

Cardiff Planning Obligations SPG

(Supplementary Planning Guidance)



Contents

Chapter	(Future) Supporting SPG's	Page
1.	Introduction	2
1.1	About this Document	2
1.2	Mechanisms for Securing Infrastructure	3
1.3	Legislation and Policy Context	4
1.4	The Community Infrastructure Levy (CIL)	5
1.5	Cardiff's Approach to Planning Obligations and CIL	6
2.	Affordable Housing	7
3.	Transportation and Highways	<i>(Managing Transport Impacts SPG)</i> 13
4.	Public Rights of Way	<i>(Managing Transport Impacts SPG)</i> 19
5.	Provision of Functional Open Space	<i>(Green Infrastructure SPG)</i> 21
6.	Protection of Open Space	27
7.	Schools and Education	28
8.	Community Facilities	33
9.	Primary and Community Healthcare Facilities	36
10.	District and Local Centres	38
11.	Public Realm, Community Safety and Public Art	39
12.	Waste Management Facilities	<i>(Waste Collection and Storage SPG)</i> 41
13.	Local Training and Employment	43
14.	Renewable Energy and Low Carbon Technology	<i>(Renewable Energy Assessment SPG)</i> 46
15.	Biodiversity	<i>(Green Infrastructure SPG)</i> 48
16.	Tree, Woodland and Hedgerow Protection	<i>(Green Infrastructure SPG)</i> 55
17.	Flood Risk Management and Sustainable Urban Drainage	<i>(--- SPG)</i> 58
18.	Development Viability	64
Appendix 1: Residential Viability Appraisal Checklist		65
Appendix 2: Consultation on the Draft Planning Obligations SPG		67
Appendix 3: Consultation Representation and Responses		71

1. Introduction

1.1 About this Document

- 1.1.1. This Planning Guidance is supplementary to the Cardiff Local Development Plan (LDP) 2006-2026 and sets out the Council's approach to planning obligations when considering applications for development in Cardiff. It provides further guidance on how the policies set out in the-LDP are to be implemented and will assist in securing the provision of sustainable development across the city.
- 1.1.2. This SPG will help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. The delivery of the right level and type of infrastructure at the right time is not only essential to support the development of new homes, economic growth and the creation of sustainable communities, but also provides benefits to the city's existing residents, workers and visitors. Failure to provide sufficient supporting infrastructure can have a detrimental impact on the overall quality and associated use of local, countywide and regional amenities.
- 1.1.3. The aim of this SPG is to provide clarity to developers, agents and other stakeholders regarding the basis on which planning obligations will be secured. It supplements Policies KP6 (New Infrastructure) and KP7 (Planning Obligations) of the Cardiff Local Development Plan 2006-2026 and:
- Sets out Cardiff's approach to securing infrastructure provision and environmental improvements through planning obligations,
 - Clarifies the relationship between planning obligations and the Community Infrastructure Levy (CIL),
 - Provides guidance on the type and nature of planning obligations and the basis for contributions,
 - Will enable the consideration of infrastructure matters at the earliest possible stage in the development process.
- 1.1.4. This document covers in detail those infrastructure elements that will be secured through planning obligations and sets out the forms of development from which the Council will seek contributions where the need arises as a result of a proposed development. It identifies the nature of what will be required, the scale of development from which particular types of contribution will be sought and, where relevant, sets out the basis on which the level of obligation will be calculated.

1.2 Mechanisms for Securing Infrastructure

- 1.2.1. The following mechanisms are available to secure both site specific and countywide infrastructure provision:

Planning Conditions

- 1.2.2. Planning Conditions are attached to a planning permission and set out details of required standards, timescales and / or works which must be carried out at prescribed stages in the development process. Where necessary, they can also require further details to be submitted in order to make the development acceptable. Planning Conditions should not be duplicated by Planning Obligations.

Planning Obligations

- 1.2.3. Planning obligations run with the land (the application site) in perpetuity and may be enforced by the Council as the local planning authority against the original covenantor and its successors in title to the land. Planning Obligations can be secured either through a S106 Agreement, where there are mutual obligations between the Council and those with a legal interest in the application site, or a Unilateral Undertaking, which binds by planning obligations those with a legal interest in the land, but impose no obligations on the Council.
- 1.2.4. Planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted and can either be provided through delivering what is needed to the required standard or as a financial contribution, or by a combination of both.

S278 / S38 Agreements

- 1.2.5. These agreements relate specifically to Highway works. They also run with the land in perpetuity and may be enforced against the owner, mortgagees and their successors in title to the land (anyone with a legal interest in the land).

Section 38 Agreement

- 1.2.6. Where, as part of a development, it is proposed to construct a new road or junction, the normal legal means by which the road becomes a public highway is via an agreement under Section 38 of the Highways Act 1980.

Section 278 Agreement

- 1.2.7. A Section 278 Agreement is a legally binding document between the Local Highway Authority and a developer to ensure that any works to be carried out to an existing area of adopted highway are completed to the standards and satisfaction of the Local Highway Authority.

Community Infrastructure Levy

- 1.2.8. In April 2010, the Government introduced the Community Infrastructure Levy (CIL) Regulations. CIL enables Local Planning Authorities to raise a levy on new development in their area, which can then be used to fund infrastructure to help support growth. Unlike planning obligations, CIL is a set charge and is non-negotiable. Where it is introduced by a local authority, it sits alongside the use of planning obligations but will not directly replace them.

1.3 Legislation and Policy Context

- 1.3.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that the determination of a planning application must be in accordance with the development plan unless material considerations indicate otherwise. Welsh Government advice supports the use of SPG to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. SPG must be consistent with development plan policies and national planning policy guidance and may be taken into account as a material planning consideration in planning decisions. The policy context is given below.

National Legislation and Policy Context

Planning Obligations.

- 1.3.2. The legislative and policy guidance framework governing the use of planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the 1991 Planning and Compensation Act) and Welsh Office Circular 13/97 'Planning Obligations'. This enables any person with an interest in land in the area of a local authority to enter into a planning obligation that:
- Restricts the development or use of the land in any specified way;
 - Requires specified operations or activities to be carried out in, on, under or over the land;
 - Requires the land to be used in any specified way; or
 - Requires a sum or sums to be paid to the authority on a specified date or dates or periodically.

Community Infrastructure Levy (CIL).

- 1.3.3. Part 11 of the Planning Act 2008 introduced the Community Infrastructure Levy. Relevant legislation is further set out in the Community Infrastructure Levy (CIL) Regulations 2010 and subsequent CIL (Amendment) Regulations.
- 1.3.4. Regulation 122(2) of the CIL Regulations (as amended) states that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:
- 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.

Well-being of Future Generations (Wales) Act 2015.

- 1.3.5. The Well-being of Future Generations (Wales) Act 2015 establishes a 'sustainable development principle', which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Planning Policy Wales.

- 1.3.6. Planning Policy Wales (PPW) Edition 9 (November 2016) sets out the land use planning policies of the Welsh Government. Chapter 3.5 provides guidance relating to planning conditions, obligations and the Community Infrastructure Levy.

Local Policy Context

Cardiff Local Development Plan 2006-2026.

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- 1.3.7. Policy KP6 (New Infrastructure) of the Cardiff Local Development Plan 2006-2026 identifies that ‘New development will make appropriate provision for, or contribute towards, the necessary infrastructure required as a consequence of the proposed development. Such infrastructure will be delivered in a timely manner to meet the needs of existing and planned communities’.
 - 1.3.8. Policy KP7 (Planning Obligations) specifies that planning obligations will be sought to mitigate any impacts directly related to the development.
 - 1.3.9. Policies KP2(A) to Kp2(H) provide a summary of the key infrastructure requirements relating to LDP Strategic Sites (sites of 500 homes or more and / or with significant employment / mixed uses).
 - 1.3.10. Additional LDP Key Policies and Detailed Policies relating to specific infrastructure elements are identified within each subsequent chapter of the SPG.

Cardiff Infrastructure Plan.

- 1.3.11. The Cardiff Infrastructure Plan (IP) is a ‘living document’ that sits alongside the LDP and identifies infrastructure required to facilitate and sustain the growth of the city. The IP is informed by the Cardiff Local Development Plan and its associated Supplementary Planning Guidance documents.

1.4 The Community Infrastructure Levy (CIL)

- 1.4.1. Planning Policy Wales (Edition 9, November 2016) provides the following overview of the CIL Regs:
 - ‘3.5.6 The Community Infrastructure Levy Regulations 2010 came into force in April 2010 and are non-devolved. The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated’.

The Relationship between Planning Obligations and CIL

- 1.4.2. CIL Regulation 123 prevents the use of planning obligations to fund infrastructure projects or types of infrastructure that may be funded by the CIL (this is referred to as ‘double dipping’). Upon the adoption of a CIL, a local authority maintains on its website a Regulation 123 (R123) List identifying the projects or types of infrastructure that it intends may be wholly or partly funded by CIL. These specific infrastructure projects or types of infrastructure cannot then be funded through planning obligations.
- 1.4.3. In order to ensure that planning obligations and CIL can operate in a complementary way, from 6th April 2015, the pooling of contributions which are secured through S106 agreements has been limited (by Regulation 123) to five planning obligations for the same infrastructure project or type of infrastructure.
- 1.4.4. The two main exemptions to the ‘pooling of five’ are the provision of Affordable Housing, which the CIL Regulations identify will not be restricted in this way and Highway Infrastructure provided through S278 Agreements. In addition, those items which have historically been secured via S106 agreements, but are not classed as ‘infrastructure’, for example, Traffic Regulation Orders and Travel Plans will also not be restricted by the ‘pooling of five’.

1.5 Cardiff's approach to Planning Obligations and CIL

Planning Obligations

- 1.5.1. Where the need arises as a result of a proposed development, site specific infrastructure provision and mitigation measures will be secured through planning obligations.
- 1.5.2. The following chapters, under each infrastructure category, provide guidance as to the circumstances where infrastructure provision and / or site specific mitigation will be sought. Each case will be considered on its merits having regard to the specific circumstances of the site and the proposed development.

CIL

- 1.5.3. In addition to Planning Obligations, it is proposed that, upon the adoption of a Cardiff CIL, a charge will be levied on Residential, Retail and Student Accommodation developments to raise funds that will contribute towards wider strategic and other local infrastructure provision across the city.
- 1.5.4. As part of the preparation of a Cardiff CIL, consultation was undertaken between 8th September 2016 and 20th October 2016 on a Draft Charging Schedule (DCS), which proposed the following rates:

Development type		CIL rate £/m2
Residential Zone 1	Countywide zone for developments of 1-499 dwellings	70
Residential Zone 2	Sites of 500 or more dwellings (including all developments within LDP Strategic Sites).	Nil
Retail		200
Student Accommodation		100

- 1.5.5. Following the above consultation period, a Draft Charging Schedule is then submitted for Independent Examination and an associated Inspectors Report is published prior to the adoption of a CIL by a Local Authority.
- 1.5.6. Details of current progress on the adoption of a CIL can be viewed at www.cardiff.gov.uk/cil. Upon the adoption / implementation of a CIL, this Planning Obligations SPG will be updated to identify the charges that have been put in place.
- 1.5.7. As identified in the CIL Regulations, following the adoption of a CIL, Affordable Housing will continue to be secured through Planning Obligations.
- 1.5.8. Infrastructure projects and types of infrastructure which may be funded either in whole or in part by CIL (and therefore would not be sought through planning obligations) will be identified on a R123 List.

2. Affordable Housing

Policy Context

- 2.1. Planning Policy Wales (paragraphs 9.1.2 and 9.2.14) states that Local Authorities should promote sustainable residential environments and make appropriate provision for affordable housing, including social rented housing (owned by local authorities and registered social landlords) and intermediate housing (where prices or rents are above those of social rent but below market housing prices or rents).
- 2.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- H3: Affordable Housing

Affordable Housing Provision

Development Type		Provision Sought
All residential developments that: i. Contain 5 or more dwellings; or ii. Sites of or exceeding 0.1 hectares in gross site area; or iii. Where adjacent and related residential proposals result in combined numbers or site size areas exceeding the above thresholds, the Council will seek affordable housing based on the affordable housing target percentages set out opposite. Excluding: Student Accommodation and Specialist Accommodation that provides a significant element of care.	Brownfield Sites	20% Affordable Housing
	Greenfield Sites	30% Affordable Housing

Key Principles

- 2.3. Affordable housing will be provided onsite in order to promote social integration and to contribute toward the development of sustainable communities. Alternatives to onsite provision will only be considered in exceptional circumstances.
- 2.4. The provision of affordable housing is based on 'evidence of housing need'. Within Cardiff, evidence of housing need is based upon the Local Housing Market Assessment - Update (2015), which is supplemented by the Common Waiting List for both Council and Registered Social Landlord (RSL) stock in the city and any other relevant information.
- 2.5. The Council will ensure that the spirit and purpose of LDP Policy H3 is not circumvented by the artificial sub-division of sites.
- 2.6. LDP Policy H3 applies to all proposed residential developments covered by the identified thresholds (para 2.2), including conversions, changes of use and mixed use developments where the site description and plans show 5 or more dwellings. Schemes providing specialist accommodation are included within this definition, except those in which residents require a significant element of care.
- 2.7. Student Accommodation is classified as a 'sui generis' use. Where a planning application identifies that a site and / or an element within a mixed use development will be specifically and exclusively used for this purpose, the corresponding units will not be expected to contribute toward affordable housing provision.

Definition of Affordable Housing

- 2.8. Welsh Government Technical Advice Note 2 (Planning and Affordable Housing) at paragraph 5.1 defines Affordable Housing as ‘housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers’.
- 2.9. The Council recognises that there are two types of affordable housing:
- **Social Rented Housing (SR):** where rented dwellings are provided by a Registered Social Landlord (RSL) or the Council.
 - **Intermediate Housing:** where prices or rents are above those of social rents but below market housing prices or rents. This includes:
 - a) Intermediate Rented Housing (IR). Where rented dwellings are provided by a Registered Social Landlord or the Council at a rent level of no more than 100% Local Housing Allowance (inclusive of service charges) in perpetuity.
 - b) Low Cost Home Ownership (LCHO). Where sale prices are at least 30% -40% below market house prices.
- 2.10. It should be noted that housing provided at a discount by the developer to the first occupier does not constitute affordable housing, as this form of provision fails to retain affordable housing for as long as the need arises.

