contained in the Agreement which may require reference or clarification;**
- **If the Agreement is being drawn up during the processing of the planning application it will include the condition that planning permission must be granted for the Agreement to take effect;**
- **Applicant's liabilities and how they are affected following sale of the land;**
- **Land Registry registration;**
- **Site details and nature of development;**
- **Provisions or restrictions required in the Agreement (i.e. the detail of the actual undertaking). This may include a description of provisions required and an explanation of important elements;**
- **Signatures of applicant, Council official and witnesses. This is subject to amendment depending on the issues involved. Applicants can be assured that all the issues will be explained fully to prevent any uncertainty.**

## **2.4 Pre Application Advice**

The Council encourages developers to enter into an early dialogue with the Principal Planning Officer in the Major Projects Team (See contact details in Appendix 6) to identify issues and their possible solution before a planning application is made, as well as establishing any local community views and priorities on planning obligations. The guidance offered in Part 3 of this document will provide the basis for pre-application discussions and advice. Developers are advised to use any pre-application dialogue to clarify the scale and scope of planning obligations likely to be sought, including the value of any financial contributions. This will be of particular importance in informing developers when acquiring sites for development.

## **2.5 Priorities for Planning Obligation Contributions**

The use of Section 106 Agreements 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, identified in Part 3 of the guidance are not prescriptive but will form the basis for further negotiation. Trigger points are identified for each type of activity seeking Section 106 contribution which means that this is then considered in determining what contributions should be sought. This consideration should be supported by evidence of need, be justified and relevant to the application being determined.

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.

## **2.6 Flexibility and Site Viability**

Where a developer contends that the Section 106 requirements are too onerous and will potentially make the scheme unviable, they will be

expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure that they are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and/or value of planning obligations sought. In most cases the developer will be expected to cover the costs of this verification process. Any subsequent reduction on this basis is only likely to be justified where there is planning merit and/or public interest in the site being developed e.g. the reuse of a listed building or the regeneration of an urban area.

Where the reductions are justified on the basis of unusual market circumstances, such as an unpredicted drop in house prices, the Council will usually require developers to agree to timely review points in their Section 106 Agreement to take account of any subsequent up-turn in the market which would make additional planning obligations feasible.

## **2.7 Payment of Contributions**

In order for the Council to provide the services sought by an Agreement in a timely manner, it is necessary to secure early payment of any financial contributions. Contributions will normally be paid on commencement of the development (as defined by Section 56 of the 1990 Town and Country Planning Act).

Contributions will be index linked from the date of resolution to grant permission until the date that development is due to commence. Building and construction costs do not follow the Retail Price Index (RPI) as they are determined more by the volume of work being carried out or in the pipeline at the time. The two price indices most commonly used to assess these costs are: the Building Cost Information Service (BCIS) published by the Royal Institution of Chartered Surveyors, and the Building Price & Cost Indices published by the Department of Trade & Industry (DTI). The BCIS gives a cost analysis of various types of buildings as well as forecasts of tender and building costs, whilst the DTI publication gives a series of indices of historic costs as well as future projections. The DTI Bulletin of Indices covers landscape maintenance costs. The Council will use the most appropriate of these two sets of indices to provide a guide to the construction and other costs of new infrastructure and facilities that are required. The RPI will be used for non-capital contributions.

Dates for payment will be included in the Agreement, as will any time periods by when the contributions are to be spent. This will ensure that the contribution secured in the Agreement will be sufficient at the time of payment to facilitate the project/works it has been secured towards.

Financial contributions will be held in interest bearing accounts and any unspent contributions at the end of the time period specified in the Agreement will be returned to the payee along with any interest accrued.

## **2.8 Phasing and Trigger Points**

When assessing major strategic developments or mixed-use schemes, phasing is an important consideration for the LPA. Section 106 Agreements provide a useful mechanism to ensure that developments are phased to secure the delivery of mixed communities and appropriate infrastructure. When stipulating phasing obligations, the Council will need to have regard to site specific circumstances and viability issues. Most Section 106 Agreements will include trigger points which specify when a particular planning obligation is due. These will usually be at key stages in the implementation of the planning permission such as 'commencement of development' or 'first beneficial occupation'. Trigger points offer a useful mechanism to ensure that the delivery of planning obligations is timely. When deciding upon appropriate trigger points, the Council and the developer will need to consider when the facilities or services to be provided under the planning obligation are needed to serve the development and also have regard to site viability and delivery issues. It is essential that the trigger points are clear, specific and enforceable to ensure that planning obligations will be delivered.

## **2.9 Legal Fees**

Agreements will normally be drafted by the Council's Legal Services Team, or by solicitors acting on its behalf. Developers will be required to pay the Council's costs in drafting and dealing with the Agreement (normally calculated at an hourly rate). The Council's legal costs will be paid even when the development does not go ahead.

In some cases, the developer may choose to draft the Agreement themselves. In such cases, the Agreement would need to satisfy the planning obligation requirements deemed to be necessary by the LPA. In addition, the Agreement must be checked by the Council's legal representatives and the developer will be expected to cover the reasonable costs of doing so.

## **2.10 Management and Monitoring Fees**

The costs incurred in the management and monitoring of the obligations will be based on either 20% of the planning fee or 2% of the value of the obligations in the Section 106 Agreement (whichever is the greater and subject to a minimum charge of £150).

## **2.11 Monitoring**

The Council has created a database to record and monitor effectively all planning obligations and to establish whether or not the terms have been adhered to. Planning Services has the responsibility for monitoring this process to ensure that all obligations are complied with by both the developer and the Council. An annual monitoring report will be prepared at the end of each financial year, summarising the types of planning obligations completed and how the contributions have been used.

## **2.12 Enforcement**

Developments subject to Section 106 Agreements are continually monitored. Where it is found that an Agreement is not being complied with the Council will in the first instance, informally seek to enforce compliance. If this approach remains unsuccessful then the Council's Legal Services Team may serve a Mandatory Injunction upon the landowner and/or signatory of the Agreement to ensure compliance.

# Part 3: Types of Obligation Contributions

## 3.1 Introduction

The following section provides detailed guidance in relation to the range of measures for which obligations may be sought, inclusive of policy background, formulae and where appropriate thresholds. Trigger points for each activity are included to determine what contributions, for what activities, should be sought from an individual development. The information identified is subject to change therefore it is advisable that early contact with the Principal Planning Officer in the Major Projects Team takes place (See contact details in Appendix 6). The types of obligation contributions considered are:

### Affordable Housing



### Education



### Outdoor Play Space



### Transport



### Employment and Enterprise



### Biodiversity



### Public Art



## 3.2 Affordable Housing

### 3.2.1 Policy Background

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. In areas where a demonstrable lack of affordable housing exists, new developments will be expected to incorporate a reasonable mix of house types and size to cater for a range of needs. The WAG has identified the planning system as one of the key mechanisms that will provide affordable housing, in its concern to provide sustainable and inclusive communities. It expects affordable housing to be part of the mix of most market housing developments, which will be secured through planning conditions or Section 106 Agreements. The requirement to provide affordable housing will also depend upon factors such as site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives.

There are problems of affordability across the County, in particular for first time buyers, and also in areas where supply is restricted due to environmental constraints, such as within the Gower Area of Outstanding Natural Beauty. In these areas there is a lower threshold for the inclusion of affordable housing on sites of 10 or more dwellings or over 0.4 hectares. Policy HC3 (Affordable Housing) of the UDP highlights the fact that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites (Policy HC3 is set out in full in Appendix 2). However, as a guideline, and so as not to prejudice the viability of schemes, developments of 25 or more units or sites of over 1 hectare in the urban area will be appropriate for the inclusion of affordable housing. The subdivision, separate ownership, or phasing of larger allocations/development sites to fall below this threshold will not overcome the requirement to provide affordable housing.

In exceptional circumstances permission may be granted for the development of small sites within and adjoining settlements. Policy EV18 (Local Needs Affordable Housing) refers primarily to the small and large villages set out in Policies EV16 and 17 respectively and is intended to help sustain local communities (Policy EV18 is set out in full in Appendix 2). It is important to stress that releases under this “exceptions” policy are not expected to be extensive or numerous and that in all cases confirmation of need will be required to be demonstrated.

### 3.2.2 Trigger for Planning Obligation

Increasing the supply of affordable housing is a major challenge facing the whole of Wales. The current economic recession and banking crisis have thrown the housing market into turmoil. Falling house prices and the inability, particularly of first time buyers, to secure mortgages have resulted in a dramatic downturn in private sector construction activity, starts and the submission of planning applications for new residential developments.

#### (i) **Definition of Affordable Housing**

Affordability is related to income levels and market prices: whether housing is affordable is defined as the ability of households to purchase or rent property that satisfies their needs on the open market. In Wales, 'affordable housing' refers to housing with secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and to subsequent occupiers (Technical Advice Note 2 – Planning and Affordable Housing).

TAN 2 defines affordable housing as:

*“Housing provided to those whose needs are not met by the open market”.*

#### **Affordable housing should:**

- **Meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and**
- **Include provision for the home to remain affordable for future eligible households, or if a home ceases to be affordable or staircasing to full ownership takes place, any subsidy should generally be recycled to provide replacement affordable housing.**

Affordable housing need is addressed by two main categories of housing provided with private (Social Rented) and/or public subsidy (Intermediate).

This breaks down into two sub-categories:

**Social Rented Housing** – Provided by local authorities and Registered Social Landlords (RSL) where rent levels have regard to WAG’s guideline rents and benchmark rents; and



**Intermediate Housing** – Where prices or rents are above those of social rented housing but below market housing prices or rents. This can include equity sharing schemes (for example Homebuy). Intermediate housing differs from low cost market housing, which WAG does not consider to be affordable housing for the purpose of the land use planning system.

