



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Planning Obligations Supplementary Planning Guidance (October 2016)



Note to Reader	1
1 Introduction	1
2 Policy Context	3
2.1 National Policy	3
2.2 Local Policy	4
3 Planning Obligations	7
3.1 What is a Planning Obligation?	7
3.2 When Can They Be Applied?	7
3.3 Types of Developer Contributions	8
3.4 Who May Enter Into a Planning Obligation?	9
3.5 Establishing A Consistent Process	9
4 How Agreements Are Established	11
4.1 Introduction	11
4.2 Step by Step Guide	11
4.3 Scope of Agreements	12
4.4 Prioritisation of Contributions	12
4.5 Procedures for Assessing Viability	13
4.6 Procedures for Payment	14
4.7 Monitoring & Enforcement	14
5 Categories of Planning Obligation	15
5.1 Introduction	15
5.2 Affordable Housing	15
5.3 Transportation and Access	16
5.4 Education	19
5.5 Welsh Language	23
5.6 Open Space	26
5.7 Biodiversity and the Natural Environment	31
5.8 Other Categories	32
6 Contact Details	35

Appendices

A Welsh Language Sensitive Areas 37

B Potential Welsh Language Mitigation Measures 39

C Costs - Open Space Provision 43

Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Summer of 2016 and the guidance was adopted by the Council's Economic and Community Regeneration Cabinet Board on 28th October 2016.

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or **[01639] 686821**.

Note to Reader

Supplementary Planning Guidance: Planning Obligations (October 2016)

1 Introduction

1.0.1 Development inevitably impacts upon people and the environment. These impacts will vary in degree depending on a number of factors including the type of development and the location of the development site. Additionally, the impacts may be short term in nature or longer lasting.

1.0.2 It is important that sufficient new development is secured to meet the needs of our communities. It is similarly important to ensure where possible that the impacts of new development are addressed by the planning system. The Council considers that it is appropriate to expect developers to pay for, or contribute to, improvements to infrastructure that would not otherwise be needed.

1.0.3 In many cases it may be possible to assess the impacts of new development and to identify means by which these impacts can be mitigated. The mechanism for achieving this level of mitigation is through legally binding agreements. Such agreements between a developer, or developers, the Local Planning Authority (LPA) and where appropriate other parties are known as Section 106 (S106) Agreements and detail all the planning obligations that need to be fulfilled to enable the development to be implemented⁽¹⁾.

1.0.4 All planning applications will be considered on their merits and the planning obligations will be negotiated in accordance with Welsh Office Circular 13/97 and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations.

1.0.5 This Supplementary Planning Guidance (SPG) establishes the national and local framework within which planning obligations will be addressed and covers the following principle categories which the Council will seek contributions:

- Affordable Housing (separate, more detailed SPG has been prepared to address how the Council will deal with contributions for Affordable Housing⁽²⁾);
- Transportation and Access;
- Education;
- Welsh Language;
- Open Space;
- Biodiversity and the Natural Environment.

1.0.6 The SPG also seeks to provide greater clarity for all interested parties by considering the following:

1 A clear distinction should be drawn between 'S106 Agreements' and 'Community Fund Contributions'. Whereas a S106 Agreement needs to satisfy the five tests set out in Paragraph 2.1.2, Community Fund Contributions are voluntary arrangements entered into by developers which secure benefits for those local communities that are most affected by development proposals. Such contributions have no influence on the determination of any planning application.

2 Supplementary Planning Guidance: Affordable Housing (October 2016).

1 . Introduction

- The approach and procedures the Council will apply where planning obligations are required;
- The types of development that might require planning obligations and the thresholds and trigger points that might apply to different types of development; and
- The scale and, where appropriate, the mechanism for calculating the obligation.

2 Policy Context

2.1 National Policy

2.1.1 The legislative framework at national level provides Local Planning Authorities (LPAs) with powers to grant planning permission subject to conditions and where appropriate a planning obligation as set out in Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act (1991).

2.1.2 The Welsh Office Circular 13/97 provides advice and guidance on the benefits that can be secured through appropriate use of Section 106 planning obligations and sets out the following five tests which must be satisfied in the use of planning obligations:

- The obligations must be necessary to make the proposed development acceptable in planning terms;
- The obligations must be relevant to planning;
- The obligations must be directly related to the proposed development;
- The obligations must be fairly and reasonably related in scale and kind to the proposed development; and
- The obligations must be reasonable in all other respects.

Planning Policy Wales (PPW) Edition 8 (2016)

2.1.3 PPW sets out the key requirements of the 1990 Act and Circular 13/97, providing national context for development plan policies. PPW is supplemented by a number of topic based Technical Advice Notes (TANs).

2.1.4 PPW states that planning obligations are useful arrangements to overcome obstacles which may prevent planning permission from being granted. When granting planning permission LPAs may seek to enter into a planning obligation with a developer to:

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

2 . Policy Context

Community Infrastructure Levy (CIL)

2.1.5 The CIL is a levy that Councils can choose to charge on new developments in their area to fund infrastructure that the Council and local community want. The CIL Regulations came into force on 6th April 2010 and will have implications for the range and nature of contributions sought through planning obligations during the Plan period, as from April 2015 the pooling of contributions have been limited to a maximum of five.

2.1.6 Regulation 122 (2) gives legal effect to three of the tests from Circular 13/97 whereby a planning obligation may only constitute a reason for granting planning permission if it complies with the following three tests:

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

2.1.7 At this point in time, the Council has not introduced a CIL charging schedule as it has assessed all of the essential infrastructure needed to deliver the Local Development Plan (LDP) strategy and established that it can be delivered through other mechanisms outside the remit of CIL. As LPAs are not bound to introduce CIL charging schedules, the Council will continue to rely on planning obligations to provide any necessary infrastructure needed within the County Borough.

2.1.8 Whilst this is the approach that will be taken at this stage, the Council will continue to monitor the situation together with emerging guidance and legislation relating to CIL. Any future decision made by the Council to prepare a CIL charging schedule will be reflected in a review of the LDP, resulting in this document having to be reviewed and Policy SP4 (Infrastructure) and Policy I1 (Infrastructure Requirements) (refer below) superseded.

2.2 Local Policy

2.2.1 The policy context for negotiating planning obligations is set out in the LDP:

Strategic Policy SP4 Infrastructure

Infrastructure

Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community.

Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable.

LDP Objectives: OB 2, OB 3, OB 4, OB 7, OB 8 and OB 10

Policy I1 Infrastructure Requirements

Infrastructure Requirements

In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated.

These requirements will include consideration of and appropriate provision for:

- Affordable housing;
- Open space and recreation facilities;
- Welsh language infrastructure (in Language Sensitive Areas);
- Community facilities including community hubs;
- Biodiversity, environmental and conservation interests;
- Improving access to facilities and services including the provision of walking and cycling routes;
- Historic and built environment and public realm improvements;
- Community and public transport;
- Education and training.

2 . Policy Context

3 Planning Obligations

3.1 What is a Planning Obligation?

3.1.1 Planning obligations can be used to address the impacts of new development. Some forms of development place added strain on existing infrastructure networks. This increased strain would not necessarily have arisen if not for the development proposal. For a development proposal to be acceptable, the provision of new infrastructure may be required to meet this additional need that will arise as a direct result of the implementation of that particular proposal. An alternative option may be to consider the existing level of infrastructure provision and explore ways of introducing appropriate measures to improve and enhance what we have to cope with future needs.

