

**REPORT OF THE HEAD OF PARK DIRECTION**

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

**Purpose of this Report**

1. This report sets out a revised Planning Obligations Supplementary Planning Guidance (SPG) document for consideration by the Authority. It seeks endorsement of the contents prior to a public consultation in May.

**Background**

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

**Implications of the Community Infrastructure Levy Regulations**

4. The Council and the National Park Authority have not introduced a Community Infrastructure Levy charging schedule and are consequently continuing to rely on planning obligations to provide necessary infrastructure. This is because the predominantly rural nature of Pembrokeshire means that the main obligation required to support the majority of residential development is affordable housing. Given that there is limited viability in some parts of the County, adopting Community Infrastructure Levy has been seen as a potential barrier to the effective delivery of affordable housing (which is excluded from the type of infrastructure which can be secured through Community Infrastructure Levy). There is a concern that because Community Infrastructure Levy would be charged prior to consideration of site specific

obligations, its adoption would be likely to result in a lower level of delivery of affordable housing.

5. The Community Infrastructure Levy Regulations reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to CIL. The Regulations apply to all Planning Authorities in England and Wales, even those like the Council and National Park Authority that have not introduced a CIL charging schedule.
6. Parts of Community Infrastructure Levy Regulation 123 took effect from 6 April 2015<sup>1</sup>, or as soon as a charging authority started to charge Community Infrastructure Levy in its area, if earlier. From this date (or whenever Community Infrastructure Levy is adopted by a Local Planning Authority), a Local Planning Authority has been unable to pool contributions from more than 5 developments which could be funded from Community Infrastructure Levy. When assessing whether 5 separate planning obligations have already been entered into for a specific infrastructure project or a type of infrastructure project or a type of infrastructure, Local Planning Authorities are required to review agreements that have been entered into since 6<sup>th</sup> April 2010. This limitation on the number of agreements that can be pooled is a particular issue for certain types of infrastructure such as libraries or secondary schools (which have a large geographical catchment area).
7. Earlier this year, the Council submitted a formal response to a UK Government consultation regarding the Community Infrastructure Levy Regulations, highlighting the issues created by the pooling limitation for rural Authorities. This consultation considered how the Community Infrastructure Levy Regulations are working, however no immediate change to them is likely. Given this, there is a need for the Council and National Park Authority to ensure that working practices and policy guidance maximise the effectiveness of any contributions sought.

### **Changes to contribution thresholds**

8. The draft Supplementary Planning Guidance has raised the threshold for development from which certain contributions will be sought as a result of the Community Infrastructure Levy Regulations pooling restriction. A higher threshold in terms of dwelling numbers has been set for a range of contributions, in order to maximise the value of such contributions to Pembrokeshire.
9. For small developments (under 5 dwellings) the draft Supplementary Planning Guidance establishes that the only type of contribution sought will be for Affordable Housing and potentially for biodiversity provision such as replacement tree provision (if a tree loss cannot be mitigated by the developer through replacement on site).

10. For residential development highways contributions will be sought on all schemes of 5 or more dwellings. Highway contributions will be sought on all non-residential development where a need is generated. No floorspace threshold is established because even developments with a relatively small floorspace may generate significant traffic levels which require contributions (for example a drive thru restaurant).
11. For residential developments of 10 or over dwellings a contribution will be sought for offsite open space, where no existing adequate open space to serve the development exists in the vicinity. Onsite open space contributions relating to different types of open space will be sought on developments of over 33 dwellings.
12. No minimum threshold is set for public art or biodiversity requirements; instead an assessment will be made on a case by case basis. As part of the biodiversity contributions, the draft Supplementary Planning Guidance proposes implementing a tree replacement contribution, based on an approach pioneered by Bristol and Bath City Council's. This approach encourages the replacement of any trees removed on site by a developer, however in cases where a developer cannot replant a tree on a development site, a contribution is sought for the Council to plant such a replacement tree or trees in the local area.
13. Developments of over 20 dwellings will be required to support a contribution towards education facilities, public libraries and other community facilities where a need is demonstrated.

### **Viability Testing**

14. The Council and the National Park Authority recognise that in some cases issues of viability may mean that not all of the demands created by a development can be met fully. The Authorities are keen to ensure that the requirements of a Planning Obligation do not unreasonably stifle or prevent development. The draft Planning Obligations Supplementary Planning Guidance sets out maximum contributions for development and the intention is that this upfront approach provides clear information for a developer, allowing them to assess prior to submission of an application the level of contributions likely to be required to support their development.
15. The extent to which Section 106 contributions affect the economic viability of a scheme can be tested through the use of a 'Development Appraisal Toolkit'. In such cases, developers will be expected to provide access to their financial evaluations by using an 'open book approach' and cover the costs of such an assessment. The Authorities will consider whether a Planning Obligation can be reduced or dispensed with where there is sufficient evidence to demonstrate that to do otherwise would jeopardise the economic viability of a development. Information on the process involved in such an assessment and the criteria used to determine how contributions will be prioritised in cases where all contributions cannot be delivered is set out in Section 4 of the draft Supplementary Planning Guidance.

### **Financial considerations**

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

### **Risk considerations**

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

### **Equality considerations**

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

### **Welsh Language considerations**

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

### **Consultation arrangement**

23. If approved for consultation, the draft Supplementary Planning Guidance will be published on the Council's website (with links from the National Park

Authority's website). A consultation period of 8 weeks will then take place, with any responses reported to the Authority for its consideration.

## **RECOMMENDATION**

**That Members approve the attached Supplementary Planning Guidance for consultation.**

Background papers:

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

Local Development Plan Manual – Welsh Government

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

Current Local Development Plan Supplementary Planning Guidance on Planning Obligations

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

Planning Policy Wales (Edition 8, July 2016):

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

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

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

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

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

For use alongside:

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

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

Planning Obligations Supplementary Planning Guidance  
Consultation Draft 2016

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## Glossary

<p><b>Community Infrastructure Levy Regulations (CIL)</b></p>	<p>Regulations introduced by the UK government to encourage Local Planning Authorities to adopt a Community Infrastructure charging schedule. These regulations apply to all authorities in England and Wales, even those who have not adopted a charging schedule.</p>
<p><b>Planning Obligation</b></p>	<p>As part of the planning process, a developer may be required to enter into a legal agreement to provide infrastructure and services on or off the development site where it is not possible to achieve this through planning conditions. These agreements are known as Planning Obligations and are a delivery mechanism for matters that are necessary to make the development acceptable in planning terms.</p>
<p><b>Section 106 Agreements</b></p>	<p>A legal agreement made under section 106 of the Town and Country Planning Act 1990, between a Local Planning Authority and the person, organisation or business that owns the land subject of a planning application, specifying how various planning obligations are to be achieved. Section 106 Agreements run with the land and apply to successive owners.</p>
<p><b>Section 278 Agreements</b></p>	<p>A Section 278 Agreement is a legally binding document between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority. The agreement details what the requirements of both the Local Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Local Highway Authority may</p>

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	<p>act should the developer fail to complete the works. Where the developer is required to carry out works on the public highway, the works will need to be supported by a bond to cover the cost of the works.</p>
<b>Unilateral Undertaking</b>	<p>A Unilateral Undertaking is a simplified version of a planning obligation, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily, which benefits both applicants and the Council.</p>
<b>Viability</b>	<p>A development scheme is considered viable if overall revenue is greater than costs, by sufficient margin for the developer to make a reasonable profit and the landowner to be paid an acceptable residual value.</p>

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

**Preface**

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

*The Council has existing Supplementary Planning Guidance (SPG) on Planning Obligations which was adopted on the 28<sup>th</sup> June 2013, following a formal public consultation period.*

*The Pembrokeshire Coast National Park Authority has an existing SPG on Planning Obligations which was adopted on the 22<sup>nd</sup> June 2011, following a formal public consultation period.*

*This document is a revised SPG on Planning Obligations for public consultation. The existing SPGs remain a material consideration in determining planning applications until this SPG is adopted.*

*(NB – in the final version of this SPG, these paragraphs will be replaced with the following:*

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

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

## 1. Introduction

1.1 New development can offer great benefits to the community by virtue of the homes, workplaces and facilities it provides. It stimulates the economy, but also has consequences for the provision of public services.