In securing the provision of affordable housing in connection with a market residential development, the Council's preferred method of delivery is:

- **Affordable housing will be normally be provided on-site to help create socially balanced communities;**
- **Off-site provision will only be acceptable at an agreed appropriate alternative site usually within the locality and a higher proportion of affordable housing will be sought;**
- **Financial contributions will only be acceptable as an option of last resort and will only be considered when off-site provision is not feasible.**

**(ii) Housing Need**

WAG guidance on housing units and planning has emphasised the requirement for local authorities to assess housing need. A Local Housing Market Assessment (LHMA) which assessed the dynamics of the housing market in and around Swansea was completed in 2007 and underpins the Council's Local Housing Strategy. The LHMA established that there is an affordability problem within Swansea and suggested that to meet housing needs, there is a need for 610 new affordable dwellings to be provided annually over the next five years. In terms of the profile of market and affordable housing the LHMA suggests that there are shortages of all sizes of accommodation. By using a balanced housing market model where consideration is given to the role of housing benefit, a need is identified for 851 new dwellings per annum to be built within the County of which 221 should be affordable units, resulting in an affordable housing target of 25 - 30% of all new dwellings. The target requires more Intermediate housing than Social Rented, to meet the overall demand/need for affordable housing in Swansea. This target includes affordable housing from all sources and not just those secured via planning obligations. These figures are subject to change given that WAG's Draft Guidance on Affordable Housing Delivery Plans aims to ensure that the supply of affordable housing in Wales increases by at least 6,500 homes by 2011.

To achieve the above target, all local authorities in Wales have been requested to produce an Affordable Housing Delivery Statement (AHDS)

The Councils AHDS sets out proposals to maximise current and future opportunities to deliver affordable housing within the County. The statement establishes at the local level, clear targets setting out various means by which affordable housing will be delivered through the Council's strategic housing and planning functions, and to provide direction and support to individuals and organisations involved in affordable housing delivery.

### 3.2.3 Basis for Calculation

It is recognised that a pragmatic approach to negotiations is required and, where it can be demonstrated that other overriding 'material considerations' exist or scale of provision is not supported by local needs, the Council's requirement for 'on site' provision may be less.

Section 106 Agreements will be based on the following:

#### (i) ***Size of Site***

The Council will generally negotiate the provision of affordable housing on all developments containing 25 or more dwellings or sites of more than 1 hectare. In Swansea West plus the large and small villages identified by UDP Policies EV16 (Small Villages) and EV17 (Large Villages), the provision of affordable housing will be sought on developments of 10 or more dwellings/sites of 0.4 hectares or more or phases of such developments.

#### (ii) ***Determining the Proportion and Mix of Affordable Housing on a Site***

In seeking to negotiate an element of affordable housing on a site the Council will take into account:

- **Site size;**
- **Suitability;**
- **The economics of provision and the availability of finance;**
- **Whether there will be particular costs associated with the development of the site;**
- **Whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.**

The exact amount of affordable housing to be provided on sites will depend on the merits and circumstances of each proposal, but negotiations will take into account the factors highlighted above. However, given the housing need identified in the LHMA, the Council will normally expect that 25 - 30% of all dwellings will be affordable housing.

Viability testing is an intrinsic part of calculating the level of provision on any particular site and the amount of provision will be determined through the planning application process rather than post decision. When considering the appropriate level of viability of proposals the Council will appraise the development in accordance to figures supplied by the developer. These figures will be scrutinised to assess whether the level of provision offered is acceptable to the Council. Currently this scheme appraisal work is being undertaken by officers within the Council.

The Council's preferred method of achieving affordable housing is for developers to build affordable units (on-site) for transfer to a Registered Social Landlord/the Council.

Off-site provision or the payment of a commuted sum will only be agreed in exceptional circumstances when the Council accepts that on-site provision is not possible and such off-site provision can be secured at the time of entering into the obligation i.e. an alternative site can be identified.

The location of the site will determine the tenure and size of affordable housing need that the Council will seek to address. Some UDP housing allocations as a result of their location may not be well suited to those most in need of affordable housing. In such situations, the Council is likely to prefer that in lieu of helping to provide affordable housing on-site, developers make financial or off-site contributions to enable provision in more appropriate locations. The Council will endeavour at an early stage in negotiations to indicate how the affordable housing should be provided.

### **(iii) *Layout/Design***

Affordable housing layouts will comply with the Council's general design guidance and standards for new residential development and WAG Development Quality Requirements (DQR) for RSL.

The DQR standards ensure that homes are flexible and responsive to the needs of the occupants and are capable of meeting the changing needs of the variety of households likely to occupy a house during its design life. The standards also require that new homes contribute towards achieving a more sustainable housing stock by setting the required Code for Sustainable Homes level and energy efficiency standards in excess of current building regulations.

Affordable housing should not be concentrated in one part of a development. For larger developments in particular, the affordable housing should be located in clusters throughout the site. Developers should discuss and agree design specification issues at the earliest stage possible.

**(iv) Perpetuity**

The Council requires all affordable housing to be provided in perpetuity through the use of a Section 106 Agreement. Where Low-Cost home ownership units have been secured via Section 106 Agreement, the equity will be initially held by the Council or its partnering RSL. Following the re-sale of the affordable unit as an open market property, the equity share will be re-cycled to fund new affordable housing elsewhere within the County.

**(v) Phasing**

Whether affordable housing is provided on or off-site, its delivery will normally be linked to the completion of a specified percentage of the general market housing on the site to ensure the scheme is developed as a whole. Where a large development is proposed in phases, the number of affordable housing units should also be phased to further integrate general market and affordable housing. Such phasing should provide the necessary infrastructure for the affordable housing to be occupied prior to commencement of a new phase. In those exceptional circumstances where commuted payments are involved, agreement will need to be reached on staged payments.

**(vi) Student Housing**

Student housing is not considered to be affordable housing for the purposes of the UDP and does not count towards meeting the overall affordable housing target for the County.

## 3.3 Education

### 3.3.1 Policy Background

The Council is committed to further improving school performance and reviewing the overall provision of schools. In support of this it has published a document 'A Better Swansea – Schools for the Future', which seeks to focus on developing a strategy for a comprehensive review of school places and the nature of school provision for the next 15 years. The document identifies a number of issues affecting primary and secondary education in Swansea that have land implications. This includes the condition of schools; significant falling pupil numbers and surplus places in the English-medium secondary sector; increasing demand for, and over capacity of, the Welsh-medium education sector; and improving the use of existing resources. In addition, the Council's Quality in Education programme (QEd 2020) launched following the publication of the Education Asset Management Plan in 2007, showed a backlog of maintenance in schools, including ageing heating and electrical systems and leaking buildings. The Council already spends millions of pounds annually on maintenance, but QEd 2020 will generate and target additional funding to provide modern, thriving schools which more adequately meet the needs of staff, pupils and their communities.

### 3.3.2 Trigger for Planning Obligation

In considering proposals for development the Council will, where appropriate, ensure that the necessary improvements to local schools' infrastructure are properly met through developer contributions. 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 capability 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.

There are complex and changing patterns of demand for school places and whilst there is surplus capacity in some areas, there are also areas where there are pressures on existing provision. In particular:

- **There continues to be growing demand for Welsh medium provision;**
- **There can be implications for schools operating increasingly closer to the level of the school capacity and the capacity can itself be influenced by factors unconnected with the resourcing needs and facilities of the school (e.g. a change in WAG**

**formula can at a stroke create additional surplus capacity on paper – or vice versa);**

- **Existing surplus capacity may often be in temporary or other accommodation which is no longer capable of providing a suitable standard of accommodation without further investment. School accommodation should provide a learning environment that is attractive to children and their parents from the proposed development.**

There can also be wider implications for transport, highways measures, available walking routes to schools, and the impact of an increase in traffic immediately outside the school(s) affected by the development, irrespective of whether there is surplus capacity in the school(s) concerned.

**(i) *Establishing the Need for a Developer’s Contribution***

In view of the difficulty of estimating the number of additional pupils arising from new housing developments, as well as taking account of the potential complications outlined above, developer contributions are based on a fairly simple and objective formula for each additional dwelling.

The Council seeks contributions for all age groups (including early years and sixth form provision) for all maintained schools, i.e. community, voluntary aided and foundation schools (both English and Welsh medium). In general, contributions will be sought from proposed developments (including mixed use developments) containing the equivalent of 10 or more new dwellings where:

- **There is potential to increase demand on local schools beyond their existing or planned capacity; and/or**
- **Existing surplus capacity is of unsatisfactory standard and would require investment to make it suitable for children generated from the proposed development.**

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 from smaller developments in areas where there is particular pressure on local schools.

The only forms of dwellings excluded will be:

- **Bed-sits and 1 bedroom dwellings – as these are unlikely to be occupied by households with children of school age;**
- **Sheltered/elderly person housing and student housing – which is incapable of occupation for general purpose housing by virtue of its internal layout, ownership or management or which has occupancy restricted by planning condition or legal agreement.**

In some cases it is unclear where additional children arising will go, and the actual impact of a housing development may be on a different school to that initially envisaged. In such circumstances it may be appropriate for the financial contributions to be paid and held in reserve pending confirmation of the impact on neighbouring schools and hence the most appropriate use of the available funding (subject to all potentially affected schools being at maximum capacity).

**(ii) *Determining an Appropriate Level of Contribution***

For schools, the basic process in determining need is to look at:

- **The estimated pupil numbers to be generated by the proposed development;**
- **The capacity of the catchment area schools and existing and forecast school rolls, identifying where there is a shortfall in accommodation giving rise to the need for additional provision;**
- **The suitability of existing school accommodation in the context of current legislation and regulation e.g. fit for purpose classroom sizes.**

Detailed advice on the methodology for identifying the need for, and calculating the amount of developer contributions required for the provision of school places is set out below on the basis of 2001 Census data and other relevant local data.

- **0.31 primary school places per relevant residential unit (0.07 for flats and apartments);**
- **0.22 secondary school places per relevant residential unit (0.05 for flats and apartments);**
- **0.04 post 16 places per relevant residential unit (where applicable) (0.01 for flats and apartments).**

An assessment will also be undertaken to establish the anticipated distribution of places based on parental preferences such as for Welsh medium and Voluntary Aided schools.

### 3.3.3 Basis for Calculation

#### (i) *Types of Requirements Sought*

Developer contributions will usually be required for:

- **Extending and/or improving existing schools and pre-school provision that serve the development; and/or**
- **The building of a new school or pre-school facility where there is a significant housing proposal.**

When building a new school the Council will consider the wider community use of both the school buildings and playing fields. It should be noted that existing spare capacity will not automatically be credited to developers, except where there is:

- **A significant existing spare capacity at the recipient school; and**
- **This spare capacity is unlikely to be taken up by other development permitted, likely to be permitted or identified in the development plan in the catchment area; and**
- **No works are required to make existing school accommodation fit for purpose based upon WAG's new capacity methodology formulae.**

It should be noted that temporary mobile classrooms and accommodation planned for future disposal will not be counted towards the net capacity of the school for Section 106 purposes.

