

Application Ref	Request for a modification to a S.106 legal agreement in relation to NP/19/0361/OUT
Case Officer	Kate Attrill
Applicant	Pembrokeshire County Council Housing
Agent	Department Liam Hopkins, The Urbanists
Proposal	To amend Schedule and Schedule 2 of the existing S.106 legal agreement for NP/19/0361/OUT
Site Location	Land at Brynhir, Tenby, Pembrokeshire, SA70 8TT

This item is being considered by the Development Management Committee as it involves a modification to a S.106 agreement which would vary from a recommendation previously approved by the Committee and because the Director with responsibility for Planning considers that it raises matters of public and/or member interest.

Site and Proposed development

The development site is currently green field and is located to the north and east of Upper Hill Park in Tenby. Footpaths provide pedestrian access to the site from Upper Hill Park and a bridleway provides access from the A478 highway to the north-west. Slippery Back Lane runs along the eastern boundary of the site and a footpath runs along the western boundary.

There are a number of protected trees to the northern boundary of the central field which are proposed to be retained as part of the development. The site is private land owned by Pembrokeshire County Council.

The development permitted by the existing permission is up to 144 new homes (including up to 102 affordable residential units, 8 shared ownership residential units and 34 open market shared units) with associated highway, drainage and landscape / open space infrastructure.

The developer has approached the Authority to vary the terms of the Section 106 agreement at the site. Further details of the current Section 106 agreement are provided in the planning history below.

Procedurally the Authority has to consider this as a request for a modification to a Section 106 agreement by agreement under Section 106A(1)(a). It is not an application to modify or discharge the agreement, under Section 106A(3) as these can only be formally made after five years from the signing of the agreement.

Relevant Planning History

NP/19/0361/OUT – Outline application with all matters reserved for 102 affordable residential units, 8 shared ownership residential units and 34 open market shared units together with associated access, drainage & landscaping. (Subject to Section 106 Agreement) approved 29th September 2020.

NP/23/0102/NMA – Non-Material Amendment to NP/19/0361/OUT – Amendment to development description approved 17th April 2023

At the time of the Non-Material Amendment application, an update to incorporate the “Up to” approach that was inserted into the development description had not made to the S.106 agreement, as it was intended to update the S.106 agreement alongside the determination of the reserved matters application for the development. A reserved matters application is currently in preparation for the development and is expected to be submitted to the National Park Authority in August 2023, but amendments to the S.106 are now sought earlier than the determination of the reserved matters application. The reason for this is that detailed work has been undertaken by Pembrokeshire County Council on the scheme design, and confidence is required that the proposed approach can be accommodated by the S.106 agreement.

Principle of variation

A full list of the wording variations proposed by the applicant are attached as Appendix 1. A statement from the Developer is attached as Appendix 2.

The substantive changes to the agreement are to reflect the changes to the Non-Material Amendment and insert ‘up to’ before the numbers of houses within this agreement.

The developer has advised that as the detailed design for the site has developed, the upper number of new homes identified in the permission is unlikely to be met, with high quality placemaking outcomes prioritised over maximising the total number of units. Indications at this stage are that a scheme of approximately 125 homes in total is likely to be submitted as a Reserved Matters application. While the proposed housing mix would still be within the parameters described in the planning permission, Officers of this Authority have advised that any amendment to the S.106 should also include the requirement that the percentage of affordable housing does not drop below 71%. This ensures that in the event the developer delivers a slightly smaller scheme, the percentage proportion of affordable homes would remain in line with the original development description. A similar clause is also proposed in relation to shared ownership. This would not prevent the developer increasing the percentage of either affordable housing or shared ownership should they wish to do so, but retains certainty of a minimum proportion of provision for the Local Planning Authority.

Two additional clauses are therefore proposed as an addition to Schedule 2 to state:

“To provide a minimum of 71% affordable housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by the Authority.”

“To provide a minimum of 6% shared ownership housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by the Authority.”

Amendments are also sought by the developer to vary the approach to the delivery of play provision within the development.