Tenure

- 2.11. The Council will seek an appropriate mix of tenures on application sites. The affordable housing tenure mix sought will be predominantly social rented with a small proportion of Low Cost Home Ownership (if applicable). Provision will need to be determined on a site-by-site basis through discussions between the Council and the applicant / developer in order to take account of local housing need and factors such as accessibility to local facilities and transport infrastructure.

Transfer and Prices

- 2.12. For Social Rented and Intermediate Rented, developers will be required to transfer units to an approved organisation, usually a Registered Social Landlord (RSL) or the Council itself. Developers should be aware that the affordable units should be transferred to the RSL or the Council at a value no greater than the fixed capital payments advised by the Local Authority. The capital payment that will be made by an RSL or the Council for purchase of the affordable units is based on the rental income that can be charged for an affordable rented unit. The payment will differ depending on whether the affordable unit is a social rented unit or an intermediate unit. Payment tables are available upon request and are updated annually.
- 2.13. It should be noted that if a development is, or is likely to be, subject to a service charge or additional charge, then any such reasonable charge shall be included within the rent of the Affordable Housing Units, provided that in the case of Intermediate Rented Units the imposition of any such charge shall not increase the rent to a level that exceeds 100% of the published Rent Officer Local Housing Allowance then in force.

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- 2.14. For Low Cost Home Ownership (Shared Equity) units the fixed capital payment will be based on an affordable percentage of the open market value of the relevant property, and will usually range between 60%-70% of the open market value. The unsold equity share will be held by either the Council or an RSL.
- 2.15. Low Cost Home Ownership (LCHO) will only be acceptable where the sale price is low enough for purchase by those in genuine housing need. As future sales must also be at the same percentage discount and must also be to those in genuine housing need, either an RSL or usually the Council itself will act as an agent to ensure arrangements are adhered to, and that this form of affordable provision is retained for as long as the need exists.

Providers of Affordable Housing - Registered Social Landlords (RSLs)

- 2.16. The most suitable suppliers of affordable housing are RSLs, usually Housing Associations, because:
- RSLs have a duty to allocate tenancies in a fair, consistent, transparent manner, based on housing need;
 - they ensure control over future occupancy and future levels of rents or ownership;
 - they are subject to regular monitoring to ensure standards of service are maintained;
 - the Council and RSLs allocate from the common waiting list to ensure local people in need occupy the affordable housing units without income restrictions;
 - RSL's have a duty to allocate to secure contracts;
 - RSLs are established contact points for people in housing need.
- 2.17. The Council will be able to advise developers of a suitable RSL partner for the delivery of affordable housing. Any alternative supplier of affordable housing must be agreed by the Council, and it must be demonstrated that their objectives and controls are similar to RSLs. The Council has 7 RSL partners with Welsh Government Approved Development status:
- | | |
|--|----------------------------|
| ■ Cadwyn Housing Association | ■ Taff Housing Association |
| ■ Cardiff Community Housing Associatio | ■ United Welsh |
| ■ Hafod & Hafod Care Housing Associati | ■ Wales & West Housing |
| ■ Linc Cymru | |
- 2.18. In addition, the Council itself is also a supplier and delivery partner for affordable housing provision. There may be occasions where the Council will be the delivery partner of the affordable housing provision. This will be discussed and agreed as part of the planning application process.

Onsite Provision

- 2.19. Consistent with LDP Policy H3,-affordable housing will be provided on-site unless there are exceptional circumstances (and associated evidence) to support alternative provision.
- 2.20. Affordable housing should be located throughout a site and not concentrated in one part of a development. For larger developments in particular, affordable housing is best located in clusters that are properly integrated into the development and situated near local amenities, facilities and transport hubs.

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- 2.21. Affordable housing provision should generally reflect the type and size of market housing On a site (for example if all market dwellings are houses, affordable housing provision should not be all flats). In addition, there should be no difference in external appearance between open market and affordable housing units, notwithstanding that the affordable rented housing units will be expected to meet Welsh Government Development Quality Requirements (DQR).
- 2.22. The completion of the affordable housing will normally be linked to the completion of a specified percentage of the general market housing to ensure that schemes are developed as a whole. Where a large development is proposed in phases, the delivery of affordable houses should also be phased to further integrate general market and affordable housing. This is in keeping with the aims of inclusive and mixed communities.

Standards of Design and Construction

- 2.23. The Council seeks that all affordable rented units (social rented and intermediate rented) meet the standards identified in 'Development Quality Requirements', Welsh Government, 1st July 2005 (or subsequent amendments). Further design guidance is provided through Planning Policy Wales, Tan 12 (Design), the Cardiff Local Development Plan and associated Supplementary Planning Guidance.

Off Site Provision

- 2.24. Off-site provision will only be considered in exceptional circumstances where robust supporting evidence is provided, and agreed in writing, by the Council. In such circumstances, the developer will be expected to provide an alternative site for, and deliver, the required affordable housing.
- 2.25. In considering offsite provision, the following criteria would have to be met:
- The Council agrees that there are exceptional justifications for provision off-site.
 - The Council and the developer agree on the quantity and type of affordable housing that would have been provided on-site.
 - The alternative form of provision would be equivalent in all respects to the affordable housing that would have been provided on-site
 - The developer has demonstrated that the affordable housing will be provided on a mutually agreed site that will accommodate the requirement, within a reasonable period of time (up to 3 years).
- 2.26. Any offsite location proposed would need to be suitable for affordable housing (i.e. accessible to local facilities / transport infrastructure) and located near enough to the main development to meet the identified need.-This will be subject to agreement with the Local Authority.
- 2.27. The developer will need to establish a clear, deliverable and guaranteed means of achieving the criteria outlined above before planning permission can be granted. This may mean first obtaining planning permission for the off-site development. It will need to include satisfactory phasing arrangements, and take account of any additional affordable housing provision and other infrastructure requirements that would normally be expected to be provided on the alternative site. Such arrangements will usually be secured by a Section 106 Agreement.

Financial Contribution in lieu of onsite provision

- 2.28. In circumstances where it has been agreed that there are exceptional justifications for provision offsite and where (1) a developer does not own or control an alternative site and (2) it is not feasible for the developer to be able to purchase a suitable alternative site, a financial contribution in lieu of affordable housing may be considered.
- 2.29. Registered Social Landlords (RSL's) are able to build affordable housing by securing private finance to supplement a Social Housing Grant. A financial contribution should therefore be equivalent to the Social Housing Grant required to develop an RSL new-build scheme of the same proportion and type of affordable units that would otherwise have been expected on-site. This would allow a financial contribution to contribute to the overall affordable housing provision without recourse to public subsidy.
- 2.30. Before a calculation can be made, it will be necessary to have agreed the appropriate proportion of affordable housing and mix, based on an affordable housing mix representative of the development as a whole. The formula for calculating a financial contribution in lieu of onsite provision is:

- **Grant Eligibility ((ACG £ per unit) x (58% SHG)) x N = £ financial contribution.**

Where:

- **Grant Eligibility:** Determined by multiplying the Acceptable Cost Guidance per dwelling by the Social Housing Grant rate (see below).
 - **ACG (Acceptable Cost Guidance):** Is an amount based on the price within which the Welsh Government stipulates an RSL must buy land, build the unit and pay costs. It is calculated per social housing dwelling and relates to dwelling type and occupancy (e.g. 2 person 1 bed flat) for different cost bands in Wales. ACG is published by the Welsh Government.
 - **58% SHG (Social Housing Grant rate):** This is normally expressed as the total proportion of actual scheme costs that will be funded by the Welsh Government and is determined in accordance with the grant procedures as published by their Housing Directorate.
 - **N:** Number of off-site surrogate affordable housing units (rounded to the nearest whole unit).
- 2.31. If it is agreed that the contribution would be paid at a future date, then interest payments will be negotiated. These arrangements will be the subject of an agreement under Section 106 of the Town and Country Planning Act 1990.

Specialist Housing and / or Older Persons Accommodation

- 2.32. The Council has a duty to have regard to the housing requirements of older people and those with specialist accommodation needs. In certain circumstances, particular housing needs cannot be addressed within the existing housing stock and new purpose built units may be required.
- 2.33. Where there is evidence of need and it is considered appropriate, specialist and / or older persons housing may be sought / provided as part of the affordable housing contribution. Where such housing is proposed, this may be agreed by the Council as part or all of the affordable housing requirement, subject to agreement on housing need and in particular affordability.

2.34. The Council expects that specialist housing for older persons or specific client groups should be provided on-site. The specification for such accommodation will need to be discussed in detail with the Council and can include bungalows. Where specialist and / or older persons accommodation is to be provided as the affordable housing contribution, site suitability (for example, topography and proximity to local facilities) will be taken into consideration.

S106 Agreements

2.35. A Section 106 Agreement is likely to cover:

- The amount and type of affordable housing to be provided;
- The location of and the amounts to be paid for the affordable housing;
- Occupancy criteria and nomination rights for the affordable housing;
- Arrangements to ensure the provision is affordable for as long as the need arises;
- Transfer of land or dwellings from the developer to an RSL or the Council; the payments that an RSL or the Council will be able to make
- The timescale, or phasing, for building the affordable housing, in relation to the construction of the remainder of the development;
- Contingency arrangements, if the RSL or the Council does not implement the affordable housing by a certain date;
- The level of any financial contribution, its timing, and any related arrangements about fees,
- The details of any alternative site for the delivery of the affordable housing (if applicable).

3. Transportation and Highways

Policy Context

- 3.1 Planning Policy Wales (paragraph 8.1.1) identifies that the Welsh Government aims to extend choice in transport and secure accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by: encouraging a more effective and efficient transport system, with greater use of the more sustainable and healthy forms of travel, and minimising the need to travel.
- 3.2 Technical Advice Note (TAN) 18: 'Transport' advocates close integration of land use and transport planning to achieve an efficient and sustainable transport system and to address the impacts of road traffic growth. Ensuring that new development includes appropriate provision for sustainable transport modes is identified as key to the delivery of transport integration and addressing transport concerns.
- 3.3 The Active Travel (Wales) Act 2013 requires local authorities to continuously improve facilities and routes for pedestrians and cyclists. It also requires new road schemes to consider the needs of pedestrians and cyclists.
- 3.4 The Cardiff Local Transport Plan (LTP) 2015-2020 identifies the key transport issues relevant to Cardiff, the high level interventions needed to address these issues and the specific priorities for the local authority to deliver in the Local Transport Plan period (2015-2020). The plan also outlines the Council's medium and long-term priorities up to 2030.
- 3.5 This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policies:
- KP8: Sustainable Transport
 - T1: Walking and Cycling
 - T2: Strategic Rapid Transit and Bus Corridors
 - T3: Transport Interchanges
 - T5: Managing Transport Impacts
 - T6: Impact on Transport Networks and Services
 - T8: Strategic Recreational Routes
 - En4: River Corridors
- 3.6 Additional guidance will be provided in the (Cardiff) Managing Transport Impacts and Parking Standards SPG.

Infrastructure Provision / Mitigation

Development Type		Provision Sought
All development types.	Where the need arises as a result of a proposed development.	<ul style="list-style-type: none">■ The in-kind provision of and / or a financial contribution towards the provision of onsite and off-site highway / transportation infrastructure, network enhancements and service improvements.

Key Principles

- 3.7 The Council will maximise opportunities for trips generated by new development to be made by walking, cycling and public transport and seek to ensure that the highway network is able to accommodate road traffic movements associated with new development in a safe and efficient manner.
- 3.8 Development proposals which have the potential to impact on the highway and transportation network will be considered within one of three categories:

- Developments at or above the identified thresholds for the provision of a Transport Assessment (TA),
- Developments below a TA threshold that may require the preparation of a Transport Statement (TS),
- Other developments that may generate the need for local interventions.

3.9 As identified in WG Technical Advice Note 18 (Transport), applicants for developments at or above specified thresholds will be required to submit, as part of their application, a **Transport Assessment (TA)** that identifies the scale of anticipated transport impacts of a development and a series of proposed measures (including infrastructure provision) to mitigate those impacts.

3.10 The need for, scale, scope and level of detail required for a Transport Assessment should be established as early as possible in the development management process (i.e. at the pre-application enquiry stage), as a TA may positively influence the overall nature and detailed design of a development. Failure to provide sufficient information as part of an application can result in delays to the decision making process.

3.11 Developments falling below TA thresholds may have transport impacts which warrant some level of investigation and assessment. In such circumstances, the Council may require the preparation of a Transport Statement (TS), which again should be established at the pre-application enquiry stage.

Onsite Provision:

3.12 Developers will be expected to provide all on-site highway and transportation infrastructure necessary to serve their development, including, for example;

- | | | |
|------------------------|---|--|
| ■ Roads, | ■ Controlled and uncontrolled crossings, | ■ Bus lanes, |
| ■ Junctions, | ■ Parking and parking control measures, | ■ Bus shelters, |
| ■ Traffic signals, | ■ Car clubs, | ■ Travel information, |
| ■ Footways, | ■ Speed limits and associated control measures, | ■ Lay-bys, |
| ■ Cycle ways, | ■ Street lighting, | ■ Telematics and communications, |
| ■ Cycle parking, | ■ Bus stops, | ■ Sensor technology, |
| ■ Cycle hire, | | ■ CCTV |
| ■ Lockers, | | ■ Connections to the existing highway network. |
| ■ Changing facilities, | | |

Offsite Provision:

3.13 Developers will be expected to provide / contribute toward, either through in-kind provision, or through a financial contribution, offsite highway works, public transport infrastructure / facilities and local interventions (e.g. walking, cycling and accessibility improvements) where the need arises as a result of the proposed development.