1.2 The Council and the National Park Authority will secure developer contributions through legal obligations in order to ensure that local services and infrastructure have adequate capacity to meet the additional demands arising from new development. All planning applications will be assessed on their own individual merits and Planning Obligations will be considered in accordance with Welsh Office Circular 13/97 and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

1.3 The tests in Circular 13/97 make it clear that a Planning Obligation must be:

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

1.4 In addition the CIL regulations stipulate that:

*“A planning obligation may only constitute a reason for granting planning permission if the obligation is:*

*a. Necessary to make to the development acceptable in planning terms;*

*b. Directly related to the development; and*

*c. Fairly and reasonably related in scale and kind to the development”*

(Regulation 122)

1.5 CIL Regulation 122 places into law for the first time the Government's policy tests on the use of planning obligations. The Regulations reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions that are better suited to CIL.

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- 1.6 It is thus unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged to CIL, whether a CIL is in operation or not, if the obligation does not meet the three tests. In such a circumstance, the planning permission would also be unlawful. For all other developments (i.e. those not capable of being charged CIL), the tests in Circular13/97 will continue to apply.
- 1.7 The CIL Regulations define infrastructure by referring to the definition in section 216 of the Planning Act 2008 with amendments, one of those being the deletion of affordable housing from the definition. The definition comprises:
- (a) Roads and other transport facilities;
  - (b) Flood defences;
  - (c) Schools and other educational facilities;
  - (d) Medical facilities;
  - (e) Sporting and recreational facilities; and
  - (f) Open spaces.
- 1.8 Essentially therefore, any of the above matters, if they are to be delivered by way of a planning obligation, must meet the three tests in order for a prospective planning permission to be lawful. Other matters, such as recycling and waste facilities and affordable housing, will remain subject solely to the Circular tests in 13/97 and will not be subject to the statutory tests in Regulation 122.
- 1.9 Parts of CIL Regulation 123 took effect from 6 April 2015<sup>1</sup>, or as soon as a charging authority started to charge CIL in its area, if earlier. From this date (or whenever CIL is adopted by an LPA), an LPA cannot collect pooled contributions from more than 5 developments which could be funded from CIL. When assessing whether 5 separate planning obligations have already been entered into for a specific infrastructure project or a type of infrastructure project or a type of infrastructure, LPA are required to review agreements that have been entered into since 6<sup>th</sup> April 2010.
- 1.10 The Council and the National Park Authority have not introduced a CIL charging schedule and are consequently continuing to rely on planning obligations to provide necessary infrastructure. They may choose to introduce a CIL charging schedule in the future. However, since the 6<sup>th</sup> April 2015 no more than 5 planning obligations contributions can be sought for any one project. The new Regulations apply only to Section 106 Agreements, not Section 278 of the Highways Act. This Guidance will be reviewed in the light of any future decision to introduce a CIL in the Council's planning area and / or in the Pembrokeshire Coast National Park.
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- 1.11 Government advice stipulates that Planning Obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which do not meet the tests outlined within the CIL Regulations. Furthermore, planning obligations should never be used purely as a means of securing for the local community a share in the profits of a development (in other words, as a means of securing a betterment levy or “planning gain”).
- 1.12 To create some certainty for developers and to ensure consistency and transparency it is recognised that similar developments should result in a similar maximum scale of planning obligations. This Supplementary Planning Guidance (SPG) is intended to provide landowners, developers and residents with guidance on the type and maximum scale of contributions that the Authorities will seek from defined types and scales of development. It provides additional guidance to support policy GN.3 ‘Infrastructure and New Development’ of the Pembrokeshire County Council Local Development Plan and policy 48 ‘Community Facilities’ of Pembrokeshire Coast National Park Authority’s Local Development Plan.
- 1.13 This SPG covers the following services, facilities and infrastructure that the Authorities will generally seek contributions and obligations on and includes:
- Affordable Housing (with more detail provided in separate SPGs available on both Authorities’ websites);
  - Recreational and Amenity Open Space;
  - Sustainable Transport Facilities;
  - Education;
  - Community Facilities (including Libraries);
  - Public Art; and
  - Biodiversity.
- 1.14 Contributions for other types of infrastructure such as regeneration, waste and renewable energy may still be sought where an application generates a particular need for a specific infrastructure obligation.
- 1.15 Information on the maximum contribution sought (where applicable) for the types of obligation identified in paragraph 1.13 are set out in Section 6 of this document.
- 1.16 Applicants will need to address Planning Obligations as part of their planning application and are encouraged to include this information with their submission as the absence of a required obligation may lead to the refusal of an application.
- 1.17 Planning officers are also able to give pre-application advice, which will be current for six months from the initial enquiry date. This will give

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developers confidence that the planning authorities will not seek to amend Planning Obligation requests during this timescale.

## 2. Legislative and policy framework

### 2.1 National policy

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

### 2.2 Audit Commission

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

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

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

### 2.3 Development Plan policies

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

The policy states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Affordable Housing**

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

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

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

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

- 3.4. Additional development (especially housing) places increased demand on existing open space and therefore new provision may be required to meet the need generated by a development. Open space has the potential to provide significant health benefits and can also assist in mitigating the causes and effects of climate change.
- 3.5. The Authorities will usually only require Open Space to be delivered by new residential developments. However, in some cases the provision of informal open space on non-residential development may be needed to achieve design quality in compliance with planning policy.
- 3.6. Section A sets out the circumstances in which there will be a requirement for on-site Open Space provision. Section B sets out the circumstances in which there will be a requirement for off-site Open Space contributions.
- 3.7. In all cases, if evidence of existing suitable facilities within an acceptable distance of the development site exists then no obligation will be sought. The Authorities will also consider the overall likely contribution of a site and the existing balance of provision in an area when considering obligation requirements.

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

- 3.8. On-site Open Space will be a requirement on residential applications which include 32 dwellings or more.
- 3.9. The Fields in Trust (FiT), previously known as the National Playing Fields Association, is the charitable organisation that introduced the “Six Acre Standard”, which continues to be widely recognised as the benchmark standard for open space provision.
- 3.10. **The FIT guidance has been used to identify minimum sizes for Local Equipped Areas for Play (LEAP), Multi-Use Games Areas (MUGA) and Neighbourhood Equipped Areas for Play (NEAP). Thresholds have been identified for on-site provision of these types of open space, based on the average household size in Pembrokeshire. Below these thresholds it would not be feasible to provide an open space that was related in nature and kind to the development.**
- 3.11. **In relation to informal open space, the FIT standards propose a minimum area of 100m<sup>2</sup>. In a Pembrokeshire context, the establishment of any on-site open space requires the setting up of a management company to manage maintenance payments on behalf of residents and to undertake maintenance. In this context, 100m<sup>2</sup> is considered too small an area to justify the administrative costs**

**associated with this, as well as being unlikely to deliver a meaningful area of space. 400m<sup>2</sup> has instead been used as the minimum deliverable area of informal open space required as an on-site contribution.**

3.12. The threshold at which different types of Open Space will be required on site, has been identified using the following methodology:

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

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

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

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

3.13. Developments will be required to provide open spaces of all types triggered by the number of dwellings proposed. For example, a proposal

of 72 dwellings would be required to provide both informal open space and a Local Equipped Play Area, to comprise informal open space of 800m<sup>2</sup> (400m<sup>2</sup> for every 33 dwellings) and a Local Equipped Play Area.