3.1.2 In real terms, for example, a new residential development may result in an influx of people into a community placing additional pressure on existing infrastructure such as local schools. Large scale residential development may warrant the construction of a new school, whereas a more modest development proposal may only require improvements to the existing facilities.

3.1.3 Planning obligations can also help ensure that new development is fully integrated into the local environment, this is essential if more sustainable forms of development are to be promoted. Planning obligations may also be used to either restrict specific forms of development, or encourage and promote the provision of others, for example, in relation to the development of affordable housing.

3.2 When Can They Be Applied?

3.2.1 It is expected that discussions will take place at an early stage between the Council and the developer prior to the formal submission of the planning application. This will allow for the early consideration of the issues specific to both the development proposal and the site location.

3.2.2 The legal agreement will be drafted by the legal section within the Council. However, the developer may submit a draft of the legal agreement, based on the Council's standard template, with the Council's Legal Department's prior approval. Applicants will be required to pay the reasonable costs incurred by the Council in drafting and completing the agreements. The applicant will be advised of the likely scale of such costs on request.

3.2.3 They can only be applied however where a number of criteria have been satisfied, including:

- A planning obligation must be relevant to planning and necessary to make the proposed development acceptable in planning terms;
- They must be directly related to the proposed development; and
- They must be fair and reasonable in the context of the scale and type of development that is proposed.

3 . Planning Obligations

3.3 Types of Developer Contributions

3.3.1 Planning obligations can take various forms and the nature of the contribution that developers can make will depend on the specific circumstances of the location of the development site and the scale and type of development scheme that is being proposed.

'In kind' Contributions

3.3.2 This is where the developer actually builds or directly provides the matters that are required to fulfil the planning obligation. Such provision may often be made within the development site in question. The issue of whether the developer, the Council or another organisation would be in the best position to provide the necessary works will be determined on a case-by-case basis and will be addressed via the negotiation involving all the interested parties.

3.3.3 In general terms it may be appropriate for affordable housing to be provided 'in kind' by a developer as an integral part of the overall proposal for new residential development. The developer will likely possess the skills and expertise to make this direct provision either in isolation or in partnership with other parties.

3.3.4 Where obligations are to be delivered 'in-kind' by a developer, the facilities can be provided at one particular time, or there are identified advantages in providing the relevant facilities in a phased manner over time to match stages in the development process. The negotiation process will establish the most appropriate approach to apply on a case-by-case basis.

Financial Contributions

3.3.5 In many cases it will be more appropriate for the developer to make a financial contribution to fulfill the planning obligation rather than directly provide infrastructure or facilities.

3.3.6 Planning obligations in the form of financial contributions can be made by developers as a one-off contribution or as a series of payments phased over time.

3.3.7 Depending on a range of factors including the scale of the facilities involved and the timetable for delivery of the obligation, it may be appropriate for financial contributions to be made on a one-off basis. Similarly, it may be that the specific circumstances of the development proposal mean that a series of payments over time will be the most effective way of fulfilling the planning obligations.

3.3.8 Where such payments are phased over a significant period of time then it will be necessary to ensure that the agreed sums of money retain their relative value (i.e. Index-Linking).

Pooled Contributions

3.3.9 It is anticipated, given the requirement that planning obligations should relate to the development, that financial contributions secured through planning obligations will be spent in the vicinity of the development site.

3.3.10 In such circumstances where a number of development proposals are in close proximity and where the cumulative impact of the development would require specific issues to be addressed, the Council, having full regard to the requirements set out within the CIL Regulations, may combine contributions from the individual development proposals.

3.3.11 This will help ensure that the need for infrastructure improvements can be effectively and equitably addressed with all parties making an appropriate contribution.

3.3.12 Regulation 123 of the CIL Regulations limits the number of planning obligations that can be pooled (maximum of five). The Council's approach to dealing with this pooling restriction will be through specifying 'infrastructure pots' (projects) with each project able to take up to five pooled contributions.

3.3.13 The Section 106 'Heads of Terms' will specify the amount of contribution, the project (infrastructure 'pot') and the geographical area within which the money will be spent.

3.3.14 Where a Section 106 agreement makes provision for a number of staged payments as part of a planning obligation, these payments will collectively count as a single obligation.

3.4 Who May Enter Into a Planning Obligation?

3.4.1 Planning obligations run with the land and are enforceable against the original landowner or owners and anyone subsequently acquiring an interest in the land.

3.4.2 As such it is expected that those parties with an interest in the land in question at the point in time that the planning application is submitted will be expected to enter into planning obligations.

3.5 Establishing A Consistent Process

3.5.1 The process of determining planning obligations can inevitably take time given the level of discussion and negotiation that can be involved before matters are agreed. It is the intention that this document can play an integral role in helping to speed the process by giving developers a firm indication of the type of obligation they will be expected to enter into.

3.5.2 The process will involve a number of key stages:

- Establishing the impact of the proposed development - this will be contingent upon a number of factors including the scale and nature of the proposed development;
- Establishing the need for a developer contribution - this will be contingent upon a number of factors including the geographical location, the timing of the proposed development and the existing level of infrastructure provision; and
- Determining the scale and type of developer contribution.

3 . Planning Obligations

3.5.3 For some planning obligations, the identification of a set formula which can be applied consistently in specific circumstances to calculate the scale of the obligation provides a level of predictability and clarity within the overall process for the benefit of all parties. Early discussions with relevant officers can establish whether such a formula will be applicable. Where this is the case, it is hoped that many applicants will be able to gauge the likely scale and cost of the planning obligations that will be expected by the Council.

Thresholds and Trigger Points

3.5.4 Some forms of planning obligation will be subject to thresholds (i.e. points at which a planning obligation will be levied). For a number of categories of planning obligation (e.g. Welsh language and Open Space) the threshold will be reached where the amount of net floorspace totals 1,000 sqm or more. The adoption date of the LDP (i.e. 27th January 2016) will be used as the base-date from which to monitor any development and/or operation that is incrementally increasing in size.

3.5.5 The trigger for a planning obligation will be reached when, since the base-date of the plan, the cumulative net floorspace totals 1,000 sqm or more, with the contribution being based on the amount of floorspace exceeding 1,000 sqm.

3.5.6 It may also be possible that some planning obligations will include trigger points which will allow for the planning obligations to be met in a phased manner.

3.5.7 The process of negotiation between the Council and the applicant will establish whether thresholds and trigger points will be appropriate in the context of the development proposal and how they will be applied.

4 How Agreements Are Established

4.1 Introduction

4.1.1 Not all development proposals will be subject to planning obligations. Each case will be considered on the individual merits but it is expected that only those proposals for development where the impacts are significant and can be readily identified and assessed will require a planning obligation in line with the requirements of the CIL Regulations and Welsh Office Circular 'Planning Obligations' 13/97.

4.2 Step by Step Guide

Pre-Application Discussions

4.2.1 It is expected that the potential and nature of any planning obligation will be addressed at an early stage and applicants are encouraged to enter into discussions at the earliest possible stage with officers prior to submitting a planning application. Such discussions provide a valuable opportunity for all parties to consider the scope and impact of the development proposal⁽³⁾.