Impacts on Highway Function

3.14 Through introducing new access points, and increasing flows or turning movements, new developments can potentially impact on the function of a highway route for different modes by:

- Making roads busier and less attractive for people cycling and walking;
- Reducing safety and accessibility for pedestrians, cyclists or those travelling by public transport;
- Increasing delay for pedestrians and cyclists at junctions and crossings;
- Increasing bus journey times and reducing journey time reliability;
- Increasing journey costs;
- Changing travel patterns;

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- Increasing traffic speeds;
 - Making traffic queues and delays longer at junctions and reducing journey time reliability; and
 - Reducing road safety.
- 3.15 Such impacts can potentially impair the operation of the local highway network, add to congestion problems, reduce road safety and conflict with the LDP's objectives to increase sustainable travel and achieve modal shift.
- 3.16 Therefore, in considering development proposals, the Council will need to understand and assess the impact of developments on the function of roads directly serving a development, within the immediate vicinity of the site and within the wider highway network.
- 3.17 The TA or TS will need to quantify the new movements which would be generated by the proposed development and show their impact upon the function of roads directly serving the development and the wider highway network. Where necessary, the TA/TS should identify measures to mitigate these impacts and make the development acceptable in relation to the LDP's sustainable transport policies.
- 3.18 The infrastructure provision / mitigation measures associated with improvements to the highway network may include, for example:
- Modifications to junctions e.g. to improve efficiency of operation and/or to provide enhanced provision for bus movements and active travel modes.
 - Transport services to encourage sustainable travel (e.g. bus services, car clubs, cycle hire).
 - Travel information, incentives and promotion of sustainable travel (e.g. public transport timetables, real-time information, maps, annual public transport season tickets, cycle vouchers, travel planning etc).
 - Facilities to enable efficient interchange between modes.
 - Speed limits and associated control and traffic management measures.
 - Changes to highway layouts, road markings, signage and on-street parking to manage traffic movements and/or to provide improvements to facilities for pedestrians, cyclists and buses (e.g. crossings, cycle lanes, cycle parking, lockers, bus lanes etc).
 - Connections with and extensions and improvements to the Cardiff Strategic Cycle Network (Enfys).
 - Connections and extensions to routes forming part of the Cardiff Walkable Neighbourhoods Plan and associated priority measures, such as crossings facilities and traffic calming.
 - Connections with and extensions and improvements to the identified in the future Council's Active Travel Integrated Network Map.
 - Accessibility: Improvements for safe access for people with disabilities, the elderly, the infirm and those with young children.
 - Infrastructure to improve the management of the highway network including telematics/traffic management utilities and equipment, parking controls and management facilities, CCTV etc.

Integrated Transport (Public Transport)

- 3.19 Increasing the proportion of trips made by public transport will be essential in order to manage demand for car travel and achieving the LDP 50:50 modal split target.
- 3.20 Where the Council's analysis of Transport Assessments / Statements and other relevant information provides evidence of transport impacts, the Council will seek to secure mitigation of those impacts through the following courses of action (either individually or in combination):

- The provision of public transport infrastructure, rapid transit routes (including the provision of land) and associated infrastructure including interchange facilities within the master plans and layout of strategic development sites as identified through Policies KP2(A) to KP2(H);
- The safeguarding of land for strategic rapid transit and bus corridor routes;
- Securing off-site strategic rapid transit and bus corridor infrastructure including, for example; bus lanes, bus priority, bus gates and junction modifications that enhance the function of roads and bus corridors;
- New or enhanced public transport services (e.g. attractive bus service frequency, park and ride etc);
- Facilities to enable efficient interchange between modes (e.g. interchanges, transport hubs, park and ride, taxi stands etc).
- Securing improvements to the wider local bus network by way of bus priority measures, interchange facilities, junction and service improvements;
- Securing Travel Plans / dedicated Travel Plan coordinators and incentive schemes (e.g. annual public transport season tickets);
- Bus shelters, boarders / build-outs, real time information systems, timetables, travel information, travel maps, anti-crime (cctv) cameras; and
- Cycle parking, lockers and cycle changing facilities.

3.21 On-site infrastructure will normally be secured through the development by way of conditions of planning permissions. The provision of off-site measures will generally be secured by way of S106 Planning Obligations or Section 278 agreements. Commuted maintenance of new highway infrastructure will generally be secured by way of Section 38 and Section 278 agreements. The provision of travel planning and transport services will generally be secured by way of S106 Planning Obligations.

Transport Assessments.

3.22 Transport Assessments (TAs) provide the means of identifying and understanding the scale of anticipated transport impacts of a proposed development, or redevelopment. TAs are prepared by the applicant as part of their planning application and should provide a comprehensive and consistent review of all the potential transport impacts of a proposed development or redevelopment so that they are easily understood by the Local Authority and the public.

3.23 The purpose of a TA is to quantify the potential transport impacts arising from a proposed development and to identify the physical infrastructure and other transport measures that will mitigate these impacts to ensure that a development accords with LDP policies. A TA should provide sufficient information to enable decision makers to understand how the proposed development is likely to function in transport terms.

3.24 All applications for developments (including changes of use) falling into the following categories will be expected to be accompanied by a TA:

Use	Transport Assessment Threshold
Food retail	1,000m ² gross floor area
Non-food retail	1,000m ² gross floor area
Cinemas and conference facilities	1,000m ² gross floor area
Leisure facilities	1,000m ² gross floor area
Business	2,500m ² gross floor area
Industry	5,000m ² gross floor area
Distribution and Warehousing	10,000m ² gross floor area
Hospitals	2,500m ² gross floor area
Higher and further education	2,500m ² gross floor area

Use (Continued)	Transport Assessment Threshold
Schools	All new schools
Stadia	1,500 seats
Housing	100 dwellings
Hotels	1,000m ² gross floor area

Technical Advice Note 18 (2007) Annex D.

- 3.25 TAN 18 (2007) identifies that the output of the TA should be a **Transport Implementation Strategy (TIS)**, which is intended to achieve three things:
- ‘identify what policy objectives and requirements are set by the (local) development plan in terms of access to the development and movements in and around the site;
 - identify what access arrangements are required for a successful development (meeting the needs of the developer, end user, addressing impacts on neighbours and existing movements surrounding the site);
 - specify the package of physical, management, monitoring and promotional measures needed to accommodate the requirements identified above, such as physical infrastructure, the design and location of buildings, parking management, financial incentives and dedicated travel plan co-ordinators’.
- 3.26 Further guidance on the content of a Transport Assessment (TA) and Transport Implementation Strategy (TIS) will be contained in the Council’s Managing Transport Impacts and Parking Standards SPG, which will provide an explanatory note and checklist of requirements to help ensure that any TA which is submitted to the Council contains all of the information which is required by the planning authority in assessing a planning application.
- 3.27 Where a number of smaller developments are proposed in close proximity to one another it may be more appropriate to undertake one overarching TA and this could be done as part of a master-planning exercise.
- 3.28 There may be circumstances where a development falls below the identified TA thresholds, but due to the nature or location of the proposal, the Council considers it necessary for the applicant to prepare a TA as part of their application. In such circumstances the need for a TA would be expected to be established at the pre-application enquiry stage.
- 3.29 It is important that modelling included in TA’s take account of likely background growth in traffic on the network and the impacts of the proposed development, in combination with the likely impacts of other neighbouring sites that will be brought forward during the plan period.

Transport Statements.

- 3.30 Some developments which fall below the size thresholds where a TA would be required may have transport impacts which warrant some level of investigation and assessment. Examples include developments which require direct access onto major arterial routes or strategic bus corridors or where they may affect parts of the highway network or specific junctions which experience particularly high volumes of traffic or there are potential impacts on non-motorised user groups or safety. In such instances, applicants will be expected to prepare (as part of their application) a Transport Statement (TS) providing a qualitative and quantitative assessment of the existing transport conditions in and around a development site and the transport impacts of the development in terms of trip generation. The TS should also set out the measures that will be taken to address those impacts.

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- 3.31 Further guidance on the content of a Transport Statement (TS) will be contained in the Council's 'Managing Transport Impacts and Parking Standards' SPG, which will provide an explanatory note and checklist of requirements to help ensure that any TS which is submitted to the Council contains all of the information which is required by the planning authority in assessing a planning application.

Travel Plans

- 3.32 A Travel Plan is a long term management and monitoring strategy for an occupier (or group of occupiers) of a site that seeks to deliver sustainable transport objectives through positive action. Travel Plans are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel, such as walking, cycling and the use of public transport.
- 3.33 Travel Plans should set out specific outcomes, targets and measures, and clear future monitoring and management arrangements. They should address all journeys resulting from a proposed development by anyone who may need to visit or stay and they should seek to fit in with wider strategies for transport in the area.
- 3.34 Travel Plans will be expected to form part of all Transport Implementations Strategies (TIS's) accompanying a Transport Assessment (TA). They may also be required for:
- Developments which could generate significant amounts of travel in, or near to, air quality management areas and in other locations where there are local initiatives or targets for the reduction of road traffic, or the promotion of public transport, walking and cycling,
 - Developments where a Travel Plan would help address a particular local traffic problem associated with a planning application, for example, where there is potential for overspill parking to occur from developments with low or nil off-street parking provision,
 - Smaller incremental developments that contribute toward an impact of overall travel demand in the wider area.
- 3.35 The need for a Travel Plan would be identified at the pre-application enquiry stage. Where a pre-application enquiry has not been submitted, a Travel Plan may be secured by condition as part of a planning application.
- 3.36 Further guidance on the content of a Travel Plan will be contained in the Council's Managing Transport Impacts and Parking Standards SPG, which will provide an explanatory note and checklist of requirements to help ensure that any Travel Plan which is submitted to the Council contains all of the information which is required by the planning authority in assessing a planning application.

S38 / S278 Highway Works

- 3.37 In circumstances where works that are undertaken by a developer are to be adopted by the Council and / or where works are undertaken by a developer to an area of Adopted Highway, they will need to be constructed to the Council's Highway Specifications as specified in the Highways Agreement pursuant to which the works are being carried out.

Commuted Maintenance Sums (CMS).

- 3.38 Where works are carried out by a developer to the adopted highway, or are to be adopted by the Council, developers will be expected to provide a commuted maintenance sum and bond as provided for the relevant Highways Agreement.

4. Public Rights of Way

4.1 Welsh Office Circular 5/93 'Rights of Way' (Annex D, paragraphs 2) states that the effect of development on a Public Right of Way is a material consideration in determining a planning application.

4.2 This Chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:

- T8: Strategic Recreational Routes

Additional guidance will be provided in the [Cardiff Managing Transport Impacts and Parking Standards SPG](#) and the [Cardiff Green Infrastructure SPG](#).

Infrastructure Provision / Mitigation

Development Type		Provision / Mitigation Sought
All development types	Where a Public Right of Way crosses an application site, or is adjacent to an application site.	<ul style="list-style-type: none">■ The retention of the Public Right of Way.■ The upgrading of the route (where need arises as a result of the proposed development).
	Where a proposal would cause an obstruction to a Public Right of Way.	In circumstances where a route diversion is agreed with the Council, the in-kind provision of an equally commodious route that provides a continuous and unbroken facility.

Key Principles

- 4.3 There are approximately 200km of public rights of way in Cardiff, which include footpaths, bridleways and byways. The rights of way network is managed and maintained by the Highway Authority.
- 4.4 Developers are expected to give due consideration as to whether a public right of way crosses their development site. The Highway Authority has a duty to protect the public rights of way network under Section 130 of the Highways Act 1980 and will expect routes to be retained on their existing alignment, especially where they provide a convenient well used route to local facilities, links areas and are used for recreational reasons or for access to the countryside.
- 4.5 The Highway Authority is responsible for maintaining a 'Definitive Map and Statement of Rights of Way' which provides a legal record of the existence, status, width and position of a public right of way. If a right of way is shown on the Definitive Map, but does not physically exist on the ground, in law the right of way still exists until a legally confirmed order removes or redirects its alignment. The Definitive Map and Statements are available for the public to view. If a developer requires information of what rights of way are within their application site they should contact the Councils Public Rights of Way Team.
- 4.6 Where it is agreed that a legal order is necessary, the full cost of making that order will be borne by the developer. Where a new route is to be provided, it will need to be constructed to an adoptable standard and will need to conform to the requirements of Cardiff Council's Highway Standards.

When Might a Diversion be Acceptable?

- 4.7 A developer would need to demonstrate why retaining an existing public right of way would prejudice an otherwise acceptable development or layout. A diversion may be acceptable if an equally convenient and commodious route can be found. In some cases it may be possible to create a more convenient route as a result of a development or enhance the quality of a route, particularly on large sites. These opportunities should be considered, even if it means diverting a right of way. On larger sites, the public rights of way network should be considered in a comprehensive manner and as part of the network of off road routes for moving round the site, and linking it with surrounding communities and countryside.
- 4.8 Welsh Office Circular 5/93 'Rights of Way' (Annex D) advises that if a path is diverted, it should not usually be on the footway or carriageway of an estate road. Instead, paths should lead through landscaped or open space areas away from vehicular traffic to ensure that the character of the public right of way is maintained as far as possible and that the route remains legible to users.
- 4.9 When determining an application for the diversion or alteration to a public right of way, the Council will need to be satisfied that it is necessary (not just desirable or preferable) for the path to be altered. Legal orders can take up to a year to come into effect and it is therefore recommended that where relevant, developers enter into early dialogue with the Council.
- 4.10 Welsh Office Circular 5/93 identifies that the granting of planning permission does not give the developer any right to interfere with, obstruct or move a Public Right of Way. Where a legal order is required, the original definitive line must be kept open at all times until the new route comes into effect.
- 4.11 A Developer may consider dedicating any path under Section 25 of the Highways Act 1980 for the creation of a footpath or bridleway by agreement to the Highway Authority to create a cohesive strategic network. Further guidance will be provided through the Cardiff Managing Transport Impacts and Parking Standards SPG.

Design Considerations

- 4.12 On larger sites, the public rights of way network should be considered as part of the integrated transport system, while retaining their individual characteristics and status.
- 4.13 New or upgraded paths and diverted rights of way will need to be well designed, suitably constructed (e.g. hard surfaced tarmac for footways / cycle ways) and avoid the need for people to make unduly long circuitous routes. Guidance on design standards will be provided in the Cardiff Green Infrastructure SPG.

5. Provision of Functional Open Space

Policy Context

- 5.1. Planning Policy Wales (paragraph 11.1.10) states that the planning system should ensure that adequate land and water resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies. At paragraph 11.3.2 it identifies that Local Planning Authorities may be justified in seeking Section 106 Planning Obligations to contribute to the maintenance of safe and attractive facilities and open space. Further guidance is provided in: Planning Policy Wales Technical Advice Note 16: Sport, Recreation and Open Space.
- 5.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- C5: Provision for Open Space, Outdoor Recreation, Children’s Play and Sport.
- 5.3. Additional guidance will be provided in the [Cardiff Green Infrastructure SPG](#).