In the S.106 open space is defined as the “*open space facilities provided by the Owner as part of the Development*” and is to include one Multi Use Games Area (MUGA), two Local Equipped Area for Play Spaces (LEAPS) and no less than 1600m² of associated open space providing informal play opportunities in reasonably flat and imaginatively designed and contoured environment with natural materials. For a scheme that delivers approximately 125 homes it is considered that delivering one MUGA and two LEAPS would represent an over provision, and that it would reduce the opportunities for a more creative and integrated approach to delivering play that would ultimately contribute to the delivered scheme having a higher quality sense of place. It is proposed that the definition of open space in the S.106 should be amended to remove the requirement for the provision of the MUGA, with one of the LEAPs instead providing a multi-use space for ball games as part of its agreed specification.

It is not considered that the removal of the MUGA would reduce the play provision in the scheme as it is proposed to incorporate a flat play area that would be usable in all weathers for multi-use games (including ball games) into a generous LEAP that would be located in the Central Village Green. The proposed Central Village Green would be a central feature in the scheme’s landscape and open space design, and the approach of integrating a dynamic LEAP, with a ball games area, would create an opportunity to make the space the communal and social heart of the scheme. It would offer play opportunities that create multiple experiences for children of different ages, prevent some younger and children from being displaced from the space (as can often happen with MUGAs), and leave sufficient space to integrate other open space infrastructure like seating areas and exercise equipment that encourages multi-generational use, social interaction and healthy lifestyles. Importantly there would also be additional public space that could be subject to species rich planting that further contributes to biodiversity enhancement across the site.

Officers consider that these amendments to the open spaces proposed are acceptable provided that the LEAP which provides the multi-use space for ball games exceeds the minimum LEAP space standards of 400m² and that this is specified within the S.106. The proposal is for the multi-use space to be 550m² and that is acceptable.

Conclusion

The proposed deed of variation largely retains the requirements of the original agreement to provide a minimum of 71% of affordable housing units and 6% of shared ownership at the site. Amendments proposed to the open space will allow an improved layout to be submitted at reserved matters stage with a Central Village Green to create a communal and social heart of the scheme.