- 3.14. On site provision of Open Space should consider the criteria described below for different types of provision.

#### **Informal Open Space Provision**

- 3.15. Such provision is best positioned beside a pedestrian route that is well used and should occupy a well-drained, reasonably flat site surfaced with grass or a hard surface. A buffer zone of 5 metres minimum depth should normally separate the activity zone and the forward-most part of the nearest dwelling that faces the open space. Depending on location it may have a 600mm guard rail, low fence or planting to indicate the perimeter. There should be a sign indicating that the area is for children's play and informing owners that dogs are not welcome. The area may have little or no equipment but should be imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play.

#### **Local Equipped Area for Play Provision -LEAPS**

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

#### **Multi-Use Games Area – MUGA**

- 3.17. FIT standards suggest that a MUGA should be designed with a minimum activity zone of 800m<sup>2</sup>; however the standard area for an activity zone for a single MUGA is approximately 13m by 20m (260m<sup>2</sup>). In a Pembrokeshire context therefore, a single MUGA will normally be required. Sport England's guidance on the design, specification and construction of MUGAs should be complied with. There should be a 30m minimum separation between activity zone and the boundary of dwellings. Whilst this is a relatively large buffer area, this could be addressed by including either informal open space or a LEAP within this area.
- 3.18. An assessment will consider whether there are appropriate recreational opportunities in the area. The existence of playing pitches/football fields or

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

### **Neighbourhood Equipped Areas for Play -NEAPS**

- 3.19. In line with FIT standards, NEAPs are an area of open space specifically designated, laid out and equipped mainly for older children but also with play opportunities for younger children. A NEAP is sufficiently large to enable provision for play opportunities that cannot be provided within a LEAP. The recommended minimum activity area is 1000m<sup>2</sup>, comprising an area for play equipment and structures and a hard surfaced area of at least 465m<sup>2</sup>. The space should be designed to provide stimulating and challenging play experiences and FIT guidance recommends that a minimum of nine play experiences (from their list) are to be provided, along with bicycle parking. The play area should also have a buffer zone of at least 30m in depth, containing varied planting, although a greater distance may be needed where purpose-built skateboarding facilities are required.
- 3.20. Good practice guidance suggests that in all cases, the site should be enclosed, but this is dependent upon location. If the play area is beside a road, then fencing and gates is the ideal solution. If the site is within a larger area of open space, then fencing is not required and delineation of the play space can be achieved with planting or earth mounds.

### **B Off-site Open Space Requirements**

- 3.21. **For developments of 10 or more units, the payment of a commuted sum would normally be required to provide necessary off-site Open Space.**
- 3.22. In order to assess whether a contribution is required the LPAs will consider whether or not sufficient and accessible provision exists within the local area to meet the needs of the development. Using the distance from the centre of the site, the assessment will confirm whether or not there is adequate open space and play/games areas within an acceptable distance.
- 3.23. If there is no provision of informal open space or equipped play and games areas (that relate to those categories defined in Table 1) within the distances recommended, or if existing provision of such facilities within the distances recommended are not adequate to meet the needs of a development, then a commuted sum payment per dwelling as set out in Table 1 will be required.

3.24. The commuted sum will be applied to those categories of open space or equipped play & games areas where there is an evidenced shortfall and will be used to contribute to the delivery of identified open space and equipped play/games areas to meet the needs of the development; either in the form of new provision or enhancement / maintenance of existing provision. In compliance with the CIL Regulations, no single type of infrastructure can be supported by more than 5 pooled contributions.

**Table 1: Threshold for on-site Open Space provision and commuted sum requirements and distance criteria**

Minimum Number of Dwellings on which an onsite provision will be required	On-site Open Space Requirement	Off-site Open Space <sup>2</sup> Requirements (per dwelling) based on cost of providing and maintaining Open Space	Distance Criteria (metres) (FIT Standards) <i>NB :contribution required where no comparable &amp; appropriate provision exists within the following distances:</i>
			<i>Walking Distance (from centre of site)</i>
33	Informal Open Space (400m <sup>2</sup> )	£289	100
72	Local Equipped Area for Play (LEAP – 400 m <sup>2</sup> )	£467	400
182	Neighbourhood equipped areas for play (NEAP – 1000m <sup>2</sup> )	£381	1000
121	Multi Use Games Area (800m <sup>2</sup> )	£940	700

3.25. Appendix 2 sets out the costs used to calculate the commuted sum payments.

<sup>2</sup> For sites where a requirement for on-site provision is not triggered, i.e. below the minimum number of units or for cases where on-site provision cannot be achieved.

## **Sustainable Transport Facilities**

- 3.26. New transport infrastructure, or improvements to existing infrastructure, is often required to ensure that developments can be accessed in a safe and appropriate manner. In addition, transport infrastructure can play a vital role in delivering the Council's sustainability aims and reducing reliance on cars. Transport facilities include road and walking connections, rail and cycling.

### **Conditions**

- 3.27. Planning Conditions will be used where necessary and relevant to ensure that development provides adequate access and parking facilities. In certain circumstances a condition known as a Grampian condition will be used to ensure that development does not take place until a Section 278 Agreement has been agreed with the Authority (see explanation of Section 278 Agreements below).

### **S.106 Agreements**

- 3.28. The Local Planning Authorities will also seek, where appropriate, related off-site improvements such as new and improved road infrastructure, traffic calming, public transport improvements, cycleways, footpaths/bridleways, lighting and associated landscaping to mitigate the potential transport impact of a development and to provide for forms of transport other than the private car. The Active Travel (Wales) Act aims to make walking and cycling the most attractive option for shorter journeys. Planning Policy Wales states that the determination of planning applications should take account of opportunities to promote active travel journeys. The Local Planning Authorities may also in appropriate circumstances seek ongoing revenue contributions to fund the running of a bus service made necessary by the development.

- 3.29. S.106 Agreements are legal agreements made under Section 106 of the Town and Country Planning Act 1990 (see glossary). For works that are directly related to a particular development and are required on-site or close to the site, the developer will be required to enter into a Section 106 Legal Agreement to secure the works required. This might include contributions towards, for example, the upgrade of a particular junction, set of traffic lights or bus route which serves a particular development.

### **S.278 Agreements**

- 3.30. A Section 278 (of the Highways Act 1980) agreement may also be used where works will take place entirely within the public highway. A Section 278 Agreement is a legally binding document between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority. The agreement details what the requirements of both

the Local Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Local Highway Authority may act should the developer fail to complete the works. Where the developer is required to carry out works on the public highway, the works will need to be supported by a bond to cover the cost of the works.