Infrastructure Provision

Development Type		Provision Sought
All Residential developments, (where need arises as a result of a proposed development). Including: Student Accommodation and sheltered housing / residential homes. Excluding: Specialist accommodation that provides a <u>significant element of care</u> .	Over 8 units	A financial contribution towards the provision of, or improvements to off-site functional open space.
	Over 14 units	Either: <ul style="list-style-type: none"> ■ The onsite provision of functional open space; ■ A combination of onsite provision and a financial contribution towards the provision of, or improvements to off-site functional open space; ■ A financial contribution towards the provision of, or improvements to off-site functional open space. <p>To be determined through individual site characteristics, an assessment of existing local provision and the scale of the proposed development.</p>
Large-scale commercial developments		Provision of open space and / or improved links to nearby open space.

Key Principles

- 5.4. Functional open space (FOS) relates to those areas that make provision for active sport and recreation including, equipped children’s play areas, teen equipment, sports pitches and areas providing space for informal recreational use (refer to paragraph 5.13). It does not include amenity space (refer to paragraph 5.15).
- 5.5. Residential developments will be expected to make provision for 2.43 hectares of functional open space per 1000 projected population. This is in accordance with the guidance provided through PPW Technical Advice Note 16 (Open Space) and the ‘Fields in Trust’ Benchmark Standards.

- 5.6. Functional open space provision on new residential developments will be expected to reflect the requirements of the occupiers of the site (for example, if family housing is proposed, an element of equipped children’s play space is likely to be sought).
- 5.7. Where functional open space facilities exist in the local area, it may be more suitable to secure a financial contribution toward expanding / upgrading those facilities to support the additional demand generated by the development, as opposed to duplicating provision on the new site.
- 5.8. A reduced level of functional open space provision (1.28 hectares per 1000 projected population) will be sought from student accommodation (sui generis), sheltered housing and retirement homes (use class C2). This level of contribution excludes the play element of functional open space and takes account of either (1) resident’s accessibility to student sports facilities (student accommodation) or (2) the anticipated reduction in use of formal functional open space facilities by future occupiers (sheltered housing / retirement homes).
- 5.9. Contributions will not be sought from residential institutions where residents require a significant element of care (i.e. nursing homes), or from such elements within a mixed use scheme.
- 5.10. Where on-site functional open space is provided, the developer will be expected to make satisfactory provision for its future management and maintenance.
- 5.11. The provision of functional open space should be phased and implemented alongside new development to ensure that residents are served with appropriate facilities over time.
- 5.12. Functional open space standards and guidelines will be provided in the Cardiff Green Infrastructure SPG. Schemes should be designed in dialogue with the Council’s Parks Services department.

Definition of Functional Open Space

- 5.13. For the purpose of this SPG Functional Open Space is considered to include:

Open Space Function	Definition
Equipped and Natural Children’s Play Areas	Areas specifically designed for children’s play with fixed play activities such as swings, slides or multi-units and / or more natural play environments.
Teen Equipment	Areas designed for teen use including Multiuse Games Areas (MUGAs), skate parks, outdoor fitness equipment and shelters.
Informal Functional Open Space	Areas providing space for informal recreational uses e.g. walking, jogging, cycling, informal ball games, and general leisure. This includes green corridors that can be used for active recreation due to presence of a permanent hard surfaced footpath.
Formal Functional Open Space	Areas of level and well drained land of sufficient size able to be used for formal recreation purposes such as football and cricket pitches. Also includes artificial turf and 3G pitches, greens, courts and athletic tracks, including dedicated ancillary facilities such as floodlighting, changing rooms and associated parking. (Excludes golf courses, indoor sports and leisure centres).

- 5.14. The above is not an exhaustive list of examples and other facilities may be required depending on the characteristics of the site and its locality. In all instances, provision must be available for public use to be considered within the definition of functional open space.

Exclusions:

- 5.15. Some open spaces have particular value to the amenity of an area, but are not considered suitable for active sports and recreation and are therefore not included within the definition of functional open space and associated calculations, these include, for example:
- Allotments and community gardens,
 - Cemeteries and churchyards,
 - Large water features, including rivers, canals and reservoirs. (This relates to the body of water only. Land around these features may be considered towards Informal Functional Open Space, where they meet the relevant criteria identified at paragraph 5.13, i.e. green corridors that can be used for active recreation due to the presence of a hard surfaced footpath).
 - Hard landscaped squares,
 - Woodlands, hedgerows, grasslands, buffer zones / ecotones to woodlands road verges / incidental areas of grass and ponds,
 - Engineered SuDS features which are designed primarily to serve this purpose and do not serve a recreational function,
 - Areas that provide 'visual amenity', but are not physically accessible to the public.
- 5.16. The provision of functional open space does not negate a developer's requirement to provide sufficient amenity space in order to achieve good quality development.
- 5.17. Educational Land - For larger scale residential developments where a new school is also to be provided on a site, any associated outdoor sports provision is excluded from the calculation of 2.43 hectares per 1000 population.

Assessment of Functional Open Space Provision.

What type of functional open space?

- 5.18. Functional open space provision on new residential developments will be expected to reflect the requirements of the future occupiers of the site and the particular characteristics of the associated development. For example, if family housing is proposed, equipped children's play space will be required along with formal and informal functional open space for youths and adults, such as multi-use games areas. All new facilities will be expected to be of an appropriate size and quality to meet the needs of future occupiers.
- 5.19. Provision will be determined on a site-by-site basis, with the nature of the proposal, the existing levels and types of functional open space in the local area and the recreational needs of the locality taken into account.
- 5.20. Where it is identified that existing facilities within the local area could be upgraded or extended to support the need generated by a proposed development, a financial contribution may be sought in lieu of on-site provision.

Distance Thresholds

- 5.21. As identified in the 'Fields in Trust' guidelines, functional open space should be easily accessible and located in close proximity to dwellings. For the purposes of this chapter of the SPG, the following distance thresholds will be considered when assessing the provision of facilities (from the edge of a development site):

- Equipped play and children’s play: 400m - 600m
- Teen equipment 600m - 1000m
- Informal functional open space 1000m
- Formal functional open space 1500m

5.22. In determining distance thresholds, features and obstacles to pedestrian and cycle movement, such as major roads, railways and rivers should be taken into consideration.

How Much Functional Open Space

5.23. Functional open space provision is calculated from the projected population of a development and the application of a minimum standard of 2.43ha per 1000 projected population. This is an aggregation of four components:

- Equipped play and children’s play areas: 0.25ha,
- Teen equipment: 0.30ha,
- Informal functional open space: 0.68ha,
- Formal functional open space: 1.20ha.

5.24. The projected population for a development is calculated using occupancy rates, derived from the 2011 census:

Number of Bedrooms	Occupancy Figure (persons per dwelling)
1	1.3
2	1.8
3	2.5
4	3.1
5	3.8
Where unknown	2.33 (average occupancy figure)

5.25. For student accommodation, occupancy figures are calculated at 1 person per bed space:

Number of Bedrooms	Occupancy Figure
Student Bedrooms	1.0

5.26. As identified in paragraph 5.8, proposals for student accommodation, sheltered housing and retirement homes are calculated at a reduced rate of 1.28ha per 1000 projected population (i.e. 2.43ha minus 0.25ha children’s play, 0.30 teen equipment and half contribution toward formal functional open space at 0.60ha).

5.27. Example Calculations:

A development is proposed, where 20 dwellings contain 3 bedrooms and 30 dwellings contain 4 bedrooms:

- Functional open space provision: $(20 \times 2.5) + (30 \times 3.1) \times 2.43 / 1000 = 0.347ha$

A sheltered housing development is proposed containing 20 dwellings containing 2 bedrooms:

- Functional open space provision: $(20 \times 1.8) \times 1.28 / 1000 = 0.046ha$

A student accommodation development is proposed containing 50 1 bedroom units:

- Functional open space provision: $(50 \times 1.0) \times 1.28 / 1000 = 0.064\text{ha}$

Financial Contribution in Lieu of Functional Open Space.

- 5.28. In circumstances where it is agreed that a financial contribution is to be provided in lieu of onsite provision, the level of contribution is based on the cost of providing 1 hectare of functional open space, multiplied by the amount required by the proposed development:
- At 2016, the figure for providing 1ha of functional open space is **£426,975**.
- 5.29. This figure is derived from the commercial rates published in Spon's External Works and Landscape Price Book (2016 Edition) and additional figures provided by the Council's Parks Services Division representing the cost of implementing recent projects. The figure will be reviewed annually in line with the Retail Price Index.
- 5.30. As identified below, a pro rata contribution would be sought in circumstances where part of the functional open space contribution is provided onsite.
- 5.31. Example Calculation:

A residential development of 50 dwellings is proposed, where 20 units contain 3 bedrooms, 30 units contain 4 bedrooms and where 0.20ha of open space is provided onsite:

- Amount of functional open space provision: $(20 \times 2.5) + (30 \times 3.1) \times 2.43 / 1000 = 0.347\text{ha}$
- Deduction of onsite functional open space provision: $0.347\text{ha} - 0.20\text{ha} = 0.147\text{ha}$
- Amount of equivalent financial contribution: $£426,975 \times 0.147 = \mathbf{£62,765.33}$

The Maintenance of Areas of Functional Open Space.

- 5.32. Where on-site functional open space is provided, the developer will be expected to make satisfactory arrangements for its future management and maintenance in discussion with the Council as part of the planning application process. Various delivery models may be considered, including adoption by the Council.
- 5.33. The Council may consider accepting areas of functional open space for adoption provided it is over 0.20 hectares in size. For an area of functional open space to be adopted, the Council will require it to be laid out to satisfactory standards (as identified in the Cardiff Green Infrastructure SPG), maintained for a minimum period of 1 year and transferred to the Council with the payment of a commuted capital sum for the maintenance of the open space for 25 years. Smaller areas of functional open space, minimum size 0.08ha, may be provided on site but these are unlikely to be adopted by the Council, so alternative management arrangements would be required.
- 5.34. The 1 year maintenance period will commence on the date the laying out works are certified complete in their entirety by the Council's Parks Services Division. The maintenance work will be carried out in accordance with an approved specification and, for the avoidance of doubt, to no lesser standard than is set out in the Council's Specification for Grounds Maintenance Works for Parks and Open Space. Failure to maintain the open space to a relevant standard will result in the maintenance period being extended.

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- 5.35. The process for the transfer of functional open space to the Council will only commence on the satisfactory completion of a 1 year maintenance period as determined by the Parks Services Division. The developer will continue to be responsible for the maintenance of the open space to the specified standards until the transfer is complete and the commuted capital sum has been paid to the Council.

Commuted Maintenance Sums

- 5.36. Commuted maintenance sums need to be determined on a site-by-site basis to take account of the size and type of functional open space provision and the nature of any facilities provided within it. Commuted maintenance costs will be calculated once the detailed design of the functional open space has been agreed by the Council. Any commuted sum calculated at an earlier stage will form an estimate only and will be updated at detailed design stage. In the event that significant changes are made to the layout, design and / or specification of an area of functional open space during its implementation, associated commuted maintenance sums would be amended to reflect these changes.
- 5.37. It is recommended that the developers discuss the functional open space requirements for their development and the associated commuted capital sum payments with the Council's Parks Services Division with whom the payment must be agreed in advance of a final planning application, i.e. at pre-application stage.
- 5.38. The payment of commuted capital sums is likely to be secured by way of a planning obligation under Section 106 of the 1990 Town & Country Planning Act and individual sums will be index linked using RPI from the date they are formally agreed by the relevant parties to the date of payment.

Transfer of Open Space

- 5.39. The Developer will be expected to provide as-built plans, technical details, a schedule of quantities and other information for the functional open space, as set out in the Green Infrastructure SPG. They will be responsible for providing all necessary information and documentation to execute the legal transfer of the open space to the Council and paying the Council's reasonable costs. Developers will be responsible for maintaining the open space until the legal proceedings have been completed.

Management Companies

- 5.40. Where it has been agreed between the Council and the Developer / Owner of a site that maintenance will be carried out by an organisation other than the Council, the following information will need to be provided to and approved in writing by the Council:
- An appropriate Management Plan and Service Charge Regime in relation to the maintenance of the areas of Functional Open Space, which shall include proposals for default in the event of such management scheme failing to become operational or being properly maintained in perpetuity,
 - Details of a named Management Company and a manager responsible for liaising with the Council and owners / occupiers of the Dwellings,
 - Demonstrate to the Council that the management company has sufficient financial standing to perform the obligations required to maintain the Functional Open Space,
 - Provide to the Council a copy of the Certificate of Incorporation and the Memorandum and Articles of Association of the Management Company,
 - Specify arrangements including 'step in' rights for the Council whereby in the event of the Management Company defaulting in its maintenance obligations, that the Council will be able to obtain the necessary funds from the site owners or their nominee and arrange for maintenance to be carried out.

6. Protection of Open Space

Policy Context

- 6.1 Planning Policy Wales (paragraph 11.1.10) states that the planning system should ensure that adequate land and water resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies. Further guidance is provided in: Planning Policy Wales Technical Advice Note 16: Sport, Recreation and Open Space.
- 6.2 This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- C4: Protection of Open Space.

Infrastructure Mitigation

Development Type		Mitigation Sought
All development types.	Where a development proposal involves the loss of functional open space.	The In-kind provision of and / or a financial contribution towards the provision of compensatory functional open space / replacement facilities.

Key Principles

- 6.3 Where a development proposal involves the loss of an area of functional open space, developers will be expected to compensate for the loss of the facility, either through in-kind provision, or through a financial contribution toward replacement facilities in the local area.
- 6.4 Compensatory requirements identified in this chapter of the SPG and LDP Policy C4 are additional to any functional open space requirements established through Chapter 5 (of this SPG) and LDP Policy C5.
- 6.5 Compensatory open space / replacement facilities should be located within an area that serves the catchment population affected by the loss of the functional open space (refer to Ch 5, para 5.21).

Definition of Functional Open Space

- 6.6 Functional Open Space includes: (1) Equipped and Natural Children's Play Areas, (2) Teen Equipment, (3) Informal Functional Open Space and (4) Formal Functional Open Space (refer to Ch 5, paragraph 5.13).