#### (a) *Extension Costs & Additional Classroom Costs*

The costs for both extension and additional classroom works (i.e. new classrooms) are based on the capital cost per pupil. These costs are derived from a "basic need multiplier" produced by the Department for Education and Skills (DfES) which is also accessible from [www.teachernet.gov.uk](http://www.teachernet.gov.uk). The DfES multipliers are based on building cost information received by the DfES from Local Education Authorities (LEAs)



across the country as a whole. The figures take into account regional variations in prices.

The latest multipliers relate to 2006/07. It is understood that the DfES will in future only be up-dating their multipliers once every 2 – 3 years. In order to maintain the value of these multipliers in real terms, the June 2006 multipliers (and any subsequent ones published) will be updated in line with the increase in the Royal Institute of Chartered Surveyors Building Cost Information Service All-Tender index. Each multiplier has an area-per-place factor, derived from the BB98 or BB99 area standards. This is multiplied by a cost-per-m<sup>2</sup> factor. Allowances are added for external works, furniture, equipment, and professional fees. The multipliers exclude ICT equipment, site abnormalities, site acquisition costs, VAT and the effect of regional variations in prices.

An indication is as follows:

- **Primary Sector (3 to 11) – A basic need multiplier cost per pupil (2006/07) of £10,372;**
- **Secondary Sector (11 to 16) – A basic need multiplier cost per pupil (2006/07) of £15,848;**
- **Sixth Form (16 to 18) – A basic need multiplier cost per pupil (2006/07) of £17,013.**

**(b) *New/Replacement School Costs***

Developer contributions towards a new or replacement school will be sought when:

- **The existing catchment area school has limited spare capacity; and/or**
- **The existing catchment school is not capable of being extended or remodelled to meet the additional demand for places;**
- **The proposed residential development is of such a scale that a new school can be justified. For the purposes of a new primary school the typical threshold needed to sustain a new school is defined as at least 350 new dwellings. For a secondary school the level is considerably higher at 3,000 new dwellings.**

If the scale of proposed development falls below the critical threshold to deliver a 100% developer funded school, the LEA will where appropriate seek to negotiate a pro-rata contribution towards the new build costs.

**(c) Refurbishment of Existing Places**

The cost of refurbishing existing places is based on 65% of the cost of providing additional places.

**(ii) How Contributions will be Negotiated and Spent**

Upon receipt of a planning application falling within the scope of this guidance, the LEA will be consulted on whether a contribution towards school facilities is necessary. Where this is the case (and subject to the application being acceptable in all other respects), the Council will enter planning obligation negotiations with the developer.

Contributions may be used for:

- **The provision of new classrooms;**
- **Replacement of and/or improvements to existing surplus places/ areas and/or facilities to bring them to an appropriate standard to meet the educational needs of the additional children expected from the proposed development;**
- **Purchase of land for new classrooms where necessary;**
- **Providing additional facilities necessitated by the additional demand;**
- **Associated costs such as fees;**
- **Appropriate transport/highways measures to address accessibility issues, consistent with school travel plans.**

## 3.4 Outdoor Play Space

### 3.4.1 Policy Background

Areas of open space should be provided in accordance with the Fields in Trust (FIT, formerly known as National Playing Fields Association) 'Six Acre Standard' for outdoor playing space which requires 2.4 hectares per 1000 population for public recreation and open space. The provision should be well related to the housing that it is intended to serve with the exact form and type dependent upon the nature and size of the development and the needs of the residents. Where appropriate the concept of homezones will be encouraged. Policy HC24 (Play Areas/Public Open Space) of the UDP requires all new housing development, including single dwelling developments, to meet the needs of future occupiers together with the needs of the existing population in the locality by making provision for new areas of open space (Policy HC24 is set out in full in Appendix 2).

### 3.4.2 Trigger for Planning Obligation

In line with FIT standards, (Appendix 3 refers), outdoor playing space relates to land for sport, recreation and children's play and is not the same as public open space. It is space that is safely accessible and available to the general public, and of a suitable size and nature, for sport, active recreation, or children's play. It is a significant, but not the only component of open space. Provision of a satisfactory level and standard of outdoor play space will be sought on all new housing developments, where it can be demonstrated that existing provision in the locality is inadequate to meet the needs of current occupiers together with the needs of future generations. An acceptable level of play provision will be evaluated on a site by site basis and an indication of the sort of provision is explained below.

The FIT standard identifies three types of equipped children's play area, namely:

- **Local Area for Play (LAP)** – Equipped provision: A small area of unsupervised open space specifically designated for young children for play activities close to where they live;
- **Local Equipped Area for Play (LEAP)** – Informal provision: An unsupervised play area equipped for children of early school age;
- **Neighbourhood Area of Play (NEAP)** – Formal provision: An unsupervised site serving a substantial residential area, equipped mainly for older children with opportunities for play for younger children.

**N.B. Casual playing space is included within the requirement for children's play space. It is defined as open space of a useful size and safe location providing opportunities for informal play activities.**

The FIT standard of 2.4 hectares per 1000 population represents the minimum scale of provision that will be sought throughout urban Swansea and can be broken down to a square metre requirement per person as follows:

- **Formal Play Space (NEAP):** 1.6 ha per 1000 population  
(16 m<sup>2</sup> per person/48 m<sup>2</sup> per house);
- **Children's Equipped Area (LAP):** 0.3 ha per 1000 population  
(3 m<sup>2</sup> per person/9 m<sup>2</sup> per house);
- **Informal/Casual Play Space (LEAP):** 0.5 ha per 1000 population  
(5 m<sup>2</sup> per person/15 m<sup>2</sup> per house).

An ongoing survey of outdoor play space in Swansea by ward is being carried out to assess the level of provision against the FIT standards. Initial analysis indicates how the provision of each of the three FIT categories of play, and the ward as a whole, performs against the standards i.e. both shortfalls and surplus of play provision. A shortage of public open space (particularly playing fields and playgrounds) has been identified in a number of localities.

The extent of provision appropriate to an area depends on local factors such as existing provision, its type, location and quality, the profile of the catchment population, and the scale and nature of development proposed in the locality. Where a deficiency is likely to occur or a situation is made worse as a result of new development, the Council will seek to enter into a planning obligation to secure either new provision or a financial contribution towards providing or enhancing nearby facilities. In addition to the recreational requirement, developers may wish to provide amenity space as part of their proposals which might include informal open space, buffer planting, landscaped verges or wildlife sites. Developers may be required to make appropriate arrangements for the future management of these areas. Section 106 Agreements may be sought to provide commuted sums for such maintenance where this is to be carried out by the Council.

The LPA will therefore require, where a shortfall of outdoor playing space has been identified, that developers enter into a Section 106 Agreement:

- To provide new on site provision;
- To make funding available to enhance, upgrade or maintain existing provision rather than providing on site provision;
- To ensure that funding will be available for future maintenance of play equipment and open spaces;
- To phase large scale development to ensure that the necessary infrastructure for one phase is in place prior to the commencement of a new phase;
- To ensure new development reflects the requirements of future occupiers and the particular characteristics of the site.

The provision should in most cases be made on a site that is an integral part of the development. Use of pocket sites, small strips of land, corner sites, etc, will not be acceptable.

Outdoor play space provision on new housing developments must reflect the requirements of future occupiers and the particular characteristics of the site. The exact form and type of open space will be determined having regard to the nature and size of the development and the availability of facilities in the local area.

In some circumstances, a variation from normal provision of recreational open space may be more appropriate. The Council will take a flexible approach to the level and type of open space provision sought on a development to reflect the likely population characteristics. For example, a development predominantly of one-bedroom apartments is likely to require more casual and formal play space than children’s equipped play areas.

### 3.4.3 Basis for Calculation

The total outdoor play requirements for a development will be calculated by multiplying the number of dwellings by a given occupancy rate relevant to each dwelling. The number of bedrooms a dwelling has will determine the most appropriate occupancy rate. The average occupancy levels used by the Council for this purpose are outlined below:

Household Type	Average Occupancy
1 bed flat	1.5 persons
2 bed flat	2 persons
3 bed flat	2.5 persons
1 bed house	1.5 persons
2 bed house	2 persons
3 bed house	3 persons
4+ bed house	4 persons

**(i) Calculation of Estimated Development Population and Outdoor Play Requirement**

The estimated development population based on the consideration of locality and population profile can then be assessed against the FIT standards to calculate the required amount of outdoor play space relevant to the particular development. The Council’s Research and Information Team can provide area specific information. For example:

**A development of 100 No. 3 bedroom houses gives a development population of 100 x 3 (average occupancy rate for that size house) = 300 people.**

The outdoor play space requirement for the development can be therefore broken down as:

LAP: 300 (development population x 3m<sup>2</sup> = 900m<sup>2</sup>);  
 LEAP: 300 (development population x 5m<sup>2</sup> = 1500m<sup>2</sup>);  
 NEAP: 300 (development population x 16m<sup>2</sup> = 4800m<sup>2</sup>);

**Total Outdoor Space Provision = 7200m<sup>2</sup>.**

**(ii) Confirmation of Current Levels of Play Space Provision**

The LPA in consultation with the Culture and Tourism Service can confirm current levels of provision within the affected ward/locality and clarify whether there is a shortfall. An ongoing survey of play space is being carried out which will provide more up to date information relating to usage and quality. Early contact with the Principal Planning Officer in the Major Projects Team is therefore advisable (See contact details in Appendix 6) so that this information can be taken into account when determining actual requirements.

**(iii) Identification of Cost**

Appendix 4 (Identification of Cost – Outdoor Play Spaces) identifies actual costs. The contribution payable is calculated according to the current costs per sq m of providing the different FIT categories generated by a proposal or as a cost of provision (per dwelling) and maintenance (per dwelling/10years). The commuted payment calculations are based on the standard costs for land, design, layout and equipment, which have been developed from current rates of tendered contracts by the Council. These figures will be reviewed annually to take into account changing circumstances. The exact level of developer contributions may vary from the figures illustrated to take account of individual site characteristics.

## 3.5 Transport

### 3.5.1 Policy Background

New developments can create an impact on the transport network both locally and strategically in Swansea. Larger new developments in particular have significant impacts on the transport infrastructure and services in terms of traffic movements and also on public transport, cycling, and pedestrian movement. Where appropriate they should contribute towards the mitigation of the negative impacts and also to transport improvement measures. In locations such as central Swansea, where reduced car parking provision enables developments to be built at a higher density, it is essential that appropriate provision is made for improving public transport, cycling, and pedestrian facilities to offer residents and workers in such developments appropriate levels of accessibility. Policy AS1 (New Development Proposals) of the UDP highlights the fact that new development associated with housing, employment, shopping, leisure and service provision should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling, or in areas where a good level of such provision can be realistically achieved. Policy AS6 (Parking) ensures that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for parking of motorcycles and cycles (Policies AS1 and AS6 are set out in full in Appendix 2).