4.2.2 Such pre-application discussions will usually take place between the applicant and the Development Manager and/or the appropriate Development Management Team Leader⁽⁴⁾.

Planning Application Consultation

4.2.3 Following the submission of a planning application, the formal consultation process will commence with the involvement of all relevant bodies, statutory as well as non-statutory and Council departments. The response will help identify any additional requirements for planning obligations not already addressed as part of the pre-application discussions.

Planning Application Recommendation

4.2.4 Following the consultation process and subsequent discussion with the applicant a report will be prepared outlining the officer recommendation and the nature of the planning obligation. Members may resolve to grant planning permission subject to the applicant entering into a Section 106 agreement.

Section 106 Agreement

4.2.5 Following this resolution, the legal services team within the Council will draft the legal agreement and will undertake to coordinate any detailed discussions regarding the precise terms of the agreement should this be needed. However, the developer may submit a draft of the legal agreement, based on the Council's standard template, with the Council's Legal Department's prior approval.

3 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website: <http://www.npt.gov.uk/default.aspx?page=10326>

4 Officer contact details are presented in Section 6.

4 . How Agreements Are Established

4.3 Scope of Agreements

4.3.1 Whilst all Section 106 agreements are unique, it is expected that they will usually contain the following:

- Date of the agreement;
- Identification of the parties involved;
- Definition of any terms contained within the document;
- Site and development proposal details;
- Relevant conditions;
- Details of any provisions or restrictions required under the agreement; and
- Signatures of all the parties involved.

4.4 Prioritisation of Contributions

4.4.1 Whilst it is not likely that planning obligations will be required in relation to all applications for planning permission, there will be many proposals for development which will require certain measures to be undertaken to enable the development to proceed in an acceptable manner.

4.4.2 Where such works can be identified and are considered essential to an otherwise acceptable development proposal, for example matters relating to the appropriate level of access and servicing, they will be afforded priority status and may be the subject of planning obligations.

4.4.3 Once the essential matter of access and servicing has been addressed, the type of planning obligation that will be expected will be contingent upon the scale and type of development proposed and the location of the proposed development. It is expected that in relation to planning applications for residential development, the need for planning obligations to address the requirement for affordable housing will be of paramount importance.

4.4.4 In general terms it is important to recognise that different communities within the County Borough will have distinct and specific needs across a range of infrastructure categories. Moreover, any specific needs that can be identified at a given point in time may change or evolve over time. Hence it is not appropriate to identify a rigid or consistent prioritisation that can be used to pre-determine the type of developer contribution to be provided.

4.4.5 It is expected that priority will be afforded to those planning obligations where the need arising from the proposed development can be readily quantified and where that need can be attributed to a geographical unit. This will often be a census ward in the case of assessing the need for additional open or recreational space provision. In other cases

4 . How Agreements Are Established

it is possibly that the impact of the proposed development at spatial area level will be more appropriate. In terms of the need for additional educational facilities the relevant school catchment areas within which the proposed development site is located will form the basis of any assessment of the need for planning obligations.

4.4.6 In order to ensure an equitable outcome and maintain a degree of flexibility to deal with changing circumstances, planning obligations will be negotiated on a case-by-case basis where the identified needs of a community will be considered against the specific characteristics and potential impacts of the development proposal.

4.4.7 A comprehensive and current evidence base will be required to allow for an accurate assessment on a community by community basis of the possible impacts of development on existing levels of infrastructure provision.

4.4.8 In line with the requirements of the CIL Regulations and in the case of off-site contributions where financial sums are to be calculated (excluding affordable housing), the Council will provide a list of 'infrastructure projects' related to the needs generated from the proposal, for example, open space, education or the Welsh language. The applicant will be required to make financial contributions towards these specific infrastructure projects in order to address the impacts generated from the development.

4.5 Procedures for Assessing Viability

4.5.1 The financial viability of a development will be one of the key factors in determining the type and scale of obligations that could be secured through S106.

4.5.2 There may be occasions when not all of the identified obligations can be met without compromising the overall viability of a particular development scheme. If a scheme is not financially viable, then there is a higher risk that a scheme may not proceed.

4.5.3 In these circumstances the possibility of reducing the identified contributions will be explored further providing the Council is satisfied that the proposed development is otherwise acceptable. In cases where this is not met, the Council has the potential to refuse the application.

Procedures for Assessing Viability

4.5.4 The developer should provide all relevant details of the scheme as deemed necessary by the Council.

4.5.5 Any costs associated with an assessment undertaken by the Council, either in-house or through the appointment of external consultants will be met by the applicant.

4.5.6 The Council will require viability to be assessed using the residual valuation approach. The residual value refers to the amount remaining once the Gross Development Costs (GDC) of a scheme is deducted from its Gross Development Value (GDV).

4 . How Agreements Are Established

4.6 Procedures for Payment

4.6.1 Where possible, the procedures for the payment and timing of any financial contributions will be established and agreed through negotiation between the relevant parties. Similarly in cases where monies are to be held by the Council the procedures will be communicated to the applicant. Any financial contributions secured should be used for the agreed purposes within an agreed specified time period or returned to the developer.

Index Linking

4.6.2 Where planning obligations have been negotiated they will be index linked from the date approval is granted for the proposal in question.

4.6.3 Where commuted maintenance payments have been secured as part of planning obligations the payment will be index linked to the point at which the maintenance costs are agreed.

Additional Costs

4.6.4 Any costs associated with drawing up agreements incurred by the Council will be met by the applicants.

4.7 Monitoring & Enforcement

4.7.1 It will be important that effective planning obligation monitoring systems are established, allowing greater transparency and accountability for all parties. Such monitoring systems will mean that all planning obligations can be catalogued and progress towards meeting them can be tracked. Any financial contributions that have been secured as part of the planning obligations process can be highlighted and the point in time at which they have to be paid will be identified. The monitoring system will also address the matter of when monies have been paid as part of a planning obligation and the point in time at which they have been spent, and for what purpose.

5 Categories of Planning Obligation

5.1 Introduction

5.1.1 The range of development types that may be subject to a planning obligation are varied. Whilst the following list provides an indication of the principal categories, they are not listed in any particular order of priority, neither is the list designed to be exhaustive.

- Affordable Housing;
- Transportation & Access;
- Education;
- Welsh Language;
- Open Space;
- Biodiversity and the Natural Environment.

5.1.2 Many planning obligations may not fit neatly into a simple categorisation and consequently the Council will consider each development proposal on its merits.

5.2 Affordable Housing

5.2.1 LDP Policy AH1 (Affordable Housing) requires an affordable housing contribution from all new housing developments, including conversions, on sites accommodating 3 or more units. The affordable housing target varies by spatial area. Within the coastal corridor, developments within Neath and Port Talbot require a 25% contribution whereas in the valleys only the Pontardawe spatial area is viable, requiring a 10% contribution.

5.2.2 It is the Council's preference in line with national policy for the affordable units to be provided on site to encourage mixed, balanced and inclusive communities. Only where contributions do not equate to a full unit, or in exceptional circumstances where a developer is unable to provide an on-site contribution, should commuted sums be used or off-site contributions sought. There should be no financial benefit to a developer when providing a commuted sum, rather than an on-site affordable housing contribution.