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

- 3.31. Levels of contributions to transport infrastructure are assessed having regard to the size of the development, the estimated increase in population and estimated additional transport impact. Contributions towards infrastructure improvements will be sought from development with a **net gain of five dwellings or more where a need is generated**. The contribution will allow the local authority to mitigate the impact from the additional trips which would be generated, and the likely cumulative impact that such development has on a mainly rural area such as Pembrokeshire.
- 3.32. **The maximum contribution sought per dwelling is £2,500.**
- 3.33. This figure is based on the maximum estimated cost which will be incurred by the local highways authority to mitigate the impacts of a development. These contributions will be spent on public transport, cycling and walking services and infrastructure.
- 3.34. The use of any contribution will depend on the size of the development and the requirements identified. An individual assessment will be undertaken for each proposal. For example a development of 5 dwellings could make a maximum transportation contribution of £12,500 which might be used to provide a new footpath connecting the new houses to the existing footpath network. On a larger development of 100 dwellings, contributions could be used towards the provision of a new bus service or diversion of an existing route. Other examples of the use of contributions include the provision of improved street lighting, controlled and uncontrolled pedestrian crossings, cycle and pedestrian routes, cycle lock up provision etc. This is not an exhaustive list. The maximum contribution will not be applicable in all cases.
- 3.35. Applicants who can demonstrate that particular developments generate fewer trips may have a case for making a reduced contribution. In considering any discount, the Local Highway Authority will assess the existing availability of, and accessibility to high quality public transport, cycle and pedestrian facilities, along with easy access to nearby employment, education, leisure and shopping facilities by methods other than the private car.
- 3.36. Developers may also wish to undertake any necessary highway works themselves, where all the works will take place within their own land or the public highway. In such circumstances this can take place via a Section 278 Agreement.

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

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

### **Additional requirements sought from Major (50 units plus) Residential Developments**

- 3.38. To ensure that the public transport service to a development meets the Local Planning Authority's objectives as identified in the (Joint) Local Transport Plan for the Swansea Bay City Region (2015-2020), revenue contributions for a period of not less than five years, (or an equivalent lump sum payable before commencement) of any service that is necessary for the development to be acceptable in planning policy terms will be required. Such a contribution would be delivered through a Section 106 Agreement.
- 3.39. All public transport services provided should be available to the general public and should not undermine existing service provision, in accordance with sustainability objectives.
- 3.40. The County Council will advise on the level of service provision that will be sought together with the necessary standards and definitions.

### **Transport Assessments**

- 3.41. On certain developments a Transport Assessment based upon the Department for Transport "Guidance on Transport Assessment" document will be required. To establish the scope of this assessment, Appendix A "Initial appraisal consultation form" of the Department for Transport guidance must be completed and submitted to the LPA. Whilst this will generally only apply to larger developments of 100 dwellings or more or commercial developments of 1000m<sup>2</sup> or more, it is expected that most developments will be required to provide some degree of Traffic Statement.

### **Transport and Travel Plans**

- 3.42. Travel Plans are likely to be sought on residential developments over 500 units and applications for retail, leisure, business, employment, health and educational development.

### **Traffic Regulation Orders**

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- 3.43. A Traffic Regulation Order (TRO) will often be required where there is a requirement for highway infrastructure works as part of a development. The developer is expected to pay the cost of the TRO, which will be calculated on a case by case basis.

## Education

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

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

	<b>Primary school</b>	<b>Secondary school</b>
<b>Capital cost per pupil</b>	£16,000	£24,000

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

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<b>Approximate pupil yield per dwelling (based on 2011 census in Pembrokeshire)</b>	0.15	0.18
<b>Contribution per dwelling</b>	<b>£2,400</b>	<b>£4,320</b>

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

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

- 3.53. Community facilities are essential to foster community cohesion and the nurturing of sustainable communities. Facilities for which obligations may be sought include spaces or buildings which are managed, occupied or used primarily by voluntary, community or public sectors for community-led activities. This includes leisure centres, sports halls, community halls, cinemas, theatres and health centres and libraries. Although educational establishments and open spaces are a community facility, for the purposes of this document and in relation to planning obligations these are considered as a separate category.
- 3.54. Obligations will be sought for community facilities where there is evidence that a development will create an increased demand on these facilities, to a level that may exceed existing and/or planned capacity.
- 3.55. Obligations for community facilities will only be considered on residential developments of over 20 units in rural areas and 50 units in urban areas, and where there is an evidence of need that accords with the tests laid down in the CIL Regulations. In the case of library provision, an assessment has been undertaken of the precise level of commuted sum payment that will be required. The methodology to establish this is set out below.

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

- 3.56. Local communities will often have identified services and facilities which will be subject to increased pressure from new development. Action Plans may have been produced which highlight such potential pressures. Developer contributions may be sought which contribute to the enhancements of such services and facilities where fully justified.
- 3.57. In settlements where, for instance, a Town or Community Council or a Trust is responsible for the provision, upgrading and maintenance of existing facilities, Section 106 contributions can, with the agreement of those organisations, be made available to them for the upgrading of existing facilities to meet any additional demands arising from new residential development. In such circumstances, the Council will remain responsible for the monitoring and collection of monies and will distribute the contributions within an agreed timescale, or at certain trigger points, to the appropriate organisation.

### **Libraries and Cultural Services**

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

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

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Pembrokeshire County Council's library service provides access to educational, cultural and recreational library materials in a variety of formats and technologies, to encourage life-long learning.

3.59. In providing this service, the Council has taken into account the current level of households within the County. Any residential development will increase the potential number of library users, which imposes an additional financial burden on the service.

3.60. The Minister for Culture and Sport oversees the library services provided by local authorities through the non-statutory Welsh Public Library Standards and Assessment Framework (the Standards<sup>5</sup>). The purpose of the Standards is:

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

3.61. The Public Library Standards<sup>5</sup> include a number of standards linked to the population and household levels in the local area. The standards require that a certain percentage of households are within established distances from static service points and mobile library stops, depending on the population density of an area (an increased population density would result in different distance requirements). The standards also require a set number of items to be provided each year to ensure up-to-date reading material, based on the resident population size. The percentage of the material budget spent on resources for children should reflect the percentage of children within the resident population. The standard for the number of computer access points to enable public access to the Internet and networked digital content is also related to the resident population. Similarly staffing levels within libraries are required to relate to resident population levels. It is therefore clear that an increase in household and population levels within an area will impact on the Council's ability to meet the Welsh Public Library Standards and therefore affect its ability to meet its statutorily required duty.

3.62. Planning obligations from developers, in the form of financial contributions secured by Legal Agreements will be required to find the capital investment needed to address the additional demand generated by the occupiers of new residential development.

3.63. All contributions will help ensure that the Council maintains progress towards meeting national library standards.

### **Existing provision**

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

3.64. As at 1<sup>st</sup> April 2015, Pembrokeshire County Council provided 12 static libraries in the main population centres of Haverfordwest, Pembroke Dock, Milford Haven, Tenby, Fishguard, Neyland, Pembroke, Saundersfoot, Crymch, Newport, Narberth and St Davids.

3.65. The service also delivers:

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

**Cost of delivering the service**

3.66. The total cost to ensure that Welsh Public Library Standards are met for every new dwelling is set out in the table below. Ongoing service delivery costs are covered by Council tax, the amount in the table below reflects the upfront delivery costs to the Authority created by new development.