#### ***Site Specific Localised Impacts***

In line with established practice, developers will be required to fund both on and off site infrastructure works, such as junction improvements and public transport infrastructure in order to serve the development and also to provide links to a local pedestrian/cycle system. In addition, contributions will be required, where appropriate, to provide adequate public transport services to ensure a minimum level of accessibility to local services and facilities. This could involve contributions being made towards developing school travel initiatives via the 'Safe Routes to School' initiative. Developers of employment, residential and other traffic generating schemes will also be expected to prepare and implement Travel Plans that aim to reduce travel and car use and promote non-car modes of transport.

### **Wider Transport Impacts**

In addition, developers will be expected to contribute to wider and strategic transport improvements, which will focus on improving public transport, developing park and ride services, facilities for cycling and pedestrians and improving traffic circulation and management. The future framework for transport improvements is set out in the Regional Transport Plan (RTP) prepared by the South West Wales Integrated Transport Consortium (SWITCH).

### **3.5.2 Trigger for Planning Obligation**

The methodology aims to ensure that contributions are calculated in a way that is appropriate, consistent and transparent and reflects the overall impact of the proposed development. The main sources of funding towards transport facilities is likely to come from housing and employment developments, although retail and other commercial developments will also contribute at a level suitable to their transport impact.

The trigger for requiring a Section 106 Agreement will be based on the following:

#### **(i) Accessibility Banding**

The role of Accessibility Assessment is increasingly considered to be a significant factor when determining the transport impacts a new development may have upon the transport network. An analysis of public transport accessibility has been undertaken for the County and this assessment has identified four distinct bands of accessibility (See map in Appendix 5). Multipliers are associated with each of the bandings in order to weight the contribution in line with the transport impacts the development may create and reflect the ease with which this impact may be mitigated. In areas of poor accessibility it is much more difficult to improve non car accessibility. The values of the multipliers are specific to land use categories, reflecting the varying impact of different types of development. The accessibility bandings and the values of the multipliers are set out in the following table:

<b>Accessibility Banding</b>	<b>Multiplier</b>
A – High Accessibility	525
B – Medium Accessibility	650
C – Limited Accessibility	800
D – Low Accessibility	1100



**(ii) Average Daily Trips**

The estimated number of average daily trips generated by different uses has been estimated using the Trip Rate Information Computer System (TRICS) database. TRICS is a national database containing trip generation data and site information for over 2,600 sites. The system is marketed and managed by JMP Consulting on behalf of the TRICS Consortium of 6 County Councils in the south of England. Predicted traffic generation is the main indicator of transport impact.

Some land uses are not easily characterised and can take a number of forms in terms of floor space magnitude and the propensity for the development to create extra demand upon the transport network. In the application of this assessment the trips rate used will be taken from the Transport Assessment (TA) for the proposed development. This will ensure that the trip rate assigned to the development is both fair and proportional. This will apply to developments designated as office space, leisure development or as retail (non food). The following table highlights the average daily trips associated with various forms of developments:

Assessment	Development Type	Average Daily Trips
Residential	Residential (4+ bedrooms)	9.14
	Residential (3 bedrooms >75m <sup>2</sup> )	7.62
	Small Private Dwelling (1+2 bedroom up to 75m <sup>2</sup> )	6.09
	Small Rented Dwelling (1+2 bedroom up to 75m <sup>2</sup> )	4.57
	Apartment	2.51
Commercial	Office	TA
	Leisure	TA
	Retail (non-food)	TA
	Retail (food)	TA
Hotel	Hotel	4.66
	Hotel inc. Function Room	6.20
	Hotel inc. Leisure Facilities	10.10

**(iii) Parking Provision**

Parking provision to serve development will be assessed against adopted maximum parking standards (South Wales Parking Guidelines) to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. For commercial developments in particular, the proposed parking provision is a significant factor in determining transport impact. Account will also need to be taken of the need to provide facilities for parking of motorcycles and cycles.

### 3.5.3 Basis for Calculation

The calculation will be carried out by the LPA in consultation with the Transport Section using the TRICS database. Early contact with the Principal Planning Officer in the Major Projects Team is therefore advisable (See contact details in Appendix 6). The individual contribution is based upon the factors set out below that will indicate the overall transport impact(s) and implication(s) and therefore determine a cost which can be put towards mitigation.

**(a) Residential:**

- **Number of Units;**
- **Average Daily Trips;**
- **Accessibility Multiplier.**

**(b) Commercial:**

- **Gross Floor Area (m<sup>2</sup>);**
- **Average Daily Trips;**
- **Accessibility Multiplier;**
- **Parking Provision.**

**(c) Hotel:**

- **Number of Beds;**
- **Average Daily Trips;**
- **Accessibility Multiplier.**

As an indication of the outputs of the TRICS database the following table highlights the maximum contribution expected towards a development of 225 units made up of a variety of unit size:

Description of Unit	No of Bedrooms	No of Units	TRICS Output
Apartments	1 & 2 Beds	36	£13,377
Houses	2 Beds	38	£28,695
	3 Beds	103	£93,053
	4+ Beds	48	£53,291
<b>Total Contribution:</b>			<b>£188,416</b>

For example, to calculate the maximum contribution for the 103 unit 3 bedroom element of the development the following information would be entered into the TRICS database:

*Accessibility Banding B: Medium Accessibility – Multiplier of 650  
Average daily trips – 7.62.*

Therefore the 3 bedroom element of the development would require a contribution of £93,053 towards transportation costs.

## 3.6 Employment and Enterprise

### 3.6.1 Policy Background

The Welsh Index of Multiple Deprivation identifies deprivation in Swansea based upon low income and low levels of employment with significant pockets of economic inactivity. The Swansea 2020 Economic Regeneration Strategy seeks to address these issues, particularly by bringing economically inactive people back into the labour market and developing employment progression routes to enable these people to move on to higher skilled, higher paid jobs, thereby raising their income levels.

The Council recognises that promoting social justice and opportunities for non-employed people is a key element of the WAG's commitment to sustainable development. It has therefore included the following commitment in its Economic Development Strategy:

*“Tackling poverty and promoting inclusion – Swansea 2020 not only seeks to raise prosperity levels in Swansea, but also to spread prosperity across the City and County. It aims to address barriers to entering the labour market and create an economic environment that provides opportunities for all Swansea’s citizens, therefore helping to lift individuals and households out of poverty<sup>1</sup>”.*

To achieve this, a specific initiative called “Beyond Bricks and Mortar” is designed to bring added value locally to the delivery of physical regeneration projects. It represents an approach to regeneration that will allow Swansea and the wider region to benefit and reflect the Council's intention to deliver the strategic aims and cross cutting themes of the Economic Regeneration Strategy – Swansea 2020. Delivery of the strategy involves working with a wide range of public, private and third sector agencies, particularly with WAG and private sector developers. The framework for this co-operation is the Council's Targeted Recruitment and Training (TR&T) protocol that is available separately from the Beyond Bricks and Mortar Team based at the Business Centre Swansea. The Council will use the TR&T protocol as a basis for negotiation and provide information to developers on the type of contribution and/or initiative that may be sought. The protocol identifies opportunities which may arise during the construction phase of a development.

---

<sup>1</sup> Swansea 2020 Economic Development Strategy

### ***Justification***

- High levels of unemployment, low incomes and deprivation persist in some areas of the County because of barriers to employment that some people experience, most notably the lack of skills that are required in the jobs market.
- Reducing deprivation is an essential part of developing socially sustainable communities, especially in growing and intensifying communities.
- Sourcing local labour, and reducing the need to travel is a fundamental part of creating of sustainable communities.
- Local authorities have an express power to support sustainability under Section 2 (1) of the Local Government Act 2000 and the Local Government Best Value Order of 2002 (commonly known as the “well-being” power). Every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects:
  - (1) The promotion or improvement of the economic well-being of their area;
  - (2) The promotion or improvement of the social well-being of their area; and
  - (3) The promotion or improvement of the environmental well-being of their area.
- The inclusion and implementation of social benefit clauses makes a direct contribution to the Council’s Corporate Improvement Plan for 2008/2012 (Economy) and the Local Service Board’s priorities of “Economic Inactivity” and “Young People not in Education and Training.” (NEETS).

### **3.6.2 Trigger for Planning Obligation**

In delivering regeneration projects, the Council’s approach involves ensuring 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.

Generally, social benefits will be considered and measured in two main areas:

- **Targeted recruitment and training;**
- **Development of local supply chains.**

The Council may also seek to negotiate contributions, depending on the context of the site, including:

- **Provision of affordable business space;**
- **Local procurement and supply chain measures;**
- **Direct labour agreements, work experience, and/or apprenticeship schemes, facilitated by appropriate local training providers;**
- **Relocation assistance for existing businesses;**
- **Funding for training and recruitment and supply-chain activities linked to the development.**

The contributions can support existing or new programmes carried out by the Council, the developer or others (as agreed by the Council and the developer). As a part of any consultation on an individual scheme, there will be discussions regarding its scope and capacity to deliver social benefits, the availability of local supply chains, and the general supply side of any physical development/social benefit equation.

In addition there are likely to be significant opportunities to provide training and to develop employment skills throughout the post construction and “end-user” phases of a development. The Council therefore intends to continue to seek opportunities to expand the local labour market and provide training opportunities for non-working people to meet the training and recruitment needs of future occupiers.

### ***Establishing the Need for a Developer’s Contribution***

Whilst it can be expected that some opportunities for non-employed people will be achieved through pre-employment programmes, there will be greater impact if developers and their contractors are pro-active about engaging with non-employed people, especially those that have participated in pre-employment training and need the opportunity to convert this into a marketable skill. Taking into account the likely labour requirements and trainee opportunities in the construction industry from developments, if 10% of these requirements are targeted at disadvantaged persons a positive impact in areas of deprivation and economic inactivity will result.

It is anticipated that in facilitating this process, there will be opportunities to identify the specific requirements of developers and contractors in order to deliver this added value. Establishing appropriate supply chains that provide support for engaging with those who would benefit from employment, and ensuring that training is in place and properly resourced, involves a wide-ranging commitment to engage with local networks.