5.2.3 Further detail on how the policy will be implemented can be obtained from the Council's Affordable Housing Supplementary Planning Guidance⁽⁵⁾.

5 . Categories of Planning Obligation

5.3 Transportation and Access

Highway Network

5.3.1 Development can have a major impact on both the local and the wider transport network. Planning obligations will be expected where highway infrastructure works are required in order to service a development proposal in an appropriate manner. Such works may be carried out to existing highway networks or may involve the provision of additional new highway infrastructure.

Trigger for Planning Obligation

5.3.2 All proposals, irrespective of the scale of development proposed, will be subject to planning obligations with regard to highways infrastructure where necessary, unless the works are covered by other legislation such as S278 or S38 agreements.

Basis for Calculation

5.3.3 The need for a developer contribution will depend on a number of factors including:

- The type of development proposed (e.g. residential, commercial or leisure);
- The scale of the development proposal (e.g. the number of units or the amount of floorspace proposed);
- The location of the proposed development site;
- The capacity of the existing highway network.

Implementation

5.3.4 The Council will require the developer to implement the agreed highway works which will then be adopted provided they have been undertaken to an adoptable standard.

Sustainable Transport

5.3.5 Some forms of development will have an impact on the existing public transport infrastructure or place strain on established community transport programmes which serve many communities. Major proposals for new development, particularly in town centre or other accessible locations, will possibly generate significant additional levels of public transport usage which the existing network may not have the capacity to absorb. This would be to the detriment of both the public transport system and the existing users of that system.

Provision of New or Improved Cycle / Pedestrian Routes

5.3.6 The Active Travel (Wales) Act 2013 sets out the requirements for Local Authorities to take reasonable steps to enhance the provision made for, and to have regard to, the needs of walkers and cyclists so as to promote active travel journeys and secure new and improved active travel routes for connected purposes.

5.3.7 Proposals for new development can have impacts on the walking and cycle network. Paragraph B10 of Welsh Office Circular 13/97 (Planning Obligations) states '*...in addition to new access roads and improved junctions...appropriate contributions may be sought towards improved measures for cyclists and pedestrians both on and where necessary, off the development*'. TAN 18 (Transport) also stipulates that planning authorities may use planning obligations to secure improvements in cycling, whether as a result of a proposal on its own or cumulatively with other proposals.

5.3.8 In accordance with the requirements of the Act and national guidance the Council may use planning obligations to secure improvements to the cycling / pedestrian network. An average construction cost based on a number of 'blacktopped' new cycle / pedestrian route schemes implemented within Neath Port Talbot over recent years has been calculated at **£84.85 m²**. Accordingly, this figure will be used as a basis for calculating, where relevant and necessary, the cost of any future proposed new or improved cycle / pedestrian routes.

5.3.9 Planning obligations could also be used to secure the provision of new or enhanced pedestrian links or routes. It will be expected that new development proposals will incorporate measures to ensure that the proposed development addresses issues of pedestrian permeability within the site in question and that full and effective integration with the wider pedestrian network is achieved.

Trigger for Planning Obligation

5.3.10 It is expected that planning obligations could be sought in relation to any proposal for new development that includes 10 or more residential units or where the amount of net additional floorspace totals 1,000 sqm or more.

Basis of Calculation

5.3.11 The need for a developer contribution will depend on a number of factors including:

- The type of development proposed (e.g. residential, commercial or leisure);
- The scale of the development proposal (e.g. the number of units or the amount of floorspace proposed);
- The location of the proposed development site;
- The capacity of the existing public transport network;
- The impact on the existing walking and cycling infrastructure.

5 . Categories of Planning Obligation

5.3.12 The overall assessment will consider the likely rate of additional trip generation arising from the proposed development through a Transport Assessment covering all junctions on the existing highway that serve the location of the site identified by the Council.

Implementation

5.3.13 The Council will consider the potential impacts of the proposed development and, in negotiation with the developer and other stakeholders such as transport operators, determine the most appropriate measures for mitigation.

Travel Plans

5.3.14 Travel Plans are a useful mechanism for assessing the travel patterns of end users of a proposed development. They are a means of encouraging sustainable transportation and reducing the use of the private car by ensuring the widest choice of modes of travel are made available.

Trigger for Planning Obligation

5.3.15 The Council will expect planning obligations in relation to all proposals for new development where the amount of net floorspace is in excess of 1,000 sqm.

5.4 Education

Education Facilities

5.4.1 New housing can place added strain upon existing educational infrastructure and it is therefore appropriate that proposals for residential development are assessed in this context. Consideration of the likely impact upon the provision of educational facilities within the proximity of the proposed development site will occur at the pre-application stage in the process. It is however likely that the provision and suitability of educational infrastructure will vary by community as well as year by year. Accordingly, discussion will take place between officers within the planning and education departments to determine the existing level of educational provision, both English and Welsh language medium education, and the potential need arising from the development proposal in question.

Triggers for Planning Obligation

5.4.2 Planning obligations are only likely to be sought where it is expected that the proposed housing development will generate additional demand for school places and/or place added strain on existing school facilities. In this context planning obligations may be sought where it can be demonstrated that the existing infrastructure would require additional investment to upgrade a facility or facilities to adequately cater for the educational needs of additional pupils even though spare capacity may exist.

5.4.3 It is recognised that not all proposals for residential development will have the same impact. Sheltered housing complexes will not lead to any additional pupil demand, and it is generally accepted that studio and 1 bed housing units do not provide accommodation for school age children and hence such residential accommodation will be discounted. In assessing the scale of the planning obligation to be sought therefore, the type of residential accommodation proposed will be fully accounted for in calculating the level of financial contribution required.

5.4.4 It is expected however that a development proposal comprising residential units of 2 or more bedrooms will likely generate demand for school places as soon as the new housing is delivered but only proposals for new housing development that include a minimum of 10 housing units that are of 2 or more bedrooms may be subject to planning obligations.

5.4.5 The likely impact of a new proposal for residential development upon existing educational infrastructure will be placed into context by also taking into account the impact that other known proposals affecting the schools in question. In this way the potential cumulative impacts of a number of separate development proposals can be fully assessed.

Basis for Calculation

5.4.6 Where the scale and location of the proposed development makes such a requirement appropriate, it is expected that planning obligations will be sought to ensure that provision of a new school or schools is made at the developers cost to a specification acceptable to the Council.

5 . Categories of Planning Obligation

5.4.7 Where the proposed development is not of a scale to warrant the provision of a new separate school facility, the planning obligations sought will reflect the number of new dwelling units within the proposed scheme. In this context it is appropriate that the size of the planning obligation is determined through the application of a consistent and transparent formula. The calculation will require the consideration of a number of variables including:

- The existing capacity and suitability of the educational infrastructure within the communities affected by the proposed development; and
- An assessment of the number of additional children that are likely to be generated as a result of the proposed development; and
- The average cost associated with providing educational facilities for each additional child.

5.4.8 The need for a planning obligation will be established by assessing the capacity and suitability of existing educational facilities within whose catchment area the proposed development site is located. A planning obligation will be expected only where existing schools cannot adequately absorb the estimated number of additional pupils arising from a proposed development.