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**Library Commuted Sum Calculation**

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

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

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

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

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

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

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

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

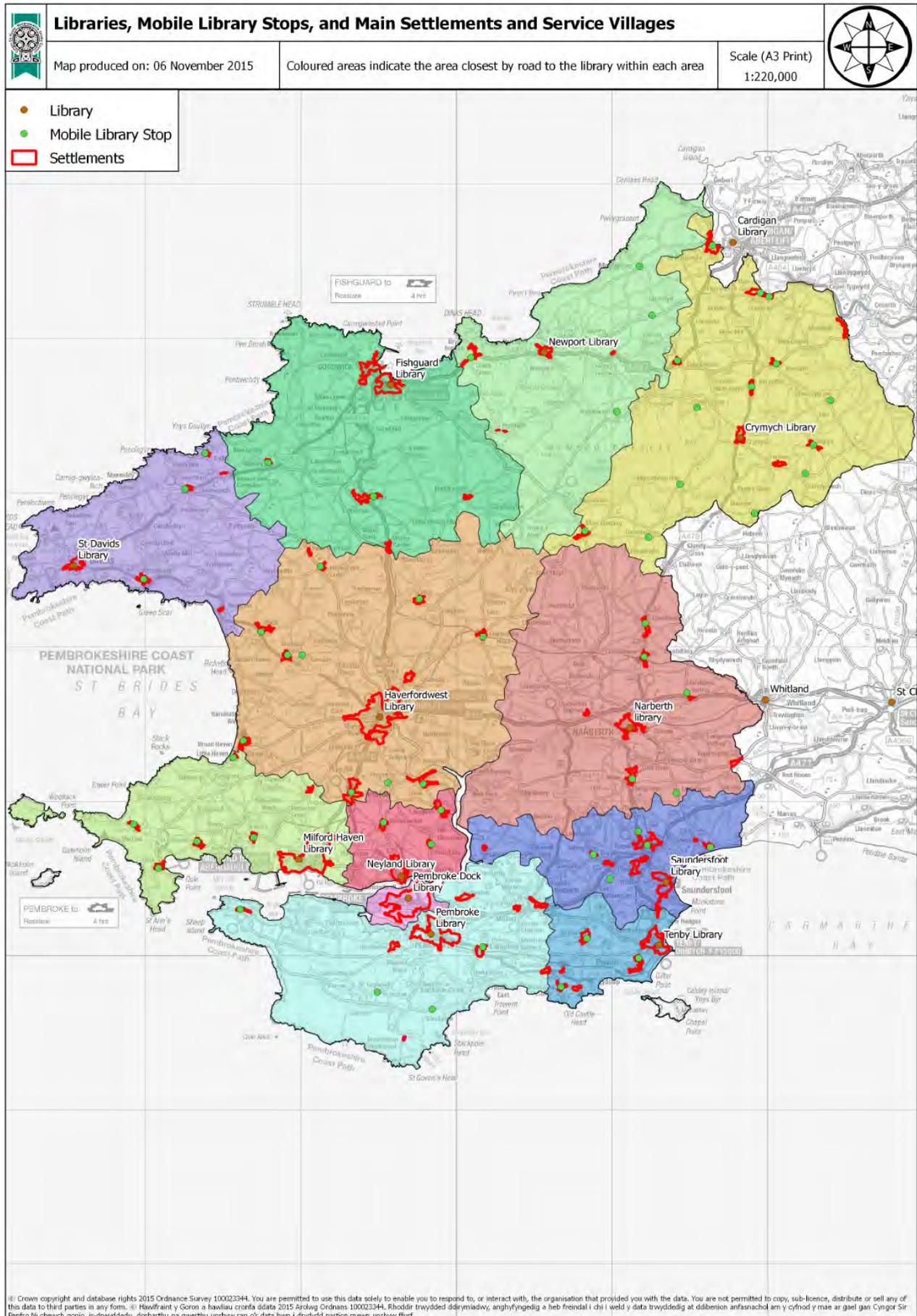
### **Thresholds**

- 3.68. A range of communities are covered by the 12 geographic zones. These include some rural communities where developments may be smaller in size than for those libraries serving predominantly rural areas.
- 3.69. Within the geographic zones, financial contributions will be sought on all residential developments of over 20 units. This threshold addresses the limitations on pooling imposed by the CIL Regulations and ensures that obligations are only applicable to the larger developments that will result in the greatest burden on the library service. A table in Appendix 1 lists all housing allocations within both PCC and PCNPA's library catchment areas, for information.

*Example of planning obligation charges:*

Number of housing units proposed	Commutated sum charge (£54.58 per dwelling)
30	£1637.4
60	£3274.8

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## Public Art

3.70. Welsh Government Technical Advice Note 12 on Design (2009) notes that public art “*plays an important part in creating or enhancing individuality and distinctiveness and in raising the profile of our towns, villages, cities and urban and rural landscape.*”

3.71. Public art can be diverse in form and function. In some cases forming part of the built fabric of a development such as murals, street furniture, lighting or the detailing used in a buildings fabric. In other cases it might include elements such as sculptures or monuments. Public art can create a unique identity for a place through work that is original and site specific. It can enhance the physical quality of an environment and the experience of those using it.

3.72. Public art provision can be suitably provided in any type of development and will be welcomed in any appropriate location. However, there are certain types of development where a provision of public art would be strongly encouraged by the Authorities as part of a development proposal, these being:

- Development which creates new public spaces;
- Significant development within or in close proximity to town and local centres;
- Development at ‘key locations’ within the settlements (considered in both Authorities to be entry points to larger settlements) and
- Major road junctions or transport interchanges including roundabouts;
- Large major development proposals (normally defined as 50 dwellings and above, or 2,500 sq m and above of commercial floor-space or development sites over 5ha); and
- Large-scale redevelopment or regeneration proposals.

3.73. No minimum threshold is identified for public art provision. Schemes will be considered on their merits. It is however anticipated that major development schemes and development proposals that are publicly accessible will be most likely to accommodate public art provision.

3.74. Public Art obligations might include:

- Sculptures
- Water features such as fountains
- Stained glass or metalwork features
- Murals
- Memorials
- Street furniture and signage
- Lighting
- Landscaping woven into the fabric of the design of the site
- Facilities for performance arts

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- Creative landscape design
- Elements of architectural enhancement

3.75. In some cases it will be necessary to establish a management company to maintain the public art.

## Biodiversity

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

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

3.81. One particular area where the Authorities may seek a planning obligation is in relation to trees. Trees play a particularly important role in combating the effects of climate change:

*“By the 2030s, every other summer might be a heat wave like the summer of 2003. Life will be uncomfortable in cities, especially given the urban “heat island” effect. Trees on roadsides and in and green spaces can reduce the heat island effect significantly, but for this, planting needs to start now.”*•

*Urban trees also bring health benefits: e.g. in Wales they currently absorb each year between 45 and 73 megatonnes of particulates and between 91 and 165 megatonnes of sulphur dioxide (Small, 2009), delaying deaths and preventing hospital admissions from poor air pollution. These benefits could be enhanced through further urban tree planting.*

*Green spaces in urban areas will also be increasingly important to help manage surface water from intense rainfall.”*

*(Welsh Government: “Understanding Wales’ Future”)*

3.82. The Authorities require trees of value to be retained and protected through the planning process and to be given due consideration on all developments. This should encourage developers to plant suitable numbers of replacement trees on site and in appropriate locations, but where this is not possible this Supplementary Planning Guidance provides a mechanism where replacement trees can be planted in a near-by location. **Developers will be expected to demonstrate why on-site replacement is not possible or appropriate before off-site replacement is accepted.** In this way the green infrastructure of the County can be maintained and enhanced.