Facilitating that process will be nominated officers in the Council's Economic and Strategic Development Division's Beyond Bricks & Mortar Team who have been appointed to make these important connections and the business case for each social benefit identified. However, the Council and its partners and agents do not promise to provide suitable agencies, trainees or labour to contractors and employers. All appointment, recruitment, supervision and discipline responsibilities rest with the employers.

It is anticipated that developments of a value of £2 million and over could require Social Benefits targets in the form of TR&T requirements and supply chain initiatives in the first instance. However, notwithstanding this threshold of £2 million 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.

Other factors influencing the requirement for insertion of these Social Benefit Clauses are:

- **The nature and scale of the development;**
- **Likely employment generation from the development;**
- **The number of jobs and gross floorspace to be lost or replaced;**
- **The nature and number of existing jobs affected by the proposed development;**
- **In the case of vacant sites or premises the previous use and job creating potential/employment levels based upon worker/floorspace ratios for those uses;**
- **Identified recruitment and training issues or problems related to specific uses and local areas in general.**

### 3.6.3 Basis for Calculation

In relation to the construction phase of development the following types of requirements may be included:

- A minimum of 52 person weeks employment for new entrant trainees<sup>2</sup> recruited from a source agreed by the Council for each £1 million in works value (and pro-rata);
- An additional payment to the Council of a deposit-sum of £65 per new entrant trainee week may also be required, such payments to be returned with interest (at a rate determined by the Council from time to time) on the basis of a contractor's Quarterly Performance Statements;
- The provision of a minimum of 10 person-weeks of unwaged work experience per £1 million in works value (and pro-rata);
- Every vacancy on site, including those with sub-contractors to be notified to agencies named by the Council, and candidates identified by these agencies are to have an equality of opportunity in the selection process;
- Support for the Council initiatives to identify and nurture additional supply-chain organisations;
- The provision of Trainee Recruitment Notifications (signed by the trainee to permit the provision of personal data to the Council and its agents for contract monitoring purposes only) and Trainee Completion or Termination Notifications;
- Maintaining a site security record that is available for inspection by the Council at any reasonable time and which includes the home address of each person engaged in the contract.

---

<sup>2</sup> a new entrant trainee is a school or college leaver or an adult that has not been employed in the construction industry during the previous 12 months and who is undertaking training towards a construction industry recognised qualification.

### **Calculation of TR&T Requirements in the Construction Phase**

- (a) Estimated site works value  
= £.....(enter figure)
- (b) Labour content: site works value x [40]%  
= £.....(enter figure)
- (c) Average gross weekly wage + on-costs  
= £.....(enter figure)
- (d) Divide labour content by weekly wage  
= .....total person weeks
- (e) New entrant trainee target: D x 10%  
= .....person weeks
- (f) Unwaged work experience target: D x 2%  
= .....person weeks

The above calculation forms the basis for negotiations. There is a requirement for a TR&T Method Statement, using the Council's pro-forma, to be completed which will set out how the desired outcomes will be achieved.

A model set of documentation is available from the Beyond Bricks & Mortar Team at the Business Centre Swansea.

### **End-User Opportunities**

In relation to developments that will accommodate a workforce the following commitments from employers on the site should be sought:

- To support the work of the Council to target employment opportunities at people registered with agreed agencies, including in particular new entrants and those returning to the labour market;
- [50]% of employees are residents of the County;
- [30]% of the vacancies in the first occupation of the employment premises are filled by people who were not in employment when selected<sup>3</sup>;

---

<sup>3</sup> People not in employment can include school, college and university leavers, people claiming job-seekers allowance and incapacity benefits or income support, ex-offenders, refugees and asylum seekers that have the right to work, and people returning to the labour market.



- [20]% of subsequent staff turnover or business growth vacancies are filled by people who are not in employment when they are selected;
- To work with one or more of the agencies identified by the Council from time to time and to develop pre-recruitment training and induction packages and provide candidates completing these packages or otherwise being put forward by the agency(ies) with a guaranteed interview;
- Each person employed under the above sections to have a Personal Development Plan that incorporates training, mentoring and support;
- To provide the Council with a quarterly review that reports on the outcomes achieved against the agreed Method Statement, and provides a new Method Statement with agreed measures for the forthcoming period.

Model documentation relating to end user opportunities is available from the Beyond Bricks & Mortar Team at the Business Centre Swansea.

## **3.7 Biodiversity**

### **3.7.1 Policy Background**

Biodiversity is the term used to describe the variety of all living things. It encompasses the whole variety of life on earth, not only all species of plants and animals but also their genetic variation. It is not restricted to just rare or threatened species but includes the whole of the natural world from the commonplace to the critically endangered. Development of all kinds can put pressure on our natural environment both directly and indirectly. However, development and biodiversity must work together. By adhering to relevant legislation, national and local planning policies and guidance, Biodiversity Action Plans (BAP) and other biodiversity guidance at an early stage in the planning process, developments can be achieved that also meet biodiversity objectives.

The Natural Environment and Rural Communities Act (NERC) requires all local authorities in England and Wales to have a duty to promote and enhance biodiversity in all of their functions. The Act aims to raise the profile of biodiversity and to make sure that it is considered in all local authority decisions and policies. The UDP sets out design principles and proposals to safeguard and enhance the historic and ecological landscape. The scope for development is specified, along with measures to manage land. The key aim of the Plan is to safeguard the environment through the environmental protection goal. Policies are implemented and proposals tested primarily through the development control process, the BAP and a series of management plans for urban greenspace and the countryside. Applicants must also have regard to the requirements of relevant European and UK legislation, as outlined in Planning Policy Wales as well as Swansea's Local Biodiversity Strategy and Action Plan. The introduction of a national standard planning application form (1 App) ensures the early consideration of biodiversity conservation in the planning process. The form questions the likelihood of whether protected and priority species or designated sites, important habitats or other biodiversity features would be adversely affected or conserved and enhanced within the application site, or on land adjacent to or near the application site.

### **3.7.2 Trigger for Planning Obligation**

The use and implementation of planning conditions and Agreements is a mechanism for improving and protecting biodiversity in the County. Developers may be required to undertake or contribute to works necessary to enhance or protect the nature conservation value of the environment related to the development. This could include surveys, impact assessment and monitoring.

Obligations may involve:

- **Improvement to habitat of significant species;**
- **Setting aside and preparing land for natural regeneration;**
- **Establishment and monitoring of habitats;**
- **Habitat creation, restoration or management.**

Schemes should be developed with a view to ensuring the long-term quality of environmental features. Development and implementation of appropriate management plans and/or maintenance regimes will be necessary in some cases.

Developers should in the first case seek to avoid or minimise harm. Where development takes place that unavoidably damages biodiversity, measures should be taken to ensure that the total ecological resource remains at least at the current level. The following hierarchy (based on the 'five-point approach' to planning decisions for biodiversity as suggested by The Royal Town Planning Institute within their Good Practice Guide – Planning for Biodiversity) should be used to ameliorate the effects of development on biodiversity:

- (1) Information:** Appropriate information will be required at the outset whenever development proposals are likely to affect, either directly or indirectly, nature conservation interests. This information will include the nature conservation value of the sites affected, and the magnitude of the potential impact (Such as providing a biodiversity survey, Environmental Impact Assessment or Appropriate Assessment).
- (2) Avoidance:** Wherever possible, all adverse effects on wildlife species and habitats should be avoided.
- (3) Mitigation:** Where adverse effects are unavoidable negative impacts on biodiversity as a result of development should be minimised through appropriate mitigation (Such as by conditions or planning obligations/Agreements).
- (4) Compensation:** When mitigation is not possible and loss or damage to natural habitats is inevitable, compensatory measures will be required (Such as new habitat creation or habitat enhancement works).
- (5) Enhancement:** Wherever possible, opportunities to improve the ecological value of all or part of the development site should be pursued. In addition to providing biodiversity gain, such enhancement can often contribute towards a high quality, aesthetically pleasing development (Such as habitat creation or enhancement).

### 3.7.3 Basis for Calculation

Developers should ensure that all new development adheres to the principle of biodiversity conservation by incorporating measures that maintain and enhance biodiversity. It is advised that early contact is made with the Principal Planning Officer in the Major Projects Team (See contact details in Appendix 6) who will liaise with the Council's Nature and Conservation Team to ascertain whether any records exist for the proposed development site and adjacent areas, including protected sites and species. Developers should when making decisions about avoidance, mitigation, compensation and enhancement, take into account the priority habitat, species and targets within local, regional or national BAP.

All proposals for new development must give full consideration to the provisions of this legislation in order to avoid habitat loss or damage leading to loss of species. Some applications for planning permission will be expected to be accompanied by a biodiversity survey that will inform the ecological implications of a proposal and provide details of what measures the developer will take to conserve and enhance the biodiversity of the site. To know whether a biodiversity survey is automatically required the following protocol should be followed:

**(i) *Confirm Whether the Proposed Development Requires a Biodiversity Survey to be Undertaken***

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, in order for the Council to determine it. The LPA have identified within the BAP 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 an assessment of impacts. What is required will depend on the significance of the features and the scale of the likely impacts, and the level of information already available.

**(ii) *Establish to What Degree the Proposed Development Affects any Habitats or Species***

Developers considering submitting a planning application must at the early stages of the process consider whether there are likely to be any habitats or species present on or near the site that could be affected by the development. The nature, size and location of a proposal could also require the following more rigorous assessments to be carried out:

**Environmental Impact Assessment (EIA):** Any large scale projects/developments where there is an obvious potential for environmental damage may require an EIA to be undertaken. Although the size and type of development are used to assess if an EIA needs to be produced a key issue to consider is whether the project is likely to have a significant effect on the environment. A small scale project in or close to a sensitive area can have effects just as damaging as those from large scale developments.

**Appropriate Assessment (AA):** The European Habitats Directive requires an assessment to be made of the possible effects of certain plans/development proposals on the integrity of 'European Sites'.

In this context, 'European Sites' comprise of:

- **Special Areas of Conservation (SACs), for habitats;**
- **Special Protection Areas (SPAs), for birds; and**
- **Sites designated under the Ramsar Convention as wetlands of international importance.**

The overall process of determining whether a plan/development proposal complies with the requirements of the Habitats Directive is referred to as 'Appropriate Assessment'. An AA is carried out by the competent authority e.g. LPA once either evidence that the proposal does or may have a significant affect on the features of a European protected site. A competent authority will first carry out a test of likely significant affect which will then guide the process of assessment. Those promoting a project shall provide such information as reasonably required for the purposes of the assessment. In light of the conclusions of the assessment, a proposal will only be approved after having ascertained that it will not adversely affect the integrity of a European site.