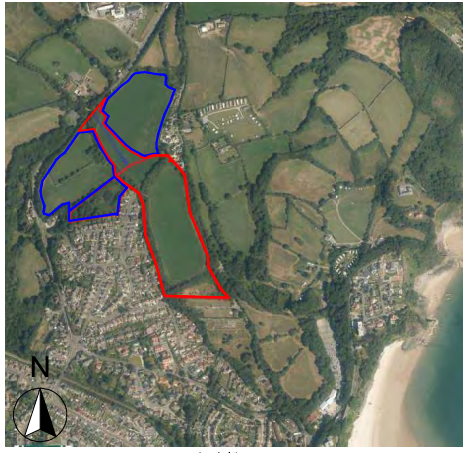
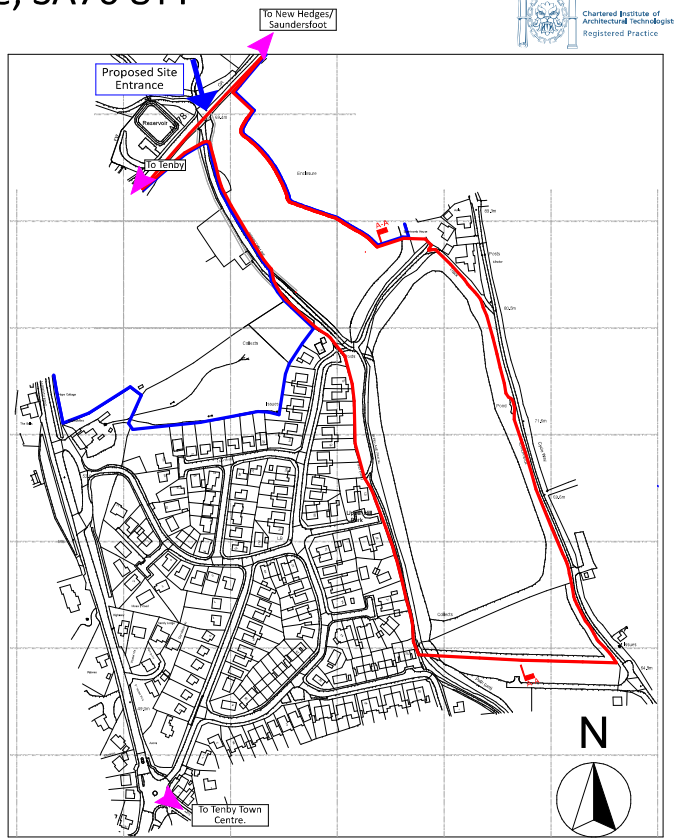
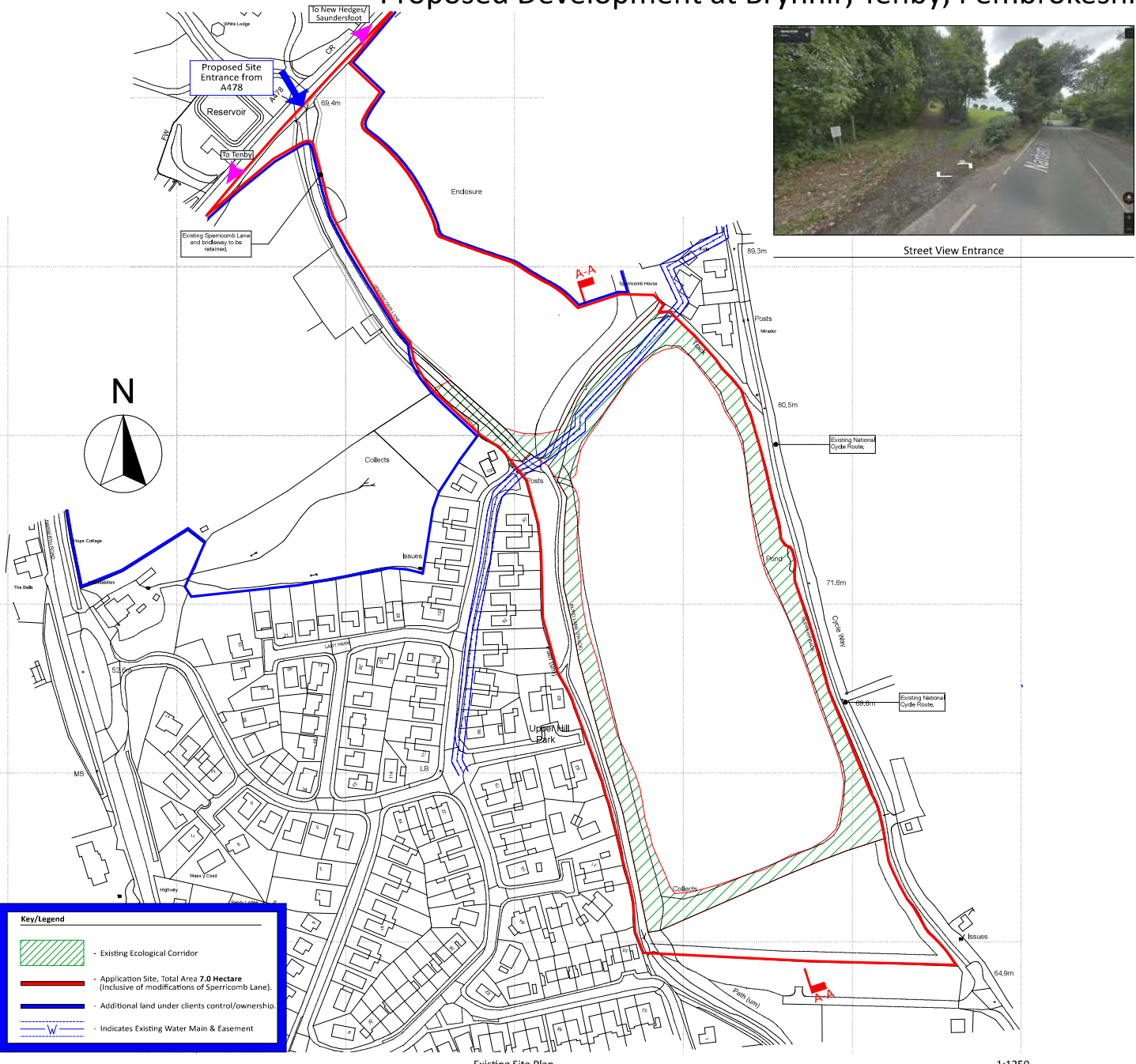
Officers recommend that the amended S.106 wording set out in Appendix 1 be approved.