5.4.9 Having considered the level of existing infrastructure, the need for a planning obligation will be driven by an assessment of the likely number of additional pupils that may be generated in a given area by a proposal for new residential development. A mechanism for achieving this is to compare the existing number of pupils with the number of dwellings within the County Borough with 2 or more bedrooms.

5.4.10 The 2011 Census represents the most robust data source available and therefore provides a sound basis for assessing the number and age of additional children arising from new housing development across all school age groups. Analysis of the data allows for an average pupil yield per additional housing unit to be derived as illustrated in the following table:

Age Group	2011 Census Population	Number of Dwelling Units (2 or more bedspaces)	Average School Age Person per Dwelling
Primary (Aged 3 to 11)	11,893	56,716	0.21
Secondary (Aged 11 to 16)	9,211	56,716	0.16
All	21,104	56,716	0.37

5.4.11 The figures indicate that it is expected that on average each new residential unit developed within Neath Port Talbot will likely generate 0.37 children or young people with educational requirements.

5 . Categories of Planning Obligation

5.4.12 In calculating the likely costs incurred by the Council in accommodating additional pupils, the Council will be guided by recent experience within Neath Port Talbot in providing new school facilities for both primary and secondary education. In this context the following table indicates the anticipated costs⁽⁶⁾:

Sector	Space Requirements per Pupil	Cost per Square Metre	Cost per Pupil
Primary	9.52 sqm	£2,333	£22,222
Secondary	9.66 sqm	£2,758	£26,667

5.4.13 It should be noted that these figures include not only the costs of providing actual accommodation for additional pupils together with accompanying design and supervision fees, but also all other costs associated with providing the necessary equipment for pupils that might be considered an essential component of a 21st Century educational service. The following table illustrates the likely cost per additional qualifying residential unit.

Sector	Cost per Additional Pupil	Pupil Yield per Housing Unit	Planning Obligation Cost per Dwelling
Primary	£22,222	0.21	£4,666
Secondary	£26,667	0.16	£4,267
		0.37	£8,933

Implementation

5.4.14 The Council will consider the most appropriate means of utilising any financial contribution secured as part of any planning obligation. In line with the requirements of the CIL Regulations, contributions towards 'infrastructure projects' for education such as the upgrade of existing facilities, either school buildings or associated school facilities such as sports and recreation space, will be required in order to address the impacts of the development. Other measures may include:

- New additional classrooms;
- Improved or replacement classrooms;
- Other school related facilities such as playing fields;
- Associated appropriate accessibility and efficiency measures including highway works.

5.4.15 Applicants will be informed of the amount and type of contribution required to address the impact of the development on the community.

6 Figures in the table have been rounded.

5 . Categories of Planning Obligation

Nature / Form of Obligation

5.4.16 The planning obligation will be in the form of a new school where the development is of a sufficient scale. The planning obligation will also extend to all costs associated with the transfer of land or works to follow, together with future maintenance to be accounted for over a period of 25 years.

5.4.17 Otherwise the planning obligation will be in the form of a financial sum to be paid to the Council to be used to provide for the new or improved infrastructure. The timing of such payments together with the nature of the works to be undertaken will be specified and agreed by all parties.

5.5 Welsh Language

5.5.1 The Welsh language is an integral part of the fabric of many of Neath Port Talbot's communities and is a reflection of their identity, tradition and culture. In accordance with national policy guidance and in respect of the local context, the Council has identified 'Language Sensitive Areas' where the tradition and culture of the use of the Welsh language is strong and where the language is spoken by 25% or more of the population. These areas, illustrated in Appendix A, include the Amman Valley, Swansea Valley, Pontardawe and the community of Crynant in the Dulais Valley.

5.5.2 As part of the evidence base supporting the LDP, the Council commissioned a Welsh Language Impact Assessment (WLIA)⁽⁷⁾ which in broad terms concluded that larger scale developments can have a potential negative impact on the integrity of the Welsh language. Furthermore, the Sustainability Appraisal (SA) prepared by the Council considered impacts on the Welsh language as part of a comprehensive coordinated appraisal and incorporated a Welsh Language Impact Assessment.

5.5.3 Informed by the evidence base, Policy WL1 stipulates that in language sensitive areas, development proposals above a certain scale will require the submission of a 'Welsh Language Action Plan' (WLAP) setting out the mitigation measures to be taken to protect, promote and enhance the Welsh language.

5.5.4 There is a need to mitigate the negative effects from new development through:

- Supporting the use of the language in the local community; and
- Helping residents of new housing and people who work in new retail, commercial and industrial developments to learn and use the language to offer a Welsh medium service to the public and to create opportunities in work to use the language.

5.5.5 Each proposal will be different and therefore judged on its own merits. The scope and range of measures to be included within the WLAP will depend upon the scale, character and location of the development and the type of Welsh language services and facilities that currently serve the community.

Trigger of Planning Obligation

5.5.6 Such planning obligations will be sought where the proposed development includes 10 or more residential units or where the additional amount of retail, industrial or commercial floorspace (i.e. net) totals 1,000 sqm or more.

Residential Development (of 10 or more units)

5.5.7 A contribution of **£500 per unit (to cover 3 years)** will be sought on all residential developments of 10 or more units within language sensitive areas. This sum of money will contribute towards creating a framework of activities to mitigate the negative effects of the development on the Welsh language over a 3 year period. A suggested list of activities to

7 Welsh Language Impact Assessment (2012) - Menter Iaith Castell-nedd Port Talbot.

5 . Categories of Planning Obligation

mitigate the linguistic impacts of the proposal can be found within Appendix B 'List of potential Welsh Language Mitigation Measures'. This list is not exhaustive and should therefore be used as a guide rather than a fully, comprehensive list of requirements.

5.5.8 The money generated from the proposal will be used to fund a package of schemes tailored to the needs of that community. In addition to specific mitigation programmes, every WLAP will need to include the following set measures (which will be included within the £500 cost per dwelling):

- The signage and all aspects of the scheme's marketing should be bilingual - it should be noted that the Council is responsible for the naming of all roads and for the naming / numbering of all residential properties within the County Borough. Developers are encouraged to suggest street names in Welsh in accordance with the Council's Welsh Language policy. All proposals are subject to approval by the Council; and
- A 'Welcome Pack' should be created placing the language in its context and setting out the local Welsh language provision.

Retail, Commercial or Industrial Development (with a total floorspace of 1,000 sqm or more)

5.5.9 The following costs will be sought on all new retail, commercial or industrial developments (and extensions to) where the total (net) floorspace is 1,000 sqm or more.

5.5.10 A contribution of **£1,000 per person (to cover 3 years)** will be required for front line staff to follow courses to learn or improve their Welsh in order to ensure that a Welsh language service is provided and **£100 per person (to cover 3 years)** for all staff to receive courses in awareness of the language, culture and heritage in order that they are aware of the needs of Welsh speakers.

5.5.11 In addition to specific mitigation programmes, every WLAP will need to include the following set measures (which will be included within the costs listed above):

- Bilingual signs should be provided;
- When new staff are being appointed, the operator should consider the language skills of the applicants in order to provide a Welsh language service, especially in relation to front-line staff; and
- Structures should be in place to offer support to prepare signs, announcements etc.