Amount of Compensatory Open Space to be Provided

- 6.7 Proposals will be assessed on a site by site basis, having regard to the open space function of the resource to be lost and the needs of the locality. The quantity and community benefit of the compensatory area should be at least equal to the scale and type of the functional open space being lost. For example if the proposal involves the loss of a children's play area, a replacement play area or an equivalent financial contribution will be sought.
- 6.8 In some circumstances it may be appropriate to provide an alternative form of functional open space provision that caters to the needs of the local population. For example, the loss of an area of informal open space may be better compensated for by investment in qualitative improvements to other open space in the locality (such as a sports pitch).
- 6.9 The specifications for the replacement facility and / or the equivalent level of financial contribution will be provided by the Council's Parks Services Division.

7. Schools and Education

Policy Context

- 7.1. Cardiff Council has a responsibility to ensure that a sufficient number and variety of school places at primary and secondary level are available to meet the needs of the population of the county.
- 7.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- C7: Planning for Schools

Infrastructure Provision

Development Type		Provision Sought
All Residential developments (where need arises as a result of a proposed development). Excluding: Student accommodation, care homes / retirement homes and specialist accommodation that provides a significant element of care.	Where the site contains 15 or more dwellings. NOTE: <u>For this chapter only</u> , 1 dwelling equals 1 house or 5.43 flats. (Refer to paragraph 6.7). A site may therefore contain 15 or more houses, 80 or more flats, or an equivalent combination thereof.	The in-kind provision of and / or a financial contribution towards the provision of: <ul style="list-style-type: none">■ Nursery,■ Primary,■ Secondary,■ Sixth Form■ Special Educational Need (SEN) school places (including, where necessary, the provision of land), either through the development of new build schools, or through the expansion of existing schools.

Key Principles

- 7.3. The Council will seek the provision of new school places in circumstances where the need generated by a proposed development cannot reasonably be met by existing schools, because the capacity at the schools in whose catchment areas the new housing development is proposed would, as a result of the development, be exceeded by demand.
- 7.4. New school places will either be provided through the expansion of existing schools (where a site is capable of accommodating additional pupil places), or through the provision of new build schools.
- 7.5. Contributions sought may be financial, land or built infrastructure and will relate to the number of pupils expected to be generated by the proposed development.

How Contributions will be Assessed

- 7.6. Contributions toward new or expanded school facilities will be based on the following factors:
- a) The number and type of dwelling units in the development
 - b) The number of school age children likely to be generated by each dwelling
 - c) Capacity surplus within school catchment(s)
 - d) Whether schools within associated catchment areas are capable of accommodating additional pupil places through expansion.

- e) Special Educational Needs (SEN) provision
- f) Medium of Provision (English Medium : Welsh Medium)
- g) Cost per pupil place
- h) Any necessary land costs.

Dwelling Thresholds (a)

- 7.7. Contributions will be sought from developments of 15 or more dwellings*. The 2011 Population Census indicates that flats only generate 18.42% of dependent children (under 18 years of age) compared to houses. *1 dwelling is therefore calculated as 1 house or 5.43 flats.

Pupil Yields (b)

- 7.8. The number of children generated by a residential development will vary depending on the type and size of the dwellings of which it comprises. In order to be able to project a typical yield from a development, an initial assessment of the number of children likely to be generated by a proposed housing development is made based on yield factors derived from 2011 Census statistics and Number on School Rolls (NOR) data for Cardiff. These yields are indicated below:

Education Phase	House Yields:				
	1 bed	2 bed	3 bed	4 bed	5+ bed
Nursery	0.0102	0.0507	0.0579	0.0610	0.0555
Primary	0.0155	0.1247	0.2290	0.2947	0.3059
Secondary	0.0058	0.0604	0.1666	0.2553	0.2806
6th Form	0.0007	0.0165	0.0513	0.0864	0.1049

Education Phase	Flat Yields:				
	1 bed	2 bed	3 bed	4 bed	5+ bed
Nursery	0.0210	0.0390	0.0567	0.0470	0.0102
Primary	0.0501	0.0749	0.1793	0.2329	0.0649
Secondary	0.0336	0.0287	0.1125	0.1179	0.0373
6th Form	0.0092	0.0079	0.0345	0.0280	0.0116

Special Educational Need pupil requiring facility - primary: 1.62% (of total aggregate pupil yield)
Special Educational Need pupil requiring facility - secondary / 6 th form: 2.48% (of total aggregate pupil yield)

Assessment of Existing Capacity (c)

- 7.9. The pupil yield generated by a proposed development will be assessed against the permanent capacity at the school(s) in whose catchment area(s) the new housing development is proposed, using guidance provided through Government Circular No: 021/2011 (Measuring the capacity of schools in Wales).
- 7.10. The Audit Commission recommended that local authorities should plan for a 95% occupancy rate in schools to allow for preference and demand volatility (e.g. year on year changes in the birth rate, parental choice etc.). Any school which has achieved 95% occupancy would therefore be regarded as having no surplus capacity.

- 7.11. All schools within the catchment of the development are assessed for surplus capacity by using NOR (number on roll) and population projections obtained from NHS and PLASC (Pupil Level Annual School Census) data. Pupil number assessments and place provision over a wider area are also considered as appropriate, including schools in nearby catchments that are full and for which projections would indicate that excess pupil numbers would be accommodated by schools within the development catchment(s).
- 7.12. Net pupil places required above projected capacity are then calculated by offsetting a developments projected pupil yield against any existing school place surplus.

Expansion of Existing Schools (d)

- 7.13. When expanding school provision to meet additional demand for school places, consideration is given to:
- Expansion of existing schools on unconfined sites
 - Expansion of existing school sites that abut potential development land
- 7.14. Sites where, if expanded, would not meet the Department for Education’s Building Bulletin recommendations or School Premises Regulations or are otherwise unsuitable for significant expansion are excluded from consideration.

Special Educational Needs (SEN) Provision (e)

- 7.15. Special Educational Need (SEN) pupils are those taught in either a special school or in a specialist facility on the site of a mainstream school.

Medium of Provision – English-Medium: Welsh-Medium (f)

- 7.16. An evaluation of different educational settings (i.e. English-Medium, Welsh-Medium, faith and voluntary aided schools) is undertaken based on historical take up of places in the catchment (authority) and how place availability would drive parental preference. Medium of provision is currently (at 2016) apportioned on a circa 80:20 (English-Medium: Welsh-Medium) basis.

Cost per Pupil Place (g)

- 7.17. The cost per pupil place is derived from the build costs associated with recent school developments in Cardiff built to Constructing Excellence in Wales and DfES Building Bulletins 98 / 99 standards. At 2016, these figures are:

Year group	Cost per new pupil place
Nursery cost	£5,662
Primary cost	£11,325
Secondary cost	£17,719
6th Form cost	£17,719
Special provision SEN cost - Primary	£38,849
Special provision SEN cost - Secondary	£53,952

Land Costs (h)

- 7.18. Where a new school is to be provided 'in-kind' as part of a development, the developer will be required to make provision for sufficient and suitable land for the facility to meet the standards identified through Constructing Excellence in Wales, DfES Building Bulletins 98 and 99, and in compliance with Educational Employers Requirements' as specified by the Authority.
- 7.19. In circumstances where additional school places can be provided through the expansion of an existing school, but where this expansion would generate the need to purchase additional land, a pro rata contribution would be sought toward the cost of purchasing the land, based on the number of new pupils generated by the proposed development as a percentage of the total number of pupil places in the school.
- 7.20. Where a new build facility is to be provided off-site which would require the purchasing of land, the level of contribution sought will relate to the size of the area of land that will be required to provide the school (to meet the standards identified through Constructing Excellence in Wales and DfES Building Bulletins 98 and 99) and the equivalent land value purchase price.
- 7.21. Where expansion to an existing school can be made on an unconfined site a contribution toward land costs would not be sought.

In Kind Provision

- 7.22. Where the need for a new school arises as result of a proposed development, the 'developer construct' option will be sought. It should be noted that the establishment of any new school would be subject to consideration and consultation under the relevant statutory requirements at the time.
- 7.23. Where a new school is to be built 'in kind' as part of a development, the size of the school will need to be equal to whole forms of entry (FE), as it is not possible to build and operate schools on a pro-rata FE basis. Primary schools are organised as 2 or 3 Forms of Entry plus 48 nursery places per form of entry. Secondary schools are usually within the range of 6-10 Forms of Entry, plus sixth form provision.
- 7.24. Where a new school is to be provided, the Council may require the school to be delivered to coincide with the occupation of a specific quantity of new housing. Where this is not possible and alternative capacity does not exist, it will be for the developer to provide temporary measures in advance of the new school opening.
- 7.25. Where a developer undertakes the construction of a school, an architectural design team experienced in the design of school buildings must be used. The Council will need to approve in writing the designs and the developer's employers requirements prior to the tender being let. The Council's accommodation standards are as per DfES Building Bulletin 98 (Building framework for secondary school projects) and 99 (Building framework for primary school projects). Construction and design compliance conditions are stipulated in the 'Educational Employers Requirements'
- 7.26. Upon completion of the school, the developer will be responsible for providing all necessary information and documentation to execute the legal transfer of ownership of the school to the Council and paying the Council's reasonable costs. Developers will be responsible for maintaining the school until the legal transfer proceedings have been completed.

Example School Provision Calculation

7.27. A planning application is submitted for an area of the city where both the primary and secondary schools in the allocated catchment areas are at capacity, other than for Welsh medium which has a surplus of capacity at primary level of 25 places

7.28. The application is for 86 flats (15 x 1 bed flats, 71 x 2 bed flats) and 120 (3 bed) houses.

Pupil yield

Year Group	1 bed flat x 15	2 bed flat x 71	3 bed house x 120	Aggregate Yield
Nursery	$0.0102 \times 15 = 0.153$	$0.0390 \times 71 = 2.77$	$0.0579 \times 120 = 6.95$	9.87
Primary:	$0.0155 \times 15 = 0.233$	$0.0749 \times 71 = 5.32$	$0.2290 \times 120 = 27.48$	33.03
Secondary	$0.0058 \times 15 = 0.087$	$0.0287 \times 71 = 2.04$	$0.1666 \times 120 = 19.99$	22.11
6th Form	$0.0007 \times 15 = 0.011$	$0.0079 \times 71 = 0.56$	$0.0513 \times 120 = 6.15$	6.72

Special Educational Needs (SEN) Calculation

- Aggregate yield, primary: $33.03 \times 0.0162 = 0.53$ places
- Aggregate yield, secondary and 6th form: $28.83 \times 0.0248 = 0.71$ places

Removal of SEN pupils from their respective peer groups:

- Nursery: 9.87 (n/a)
- Primary: 33.03 (aggregate yield) – 0.53 (SEN) = 32.5
- Secondary + 6th form: 28.83 (aggregate yield) – 0.71 (SEN) = 28.12

Medium of provision (80:20 - English medium: Welsh medium)

Year group	Aggregate Yield (Excluding SEN)	English medium (80%)	Welsh medium (20%)
Nursery	9.87	7.90	1.97
Primary	32.5	26	6.5
Secondary + 6 th form	28.12	22.50	5.62

Surplus Capacity Deduction /Net Aggregate Pupil Yield

Year group	Gross Aggregate	Surplus Capacity	Net Aggregate
Nursery	9.87 (7.90Eng / 1.97Wel)	None	9.87
Primary	32.5 (26Eng / 6.5Wel)	(25 welsh medium) = - 6.5	26
Secondary + 6 th form	28.12 (22.50Eng / 5.62Wel)	None	28.12

Costs per pupil place

Year group	Net Aggregate Pupil Yield	Cost per Pupil Place	Total
Nursery	9.87	£5,662	£55,884
Primary	26	£11,325	£294,450
Secondary + 6 th form	28.12	£17,719	£498,258
SEN Primary	0.53	£38,849	£20,590
SEN Secondary	0.71	£53,952	£38,306
Total Contribution (excluding provision of land / land costs)			£907,488

8. Community Facilities

Policy Context

- 8.1. Planning Policy Wales (paragraph 4.6.1) identifies that ‘development can help to arrest the decline in community facilities and deliver environmentally-sound modernisation, re-use or replacement of urban infrastructure’. At paragraph 9.2.7 it states that ‘plans should state clearly the contribution which developers will be expected to make towards the provision of infrastructure, community facilities and affordable housing’.
- 8.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- C1: Community Facilities

Infrastructure Provision

Development Type		Mitigation Sought
All residential developments (where the need arises as a result of a proposed development).	Of 25 or more dwellings	A financial contribution towards community facility provision
Including: Student accommodation and sheltered or extra care housing. Excluding: Specialist accommodation that provides a significant element of care.	Strategic Sites, and / or sites of 500 or more dwellings	The in-kind provision of on-site community facilities (including land, build and fit-out to allow occupation without requiring any additional building works) and / or a financial contribution towards community facility provision.

Key Principles

- 8.3. Providing a range of facilities that are accessible to as many people as possible is a key component in creating sustainable communities. Geographical requirements are generally linked to the standards under-pinning the ‘walkable-neighbourhoods’ concept, ensuring that non car-dependent households have easy access to appropriate community amenities.
- 8.4. Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities
 - The extension to, or upgrading of existing facilities
- 8.5. Where the in-kind provision of a new facility is required, developers will be expected to supply the land and facility (including fit-out to allow occupation without requiring any additional building works), together with associated highway infrastructure and parking provision. Developers will be expected to submit proposals for on-going management / maintenance of the facility, including the identification of an appropriate management body.

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- 8.6. A reduced level of community facility provision will be sought from student accommodation and sheltered or extra care housing developments where a **significant element** of communal facilities are provided onsite.

Definition of Community Facilities

- 8.7. For the purpose of this SPG, Community Facilities are considered to include those facilities used by local communities for leisure and social purposes, including community centres and meeting places, community halls, community hubs and libraries, local shopping centres, leisure centres and youth centres.
- 8.8. The definition of community facilities relate to sites and premises that are run by not-for-profit organisations including voluntary organisations, community associations and Cardiff Council. Privately run commercial facilities and members only clubs are excluded.
- 8.9. Whilst faith buildings are not included in the above definition, facilities attached to such buildings which are used by and are accessible for the wider community may be included.
- 8.10. The provision of dedicated facilities ancillary to parks, open spaces and sports pitches (i.e. changing rooms) are not included within the definition of community facilities as this is sought through the provision of functional open space (refer to chapter 5).
- 8.11. Consideration will be given to proposals that incorporate an element of community use within a school building, however this would be subject to discussions with the Council regarding the type of provision proposed with regard to local need, hours that a facility would be accessible to the public and management / access arrangements relating to community use.