The variation recommended by officers is considered to be in line with the requirements of the LDP2 and will facilitate the provision of affordable housing and open space in accordance with policies: 2, 15, 46, 48, 50, 51, 52, and 55.

Recommendation

That Committee approve the request for a variation to the section 106 agreement by agreement.

Proposed Development at Brynhir, Tenby, Pembrokeshire, SA70 8TT



REASON FOR ISSUE	DATE	REVISIONS	DATE
Issue for Formal Outline Planning Application.	13th June 2019	F - Development boundary revised to accommodate updated access road	13th June 2019
Issue for Formal Outline Planning Application.	14th June 2019	G - National Cycle route identified on plan.	14th June 2019
Issue for Formal Outline Planning Application.	21st June 2019	H - Development boundary revised to accommodate updated access road	21st June 2019
Issue for Formal Outline Planning Application.	21st June 2019	I - Application Site area updated.	21st June 2019
Client requested update.	8th Sept 2020	J - Minor update to the Application Site boundary line (RED Line)	8th Sept 2020

NOTES:
OUTLINE PLANNING ISSUE



PROPOSED BRYNHIR RESIDENTIAL DEVELOPMENT
LAND AT BRYNHIR, TENBY, PEMBROKESHIRE, SA70 8TT
APPLICATION TO AMEND THE S.106

V.4 - 29/06/2023



theurbanists

Contents Page

1. Introduction	p.3
2. The Proposed Site and Development	p.4
3. Amendments Requested to the S.106	p.5
4. Conclusion	p.11
5. Appendices	p.12

1. Introduction

This Planning Statement has been prepared as part of an application to amend the S.106 attached to planning permission NP/19/0361/OUT, which was granted by the Pembrokeshire Coast National Park Authority on the 29th September 2020. The description of development on the permission was: “Outline application with all matters reserved for 102 affordable residential units, 8 shared ownership residential units and 34 open market residential units together with associated access, drainage & landscaping”. Following the grant of permission, a Non Material Amendment application addressing the description of development on the permission was made; and was approved by the National Park Authority on 17th April 2023. The amendment added “Up to” into the description of development.

At the time of the Non Material Amendment application, an update to incorporate the “Up to” approach that was inserted into the development description was not made to the S.106, as it was intended to update the S.106 alongside the determination of the reserved matters application for the development. A reserved matters application is currently in preparation for the development and will be submitted to the National Park Authority in August 2023, but amendments to the S.106 are now sought earlier than the determination of the reserved matters application. The reason for this is that detailed work has been undertaken by Pembrokeshire County Council on the scheme design, and confidence is required that the proposed approach can be accommodated by the S.106. Specifically, it is proposed to amend the approach to the delivery of play provision in the development with justification centred around the improvements it will make to the scheme play offer and also placemaking credentials of the developments. As the S.106 is being revisited an update to the S.106 to reflect the “Up to” approach is also now sought, along with some minor amendments relating to the % provision of affordable housing and shared ownership housing which is required by the National Park Authority.

Informal engagement with the National Park Authority identified that as the S.106 is less than five years old amendments to the S.106 could be agreed in writing via a written request for a Deed of Variation. This Planning statement provides that written request; addressing changes sought to Schedule 1 (The Development), Schedule 2 (Affordable Housing and Shared Ownership Units) and Schedule 3 (Open Space Covenants). Amendments are also sought to the relevant definitions relating to each covenant.