**(iii) *What Does the Biodiversity Survey Need to Consider***

If a biodiversity survey is required it would have to address the following key questions:

- **What habitats and species are at/adjacent/within close proximity to the proposed site?**
- **Will they be affected by the development?**
- **If so, how significant will these effects be?**

It may be possible that survey information can be collected only at certain times of the year and the applicant will need to take this into account in preparing an application and considering the timing for the development.

Depending on the survey information which the LPA requires, the following factors may need to be considered:

- **The numbers and range of habitats, species and flora and fauna and/or geological features found on and where appropriate around the site;**
- **The potential development impacts likely to harm the biodiversity and geological conservation features identified by the survey (direct and indirect effects both during construction and afterwards).**

**This could include:**

- **Alternative designs or locations have been considered;**
- **Adverse effects will be avoided wherever possible;**
- **Unavoidable impacts will be mitigated or reduced;**
- **Compensation if mitigation isn't possible.**

The findings of survey work would then help inform the development proposal. The need for an AA or an EIA will be done by a competent authority in consultation where necessary with the Countryside Council for Wales. Planning permission cannot be granted until the survey work has been completed and then only if the results show that the proposal, including any modifications, conditions or restrictions will not adversely affect biodiversity. Where the survey findings detail the need for mitigation or compensation and enhancement measures, the implementation, management or monitoring of these measures will be secured either through conditions or a Section 106 Agreement.

## 3.8 Public Art

### 3.8.1 Policy Background

A programme of art in public spaces can raise the interest and quality of the public realm and in conjunction with good design can foster a sense of place and local identity. Examples of such work include sculptures, stained glass and metal work features, murals, creative landscape design, and elements of architectural enhancement. Policy EV5 (Art in the Environment) of the UDP highlights the fact that the provision of public works of art, craft or decorative features to enhance the identity and interest of major new developments or refurbishment schemes will be supported (Policy EV5 is set out in full in Appendix 2). Developers are encouraged to discuss public art proposals at an early stage in the design process in order to explore the potential for the incorporation of public art works as an intrinsic part of the scheme.

### 3.8.2 Trigger for Planning Obligation

The 'Percent for Art' SPG (1990) has been adopted by the Council, which 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. Although this policy applies primarily to the City Centre, the Waterfront and major development areas, public art is to be welcomed anywhere, especially in housing developments and District Centres. Where appropriate 'Percent for Art' will be delivered by planning conditions and the Council will seek to secure funding through Section 106 Agreements.

### 3.8.3 Basis for Calculation

The Council will aim to secure 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**. In order to allow a more strategic approach to the provision of public art and to facilitate the commissioning of significant works, the Council may seek a contribution towards larger public art projects or for works at a particular location. Where it is agreed by the Council and developer that the contribution may be put towards a larger specific work of public art off site, which may need funding from multiple schemes, or smaller works of public art elsewhere in the locality, then those contributions would be held by the Council in a designated account (the Public Art Fund) and drawn down for payment when the fund is sufficient to cover the cost(s) of the public art project(s) or work(s). Consequently, 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.

For each contribution, the Council will work with the developer to agree a method of artist selection and procurement, as well as the degree of involvement in the process by the developer.

**(a) *Smaller scale developments (Public Art Fund contributions) would include:***

- Residential development on all sites of more than 10 and less than 101 dwellings;
- Small community facilities (e.g. primary schools, churches and chapels, local public realm works);
- Retail developments of more than 1000 sq m and less than 2,500 sq m.

**(b) *Significant sites (Percent for Art or Public Art Fund contributions) would include:***

- Residential development on all sites of greater than 100 dwellings but less than 225 dwellings;
- Allocated employment sites and renewal of commitments on Key Employment Areas, and other development of greater than 1000sq m or more;
- Retail developments of 2,500 sq m or more;
- Significant recreational and tourist development;
- Significant public buildings and community facilities (e.g. secondary schools, higher education projects, hospitals, government buildings);
- Any development within the City Centre Strategic Framework area.

**(c) *Large scale developments (Enhanced Percent for Art or Public Art Fund contributions) would include:***

- Residential development on all sites of greater than 224 dwellings;
- Developments which have a primary frontage of more than 300 metres onto a principal road.

**(N.B. primary frontage is defined as being the frontage across which the primary means of access to the site occurs).**



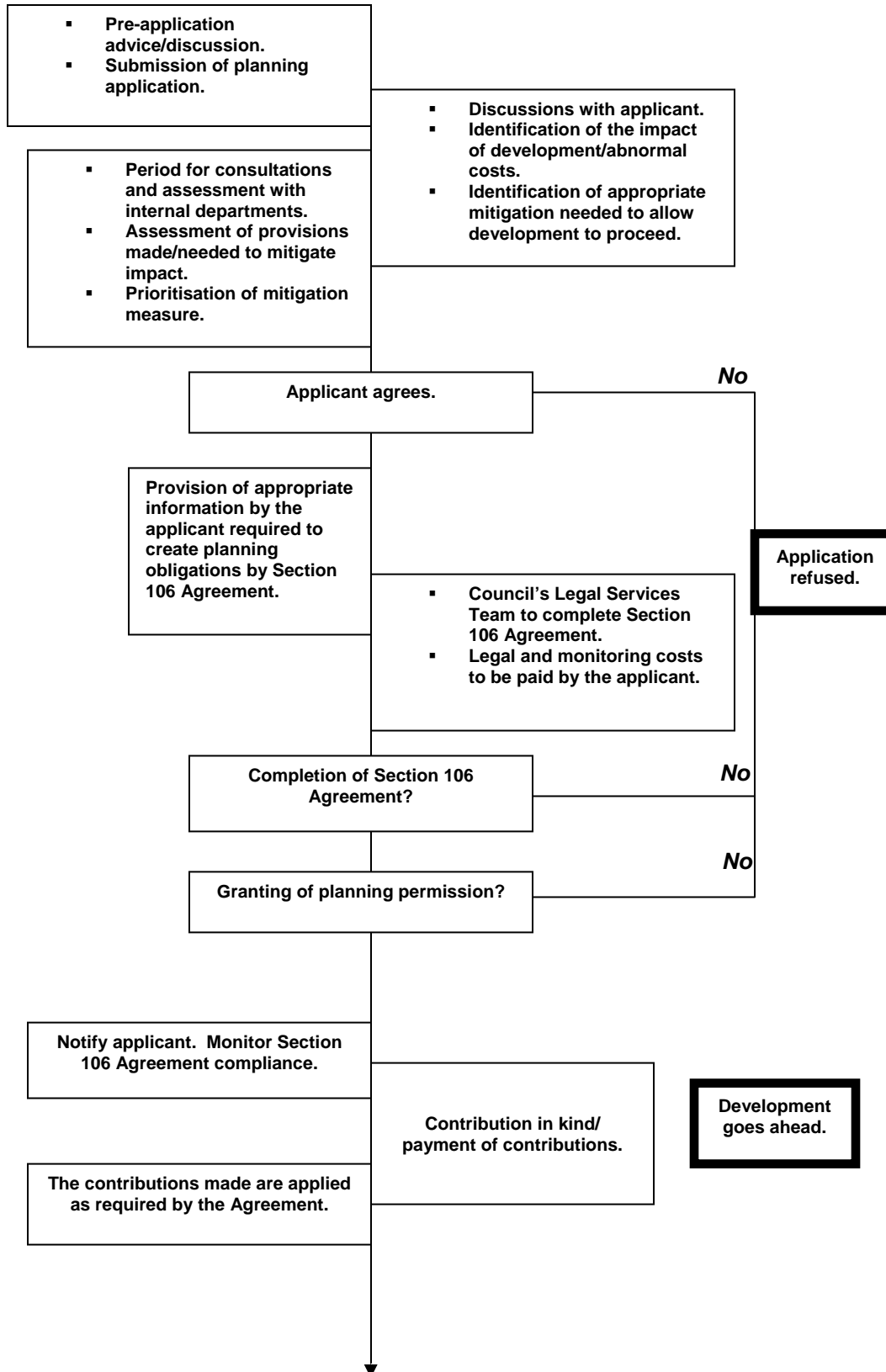
Maintenance of the artwork will normally be the responsibility of the owner of the work, and as a general rule each scheme will need to include details of the following matters prior to approval and implementation:

- **Public liability insurance and payment of premiums;**
- **Frequency of health, safety and deterioration surveys, and by whom;**
- **Responsibilities of the owner of the site and the owners of the work;**
- **Responsibilities for the cost of maintenance;**
- **The payment of maintenance;**
- **Arrangements for the artist being informed or consulted when maintenance or renovation is required;**
- **The method and manner recommended by the artist for maintaining the work.**

# Appendices

- 1 – Section 106: Planning Obligation Procedure
- 2 – UDP Policies Relating to Planning Obligations
- 3 – Summary of the Six Acre Standard
- 4 – Identification of Cost: Outdoor Play Spaces
- 5 – Accessibility Bandings for the City & County of Swansea
- 6 – Contact Point
- 7 – Appropriate Web Sites/Links

## Appendix: 1 Section 106: Planning Obligation Procedure



## **Appendix: 2      **UDP Policies Relating to Planning Obligations****

### **City and County of Swansea Council** **Unitary Development Plan (Adopted November 2008)**

#### **General Planning Obligations Policy**

##### **Policy HC17 Planning Obligations**

In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- (i) Improvements to infrastructure, services or community facilities,
- (ii) Mitigating measures made necessary by a development, and
- (iii) Other social, economic or environmental investment to address reasonable identified needs.

Provisions should be fairly and reasonably related in scale and kind to the individual development

#### **Obligation: Affordable Housing (Paragraph 3.2)**

##### **Policy HC3 Affordable Housing**

In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/accessibility terms and where this is not ruled out by exceptional development costs.

In most parts of the Plan area such negotiations will focus on new housing developments of 25 or more dwellings or sites of 1ha or more or phases of such developments. However, in the large and small villages subject to policies EV16 and EV17 and Swansea West Strategic Housing Policy Zone where opportunities for housing development are more constrained, negotiations for the inclusion of a percentage of affordable housing in new housing schemes will be sought on new housing developments of 10 or more dwellings or sites of 0.4ha or more or phases of such developments.