3.83. A ‘fixed-number replacement system’ will be operated which is a simple system designed specifically for reaching an acceptable degree of compensation for the loss of trees as a result of new development. The number of replacement trees that it requires developers to plant is generated from a table based on the principle of more value being given to larger trees. The criteria for this approach is based on a system that

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replaces canopy cover of the tree that is lost within 5-10 years whilst generating a level of compensation that is a fair and realistic outcome for tree replacements in a planning context. The system requires a maximum of eight trees to replace any tree lost as a result of development, which is considered to be an appropriate level of replacement provision to make development acceptable in planning terms.

- 3.84. The number of trees required to compensate for loss of existing trees depends upon the size of the trees to be lost. This is set out in the following table:

Trunk Diameter of tree lost to development (cm measured at 1.5 m above ground level)	Number of replacement trees (based on a financial value based on ornamental trees of 6-8 cm)
<b>Less than 15.0</b>	<b>1</b>
<b>15-19.9</b>	<b>1</b>
<b>20-29.9</b>	<b>2</b>
<b>30-39.9</b>	<b>3</b>
<b>40-49.9</b>	<b>4</b>
<b>50-59.9</b>	<b>5</b>
<b>60-69.9</b>	<b>6</b>
<b>70-79.9</b>	<b>7</b>
<b>80+</b>	<b>8</b>

- 3.85. The developer has the option to undertake on-site replacement planting themselves. This would involve the supplying and planting of the tree to the Council's specification and would also require a financial contribution be paid to the Council to cover 10 years' maintenance.
- 3.86. As an alternative to, or in addition to, the developer's own tree planting, the Council can undertake planting in places nearby, on public land, utilising the following financial mechanism. All tree planting on public land will be undertaken by the Council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.
- 3.87. Tree planting will either take place on open ground or in areas of hard standing such as pavements.
- 3.88. The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The costs are based on provision of a 6-8mm tree and commuted sum charges will be based on providing the number of trees identified as required above. The Council will consider the qualities of the nearest appropriate public open ground however when deciding the precise type of planting to be provided. This will enable the most appropriate mitigation and best value to be achieved. For example, heavier or lighter planting may be appropriate, with smaller trees such as

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whips used in larger areas of space. The commuted sum payment will in all cases be based on the standard amounts set out below.

3.89. The level of contribution is as follows, in cases where a replacement tree cannot be provided on site by a developer:

Description	Cost <sup>6</sup>
<i>Tree (6-8 cm) native tree</i>	£45
<i>Tree (6-8 cm) ornamental tree</i>	£65
Average cost of a Tree (6-8 cm)	<b>£55</b>
Tree planting a 6-8cm girth tree into a prepared tree pit in an area of hard paving with tree grill and guard £1,000	<b>£1000</b>
<i>10 year maintenance of a 6-8cms girth tree native or ornamental tree in a group or in green open space as a specimen</i>	<i>10 X £100 = £1000</i>
<i>10 year maintenance of an ornamental or native tree planted into a prepared tree pit within an area of hard paving with tree grill and guard</i>	<i>10 X £200 = £2000</i>
Average maintenance costs for a tree	£1500
<b>Total Commuted Sum payment per tree to be provided</b>	<b>£2555</b>

<sup>6</sup> Based on delivery and maintenance costs of Pembrokeshire County Council.

## 4. Application of this Supplementary Planning Guidance

- 4.1 Section 106 Planning Obligation developer contributions will be sought for all types of development and will be for both on-site and off-site provision. In all cases, contributions will be agreed through negotiation based on the provisions of this SPG and any other relevant considerations. In cases where contributions are not agreed, the Authorities will be likely to refuse planning permission for a development proposal, as it would conflict with the Council's LDP policy GN.3 or the National Park Authority's LDP policy 48 and would fail to make adequate provision for the impact that it would create through a development.
- 4.2 The level of contributions sought through Section 106 Planning Obligations will be based on the Authorities assessment of the demands created by the development being proposed. Guidance on how this will be assessed is included in Section 6 of this SPG. The Authorities recognise that in some cases issues of viability may mean that not all of the demands created by a development can be met fully. The Authorities are keen to ensure that the requirements of a Planning Obligation do not unreasonably stifle or prevent development. The extent to which Section 106 contributions affect the economic viability of a scheme will be tested through the use of a 'Development Appraisal Toolkit'. In such cases, developers will be expected to provide access to their financial evaluations by using an 'open book approach'. The Authorities will consider whether a Planning Obligation can be reduced or dispensed with where there is sufficient evidence to demonstrate that to do otherwise would jeopardise the economic viability of a development.
- 4.3 The Authorities will normally commission the District Valuer's Office (or internal surveyors working within the Authorities) to assess viability proposals. In most cases, given reduced resources within the Authorities, the preference will be to engage the District Valuer's services. A flow chart below indicates the process for this. The applicant must provide all of the information required to enable a viability appraisal to take place along with the planning application. They must also provide a fee to cover the cost of a viability appraisal. The information and fee levels required are set out in Appendix 3.
- 4.4 In some cases, economic viability considerations will make it necessary to identify which of the relevant contributions should be required through planning obligations. This will require the Authorities to prioritise certain potential contributions over others. In establishing such priorities it is important that this is done in a transparent and fair manner recognising that it will be necessary to judge each case on its individual merits.

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

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

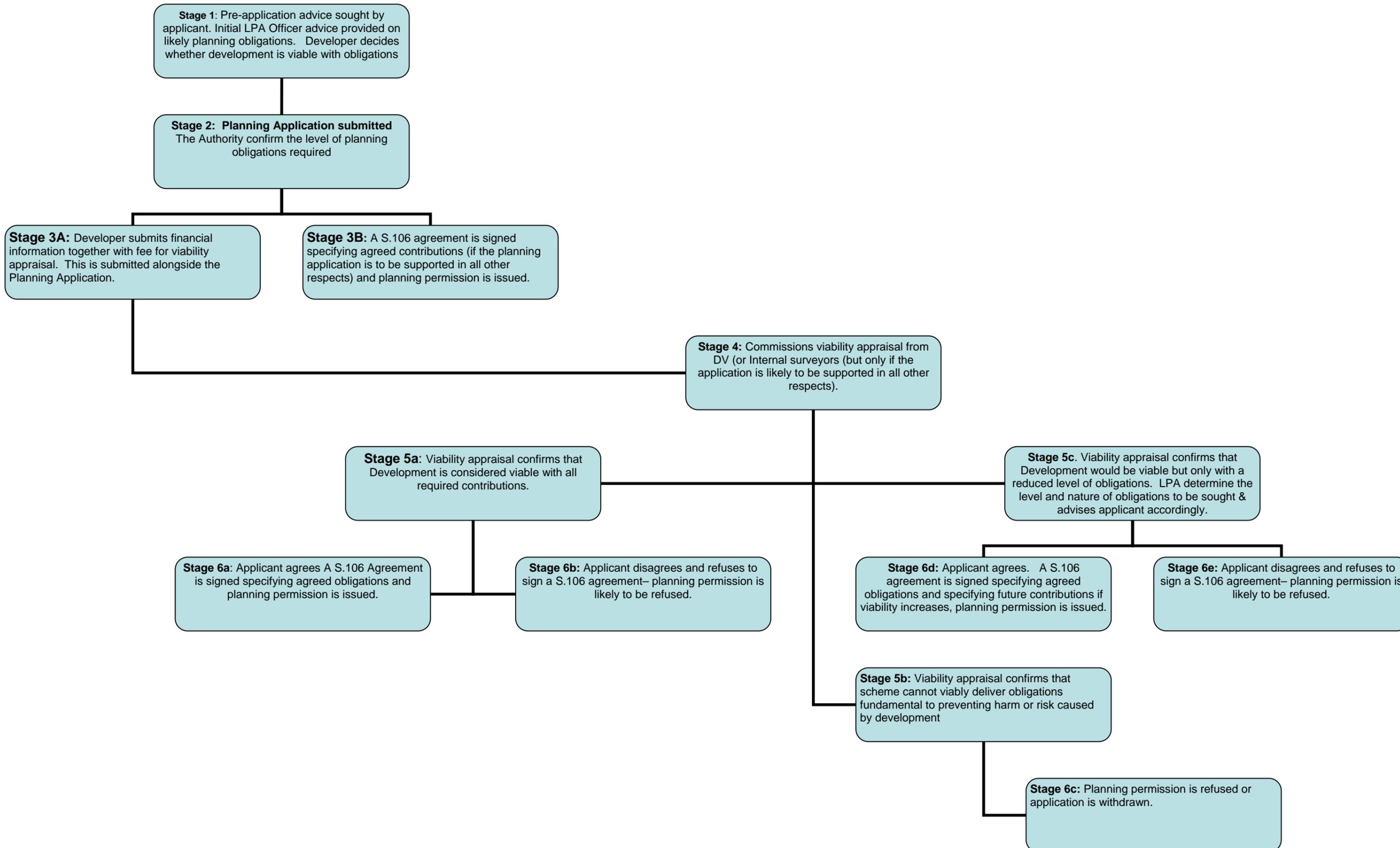
4.6 As set out in LDP Policy GN.3 Infrastructure and New Development, for the Council, in the case of housing developments, priority will usually be given to Affordable Housing, recognising that this is a LDP priority in order to achieve Policy SP 8 'Affordable Housing Target' and that delivering Affordable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