2. The Proposed Site and Development

The development site is currently green field, and is located to the north and east of Upper Hill Park in Tenby. Footpaths provide pedestrian access to the site from Upper Hill Park and a bridleway provides access from the A478 highway to the north-west. Slippery Back Lane runs along the eastern boundary of the site and a footpath runs along the western boundary. There are a number of protected trees to the northern boundary of the central field which are proposed to be retained as part of the development. The site is private land owned by Pembrokeshire County Council and is agricultural land.



Figure 1: Site Location.

The development permitted by the existing permission is up to 144 new homes (including up to 102 affordable residential units, 8 shared ownership residential units and 34 open market shared units) with associated highway, drainage and landscape / open space infrastructure.

3. Amendments Requested to the S.106

3.1 Schedule 1 - The Development

3.1.1 Amendments Sought:

Schedule 1 describes the development. The description requires the inclusion of “up to” prior to the breakdown of the housing type numbers to align with the updated development description.

3.1.2 Drafting Changes Requested:

Insert *up to* before the breakdown of the housing type numbers referenced in Scheduled 1.

Insert *up to* before “102 (one hundred and two) of the Housing Units” in the affordable housing units definition.

Insert *up to* before “8 (eight) of the Housing Units” in the shared ownership units definition.

3.1.3 Justification for Amendments:

To align Schedule 1 with the description on the permission as amended by the approved Non Material Amendment application.

3.2 Schedule 2 - Affordable Housing and Shared Ownership

3.2.1 Amendments Sought:

It is proposed to amend the S.106 to confirm that a minimum of 71% of the homes delivered on the site are affordable housing and a minimum of 6% of the homes are to be shared ownership.

3.2.2 Drafting Changes Requested:

An additional clause could be added to Schedule 2 to state the following: *To provide a minimum of 71% affordable housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by the Authority.*

Alternatively, the following could be added to the end of the affordable housing units definition: *and will constitute a minimum of 71% of the total housing numbers delivered on the site, unless otherwise authorised by the Authority.*

In respect of the shared ownership an additional clause could be added to schedule 2 to state the following: *To provide a minimum of 6% shared ownership housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by the Authority.*

Alternatively, the following could be added to the end of the shared ownership units definition: *and will constitute a minimum of 6% of the total housing numbers delivered on the site, unless otherwise authorised by the Authority.*

3.2.3 Justification for Amendment:

As the scheme for the proposed development has progressed, the upper number of new homes identified in the permission is unlikely to be met, with high quality placemaking outcomes prioritised over maximising the total number of units. Whilst the proposed housing mix would still be within the parameters described in the planning permission, the National Park Authority would like to add to the S.106 to ensure that the amount of affordable housing provided does not drop below 71% and the shared ownership housing does not drop below 6%; the percentage provisions when the development description was: “Outline application with all matters reserved for 102 affordable residential units, 8 shared ownership residential units and 34 open market residential units together with associated access, drainage & landscaping”. The proposed amendments would ensure that in the event of a slightly smaller scheme, the percentage proportion of affordable homes would remain in line with the original development description.

3.3 Schedule 3 - Open Space Covenants

3.3.1 Amendments Sought:

Removal of the MUGA

When the S.106 was drafted it was based on the provision that 144 new homes would be delivered by the scheme. Following a detailed design exercise, updated technical surveys and a more current understanding of local housing need, this maximum number is no longer likely to be proposed. Rather, the current emerging design for the scheme, which is to be

agreed in a reserved matters application that is to be submitted to the National Park in the summer of 2023, proposes a scheme of approximately 125 new homes. This scheme would have higher quality placemaking credentials, meet local housing needs and also, critically, remain viable for Pembrokeshire County Council to deliver. As a result of the reduction in new homes, it is proposed that the open space provision detailed in the S.106 should be amended to provide flexibility for the current development approach; a reduced but higher quality residential scheme.