Implementation

5.5.12 The funds will contribute towards creating a framework of schemes to mitigate the negative effects of development on the Welsh language over a 3 year period. It is the role of the WLAP to set the context and explain what measures will be undertaken to protect, promote and enhance the Welsh language taking into consideration the proposed development and the local community.

5 . Categories of Planning Obligation

5.5.13 The onus is on the site developer / applicant to provide sufficient information to enable officers to assess whether the policy requirements have been met in order that an application can be determined.

5.5.14 Based in Pontardawe, 'Menter Iaith Castell-nedd Port Talbot' is a local Welsh Language organisation funded by the Welsh Government. Contact should be made with the Menter Iaith [menter@micnpt.org] who will advise of the schemes and activities that are currently operating within Neath Port Talbot plus new schemes that could be incorporated into the WLAP to address the impacts of the development on the community⁽⁸⁾.

Legal Agreement / Condition

5.5.15 The Council will negotiate with the developer and other interested parties the precise nature of the planning obligation and the most appropriate means of utilising any financial contribution secured as part of the planning obligation.

5.5.16 The requirement for a WLAP and its suggested package of mitigation measures is enforceable by the Council and will be operated through Section 106 legal agreements / planning conditions. The onus will be on the developer to include sufficient information within the WLAP to satisfy the policy requirement and address any impacts from the development on the Welsh language. Inaccurate and inadequate data / information or package of activities to protect, promote and enhance the Welsh language (determined by the Council and Menter Iaith) may result in delays to the determination of the application.

5.5.17 Further details in respect of the requirements of the policy and the scope of WLAPs will be set out within the Council's Welsh Language Supplementary Planning Guidance.

8 Further information (including videos) of the events, schemes, activities and courses that Menter Iaith have supported can be found on their website: www.menteriaithcnpt.cymru

5 . Categories of Planning Obligation

5.6 Open Space

5.6.1 The Open Space Assessment (OSA) identifies existing levels of provision for the various categories of open space by ward and compares them to the Fields In Trust (FIT) Standard to identify shortfalls and over provision in outdoor sport, children's play and informal open space. It is expected that the OSA, which will be subject to periodic review, will provide the basis for planning obligation negotiations. The assessment addresses all categories of open space including formal and urban parks which have been identified and then detailed according to the facilities that they contain (e.g. informal space, children's playgrounds or tennis courts).

5.6.2 Traditionally standards of provision of particular categories of open space have been based on the National Playing Fields Association (NPFA) '6 Acre Standard' which has been superseded by the FIT Standard Planning and Design for Outdoor Sport and Play (2008). It is widely used as a benchmark standard for open space across many Local Authorities and is considered appropriate for Neath Port Talbot. The FIT standards identify a level of provision per 1000 population. This is used to evaluate provision at ward level using the 2011 Census data. These standards have provided the basis for LDP Policy OS1.

Residential Development

Open Space Standards

Outdoor Sport [1.6 hectares per 1,000 population]

5.6.3 Outdoor sport includes both pitch-based sports such as rugby, football and cricket and also non-pitch sports such as tennis courts, bowling greens and any other outdoor sports provision, for example athletics tracks. Whilst golf courses and driving ranges in the Technical Advice Note (TAN) 16⁽⁹⁾ typology are included in the outdoor sports facilities they have not been used in the calculation of the level of provision as it is considered that their inclusion could potentially skew results due to their size.

5.6.4 School and other institutional playing fields have not been used as part of the outdoor sport provision, although under the TAN typology they are included in the outdoor sports facilities category. Whilst the Council has a number of schools which share its facilities with the public after hours, their sports provision has not been included in the calculation as it is understood that there is no written agreement in place regarding the public use of the facilities. This is consistent with the advice given in the FIT standard. The presence of these facilities however is noted in the OSA, as is their potential for recreational use, albeit that it is of a casual nature.

5.6.5 Where artificial turf pitches are identified, in accordance with the FIT standard they are counted as covering twice the area of natural turf because of their capacity for more intensive use. Where pitches are not laid out formally but nets or posts are present, the facility has been classed as an informal area for play.

9 Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2009) - Welsh Government.

5 . Categories of Planning Obligation

Children's Play [0.25 hectares per 1,000 population]

5.6.6 This category includes equipped or designated play areas for children. 'Local Areas for Play' (LAPs) are usually aimed at meeting the needs of very young children, whilst larger 'Locally Equipped Areas for Play' (LEAPs) and 'Neighbourhood Equipped Areas for Play' (NEAPs) are aimed at older age groups who can play independently. It also includes provision for older children such as teen shelters, Multi-Use Games Areas (MUGAs), basketball hoops and BMX Tracks.

Informal Space [0.55 hectares per 1,000 population]

5.6.7 In terms of informal playing space this includes areas which have potential for quiet recreation, areas which are available for informal play and are either formally maintained or semi maintained and can be used not just by children but other members of the community for walking, sitting or informal recreation.

Allotments [0.19 hectares per 1,000 population]

5.6.8 In gathering the evidence for the LDP, it was evident that the demand for allotments was outstripping supply with significant waiting lists. There is no national standard for the provision of allotments or community gardens. Recommended standards of provision of allotments vary and additionally they have no official status.

5.6.9 The suggested standards range from 20 allotments per 1,000 households (National Society of Allotment holders and Leisure Gardeners) to 15 per 1,000 households in the 'Growing in the Community Good Practice Guide' and the English Allotment Survey 1997 to 0.25ha / 1,000 households (equating to 10 plots per 1,000 households).

5.6.10 An assessment of the existing level of provision for Neath Port Talbot has been established and is included within the OSA. The assessment identifies an appropriate standard of 15 plots per 1,000 households and accordingly, this standard has been included on Policy OS1.

Trigger for Planning Obligation

5.6.11 In line with Policy OS1, financial contributions for open space to meet the needs of future residents will be sought in relation to all development proposals for 3 or more additional residential units. Financial contributions will be sought for all the categories of open space identified within Policy OS 1. Financial contributions will not be sought to meet an existing and identified shortfall in open space provision.

5.6.12 The only exceptions will be made in respect of children's play provision where the development involves studio or 1 bedroom units or development which is specifically and exclusively marketed for the over 65's.

5.6.13 Discussions at the pre-application stage will establish the current level of provision across the range of open space categories in the context of the most recent population data and the most current OSA.

5 . Categories of Planning Obligation

5.6.14 An assessment will be made of the potential impact of the proposed development across the range of open space categories. Comparison of the existing provision with the likely impact of the development proposal will form the basis for negotiations where the development proposal is located within an area with an identified shortfall in the amount of open space provision across 1 or more open space categories.

Basis for Calculation

5.6.15 It is expected that planning obligations will be sought where a shortfall in open space provision has been identified. The planning obligation will meet the additional demand arising from the proposed development and will not be applied to alleviate any existing open space shortage.

5.6.16 In calculating the level of financial contribution to be sought for each additional qualifying residential unit, a consideration will be made of a number of components:

- The open space requirement across the various categories per person;
- The likely number of additional residents per additional qualifying residential unit;
- The open space requirement per additional qualifying residential unit;
- The likely cost of open space provision per additional qualifying residential unit.