4.7 Whilst the Authorities will consider all circumstances where viability issues mean that some planning contributions may need to be waived, in some cases where a development could not reasonably take place without a Planning Obligation, issues of viability will not result in such a Planning Obligation being relaxed (examples could include where flood alleviation is necessary or where the obligation is required to address issues of highway safety). These are circumstances where the absence of measures to address the needs created by an application would create such harm or risk that it is impossible for the development to take place without such provision. In some cases where contributions are not viable at a certain point in time, a S.106 requirement will require viability to be re-assessed if development (or a

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phase of development) has not commenced within a given time period.  
More information on this is set out in paragraph 6.7,

Process Diagram for Issues of Viability when considering Planning Obligations:



## **5. Thresholds**

- 5.1 Section 106 Contributions will be sought from all non-residential development where appropriate. In the case of residential development, the thresholds are set out within Chapter 3 of this guidance.
- 5.2 In cases of applications for outline planning permission for residential development, planning obligations will be sought where the plans submitted with the application indicate a number of dwellings which exceed the thresholds set out in Chapter 3. If at the outline planning application stage a proposal is found not to be viable or partly viable with reduced obligations, then the planning permission may be tied to the development that was viability tested (to ensure that the development at Reserved Matters remains applicable to the viability testing undertaken).

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

- 6.1 Section 106 Agreements will specify that all contributions will be used for a stated purpose. Where this has not been achieved within 5 years of being paid, the monies will be re-funded at a level that takes into account loss of interest over that time.
- 6.2 S106 Agreements will usually require financial obligations to be paid prior to commencement of development. In the case of large sites, payments may be phased around key stages of the development.

### Legal agreements and planning administrative costs

- 6.3 Section 106 Agreements for both Authorities will be drafted by the Council's Legal Services Team. **Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement.**

### Drafting of Agreements

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

### Transfer of land

- 6.5 Occasionally obligations will require land to be transferred to the Council. In such cases, developers will be required to pay the Council's legal costs in respect of the land transfer.

### Updating

- 6.6 This SPG is available on the Authorities' websites. Information on costs which form the basis of developer contributions will be updated where applicable on an Annual basis as at 1<sup>st</sup> April.
- 6.7 In cases where a reduced or nil level of contributions is considered justified on grounds of development viability, a Section 106 legal agreement (requiring development viability to be reassessed at specific development milestones or time-periods) is necessary to guard against a consented development (with reduced or nil contributions based on

an evidenced development viability assessment) being delayed until economic conditions improve.

### **Late payment charges**

- 6.8 Interest will be charged on the late payment of contributions, to reflect the additional administrative burden placed on the Authorities.

### **Reporting of Section 106 Monies**

- 6.9 Annual updates containing details of Section 106 monies received, held and spent by both Authorities, will be produced and made available on the Council's website. These will contain the following information:

- Information relating to Section 106 monies received during the previous year
- Information relating to schemes funded through Section 106 monies during the previous year
- Information on all Section 106 monies currently held by the Authorities.

- 6.10 A specific map showing Affordable Housing commuted sum payments received from both Authorities is available here on the Pembrokeshire Coast National Park Website:

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

## Appendices

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

Library Name	Housing Allocations LDP	Site Reference Number	Number of Units
Crymych Library	Crymych - Between the school and station road	HSG/030/00043	60
Crymych Library	Crymych - east of Waunaeron	HSG/030/LDP/01	35
Crymych Library	Maenclochog - north west of the Globe inn	HSG/081/LDP/01	30
Crymych Library	Cilgerran - adjacent to Holly Lodge	HSG/020/00062	24
Crymych Library	St Dogmaels - Awel y Mor extension	HSG/122/00035	16
Crymych Library	HA750	Policies 44 and 45	15
Crymych Library	Eglwysrwrw - South west of the school	HSG/033/00035	15
Crymych Library	Boncath - north of Cilfan y Coed	HSG/007/LDP/01	10
Crymych Library	Blaenffos - adjacent to Hafod	HSG/006/00003	8
Fishguard Library	Fishguard - Maesgwynne Farm	HSG/034/00215	399
Fishguard Library	Letterston - Court Meadow	HSG/053/00009	91
Fishguard Library	Fishguard -East of Maesgwynne	HSG/034/00165	24
Fishguard Library	Fishguard - Old Infants School	HSG/034/LDP/01	21
Fishguard Library	Puncheston - west of Awelfa	HSG/108/LDP/02	12
Fishguard Library	Mathry - South of the Woodturner's	HSG/085/LDP/01	6
Fishguard Library	Puncheston	HSG/108/LDP/01	6
Haverfordwest Library	Haverfordwest - Slade Lane South	HSG/040/00274	512
Haverfordwest Library	Haverfordwest - Slade Lane North	HSG/040/00273	459
Haverfordwest Library	Haverfordwest - between Shoals Hook Lane and the bypass	HSG/040/00275	150
Haverfordwest Library	Haverfordwest - Scarrowscant / Glenover	HSG/040/00106	140
Haverfordwest Library	Johnston - adjacent to Milford Road	HSG/048/00038	119
Haverfordwest Library	Crundale - Land at Cardigan Slade	HSG/029/00017	55
Haverfordwest Library	Roch - east of Pilgrim's Way	HSG/114/LDP/01	44
Haverfordwest Library	Haverfordwest - Hermitage Farm	HSG/040/00269	38
Haverfordwest	MA776	Policies 42, 44 and 45	35