The retention of affordable housing for such use will be secured through planning conditions, legal obligations and secure tenancy agreements.

## **Policy EV18 Local Needs Affordable Housing**

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 an existing deficiency for people who need to live in the locality and who cannot reasonably be accommodated through the area's general housing market. Such releases will only be made where:

- (i) There is proven need in the locality,
- (ii) There are binding agreements to make the housing available for low cost purchase or rent, and for the retention of the housing in the long term as low cost housing to meet local needs,
- (iii) It has a design that in its form, elevational treatment, detailing and use of materials is sympathetic to the architectural character of the village,
- (iv) It will not involve the loss of land of important recreational, natural heritage or amenity value,
- (v) The scale of the development is in accord with the character of the area, and
- (vi) No satisfactory alternative arrangements can be made to meet the identified needs.

### **Obligation: Outdoor Play Space (Paragraph 3.4)**

## **Policy HC24 Play Areas/Public Open Space**

All new housing development will be required, where the level and nature of open space provision in the locality is inadequate to meet the needs of the future occupiers of the development proposed together with the needs of the existing population in the locality, to:

- (i) Make provision for areas of open space either within the site or at an appropriate location in relation to the development, or
- (ii) Contribute towards the provision or improvement of existing off-site facilities in the locality through a commuted payment.

Developers will be required to make appropriate arrangements for the management of these areas.

### **Obligation: Transport (Paragraph 3.5)**

## **Policy AS1 New Development Proposals**

New development associated with housing, employment, shopping, leisure and service provision should be located in areas that are currently highly accessible by a range of transport modes, in particular public

transport, walking and cycling, or in areas where a good level of such provision can realistically be achieved.

In considering new development proposals, the need for Transport Assessments and Travel Plans will be assessed, taking account of:

- (i) The scale and nature of the development,
- (ii) The level of employment/and associated travel demand,
- (iii) Visitor generation,
- (iv) Delivery/Service vehicle movement,
- (v) Operational hours, and
- (vi) Possible future travel demand.

### **Policy AS6 Parking**

Parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles.

Account will also need to be taken of the need to provide facilities for parking of motorcycles and cycles.

### **Obligation: Public Art (Paragraph 3.8)**

### **Policy EV5 Art in the Environment**

The provision of public works of art, craft or decorative features to enhance the identity and interest of major new developments or refurbishment schemes will be supported.

## **Appendix: 3      Summary of the Six Acre Standard**

### **1.0 Background**

- 1.1 Fields in Trust (FIT) recommends a **minimum** standard for **outdoor playing space** of 2.4 hectares (6 acres) for 1000 people.
- 1.2 Outdoor playing space is not the same as public open space. It is space that is safely accessible and available to the general public, and of a suitable size and nature, for sport, active recreation or children's play. It is a significant component, but not the only form of open space.

### **2.0 Breakdown of the Standard**

The total standard should be met by ensuring land is available for outdoor sport and children's play in the manner set out below.

#### **2.1 *Outdoor Sport 1.6 hectares (4 acres)***

**(1)** Facilities such as pitches, greens, courts, athletics tracks and miscellaneous sites such as croquet lawns and training areas owned by local authorities, at all tiers.

**(2)** Facilities described in (1) within the education sector which are available for public use by written agreement.

**(3)** Facilities described in (1) within the voluntary, private, industrial and commercial sectors, which serve the leisure time needs for outdoor recreation of their members, or the public.

**NOTE:** Included within the standard for outdoor sport is a specific allocation of 1.2 hectares (3 acres) per 1,000 people for pitch sports.

#### **2.2 *Children's Playing Space: 0.8 hectares (2 acres)***

**(1)** Designated areas for children and young people containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play.

**(2)** Casual or informal playing space within housing areas.

#### **2.3 *Total***

Outdoor playing space standard: 2.4 hectares (6 acres).

### **3.0 Main Characteristics of Children's Play Space**

#### **3.1 *Local Area for Play (LAP)***

This is a small area of open space specifically designated and laid out for young children to play close to where they live. These spaces are located within a walking time of 1 minute from home, and will provide opportunities for toddlers and young children to play in safe locations that are overseen by parents, carers and the local community.

A summary of the main characteristics of a LAP are provided in The Six Acre Standard. They include:

- It caters for children up to 6 years in age;
- It is within a walking time of 1 minute from home;
- It is positioned beside a pedestrian pathway on a route that is well used;
- It has an activity zone a minimum of 100 sq m in area;
- It contains features that enable children to identify the space as their own domain, for example, a footprint trail, a mushroom style seat or a model of an animal or insect;
- The buffer zone includes planting to enable children to experience natural scent, colour and texture;
- Some individual seats are provided for parents or carers;
- It has a barrier to limit the speed of a child entering or leaving the facility;
- It has a sign to indicate that the area is solely for use by children, that adults are not allowed unless accompanied by children and that dogs should be excluded. The sign should include 'contact' information for the emergency services and for the reporting of faults and damage;
- It is overlooked from nearby houses.

The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.

#### **3.2 *Local Equipped Area for Play (LEAP)***

A LEAP is a piece of space that is designated and equipped for children of early school age. Such areas must be located within a walking time of 5 minutes from home.

As children reach school age, their play activities tend to become more boisterous. This, plus the tendency of children of such an age to roam further from home during play time, will lead to parents and carers seeking an alternative to the private garden.



A main characteristic of the LEAP is that it provides a variety of play equipment plus extra space around that equipment to allow children to ‘let off steam’. Main characteristics of a LEAP include:

- It caters for children of 4-8 years of age;
- It is within a walking time of 5 minutes from home;
- It is positioned beside a pedestrian pathway on a route that is well used;
- It has an activity zone of a minimum of 400 sq m in area;
- It contains at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination;
- There is adequate space around the equipment to enable children to express their general exuberance and play games of ‘tag’ and ‘chase’;
- It has a barrier to limit the speed of a child entering or leaving the facility;
- A buffer zone, not less than 10 metres in depth, is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling;
- Some individual seats are provided for children, parents or carers, and there is a litter bin;
- It has appropriate gates and fencing of at least 1 meter in height;
- It has a sign to indicate that the area is for use by children, that dogs should be excluded and includes ‘contact’ information for emergency services and for the reporting of faults and damage.

### 3.3 ***Neighbourhood Equipped Area for Play (NEAP)***

A NEAP is a site that is designated and equipped mainly for older children, but with opportunities for play for younger children too. It is located within 15 minutes from home, the NEAP is the largest of the three play spaces and can address needs that cannot be met within either a LAP or a LEAP.

A NEAP will contain two distinct parts – the first comprising a range of playground equipment and the second, a hard surfaced area for ball games, multi sports and/or wheeled activities, e.g. skateboarding or cycling.

The main characteristics of a NEAP include:

- It caters predominantly for older children;
- It is within a walking time of 15 minutes from home;
- It is positioned beside a pedestrian pathway on a route that is well used;
- It has an activity zone of at least 1000 sq m in area;
- It contains at least 8 types of play equipment, of which at least 1 stimulates rocking, 2 stimulate sliding, swinging or moderate climbing

- and 5 stimulate more adventurous climbing, swinging, balancing or rotating;
- There is adequate space around the equipment to allow children to express their general exuberance;
  - It has appropriate gates, and fencing at least 1 metre in height;
  - It has a barrier to limit the speed of a child entering or leaving the facility;
  - A buffer zone, not less than 30 metres in depth, is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling;
  - Some individual seats are provided for parents or carers, and there is a litter bin;
  - It has convenient and secure parking facilities for bicycles;
  - It has a sign to indicate that the area is for use by children, that dogs should be excluded and includes 'contact' information for emergency services and for the reporting of faults and damage;
  - Some sheltered seating is provided for use by older children.

#### **4.0 Exclusions**

FIT make it clear that the following facilities are excluded from the definition of 'outdoor playing space', although the FIT recognises that there are circumstances where some of them can make a valuable contribution to the total recreational provision of communities. They are not however regarded as substitutes for elements of the FIT standard:

- 1) Outdoor sports facilities which are not as a matter of policy and practice available for public use, such as professional sports stadia;
- 2) Grounds of Her Majesty's Services, unless as a matter of policy and practice and by formal agreement they are made available for public use;
- 3) Verges, woodlands, commons, the seashore, nature conservation areas, allotments, ornamental gardens and parks (except for clearly defined areas within them for sports, games, practice and play);
- 4) Golf facilities;
- 5) Water used for recreation, except where it forms an interactive feature of an outdoor play area;
- 6) Sports halls or leisure centres;
- 7) Commercial entertainment complexes and theme parks; and car parks for non-recreational use.

## 5.0 FIT Recommendations:

- The Outdoor Sport Standard and the Children's Playing Space Standard should be adopted by all local planning authorities, within statutory development plans and non-statutory policy documents, as a model for the development of their own standards based upon a robust assessment of local needs;
- The standards should be met or exceeded in all new developments, based upon a national average occupancy rate, or a local rate specified in an adopted development plan, subject also to the detailed advice on design, quality and landscape;
- Where the minimum standards cannot be met due to the scarcity of open land, the local planning authority should adopt them as a target. It should make specific land allocations towards achieving the standards or secure improvements to existing facilities to enable them to sustain a greater intensity of use, or both;
- Appropriate policies should be adopted to safeguard the existing recreational land bank for outdoor sport and children's playing space.

## **Appendix: 4 Identification of Cost: Outdoor Play Spaces**

(E) = Estimate (LAP) = Local Area of Play.

(NEAP) = Neighbourhood Equipped Area of Play (LEAP) = Local Equipped Area of Play.