5.6.17 Appendix C provides some basic costs across a range of open space types. Applying these financial values provides an indication of the scale of the financial contribution to be sought across the various open space types per additional qualifying residential unit. In the event that the cost of providing the various categories of open space changes over time, the most current cost framework will be applied with any changes being communicated to the applicant at the earliest possible stage in the planning application process.

5.6.18 The amount of open space required per person is as follows:

LDP Policy OS 1 Open Space Category	Requirement per 1000 Population (Hectares)	Requirement per 1000 Population (square metres)	Requirement per Person (square metres)
Outdoor Sport - Pitch	1.15	11,500	11.5
Outdoor Sport - Non Pitch	0.45	4,500	4.5
Children's Play	0.25	2,500	2.5
Informal Space	0.55	5,500	5.5
Allotments	0.19	1,900	1.9
	2.59	25,900	25.9

5 . Categories of Planning Obligation

5.6.19 The most recent official estimated average household size⁽¹⁰⁾ figure will be applied to calculate the open space requirement per additional qualifying residential unit.

LDP Policy OS 1 Open Space Category	Requirement per 1000 Population (Hectares)	Requirement per 1000 Population (square metres)	Requirement per Person (square metres)	Average Household Size (2014)	Open Space Requirement per Dwelling (square metres)
Outdoor Sport - Pitch	1.15	11,500	11.5	2.29	26.3
Outdoor Sport - Non Pitch	0.45	4,500	4.5	2.29	10.3
Children's Play	0.25	2,500	2.5	2.29	5.7
Informal Space	0.55	5,500	5.5	2.29	12.6
Allotments	0.19	1,900	1.9	2.29	4.4
	2.59	25,900	25.9		59.3

5.6.20 The following table illustrates the likely cost per dwelling across the various open space categories.

LDP Policy OS 1 Open Space Category	Requirement per 1000 Population (Hectares)	Requirement per 1000 Population (square metres)	Requirement per Person (square metres)	Average Household Size (2014)	Open Space Requirement per Dwelling (square metres)	Capital Cost per square metre	Cost per Dwelling
Outdoor Sport - Pitch	1.15	11,500	11.5	2.29	26.3	£10.80	£284.00
Outdoor Sport - Non Pitch	0.45	4,500	4.5	2.29	10.3	£100.00	£1,030.00
Children's Play	0.25	2,500	2.5	2.29	5.7	£150.00	£855.00
Informal Space	0.55	5,500	5.5	2.29	12.6	£5.00	£63.00
Allotments	0.19	1,900	1.9	2.29	4.4	£10.90	£48.00

Implementation

5.6.21 It is expected that the needs of future residents of a proposed development will be met through the provision of new areas of open space to be provided within the development site.

5 . Categories of Planning Obligation

5.6.22 Where the physical scope for additional provision is limited, the Council will also consider the issue of whether new provision could be made available off-site or whether the planning obligation could focus on improving the quality of the existing provision. The scale of the financial contribution sought will then reflect the number of new residential units proposed.

Maintenance

5.6.23 Any new open space facilities to be provided on-site or off-site will be subject to a management framework to be established by the applicant and discussed as part of the negotiation process, which will address the maintenance and management of the facility. It is not expected that the Council will adopt any new areas of open space created or incur any future financial liabilities.

5.6.24 In relation to improvements / upgrades to existing open space facilities, it may be necessary for maintenance costs to be included as part of the Section 106 contribution. Further guidance in this respect will be provided in the Council's Open Space and Greenspace Supplementary Planning Guidance.

Employment and Commercial Development

5.6.25 Policy OS1 also makes clear that provision for associated amenity space will be sought in relation to proposals for employment or commercial development of over 1,000 sqm (i.e. net). It is expected that such amenity space will be provided within the development site and will be based on the standards identified for informal open space as outlined in the following table:

LDP Policy OS 1 Open Space Category	Requirement per 1000 Additional Employees (Hectares)	Requirement per 1000 Additional Employees (square metres)	Requirement per Additional Employee (square metres)
Amenity Space	0.55	5,500	5.5

5.6.26 As with recreational open space, where the physical scope for additional provision is limited (e.g. where the proposal relates to an extension to an existing development), the Council will also consider the issue of whether new provision could be made available off-site or whether there is potential to improve linkages to existing public open space or whether the planning obligation could focus on improving the quality of the existing provision. Such instances will be considered on a case-by-case basis. The scale of the financial contribution sought will then reflect the scale of the proposed development in terms of anticipated number of additional employees.

5.7 Biodiversity and the Natural Environment

5.7.1 National policy (set out in PPW and associated documents) sets out requirements in relation to nationally and internationally designated biodiversity and geodiversity sites, while LDP Policy EN6 sets out the policy requirements in relation to locally designated sites. New development should be designed to have minimal impact on existing local ecosystems, including their habitats and species. Proposals for new development will be expected to incorporate measures to ensure that the potential impacts upon such ecosystems, habitats and species are fully addressed.

5.7.2 Impacts may manifest in a wide variety of ways; for example a development could result in direct loss of habitats, or habitats supporting important species; fragmentation or loss of connectivity between habitats or species populations; alteration of regimes such as hydrology that an ecosystem is reliant upon. The requirement for mitigation and/or compensation for significant impacts will therefore be development and site specific.

Trigger for Planning Obligation

5.7.3 Planning obligations or conditions may be required in relation to any proposal for new development that will impact upon locally, nationally or internationally important designated sites, ecosystems, habitats and species populations regardless of the type or scale of the proposed development. Planning obligations will normally be required where off-site provisions are necessary or financial contributions are needed to ensure that there are no detrimental impacts on important biodiversity/geodiversity.

Implementation

5.7.4 In the first instance it will be expected that development proposals will be designed to ensure that on-site biodiversity is protected and maintained on-site and planning conditions or obligations may be required to ensure that this is achieved. In some circumstances however, it may be necessary or appropriate to achieve on-site or off-site mitigation. As a final resort, off-site compensation may be required. The Council will expect planning obligations to help secure a net gain in such cases in recognition of the time it can take for new habitats to become established and the potential risks associated with the displacement of existing species.

5.7.5 The Council's Biodiversity and Geodiversity SPG will set out a detailed procedure and potential options for such off-site biodiversity compensatory requirements.

5.7.6 The precise details of the impacts and the measures required to address them will be the subject of early consideration during the planning application process.

5 . Categories of Planning Obligation

5.8 Other Categories

Community Facilities

5.8.1 Social and community infrastructure plays an essential role in ensuring our communities function effectively, providing important focal points for local people and helping to enhance social cohesion in the process.

5.8.2 Some forms of development, notably proposals for new housing development, will likely introduce additional people into a given community. This potential influx of new people could place additional strain on the existing social infrastructure that might typically include community halls or centres.

Trigger for Planning Obligation

5.8.3 Planning obligations may be required in relation to proposals for new development including 10 or more new housing units.

Basis for Calculation

5.8.4 In the absence of any established standards of provision of community facilities, the Council does not consider it appropriate to apply a standard formula for calculating the likely scale of the planning obligation. The impact of new development proposals will be assessed against the existing level of provision in discussion with the developer and stakeholders including Local Councillors.