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Library Name	Housing Allocations LDP	Site Reference Number	Number of Units
Library			
Haverfordwest Library	Wolfscastle - Opposite Haul y Bryn	HSG/149/LDP/01	30
Haverfordwest Library	Llangwm - Opposite The Kilns	HSG/063/00024	25
Haverfordwest Library	Spittal - north west of Wesley Way	HSG/120/00018	22
Haverfordwest Library	Clarbeston Road - West of Ash Grove	HSG/022/00012	21
Haverfordwest Library	Hook, Rear of Pill Road	HSG/044/00050	15
Haverfordwest Library	Crundale - Opposite Woodholm Close	HSG/029/00014	13
Haverfordwest Library	Simpson Cross - east of Hill Lane	HSG/119/LDP/01	11
Haverfordwest Library	Hayscastle Cross - land opposite Barrowgate	HSG/041/LDP/01	6
Milford Haven Library	Milford Haven - Steynton Thornton Road	HSG/086/00223	224
Milford Haven Library	Milford Haven - Hubberston Adjacent to Kings Function Centre, Dale Road	HSG/086/00117 HSG/086/002	168
Milford Haven Library	Milford Haven - Steynton Greenmeadow	HSG/086/00129	149
Milford Haven Library	Milford Haven - South West of The Meads	HSG/086/00222	93
Milford Haven Library	Milford Haven - Castle Pill - 96/0491/PA	HSG/086/00318	72
Milford Haven Library	Milford Haven - Hubberston West of Silverstream	HSG/086/00095	50
Milford Haven Library	MA733	Policies 42, 44 and 45	40
Milford Haven Library	Tiers Cross - north of Bulford Road	HSG/135/00004	23
Milford Haven Library	HA382	Policies 44 and 45	12
Milford Haven Library	HA732	Policies 44 and 45	12
Milford Haven Library	HA734	Policies 44 and 45	8
Narberth library	Narberth - west of Bloomfield Gardens	HSG/088/00078	89
Narberth library	Narberth - west of Rushacre	HSG/088/00077	58
Narberth library	Clunderwen - Depot site	HSG/152/LDP/01	28

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
Narberth library	Llandissilio - Pwll Quarry Cross	HSG/060/LDP/01	25
Narberth library	Templeton - South of the Boars Head junction	HSG/132/LDP/01	22
Narberth library	Templeton - South of the B4315	HSG/132/00030	18
Narberth library	Robeston Wathen - south of Robeston Court	HSG/113/LDP/01	12
Narberth library	Llanddewi Velfrey - North of the Village Hall	HSG/057/LDP/01	12
Newport Library	HA825	Policies 44 and 45	20
Newport Library	HA387	Policies 44 and 45	12
Newport Library	MA232	Policies 42, 44 and 45	6
Neyland Library	Neyland - East of Poppy Drive	HSG/093/00066	101
Neyland Library	Houghton - Nursery	HSG/045/00008	15
Neyland Library	Rosemarket - opposite The Glades	HSG/116/LDP/01	13
Pembroke Dock Library	Pembroke Dock - North of Pembroke Road	HSG/096/00238	98
Pembroke Dock Library	Pembroke Dock - North of Imble Lane	HSG/096/00231	96
Pembroke Dock Library	Pembroke Dock - East of Hill Farm, Imble Lane	HSG/096/00233	63
Pembroke Library	Pembroke - north and west of Railway Tunnel	HSG/095/00154	150
Pembroke Library	Pembroke - adjacent to Monkton Swifts	HSG/095/00153	118
Pembroke Library	Pembroke - adjacent to Long Mains and Monkton Priory	HSG/095/00147	115
Pembroke Library	Pembroke - north of Gibbas Way	HSG/095/00144	70
Pembroke Library	Pembroke - south of Gibbas Way	HSG/095/00144	58
Pembroke Library	Lamphey - South of Cleggars Park	HSG/052/00011	55
Pembroke Library	Hundleton - east of Bentlass Road	HSG/046/00015	40
Pembroke Library	HA436	Policies 44 and 45	7
Pembroke Library	Cosheston - south of Tinkers Fold	HSG/025/00028	6
Pembroke Library	HA821	Policies 44 and 45	5
Saundersfoot Library	Kilgetty - extension to James Park and Cotswold Gardens	HSG/050/00042	75
Saundersfoot Library	Begelly - North of New Road	HSG/003/00024	65
Saundersfoot Library	Pentlepoir - Land adjacent to Coppins Lodge	HSG/099/LDP/01	33
Saundersfoot Library	HA559	Policies 44 and 45	30
Saundersfoot Library	HA813	Policies 44 and 45	30
Saundersfoot Library	Kilgetty - land to the rear of Newton Hall	HSG/050/00043	26
Saundersfoot Library	MA777	Policies 42, 44 and 45	25

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<b>Library Name</b>	<b>Housing Allocations LDP</b>	<b>Site Reference Number</b>	<b>Number of Units</b>
Saundersfoot Library	Kilgetty - land to the south of Kilvelgy Park	HSG/050/00044	20
Saundersfoot Library	Kilgetty - land west of Stepside School	HSG/050/00041	19
Saundersfoot Library	Jeffreyston - Rear of Beggars Roost & Sunny Side	HSG/047/LDP/01	14
Saundersfoot Library	Broadmoor - Northwest of Lyndhurst Avenue	HSG/008/LDP/01	12
St Davids Library	HA737	Policies 44 and 45	90
St Davids Library	Croesgoch - East of the Forge	HSG/028/00013	22
St Davids Library	Croesgoch - OS 7445, North of the Forge	HSG/028/00012	20
St Davids Library	HA384	Policies 44 and 45	18
St Davids Library	HA738	Policies 44 and 45	15
St Davids Library	HA385	Policies 44 and 45	13
St Davids Library	HA792	Policies 44 and 45	12
St Davids Library	HA789	Policies 44 and 45	10
St Davids Library	MA746	Policies 42, 44 and 45	5
Tenby Library	HA377	Policies 44 and 45	168
Tenby Library	HA752	Policies 44 and 45	80
Tenby Library	MA707	Policies 42, 44 and 45	74
Tenby Library	HA724	Policies 44 and 45	50
Tenby Library	HA730	Policies 44 and 45	35
Tenby Library	Sageston - South of the Plough Inn	HSG/015/00022	31
Tenby Library	St. Florence - north of Parsons Green	HSG/123/LDP/01	25
Tenby Library	HA727	Policies 44 and 45	25
Tenby Library	HA848	Policies 44 and 45	19
Tenby Library	MA895	Policies 42, 44 and 45	15
Tenby Library	HA760	Policies 44 and 45	12
Tenby Library	Penally - Penally Heights	HSG/097/LDP/02	11
Tenby Library	HA723	Policies 44 and 45	10
Tenby Library	Penally - North of The Paddock	HSG/097/LDP/01	8
Tenby Library	MA710	Policies 42, 44 and 45	5
Tenby Library	MA706	Policies 42, 44 and 45	4

**Appendix 2 – Cost for Commuted Sum payments  
for Open Space Obligations**

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

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

### Appendix 3: Information required for Viability Testing

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

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

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

**Notes**

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

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

Desk-based Assessments:

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

These include all expenses. VAT is additional.

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

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

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

Abortive fees would be based on work already carried out.

## **Appendix 4: Useful Contacts**

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

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

Telephone: 01437 764551

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

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

Telephone: 01646 624800

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

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

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

Telephone: 01437 775322

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

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

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

Telephone: 01437 775787

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