<b>Provision (Per dwelling)</b>		<b>Maintenance (Per dwelling/10years)</b>	
Children's Equipped Average of: <ul style="list-style-type: none"> <li>▪ Local Area of Play (LAP)</li> <li>▪ Local Equipped Area of Play (LEAP)</li> <li>▪ Neighbourhood Equipped Area of Play (NEAP)</li> </ul>	<b>£834</b>	Children's Equipped Average of: <ul style="list-style-type: none"> <li>▪ Local Area of Play (LAP)</li> <li>▪ Local Equipped Area of Play (LEAP)</li> <li>▪ Neighbourhood Equipped Area of Play (NEAP)</li> </ul>	<b>£137</b>
Formal Play	<b>£781</b>	Formal Play	<b>£495</b>
Informal Play	<b>£135</b>	Informal Play	<b>£69</b>

<b>LAP (100m<sup>2</sup>)</b>	<b>Supply/Installation cost</b>	<b>Maintenance Requirements</b>	<b>10 year cost</b>
Anchored Litter Bins x 1	£458	Empty	£7,800
Fire Retardant Benches x1	£500	Wash, varnish, inspect	£2,000
Metal Fencing	£3,800	Paint, repairs.	£4,000
Self Locking Gates x 1	£350	Inspect, lubricate, paint	£500
Signage, Fixings Posts	£265	Wash	£191.10
Grass x 100m <sup>2</sup>	£1,000		£462
<b>Total</b>	<b>£6,373</b>		<b>£14,953.10</b>

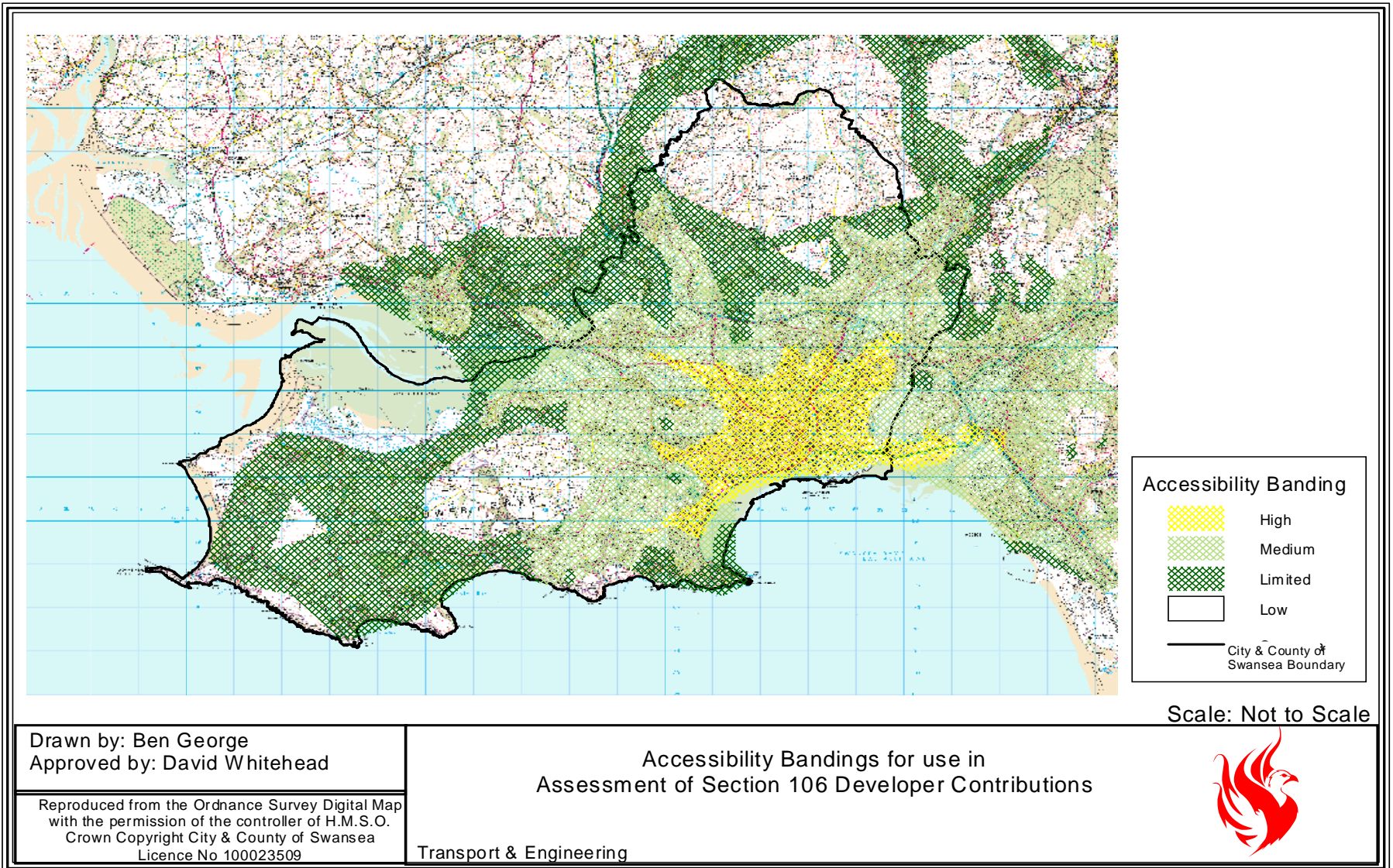
<b>LEAP (400m<sup>2</sup>)</b>	<b>Supply/Installation cost</b>	<b>Maintenance Requirements</b>	<b>10 year cost</b>
Multi Climber Junior	£1,500		
6" 1Bay 2 Seat Cradle swing	£3,590		
8" 1Bay 2 Seat Flat swing	£3,879		
Roundabout	£3,500	Replace vandalised equipment	£40,000
Spring Rocker	£900		
Spring Rocker	£900		
See Saw	£3,360		
DDA sensory items	£1,000		
Anchored Litter Bins x 2	£916	Empty	£15,600
Fire Retardant Benches x 2	£1,000	Wash, varnish, inspect	£4,000
Tarmac Surfacing	£10,150	Overlay	£8,000
Rubber Safety Surfacing	£19,500	Replace	£12,000
Metal Fencing	£7,500	Paint, repairs.	£8,000
Self Closing Gates x 2	£1,569	Inspect, lubricate, paint	£1,000
Safety Barriers	£255		
Signage	£265		
<b>Total</b>	<b>£59,784</b>		<b>£88,600</b>

NEAP (1000 m <sup>2</sup> )	Supply/Installation cost	Maintenance Requirements	10 year cost
Multi Climber Junior	£1,500		
6" 1Bay 2 Seat Cradle Swing	£3,590		
8" 1Bay 2 Seat Flat Swing	£3,879		
Roundabout	£3,500	Replace vandalised equipment	£44,000
Spring Rocker	£900		
Spring Rocker	£900		
See Saw	£3,360		
Dynamic Structures	£2,680		
Dynamic Structures	£3,940		
DDA sensory items	£1,000		
Anchored Litter Bins x 2	£916	Empty	£15,600
Fire Retardant Benches x 2	£1,000	Wash, varnish, inspect	£4,000
Metal Fencing	£16,500	Paint, repairs.	£8,000
Rubber Safety Surfacing	£19,500	Replace	£12,000
Self Closing Gates x 2	£1,569	Inspect, lubricate, paint	£1,000
Safety Barriers	£255		
<b>Total</b>	<b>£64,989</b>		<b>£84,600</b>

Formal Play Provision	Supply/Installation cost	Maintenance Requirements	10 year cost
Multi Use Games Area 30m x 18m (540m <sup>2</sup> )	£85,000		£23,614.00(E)
Tennis Courts x 2 37 x 42M (1554m <sup>2</sup> ) fenced & floodlit	£117,000 (E)		£24,114 (E)
Football Pitch 110 x 71M (7810m <sup>2</sup> ) including runoff	£75,000 (E)		£73,655 (E)
Rugby Pitch 106 x 79M (8374m <sup>2</sup> ) including runoff	£75,000 (E)		£73,655 (E)
Cricket 4 x Turf 1 x artificial 6649m <sup>2</sup> inc. outfield	£54,000 (E)		£61,884 (E)
<b>Av size 4985m<sup>2</sup></b>	<b>£81200</b>		<b>£51,384</b>

Informal Play Provision	Supply/Installation cost	Maintenance Requirements	10 year cost
Informal play space 5,000m <sup>2</sup> graded level seeded and stoned picked inclusive of path and furniture.	£45,000 (E)		23,120

## Appendix: 5 Accessibility Bandings for the City & County of Swansea



## **Appendix: 6      Contact Point**

Developers are encouraged to make early contact with planning officers prior to the submission of planning applications to discuss the Council's requirements for development contributions. This can help to speed the eventual determination of a planning application. You are encouraged to contact the Principal Planning Officer in the Major Projects Team who will be pleased to help.

### **Write to:**

Principal Planning Officer – Major Projects Team,  
Planning Services,  
Environment Department,  
Civic Centre,  
Oystermouth Road,  
Swansea,  
SA1 3SN.

**Telephone:** 01792 635735

**E-mail:** [planning@swansea.gov.uk](mailto:planning@swansea.gov.uk)

## **Appendix: 7      Appropriate Web Sites/Links**

- 1) City and County of Swansea Council: [www.swansea.gov.uk](http://www.swansea.gov.uk)
- 2) Welsh Assembly Government: [www.wales.gov.uk](http://www.wales.gov.uk)
- 3) City and County of Swansea Council - Unitary Development Plan: [www.swansea.gov.uk/devplan](http://www.swansea.gov.uk/devplan)
- 4) Office for Public Sector Information: Planning and Compensation Act 1991(c. 34)  
  
[http://www.opsi.gov.uk/Acts/acts1991/ukpga\\_19910034\\_en\\_1](http://www.opsi.gov.uk/Acts/acts1991/ukpga_19910034_en_1)
- 5) Office for Public Sector Information: Planning and Compulsory Purchase Act 2004  
  
[http://www.opsi.gov.uk/acts/acts2004/pdf/ukpga\\_20040005\\_en.pdf](http://www.opsi.gov.uk/acts/acts2004/pdf/ukpga_20040005_en.pdf)
- 6) Welsh Assembly Government: Welsh Office Circular 13/97  
  
[http://wales.gov.uk/docrepos/40382/epc/planning/403821/403827/403821/New\\_Approach\\_to\\_Planning\\_Obliga1/Welsh\\_Office\\_Circular\\_13\\_971.pdf?lang=en](http://wales.gov.uk/docrepos/40382/epc/planning/403821/403827/403821/New_Approach_to_Planning_Obliga1/Welsh_Office_Circular_13_971.pdf?lang=en)
- 7) Welsh Assembly Government: Planning Policy Wales (March 2002)  
  
<http://wales.gov.uk/topics/planning/policy/planpolicywales/?lang=en>
- 8) Welsh Assembly Government: The Use and Value of Planning Obligations in Wales – Research Report (August 2007)  
  
<http://new.wales.gov.uk/desh/research/planning/planningobligations/ploblicationse.pdf?lang=en>
- 9) Welsh Assembly Government: Technical Advice Note 2: Planning and Affordable Housing (2006)  
  
<http://wales.gov.uk/topics/planning/policy/tans/tan2>