Implementation

5.8.5 The Council will determine both the impact and the level of need and the most appropriate way of utilising the financial contribution. The planning obligation may allow for the provision of new buildings, particularly if the proposed development is of a sufficient scale, or alternatively another option may be the expansion or refurbishment of existing facilities. The precise details will be the subject of negotiation between all the relevant parties in the context of a broad consideration of the prevailing circumstances.

Historic Environment

5.8.6 Neath Port Talbot enjoys a rich historical heritage. In recognising this, it is important that proposals for new development incorporate measures to protect and enhance where possible appropriate features within the environment including archaeological remains, ancient monuments, listed buildings and also other important structures or features.

5.8.7 It is anticipated that planning obligations or conditions might seek to ensure that adequate protection is afforded to the historic environment but there may also be opportunities to promote restoration, maintenance or enhance the public experience through improved interpretive or information systems.

Trigger for Planning Obligation

5.8.8 It is expected that planning obligations could be sought in relation to any proposal for new development that impacts upon important features of the historic environment.

Implementation

5.8.9 The Council will negotiate with the developer and any other interested parties the precise nature of the planning obligation and the most appropriate application for any financial contributions secured as part of the planning obligation.

Public Realm and Landscaping

5.8.10 Many proposals for new development will have a significant impact on existing areas of landscaping. Additionally, a development proposal may generate a significant level of additional pedestrian footfall which would impact in terms of the capacity and quality of the existing public realm. In such cases planning obligations may be required to mitigate against the impact of a proposed development.

Trigger for Planning Obligation

5.8.11 Planning obligations relating to landscaping can be applied to any development type. The obligation will be required in circumstances where the Council intends to adopt and take responsibility for the completed landscape scheme.

Implementation

5.8.12 The developer will be required to design and implement the scheme in a manner to be agreed with the Council. When the land is transferred to the Council, a commuted payment will be required to cover maintenance costs for the first 15 years following completion of the scheme.

5.8.13 If not adopted by the Council, the Council will need to be satisfied that a suitable management programme is in place. This could be operated by, for example, a Community Council or a community group or trust.

5 . Categories of Planning Obligation

6 Contact Details

6.0.1 Neath Port Talbot County Borough Council Contacts:

Development Management

Main point of contact for all planning applications and for pre-application advice contact:

- **Steve Ball [Development Manager]:** Tel: 01639 686727 / Email: s.ball@npt.gov.uk
- **Nicola Lake [Team Leader – East]:** Tel: 01639 686737 / Email: n.lake@npt.gov.uk
- **Chris Davies [Team Leader – West]:** Tel: 01639 686726 / Email: c.j.davies@npt.gov.uk

Planning Policy

For queries relating to the LDP and Planning Policy contact:

- **Ceri Morris [Planning Policy Manager]:** Tel: 01639 686320 / Email: c.morris1@npt.gov.uk
- **Lana Beynon [Team Leader]:** Tel: 01639 686314 / Email: l.beynon@npt.gov.uk

6 . Contact Details

Supplementary Planning Guidance: Planning Obligations (October 2016)

Appendix A Welsh Language Sensitive Areas

Map A.1 Welsh Language Sensitive Areas



Appendix A . Welsh Language Sensitive Areas

List of Wards designated as Language Sensitive Areas

Amman Valley

- Gwaun Cae Gurwen
- Lower Brynamman

Dulais Valley

- Crynant

Pontardawe

- Alltwen
- Pontardawe
- Rhos
- Trebanos

Swansea Valley

- Cwmllynfell
- Godre'r Graig
- Ystalyfera

Appendix B Potential Welsh Language Mitigation Measures

Activities to mitigate the Linguistic Impacts of a development within a Welsh Language Sensitive Area

This list is not exhaustive and should therefore be used as a guide rather than a fully, comprehensive list of requirements. It is the role of the WLAP to set the context and explain what measures will be undertaken to help protect, promote and enhance the Welsh language taking into consideration the proposed development and the local community.

Strategic Projects

These programmes could be incorporated, where relevant, into a WLAP for either residential or retail / commercial / industrial developments.

- Welsh awareness courses (language, culture, heritage);
- Improve your Welsh courses;
- Informal introduction to speaking Welsh;
- Sign posting and preparing for Welsh language courses for adults.

Residential Development of 10 or more units

Set Measures:

- The signage and all aspects of the scheme's marketing should be bilingual; and
- A 'Welcome Pack' should be created placing the language in its context and setting out the local Welsh language provision.

[A] Pre-School Children

Support or create opportunities to ensure that parents can connect with Welsh positively through activities such as:

- Cylch Ti a fi (Mother and Toddler);
- Jamborees;
- Sessions for prospective parents;
- Sport Saturdays;
- Sessions to encourage use of the language by Welsh speakers;
- Mother and baby sessions;

Appendix B . Potential Welsh Language Mitigation Measures

- Welsh in the home sessions;
- Sessions in family groups.

[B] Primary Age Children

Support or create opportunities to ensure that children are able to use the language in informal settings such as:

- Homework clubs;
- Swimming lessons;
- Soccer and rugby training;
- Local radio workshops;
- Special interest clubs such as minecraft, aduino;
- Jamborees;
- Lego clubs;
- Children's discos.

These opportunities would serve second-language children as well as those in Welsh language schools.

[C] Secondary School Age Children

Support or create opportunities to ensure that young people can socialise in or learn Welsh informally, through activities such as:

- Revision clubs;
- Youth Clubs;
- Guitar, piano, drums classes;
- Gigs.

[D] Adults

Support or create opportunities to ensure that adults can socialise in or learn or use Welsh informally through activities such as:

- Zumba lessons;

- Car repairs;
- Reading clubs;
- Bingo;
- Gigs;
- Organised walks;
- Coffee mornings.

Retail, Commercial or Industrial Development with a total floorspace of 1,000 sqm or more

Set Measures:

- Bilingual signs should be provided;
- When new staff are being appointed, the operator should consider the language skills of the applicants in order to provide a Welsh language service, especially in relation to front-line staff; and
- Structures should be in place to offer support to prepare signs, announcements etc.

[E] Front-line Staff / Employees

- Front line staff to follow courses to learn or improve their Welsh in order to ensure that a Welsh language service is provided;
- All staff to receive courses in awareness of the language, culture and heritage in order that they are aware of the needs of the Welsh speakers.

Appendix B . Potential Welsh Language Mitigation Measures

Appendix C Costs - Open Space Provision

Costs - Open Space Provision

C.1 The following table illustrates the level of costs associated with the provision of a range of sports facilities:

Facility Type	Area (Sq M)	Capital Cost (£)
Rugby Union Natural Turf	10,400	115,000
Cricket Natural Turf	20,649	265,000
Bowling Green Natural Turf	1,600	140,000
Football (Mini)	1,419	20,000
Football (Youth)	5,917	70,000
Football (Senior)	7,420	85,000
Tennis Courts (x2)	1,227	200,000
Tennis Courts (x4)	2,342	350,000
Tennis Courts (x6)	3,456	455,000
Multi-Use Games Area (Macadam)	782	145,000

Source: Sport England 2016

Appendix C . Costs - Open Space Provision

Supplementary Planning Guidance: Planning Obligations (October 2016)



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



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Local Development Plan
Cynllun Datblygu Lleol