Shared Facilities

- 8.12. Where community facilities are to be provided onsite, developers will be expected to investigate opportunities for the provision of shared facilities, where a variety of services are provided under one roof. The benefits of providing community facilities in this way are:
- Reduced costs, i.e. one building is cheaper to deliver and run than several smaller facilities;
 - Reduced footprint from shared space;
 - Increased footfall, in turn benefitting other functions;
 - Providing a central 'hub' where people can meet for a variety of reasons, promoting social integration;
 - Rationalised management and maintenance.

How is Community Facility Need Identified?

- 8.13. There are a variety of ways in which the Council identifies community facility need. These include needs assessments, consultation with community groups / service providers and audits of existing facilities.
- 8.14. The level and type of contribution sought will be specific to each individual application, taking account of the scale and nature of the proposed development, existing / planned community facilities within the surrounding area and their ability to support and cater for associated population growth.

What Level of Contribution will be Sought

- 8.15. Community facility calculations are based on a floorspace provision of **0.32 sqm** per person. This is applied to the 2011 census data in order to identify a level of floorspace provision per dwelling, based on the total number of bedrooms and associated occupancy figures (as identified below):

Number of Bedrooms	Occupancy Figure (persons per dwelling)
1	1.3
2	1.8
3	2.5

Number of Bedrooms	Occupancy Figure (persons per dwelling)
4	3.1
5+	3.8
Where Unknown	2.33 (average occupancy figure)

- 8.16. For student accommodation, occupancy figures are calculated at 1 person per bed space:

Number of Bedrooms	Occupancy Figure
1 Student Bedroom	1.0

Worked Examples

Development Type	Dwellings / Rooms	Occupancy Rate	Floorspace Provision
A: Residential	20 x 3 bed dwellings 30 x 4 bed dwellings	20 x 2.5 = 50 persons 30 x 3.1 = 93 persons	143 x 0.32 = 45.76sqm
B: Student Accommodation	67 Bedrooms	67 x 1.0 = 67 persons	67 x 0.32 = 21.44sqm

Financial Contributions

- 8.17. The current average build cost of community facilities as calculated by BCIS classification CI/SfB 532 is **£1723 per square metre** (Q3 2015). In circumstances where a financial contribution towards off-site provision is sought, the financial equivalent will be calculated as:

Total floorspace provision x £1732 per sqm = **Financial Contribution.**

Development Type	Floorspace Provision	Equivalent Financial Contribution
A: Residential	143 x 0.32 = 45.76sqm	45.76sqm x £1732= £79,256.32
B: Student Accommodation	67 x 0.32 = 21.44sqm	21.44sqm x £1732 = £37,134.08

9. Primary and Community Healthcare Facilities

Policy Context

- 9.1. Planning Policy Wales (paragraph 12.1.1) identifies that ‘adequate and efficient infrastructure, including services such as education and health facilities is crucial for the economic, social and environmental sustainability of all parts of Wales’.
- 9.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- C1 Community Facilities
 - C7: Health

Infrastructure Provision

Development Type	Mitigation Sought
Strategic Sites and / or sites of 500 or more dwellings (where the need arises as a result of a proposed development). Excluding: Student Accommodation.	The in-kind provision of on-site primary and community healthcare facilities (including land, build and fit-out to allow occupation without requiring any additional building works) and / or a financial contribution towards the provision of off-site primary and community healthcare facilities.

Key Principles

- 9.3. The Cardiff and Vale University Health Board (UHB) is responsible for ensuring access to NHS primary care services in Cardiff. Primary Healthcare Facilities focus on General Practitioner (GP) Surgeries, but can also include other primary care services, (such as community pharmacists, dentists and optometrists) and community health facilities (such as district nursing, health visiting, podiatry, physiotherapy and audiology) to enable practices to offer an extended and more flexible range of facilities to their patients.
- 9.4. The provision of new primary healthcare GP places will be sought in circumstances where the need generated by a proposed development cannot reasonably be met by existing premises, because the capacity at the GP premises in whose catchment areas the new housing development is proposed would, as a result of the development be exceeded by demand.
- 9.5. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities
 - The extension to, or upgrading of existing facilities
- 9.6. Where the in-kind provision of a new facility is required, developers will be expected to supply the land and facility (including fit-out to allow occupation without requiring any additional building works), together with associated highway infrastructure and parking provision.
- 9.7. With regard to Chapter 8.13, where Primary and Community Healthcare Facilities are to be provided onsite, developers will be expected to investigate opportunities for this floorspace provision to form part of a wider shared use community facilities.

How Contributions will be Assessed

- 9.8. Contributions toward additional or improved primary healthcare GP facilities will be based on the following factors:

- a) The number and type of dwelling units in the development
- b) The number of people likely to be generated by each dwelling
- c) Capacity surplus within GP catchments
- d) Cost / floorspace requirement per patient place

Dwelling Type / Population Yield (a/b)

9.9. The number of people generated by a residential development will vary depending on the size of the dwellings of which it comprises. In order to be able to project a typical yield, an assessment of the number of people likely to be generated by a proposed housing development is made based on yield factors derived from 2011 Census statistics:

Number of Bedrooms	Occupancy Figure (persons per dwelling)
1	1.3
2	1.8
3	2.5
4	3.1
5+	3.8
Where Unknown	2.33 (average occupancy figure)

Capacity surplus within GP catchments (c)

- 9.10. The population yield generated by a proposed development will be assessed against capacity at GP practice(s) in whose catchment area(s) the new housing development is proposed.
- 9.11. Net patient places required above projected capacity are then calculated by offsetting a developments projected population yield against any existing GP place surplus.

Cost / floorspace requirement per patient place (d)

- 9.12. Primary healthcare facility calculations are based on floorspace provision per patient. The UHB works with a best practice GP to patient ratio of 1:1800.
- 9.13. As identified in the Welsh Health Building Note 36 ‘General Medical Premises in Wales’, floorspace requirements for a primary health care GP facilities include, public spaces (reception areas / public conveniences), primary and community care spaces (consulting / examination rooms and specialist clinical space) and staff spaces (facilities management / admin space). At 2016, the floorspace requirement per patient is **0.096 sqm**.
- 9.14. Where an equivalent level of financial contribution is to be calculated, the BICS classification CI/SfB 421 for health centre build (Q3 2015) is **£1708** per square metre.

In Kind Provision

- 9.15. Where the on-site need for a new primary healthcare facility arises as a result of a proposed development, the ‘developer construct’ option will be sought. Benefits of this approach are that the developer maintains control of delivering the facilities in a timely manner relative to the completion of residential dwellings.
- 9.16. Guidance on the design and layout of primary care is provided through the ‘Welsh Health Building Note 36 ‘General Medical Premises in Wales’. It should be noted that for operational reasons, facilities should be constructed over no more than 2 storeys.

10. District and Local Centres

Policy Context

- 10.1. Planning Policy Wales (paragraph 10.2.1) identifies that Local planning authorities should develop through their ... development plans a clear strategy and policies for retail development which seek to achieve vital, attractive and viable centres.
- 10.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- KP2: Strategic Sites
 - R7: Retail provision within Strategic Sites

Infrastructure Provision

Development Type	Mitigation Sought
<p>Strategic Sites:</p> <p>C - North West Cardiff D - Land north of J33 on M4 F - North East Cardiff (West of Pontprennau); G - East of Pontprennau Link Road.</p>	<p>The in-kind provision of on-site District and / or Local Centres, including:</p> <ul style="list-style-type: none">■ For mixed-use components, the provision of the 'core and shell' of the centres commercial units (including land, build and fit-out to allow occupation without requiring any additional building works), together with the provision of associated services, parking and highway access.■ For stand-alone retail (i.e. a small supermarket), the safeguarding of land for future development by commercial operators, including connection to all services and highway access as is reasonably required for the proper occupation of the site.

Key Principles

- 10.3. Where retail units are to be provided as part of a mixed used development (for example with residential units to upper floors), the design of the buildings (i.e. plot layouts, ceiling heights, service corridors / access arrangements) will be expected to be future-proofed against potential changes in retail provision (i.e. to enable the coalescence or subdivision of units) and / or changes to alternative compatible uses.
- 10.4. Developers will be expected to provide details of, and implement a Marketing Strategy for, commercial units within District / Local centres. The marketing of individual premises should be for a period of no less than 24 months at comparable local market rates before alternative uses can be considered.

11. Public Realm, Community Safety and Public Art

- 11.1. Planning Policy Wales (paragraph 3.4.3) states that ‘When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility’.
- 11.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policies:
- KP5: Good Quality and Sustainable Design
 - EN13: Air, Noise, Light Pollution and Contaminated Land

Infrastructure Provision

Development Type		Provision Sought
All development types.	Where the need arises as a result of a proposed development.	The in-kind provision of, and / or a financial contribution towards, a scheme of public realm improvements (which may include the provision of public art) and / or community safety measures, in the vicinity of the site.
<ul style="list-style-type: none"> ■ LDP Strategic Sites ■ Development proposals that require a Masterplan or Site Development Brief ■ Large scale redevelopment projects 		<ul style="list-style-type: none"> ■ A public realm strategy and an associated scheme of works for the site and immediate vicinity. ■ A public art strategy and an associated scheme of public art, artworks and art interventions.
<ul style="list-style-type: none"> ■ Out of Centre Retail Development (Where the need arises as a result of a proposed development). 		<ul style="list-style-type: none"> ■ A financial contribution towards district and / or local centre public realm improvements.

Key Principles

- 11.3. The public realm refers to the space between buildings where people have free access (whether publicly or privately owned), such as streets and public squares. New developments, either through an increase in floorspace and intensification of use, or due to the nature of a proposed development can increase pressure on, or affect the suitability of the surrounding pedestrian environment.
- 11.4. Public realm and / or community safety improvements will be sought towards the upgrading of the pedestrian environment in the area immediately surrounding or leading to an application site, where the need arises as a result of the proposed development. To help ensure that improvement works are completed in a timely manner relative to the occupation / opening of a proposed development, in-kind provision will normally be sought in the first instance.

Off-Site Mitigation.

- 11.5. The quality of the pedestrian environment in the area surrounding a site should be taken into consideration as part of a development proposal. Where the public realm is of a poor quality, the in-kind provision of public realm / community safety improvements will be sought, which may include; the resurfacing and / or upgrading of footways / carriageways and the upgrading, relocation and / or introduction of kerbstones, channels, pedestrian crossing facilities, street furniture, bus shelters, street lighting, street trees, CCTV, and general equipment (i.e. utility boxes).

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- 11.6. Contributions towards public realm improvements will be considered in conjunction with requests towards highway improvements as identified in Chapter 3.
- 11.7. The level and type of contribution sought will be considered in relation to the scale of the proposed development and the quality of the existing pedestrian environment. Where there is an identified scheme of public realm improvement works in the vicinity of the site, a financial contribution may be sought in lieu of in-kind provision.
- 11.8. Guidance on the use of paving materials and street furniture is provided through the Cardiff Public Realm Manual. Schemes will be required to be built to Cardiff's Highways Specifications.

Air Quality Monitoring

- 11.9. Poor air quality can impact on people's health / quality of life and local authorities are required to assess air quality in their areas against National Air Quality Standards. Where the need arises as a result of a proposed development, developers will be requested to provide an Air Quality Assessment and, in the event of an adverse assessment, a proposed scheme of mitigation measures. In addition to a scheme of mitigation measures, a financial contribution may be sought towards the site specific monitoring of air quality emissions.

Public Art

- 11.10. Public art can play an important role in creating local distinctiveness and helping to make areas more legible. It can also form a valuable tool in helping to create connections between new developments and surrounding communities through engagement and active participation.
- 11.11. Public Art should be considered from the outset of a development proposal and should form part of an overall design vision, with commissions forming an integral part of the buildings and / or public spaces. Developers will be expected to demonstrate how public art will be incorporated into their scheme that reasonably relates to the scale of the proposed development.
- 11.12. For larger scale developments, particularly where a site is expected to be delivered in phases, the developer will be expected to prepare a public art strategy for the site.
- 11.13. Public art can take the form of physical works, temporary works or ephemeral projects and is defined as the original work of a living or acknowledged artist or designer that is accessible to the public either physically, visually and / or in the form of social engagement. Artworks should be site specific and not a mass produced object or a reproduction of an original design. Art should be created for a particular place and should form part of a collaborative process with others, such as architects, landscape designers, arts officers, members of the local community and the public. Such work can be:
- permanent works, such as three-dimensional artworks, bespoke street furniture, ecology / land art works or integrated two and three-dimensional works,
 - interior commissions, where they are freely accessible to the public for most or all of the time,
 - temporary, ephemeral or time-based commissions such as festivals, publications and artworks with a legacy through events,
 - projects that involve the up-skilling of local residents through the engagement with artists and public art.
- 11.14. Further guidance is provided through the Cardiff Public Art Strategy and Public Art SPG

12. Waste Management Facilities

- 12.1. Planning Policy Wales (paragraph 12.7.3) states that ‘Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development’.
- 12.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- W2: Provision for waste management facilities in development
- 12.3. Additional guidance is provided in the [Cardiff Waste Collection and Storage Facilities SPG\(2016\)](#).

Infrastructure Provision

Development Type	Provision Sought
All Residential developments	Provision of receptacles for: <ul style="list-style-type: none">■ recycling■ garden■ food and■ residual waste
All commercial developments	Provision of receptacles for: <ul style="list-style-type: none">■ recycling■ food and■ residual waste
Mixed use developments.	As above, however separate storage facilities must be made. Commercial waste must not be mixed with residential waste.
Class A3 (Food and Drink) uses	The provision of a litter bin / bins within the public realm (where the need arises as a result of the proposed development).