In the S.106 open space is defined as the “*open space facilities provided by the Owner as part of the Development*” and is to include one MUGA, two LEAPS and no less than 1600 square metres of associated open space providing informal play opportunities in reasonably flat and imaginatively designed and contoured environment with natural materials (refer to Agreed terms, paragraph 1.1, open space definition). For a scheme that delivers approximately 125 homes it is considered that delivering one MUGA and two LEAPS would represent an over provision, and also that it would reduce the opportunities for a more creative and integrated approach to delivering play that would ultimately contribute to the delivered scheme having a higher quality sense of place. It is proposed that the definition of open space in the S.106 should be amended to remove the requirement for the provision of the MUGA, with one of the LEAPs instead providing a multi-use space for ball games as part of its agreed specification.

Confirming the Increased Size of the LEAP

From discussions with the National Park Authority, it is understood that should this approach be accepted the LEAP with the multi-use space for ball games should exceed the minimum LEAP space standards of 400m² and that the S.106 should be amended to confirm the proposed size.

3.3.2 Drafting Changes Requested:

Removal of the MUGA

The removal of the obligation to provide a MUGA as part of the development would require the removal of the “1 (One) MUGA reference” from the Open Space definition. It would also

require the removal of “MUGA” from the Open Space Specification definition and removal of “MUGA” as a definition. In respect of Schedule 3 clauses 1.3 and 1.9 would also need to be amended to remove the reference to “MUGA”.

Confirming the Increased Size of the LEAP

The proposed approach of providing a year round ball games area in one of the LEAPs and addressing the National Park Authority’s requirement for a minimum space standard for that LEAP could be addressed via an amendment to the “Open Space” definition could be amended as follows: *2 (Two) LEAPS with one LEAP including a year round ball games area and is a minimum of 550 square metres.*

3.3.3 Justification for Amendments:

Removal of the MUGA

The Supplementary Planning Guidance, Planning Obligations, identifies the threshold for residential schemes to provide a MUGA as 121 dwellings, which would marginally be exceeded by the reduced size scheme currently proposing 125 new homes. However, it is also noted that the Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard Wales sets the threshold for the provision of a MUGA as 201 homes and above. This national threshold is well above the numbers now proposed in the scheme, and on that basis, it is considered a relevant reference to justify the to remove the MUGA from the formal play provision in the scheme.

It is not considered that the removal of the MUGA would reduce the play provision in the scheme as it is proposed to incorporate a flat play area that would be usable in all weathers for multi-use games (including ball games) into a generous LEAP that would be located in the a Central Village Green. The proposed Central Village Green would be a central feature in the scheme’s landscape and open space design, and the approach of integrating a dynamic LEAP, with a ball games area, would create an opportunity to make the space the communal and social heart of the scheme. It would offer play opportunities that create multiple experiences for children of different ages, prevent some younger and children from being displaced from the space (as can often happen with MUGAs), and also leave sufficient space to integrate other open space infrastructure like seating areas and exercise equipment that

encourages multi-generational use, social interaction and healthy lifestyles. Importantly there would also be additional public space that could be subject to species rich planting that further contributes to biodiversity enhancement across the site. Should a MUGA need to be retained in the development, then it would logically be located in the Central Village Green and aforementioned positive outcomes, which would markedly strengthen the scheme's sense of place would not be fully realised due to the size of the MUGA and its more formal and inflexible nature.

A sketch scheme with supporting precedents that convey how a LEAP with a year round ball games area could be delivered in the Central Village Green and create a multi-play and social space is included as appendix to this Planning Statement. The sketch scheme delivers a usable play area that exceeds the minimum 550 square metres proposed for the LEAP.

The approach for an inclusive multi-purpose formal play space would also work well with the wider approach to delivering play in the scheme and also the open space and landscape design. In addition to the LEAP in the Central Village Green it is proposed to provide a further LEAP in the south of the site adjacent to the proposed drainage attenuation and nature area. It is intended that this LEAP would have a more natural character than that in the Central Village Green, creating further diversity of play experiences in the scheme and through the integration with the nature area create further opportunities for multi-generational interactions. It is also proposed to connect the key open spaces in the scheme and the LEAPS with an informal landscape resource along the entirety of the site's perimeter. This resource would be a natural landscape space that separates the 5m ecology buffer required in the S.106 from the new homes and associated highway infrastructure, but it would also provide informal open space. The total number would exceed the requirement in the S.106 for 1600 square metres of informal open space that provides further informal play opportunities. The landscape resource would be reasonably flat and subject to imaginative landscape design and include a trail of natural features that create opportunities for play, exercise and health and wellbeing. In combination, this approach would ensure a holistic play offer in the scheme, provided in a rich natural landscape.

It is noted that in the Supplementary Planning Guidance, Planning Obligations, the threshold for providing LEAPs is 72 dwellings. Based on the provision of 126 dwellings the need for two

LEAPs is not therefore required by local policy, whereas a MUGA is (the threshold in the Guidance is 121 dwellings). However, the above high-quality approach to creating a distinctive formal and informal play offer in a sensitive natural setting cannot spatially be achieved with a MUGA in the scheme. As described above, the logical location for a MUGA in the scheme is in the Central Village Green, but as a MUGA requires a 30m buffer zone between its boundary and the boundary of the nearest home there is insufficient space to provide a MUGA and the distinctive play environment outlined above. A LEAP requires 20m from the LEAP boundary to the habitable room facade of the nearest dwelling; this creates the space required to deliver the more dynamic play and open space design.

A review of the Open Space Assessment Background Paper from March 2018, identifies an outstanding need for 0.44ha equipped play and 1.36ha of other outdoor provision (refer to Table 7, p.18). The proposed delivery of two LEAPs would help to address the deficit for equipped play, and would reflect the existing approach to delivering play across the Tenby settlement, which the Background Paper notes is spread across the Tenby settlement. The LEAPs would also create a good supply of equipped space in the north of the settlement, which based on desktop review seems to be lacking. It is acknowledged that provision of a MUGA would also help to address the deficit of other outdoor provision identified in the Background Paper, but is questionable whether the scheme is the most appropriate location to address existing local need due to its location within the Tenby settlement and its residential character. Provision of a new MUGA would better serve the wider settlement if it was located in a more central location for all of the existing community. Based on the Background Paper it is considered that the proposed approach to delivering formal play on the site is in line with local need for play provision.

Confirming the Increased Size of the LEAP

It is understood that the National Park Authority would require an increased minimum size for a LEAP with a year round ball games area. The Owner is agreeable to this approach on the basis of providing a high quality dynamic open space that contributes to the placemaking approach on the site.

4. Conclusion

This Planning Statement has been prepared as part of an application to amend the S.106 attached to planning permission NP/19/0361/OUT, which was granted by the Pembrokeshire Coast National Park Authority on the 29th September 2020. The reason for the application is that detailed work has been undertaken by Pembrokeshire County Council on the scheme design and reserved matters application, and confidence is required that the proposed development approach can be accommodated by the s.106. The amendments proposed are considered to improve the quality of the proposed development, unlocking placemaking opportunities and creating the basis for a well-balanced and high-quality residential scheme.

Informal engagement with the National Park Authority identified that as the S.106 is less than five years old amendments to the s.106 could be agreed in writing via a written request for a Deed of Variation. This statement provides that written request; addressing changes sought to Schedule 1 (The Development), Schedule 2 (Affordable Housing and Shared Ownership Units) and Schedule 3 (Open Space Covenants). Amendments are also sought to the relevant definitions.

For some of the proposed amendments options have been presented for the review of the National Park Authority. Pending further refinement, it is considered that the amendments sought will help to ensure that the scheme is fully equipped to have the most positive impact in the local housing area, in particular in addressing local housing needs, and also improve the placemaking and design quality of the scheme.

5. Appendix

Appendix A - Central Village Green LEAP Concept

The LEAP Central Green Concept

Introduction

These landscape concept design sheets have been prepared to support an application to make changes to the S.106 for the Brynhir residential scheme. Specifically it has been prepared to amend the approach to provision of play infrastructure on the site, which includes the the removal of the MUGA from the scheme. Instead it is proposed to provide two LEAPs with one also including a year round ball games area. The concept should be read alongside the Planning Statement that provides the context and justification to the proposed changes.