Key Principles – Residential Developments

- 12.4. All residential developments are required to provide adequate storage for four dedicated waste streams; recycling, garden, food and residual waste. Provision must be made for the total volume of all waste streams produced over a 14 day period.
- 12.5. The Cardiff Waste Collection and Storage Facilities SPG identifies the capacity and number of bins (or bags) and caddies that will be required per house / flat / number of bedrooms / number of residents for residential schemes.
- 12.6. Developers will be required to purchase the bin provision necessary for each residential unit. 140 litre and 240 litre wheeled bins **must** be purchased from Cardiff Council. 660 litre and 1100 litre bulk bins can be purchased from other suppliers, however details of the bin dimensions, materials, colour and supplier will need to be submitted to and approved by the Council prior to purchase to ensure that they are compatible with collection vehicles and health and safety standards. Bin specifications are identified in appendix 3 of the Cardiff Waste Collection and Storage Facilities SPG. If details are not provided and as a result, waste receptacles are not safe to collect, the Council reserves the right to refuse collection until suitable bin specifications are met.

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- 12.7. The price of bin provisions can be found in Chapter 8 of the Cardiff Waste Collection and Storage Facilities SPG.

Key Principles – Commercial Developments

- 12.8. All industrial and commercial premises have a duty of care to ensure their waste is managed and disposed of correctly. Chapter 5 of the Cardiff Waste Collection and Storage Facilities SPG identifies approximate total waste storage capacities for a range of commercial developments. The actual capacity required will vary according to the exact nature of the commercial activities and the frequency of collections.

Class A3 (Food and Drink) uses.

- 12.9. Class A3 (Food and Drink) uses, particularly hot food takeaways (where the use is for the sale of hot food for consumption off the premises), have the potential to overload the capacity of existing litter bin provision in the surrounding area. Where it is identified that a proposed A3 use, either as part of a new development, or as a change of use of an existing premises would impact upon current facilities, a contribution, either through in-kind provision or as a financial contribution, may be sought.
- 12.10. For larger scale applications, litter bins may be provided through a wider scheme of public realm improvements associated with the development (refer to Chapter 11).

13. Local Employment and Training

- 13.1. Planning Policy Wales (paragraph 7.1.3) states that ‘wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to....support national, regional, and local economic policies and strategies and.....deliver physical regeneration and employment opportunities to disadvantaged communities’.
- 13.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- EC1: Existing Employment Land
 - EC3: Alternative use of Employment Land and Premises
 - EC4: protecting Offices in the Central and Bay Business Areas

Infrastructure Mitigation

Development Type		Mitigation Sought
All developments involving the loss of B1 floorspace within:	<p>The Central and Bay Business Areas, where;</p> <ul style="list-style-type: none"> ■ The loss of floorspace exceeds 1000m² and where no Class B1 employment use is proposed to mitigate this loss; 	A financial contribution towards bringing forward compensatory employment and training opportunities.
All developments involving the loss of Class B1, B2 or B8 employment land and / or floorspace within:	<p>Areas of Existing, Permitted and Allocated Employment Land as designated on the Local Development Plan Proposals Map, where:</p> <ul style="list-style-type: none"> ■ The loss of floorspace exceeds 1000 m² and where no employment use is proposed to mitigate this loss; ■ A site exceeds 0.2 hectares and where no employment use is proposed on site to mitigate this loss. 	

Key Principles

- 13.3. In circumstances where employment land or floorspace is lost as part of a proposed development, a contribution will be sought towards the provision of training and support to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere in the city.
- 13.4. A contribution would not be sought in circumstances where a mixed use development is proposed that retains a significant element of Class B use on a site.

How Contributions will be utilised (The Cardiff Capital Fund)

- 13.5. The Capital Cardiff Fund aims to assist companies to safeguard and create employment in the city by offering packages of financial support in the form of grants, loans and equity investment. Eligible applicants include new start growth and established businesses within Cardiff’s key sectors (Creative Industries, Bio Science, ICT, Manufacturing and Business and Financial Services). Support is provided to businesses that require specialist advice, undertaking innovation, improving competitiveness, expanding, investing in technology and knowledge exploitation and investment for environmental improvements to commercial premises.

13.6. Funding is offered between £5,000 and £50,000 and the level of support for each case is linked to the economic development outputs such as job creation. Companies must demonstrate business to business activity and at the minimum a national market for their products or services. Typical funding projects within the Capital Cardiff scheme include:

- Relocation into Cardiff
- Capital Investment
- Job Creation/Retention
- Purchase of Capital Equipment
- Provision of workshop / business start-up units
- Research and Development
- Renovating a Property
- Environmental Works

13.7. Where appropriate the Council would also seek to utilise the funds through investing in appropriate projects to support business development, accessibility to employment to attract and create new jobs.

What level of contribution will be sought

13.8. The level of contribution sought will take account of:

- The number of people that could have been employed in the employment floorspace to be lost.
- The proportion of displaced employees that would be unable to find new employment without retraining or other support.
- The cost of providing the training and support necessary to enable a person to gain employment.
- Whether a proposal seeks to retain a significant element of Class B floorspace.

13.9. Assumptions for the number of square metres of floorspace required per employee are set out in the table below. From this information, an estimate of the number of employees that could have been employed within the floorspace / on the site to be lost through an alternative use can be calculated.

Employment floorspace type:	Floorspace per employee (m ²):
Office - B1a	14.5
Other Business Space – B1b/c and B2	47
Warehouse - B8	75

Source: Employment Densities Guide, 2nd Edition 2010, Drivers Jonas Deloitte on behalf of OffPAT and HCA.

13.10. In circumstances where an alternative use is proposed on employment land, an estimated floorspace density assumption will be applied to the land area (ha) in order to derive the sqm development potential on site.

13.11. Whilst the precise number of employees that would be unable to find new employment without retraining would depend upon the nature of the existing employment use, it is estimated that approximately 15% of employees within B1 use classes and 30% within B2 and B8 use classes would require retraining to enable them to access alternative employment.

13.12. Where is identified (and agreed by the Council) that existing businesses floorspace / employees are being relocated to suitable alternative premises within Cardiff as part of an application these figures would be deducted from calculations.

- 13.13. Recent information from Job Centre Plus indicates that it costs between £3,000 and £6,000 to provide the training and support necessary to enable a person to gain employment. A contribution of £2,000 per person requiring retraining or support will be sought, which would fund between one third and two thirds of the training and support costs, based on the Job Centre Plus information.

Example Calculations

Calculation	B1 office (1,250m ²)	B8 Warehouse (5,000m ²)
Total floorspace / floorspace per employee = estimated no of employees.	$1,250 / 14.5 = 86.2$	$5,000 / 75 = 66.6$
Employees requiring retraining	$86.2 / 100 \times 15 = 12.93$	$66.6 / 100 \times 30 = 19.98$
Contribution Sought	$12.93 \times \text{£}2,000 = \text{£}25,860$	$19.98 \times \text{£}2,000 = \text{£}39,960$

14. Renewable Energy and Low Carbon Technologies

- 14.1. Planning Policy Wales. (paragraph 4.12.2) states that ‘Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition. The overall aspiration is to secure zero carbon buildings while continuing to promote a range of Low and Zero Carbon (LZC) technologies as a means to achieve this’.
- 14.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- EN12: Renewable Energy and Low Carbon Technologies
- 14.3. Additional guidance will be provided through the Cardiff Renewable Energy Assessment SPG

Infrastructure Provision / Mitigation

Development Type	Provision / Mitigation Sought
LDP Strategic Sites	■ To provide a Renewable Energy Assessment and propose an associated scheme of mitigation measures.
Developments containing 100 or more dwellings	
Commercial developments of 1000sqm or more	

Key Principles

- 14.4. Cardiff Council supports the Welsh Government’s long term aspiration of zero carbon / zero energy buildings. TAN 12 (Design / 2016) recognises that opportunities for local Low or Zero Carbon (LZC) energy supply, such as Combined Heat and Power (CHP) and district heating systems can be maximised when higher densities and a mix of uses are proposed, which balance energy demand over different time periods. Larger proposals present unique opportunities to develop sites which not only comply with required standards, but also positively contribute towards Cardiff’s sustainable expansion, limiting energy use and subsequent emissions as far as possible.

Types of Provision and Mitigation

- 14.5. Developers will be expected to prepare an Independent Energy Assessment, which investigates the technical feasibility and financial viability of incorporating LZC technologies and opportunities to minimise carbon emissions associated with heating, cooling and power systems beyond the minimum standards set out in Building Regulations Part L (conservation of fuel and power)
- 14.6. Consistent with TAN 12 and Welsh Government’s ‘Energy Efficiency in Wales’ Strategy, developers will be expected to follow the principles of the energy hierarchy, which advocates a sequential approach to minimising energy demand and carbon emissions:
1. **Energy Reduction** – Reduce the amount of energy used (‘smart’ heating and lighting, behavioural changes), use of passive design measures.
 2. **Energy Efficiency** – Using energy efficient systems (better insulation, efficient appliances and lighting).
 3. **Renewable Energy** – Generate heat and electricity from renewable sources (solar PV and thermal, wind, biomass, hydro, geothermal).

4. Minimise carbon impact of other energy generation – Using low carbon technologies to reduce residual CO2 emissions (heat pumps, CHP and CCHP systems).

- 14.7. Further guidance regarding the content of energy assessments will be provided through the Cardiff Renewable Energy Assessments Supplementary Planning Guidance, but as a minimum, assessments will be expected to include a non-technical executive summary and the following details:
- Carbon footprint: Anticipated total energy demand / carbon dioxide emissions associated with the development (both regulated and unregulated loads should be identified),
 - Assessment of options to reduce energy demand and emissions at each stage of the energy hierarchy,
 - Measures of mitigation and proposed CO2 reductions at each stage of the energy hierarchy, expressed in relation to compliance with Part L of the Building Regulations as the benchmark.
- 14.8. It should be noted that the Council's policy is technology neutral and so potential solutions are not limited to the examples outlined above.

15. Biodiversity.

Policy Context

- 15.1. Planning Policy Wales (paragraph 5.2.8) states that ‘The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable’. At paragraph 5.1.4 it identifies that ‘it is important that biodiversity and landscape considerations are taken into account at an early stage in development management’.
- 15.2. Welsh Government Technical Advice Note 5 (Nature Conservation and Planning) provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.
- 15.3. Biodiversity information provided should observe the British Standard publication ‘Biodiversity – Code of Practice for Planning and Development (BS42020:2013)
- 15.4. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policies:
- KP16: Green Infrastructure
 - EN4: River Corridors
 - EN5: Designated Sites
 - EN6: Ecological Networks / Biodiversity
 - EN7: Priority Habitats and Species
- 15.5. Additional guidance will be provided through the [Cardiff Green Infrastructure SPG](#).

Infrastructure Provision / Mitigation

Development Type	Provision / Mitigation Sought
Any development that impacts on one or all of the following biodiversity categories: <ul style="list-style-type: none">■ River Corridors■ Designated Sites■ Ecological Networks and Features of Importance for Biodiversity■ Priority Habitats and Species	<ul style="list-style-type: none">■ The submission of information in support of a planning application to enable its biodiversity impacts to be properly assessed.■ In circumstances where a biodiversity impact is identified, a proposed scheme of measures within the following hierarchy: (1) Avoidance, (2) Mitigation, (3) Compensation, (4) New Benefits.

River Corridors (LDP Policy EN4)

- 15.6. Cardiff contains four river corridors of the Taff, Ely, Rhymney and Nant Fawr. These watercourses and adjoining open spaces, (as defined on the LDP Proposals Map), possess high recreational, biodiversity, historic, cultural and landscape value.

Statutory Designated Sites (LDP Policy EN5)

- 15.7. Sites may be designated for their international, national or local importance in terms of nature conservation. Some designations are statutory because they are regulated by legislation.

[Internationally Designated Sites in Cardiff.](#)

15.8. Within Cardiff, four sites have been designated for their international importance for nature conservation, these are:

- Cardiff Beech Woods SAC
- Severn Estuary SPA
- Severn Estuary SAC
- Severn Estuary Ramsar Site

15.9. The consideration of the possible impacts of plans, projects or development upon international sites is established through a process known as a Habitats Regulations Appraisal (HRA) which must be undertaken by the Competent Authority(s) issuing the consent. In the case of planning permission, this is Cardiff Council as the Local Planning Authority. Development Proposals in Cardiff will be subject to Screening Criteria, which will be set out in the Cardiff Green Infrastructure SPG (Ecology and Biodiversity Technical Guidance Note - TGN), to determine whether HRA is needed. An applicant may be required to commission survey work in order to inform the HRA. Subsequently if the HRA finds that the project would result in an adverse effect on the integrity of an international site, then compensatory measures would be required. Annex 3 of TAN 5 provides further advice on development proposals likely to affect international sites.

Nationally Designated Sites in Cardiff

15.10. Sites of Special Scientific Interest (SSSIs) are statutory sites which are designated and protected by the Wildlife and Countryside Act 1981 (as amended). Cardiff Council has a duty to further the conservation and enhancement of the features which provide the special interest of an SSSI. The Act requires Natural Resources Wales (NRW) to be consulted regarding planning applications, or any works carried out or authorised by the Council, which may affect the features of interest of an SSSI. An applicant may be required to commission survey work in order to inform the assessment of the impact upon a SSSI. Subsequently if that assessment finds that the project would result in an adverse effect on the integrity of a SSSI, then compensatory measures would be required.

15.11. There are currently 17 SSSIs in Cardiff of which 11 are designated for biological interest, two are designated for mixed biological and geological interest and 3 for solely geological interest.

Sites of Importance for Nature Conservation in Cardiff (SINC's)

15.12. Planning Policy Wales (2016) recommends the designation of non-statutory sites of interest for nature conservation where these are soundly based on an objective scientific assessment of the value of the site and informed by community participation and reflecting community values. In Cardiff, these non-statutory sites are referred to as Sites of Importance for Nature Conservation (SINCs), of which there are currently 177 in Cardiff-

15.13. Section 5.5.3 of TAN 5 advises that developers should avoid harm to SINCs where possible, but where harm is unavoidable, it should be minimised by mitigation measures and offset by compensation measures, as necessary.