Our Site Wide Play Approach

- Informal landscape resource around the perimeter of the site
- Protecting the 5m ecology buffer and creating a transition to the development
- Transitional planting that contributes to biodiversity net gain and also an informal open space with transitional play and community experiences
- Connects two LEAPS; a large LEAP with ball games area in the Central Village Green, and smaller natural LEAP in the South.
- Each LEAP provides a different but complementary play offer.



Central Village Green

Generous LEAP in the Central Village Green that is the communal heart of the scheme:

- Minimum of 550 square metres.
- Includes a year round ball games area.
- Provides play facility that offers experience for younger and older children.
- Robust selection of materials that withstand the coastal setting.
- Sitting areas for parents but also other residents to come together and create multi-generational interest and interaction.
- Inclusion of exercise equipment for adults and older children.
- Variation in landscape form to create interest and natural play.
- Close interaction with the perimeter landscape resource.
- Planting in the wider Central Green to contribute to biodiversity net gain
- Safeguards the 5m ecology buffer

LEAP versus MUGA

The opportunities associated with the proposed LEAP and ball games area are considered to be a significant improvement on the proposal for a MUGA, which would fail to deliver the above opportunities as it has a more rigid design and is less easily integrated into wider public open spaces. provision of a MUGA would reduce placemaking opportunities in the Central Village Green. There is also a risk with MUGA that younger children being displaced from the space, as MUGAs can tend to be used by older children.



Proposed LEAP and Community Landscape space in the Central Village Green.

Note: Illustrative concept, details to be agreed through reserved matters application.

Plan of how the MUGA would look in the Central Village Green (reduced placemaking opportunities)

Precedents



Stockholm, Bredang Park, Stockholm - Multi-functional play space in green setting.



Tatham Park - Year round multi use ball game area.

Precedents



Mayfield Park Manchester - Robust Play Equipment.



Parco della Costituzione, Italy - Colourful and vibrant surfacing with play.



Appendix 1: Amended wording proposed to S.106

3.1 Schedule 1 - The Development

3.1.1 Amendments Sought:

Schedule 1 describes the development. The description requires the inclusion of “up to” prior to the breakdown of the housing type numbers to align with the updated development description.

3.1.2 Drafting Changes Requested:

Insert *up to* before the breakdown of the housing type numbers referenced in Scheduled 1.

Insert *up to* before “102 (one hundred and two) of the Housing Units” in the affordable housing units definition.

Insert *up to* before “8 (eight) of the Housing Units” in the shared ownership units definition.

3.2 Schedule 2 - Affordable Housing and Shared Ownership

3.2.1 Amendments Sought:

It is proposed to amend the S.106 to confirm that a minimum of 71% of the homes delivered on the site are affordable housing and a minimum of 6% of the homes are to be shared ownership.

3.2.2 Drafting Changes Requested:

An additional two clauses could be added to Schedule 2 to state the following:

To provide a minimum of 71% affordable housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by PCNPA..

To provide a minimum of 6% shared ownership housing units as part of the total number of housing units delivered on the site, unless otherwise authorised by the Authority

3.3 Schedule 3 - Open Space Covenants

3.3.1 Amendments Sought:

Removal of the MUGA

It is proposed that the definition of open space in the S.106 should be amended to remove the requirement for the provision of the MUGA, with one of the LEAPs instead providing a multi-use space for ball games as part of its agreed specification.

3.3.2 Drafting Changes Requested:

Removal of the MUGA

The removal of the obligation to provide a MUGA as part of the development would require the removal of the “1 (One) MUGA reference” from the Open Space definition. It would also require the removal of “MUGA” from the Open Space Specification definition and removal of “MUGA” as a definition. In respect of Schedule 3 clauses 1.3 and 1.9 would also need to be amended to remove the reference to “MUGA”.

Item 5 - Report on Planning Applications

Confirming the Increased Size of the LEAP

The proposed approach of providing a year-round ball games area in one of the LEAPs and addressing the National Park Authority's requirement for a minimum space standard for that LEAP could be addressed via an amendment to the "Open Space" definition could be amended as follows: *2 (Two) LEAPS with 1 (One) LEAP including a year-round ball games area and is a minimum of 550m².*