Ecological Networks and features of Importance for Biodiversity (LDP Policy EN6)

15.14. The protection, management and enhancement of ecological networks is recognised in Regulation 39 of the Conservation of Habitats and Species Regulations 2010 (as amended). Wild species of flora and fauna are often widely dispersed in the landscape, with significant populations being isolated from each other. In such cases, landscape features may provide wildlife corridors for some species, as well as links or 'stepping-stones' between habitats.

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- 15.15. Features of the landscape which are of importance for wild flora and fauna are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional system of markings field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species. The impact of a development proposal upon these features must be assessed as part of an ecological impact assessment, and measures of avoidance, mitigation and compensation may be required.

Protected Species (LDP Policy EN7)

- 15.16. Planning Policy Wales (2016) at paragraph 5.5.11 states that: 'The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat'. Chapter 6 and Annex 7 of TAN 5 provide further information on protected species.

European Protected Species

- 15.17. European Protected Species which are known to occur in Cardiff are:

- Great Crested Newt
- Dormouse
- Otter
- Several species of bats

Under Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended), Cardiff Council has a duty to have regard to the requirements of the EU Habitats Directive (which gave rise to the above Regulations), in the exercise of its functions. In practice this means that Cardiff Council will have to ensure that the protection afforded to these species is upheld as part of its planning function.

UK Protected Species

- 15.18. UK Protected Species known to occur in Cardiff will be identified in the Cardiff Green Infrastructure SPG (Ecology and Biodiversity Technical Guidance Note - TGN). The Wildlife and Countryside Act 1981 (as amended) contains several schedules which give varying levels of protection to certain species of plants and animals:

- Schedule 1 lists certain species of birds which it is an offence to disturb at or near the nest or with dependant young.
- Schedule 5 affords differing degrees of protection to other animals.
- Schedule 8 affords protection to certain species of plants.

Key Principles

- 15.19. Biodiversity impact will be considered with regard to the following factors:

- The importance of the biodiversity interests.
- How they may be affected by the development proposal.
- Whether these effects can be acceptably avoided, mitigated or compensated for.
- The nature of and justification for the development proposed (with regard to LDP Policy).
- The availability of suitable alternative sites.
- Whether there are other relevant material considerations.

15.20. Welsh Government Technical Advice Note 5 (Nature Conservation and Planning) at Chapter 4 identifies that: 'The development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW. The following can help to achieve these objectives:

- adopting the five-point approach to decision-making: (1) information, (2) avoidance, (3) mitigation, (4) compensation, (5) new benefits - Refer to paragraphs 15.25-15.42 (below).
- ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;
- securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- carrying out effective planning enforcement;
- identifying ways to build nature conservation into the design of new development'.

15.21. Paragraph 4.3.4 of TAN5 identifies that the information submitted with a planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance. Where a proposal is not EIA development, applicants may need to prepare and submit one or more of the following as appropriate:

- A Preliminary Ecological Appraisal (PEA)
- A Geological / Geomorphological / Hydrological / Hydrogeological Report,
- A Soils Report,
- An Ecological Impact Assessment Report (EclA)
- A Construction Environmental Management Plan (CEMP)
- An Ecological Mitigation Strategy (EMS)
- A Monitoring and Remediation Plan or Programme,

15.22. Potential biodiversity impact is not limited to the geographical extent of a planning application and development proposals in the vicinity of a designated site or species habitat will need to consider any direct or indirect affects they are liable to generate.

15.23. Scale and type of impact will vary according to each individual development, however the following details are provided as an initial guide to assist in identifying the nature conservation value of features and estimating impact:

Five-Point Approach to Biodiversity Issues

15.24. As identified in Chapter 4 of TAN 5 (Nature Conservation and Planning), the Council recommends the following sequential five point approach to development proposals involving biodiversity issues:

(1) Information

15.25. Where the need arises as a result of a proposed development, applicants will be expected to submit sufficient detailed information in support of a planning application to enable its impact on biodiversity interests to be properly assessed.

15.26. The level and detail of information required will depend on the nature of the proposal and characteristics of the natural resource, but should usually include:

- A description of the natural resource, including:
 - Any statutory or non-statutory nature conservation designations;

- Survey material showing the location and type of trees, hedgerows water features, streams and drainage ditches and other habitat features;
- A description of habitat types including flora and fauna;
- A description of any other features of nature conservation value, such as Section 7 species and local nature conservation priority species priority species;
- The timing of any surveys required for key species and the surveys themselves.
- Ecosystems present on the site and of which the site forms a part

- An assessment of the value of the natural resource – including features of particular value.
- A description of the proposal - together with appropriate plans.
- A statement (with illustrative plans and sections if helpful) clearly outlining the direct and indirect impacts of the proposed development on the natural resource, and the measures taken to avoid negative biodiversity impacts.
- Where appropriate, a statement and plans indicating compensatory or mitigating measures proposed - including details and timing of proposed habitat creation or habitat enhancement works.
- Where appropriate, a statement and plans indicating details of protection measures during site construction - including reference to British Standard Specifications for protective fencing.
- Where appropriate, a statement outlining future management arrangements for the natural resource - including details of ownership and proposed maintenance regime.
- Where appropriate, details of the measures proposed for monitoring habitat and species condition.

15.27. Early pre-application discussions with Cardiff Council are recommended to establish the information required, as a subsequent requirement for consideration of protected species, for example, may result in significant delays.

15.28. The Council may be able to supply information about a site from its own Cardiff Biological Database, or direct enquiries to an appropriate source of data such as the South East Wales Biodiversity Records Centre (SEWBRc). Where existing information is insufficient, the applicant may be required to supply assessments in the form of new survey work. Assessments should be carried out by qualified, suitably experienced environmental consultants using recognised methodology and at an appropriate time of year. Protected species licences may be required to carry out some assessments.

15.29. Where an Environmental Statement (ES) is required under the Environmental Impact Assessment (Wales) Regulations 2016 or a Habitats Regulations Appraisal (HRA) is required under the Conservation of Habitats and Species Regulations 2010 (as amended), Cardiff Council may provide a scoping opinion as to the information required to determine the application. Further guidance will be provided through the Cardiff Green Infrastructure SPG.

(2) Avoidance of Harm

15.30. In the first instance, schemes should be designed to avoid harm to important species and habitats, including designated sites, protected species and biodiversity priority species during construction as well as operation. Where appropriate, this could include:

- Maintaining existing features of interest.
- Maintaining and enhancing corridors and links to adjacent/neighbouring habitats – to prevent species becoming isolated and vulnerable.

(3) Mitigation

15.31. In some circumstances, it may be appropriate for the Council to include a condition or a planning obligation to ensure that the risk of possible damage to nature conservation interests during construction and operation is minimised. Advice on the use of planning conditions and planning obligations is set out in Sections 4.6 and 4.7 of TAN 5.

(4) Compensation

15.32. Where avoidance of harm is not appropriate, mitigation is not possible, and loss or damage to natural habitats or important species is unavoidable, the Council may include a condition or obligation requiring compensatory measures. Compensatory measures should be implemented as close to the site of impact as possible.

15.33. There are primarily four types of compensatory treatment:

- **Habitat re-creation** - the re-creation of an existing habitat lost to development.
- **Habitat creation** - the creation of a new habitat.
- **Habitat enhancement** - the enhancement of an existing habitat.
- **Social / community enhancement measures** - improving the conservation value of a site through measures such as improved access, provision of interpretative facilities and encouraging wider community involvement.

15.34. The circumstances of each case will vary and warrant different forms or combinations of compensatory treatment. Early discussion with the Council is recommended concerning the acceptability of possible compensatory packages.

15.35. The ease and cost of re-creating different habitats varies considerably. Certain habitats are highly dependent on specific requirements and biological inter-relationships whereas others are more flexible and less complex. For example, ancient woodlands are of great antiquity, fragility and uniqueness, and contain a wide variety of complex biological inter-relationships. Recreation, by matching the existing quality and overall nature conservation value, is unlikely to be achievable. Consideration may be given to refusing planning permission where habitat loss cannot be mitigated or compensated.

15.36. Generally, any compensatory habitat provision will be required to exceed that which is to be lost. This is because newly-created habitats such as new ponds or planted hedgerows may take many years to achieve the quality of the habitat that is lost. Furthermore, there is also a risk that newly-created habitats may fail to support the species for which they are intended. Therefore, additional provision beyond a like-for-like amount will be required in order to offset these concerns. For example, Natural Resources Wales (NRW) have advised that where a pond supporting Great Crested Newts would be lost, then at least three ponds must be provided as compensation. Similarly, for the loss of each metre of hedgerow which supports dormice, three metres should be planted in its place.

15.37. The Council will also encourage the provision of new habitats and social / community enhancement measures on new developments which do not adversely affect nature conservation interests.

(5) New Benefits

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- 15.38. Most development proposals will offer an opportunity to create new benefits for biodiversity, which may be included in a planning condition or obligation.
- 15.39. Nesting or roosting opportunities for birds and bats should be incorporated into new build, in accordance with the advice given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009', and in the Bat Conservation Trust's 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'.
- 15.40. Examples of biodiversity enhancements include, but are not limited to:
- Creation of wildflower meadows in amenity areas
 - Planting of woodlands and planting of street trees
 - Incorporating bat roosting features into buildings
 - Incorporating bird nesting features into buildings
 - Putting up bat boxes, bird boxes and dormouse boxes in trees and other vegetation
 - Retaining areas of dense cover and leaf litter for hedgehogs
 - Creating new ponds as amenity features and for wildlife
 - Building amphibian-friendly gulley pot and kerb designs into development to avoid trapping amphibians
 - Using native species in landscaping, especially fruiting or berry-bearing species
 - Creating habitat piles for reptiles and invertebrates

Monitoring

- 15.41. Where measures of avoidance, mitigation or compensation are implemented, the Council will require that the effectiveness of these measures is monitored, and that there is provision for remediation in the event that these measures are identified as not being effective.

Natural Resources Wales

- 15.42. Natural Resources Wales (NRW) should be consulted regarding international and national statutory protected sites and European protected species.

16. Tree, Woodland and Hedgerow Protection

- 16.1. Planning Policy Wales (paragraph 5.2.9) states that ‘Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage’.
- 16.2. This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policy:
- EN8: Trees, Woodlands and Hedgerows.
- 16.3. Additional guidance will be provided through the Cardiff Green Infrastructure SPG.

Infrastructure Provision / Mitigation

Development Type		Provision / Mitigation Sought
All development types.	Where the need arises as a result of a proposed development.	<ul style="list-style-type: none"> ■ An assessment of which trees, woodlands and hedgerows should be retained, through the preparation of associated surveys. ■ Where features are identified as having significant biodiversity / amenity value, details of associated protection measures and / or details of proposed mitigation measures to compensate for loss.

Key Principles

- 16.4. It takes several decades for new planting to mature; therefore it is important to ensure that the best existing trees, woodlands and hedgerows are kept in a healthy state, to enhance new development from the outset.
- 16.5. Trees, woodlands and hedgerows are living organisms that are sensitive to changes in their environment and can be easily damaged or destroyed by construction operations. Their successful integration into a development depends on the selection of appropriate features for retention / enhancement / extension, informed site design and careful implementation.
- 16.6. The Cardiff Green Infrastructure SPG will provide detailed guidance on the work that needs to be undertaken in preparing development proposals and planning applications that could have an impact on trees, hedgerows or woodlands. In summary, the following issues will need to be considered:

Site Surveys

- 16.7. Where trees are allocated ‘A’ or ‘B’ categorisation following a **Tree Survey** carried out in accordance with the current British Standard (BS) 5837, they should be retained and protected from harm. If a developer proposes their removal, they will need to demonstrate how mitigation measures such as new tree planting and landscaping can compensate for losses. Planning permission will not normally be granted for development that:

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- Directly or indirectly causes unacceptable harm to trees or woodlands that have been identified as having significant amenity value. The methodology and recommendations set out in the current BS5837 will be used to assess the threat of harm.
 - Includes inadequate or inappropriate landscape proposals that fail to provide measures to conserve or, where appropriate, enhance the character of the landscape.
- 16.8. **Hedgerow Surveys** should include those within and bounding the site. Their position should be recorded, along with details of woody species composition, condition, height, width and approximate age. Where hedgerows or lengths of hedgerow are to be removed to facilitate developments, sufficient information should be submitted to allow the Council to assess whether the hedgerows to be removed are 'important' in accordance with the definitions contained within the Hedgerows Regulations 1997.
- 16.9. **Surveys of flora and fauna** may be required. Trees on some sites may support statutorily protected species, form the basis of locally important wildlife habitats or enhance other adjoining valuable habitats. In such cases, qualified ecological advice should be obtained and where appropriate, an evaluation report added to the survey.
- 16.10. For applications that involve complex tree issues, even on small sites, it will be necessary to provide a **Tree Constraints Plan** in accordance with the current BS 5837, illustrating the constraints imposed by trees in terms of their above and below ground growth, on any development.
- 16.11. It is essential that topographical surveys, tree surveys and tree constraints plans are prepared before layout proposals are considered, to ensure that development proposals take full account of any trees, hedgerows or woodlands on or adjacent to the site.
- 16.12. Using the information provided by a tree survey and constraints plan, the development potential of the site can be assessed. Site planning should be seen as a process of assessing various options against the survey and constraints information, in order to provide the best compromise between tree retention and the development potential of the site.
- 16.13. Two buffer zones are important in successfully integrating trees and development. (1) The minimum acceptable distance between trees and proposed structures necessary to avoid unreasonable interference with the use of the site, allowing for future growth of the trees above and below ground. (2) A construction exclusion zone - the minimum distance between trees and construction operations necessary to ensure that the trees survive the development process.
- 16.14. Once the layout has been finalised, an **Arboricultural Impact Assessment, Arboricultural Method Statement** and **Tree Protection Plan** should be prepared in accordance with the current BS 5837, to describe the impact of development on trees and the methods to be used to ensure that retained trees are protected from unacceptable harm.

Planning Conditions

- 16.15. For certain proposals, if a method statement for work affecting trees has not already been submitted, then a condition may be attached to a permission requiring one to be submitted and approved prior to commencement of any operations on site. Such a condition will require adherence to this method statement. Where a method statement is not required, specific conditions may relate to protective barriers, storage of materials, access and other operations potentially damaging to trees. Conditions may also relate to landscaping of the site, including tree planting.

S106 Planning Obligations

- 16.16. Section 106 obligations can include reference to tree related issues, such as retention, management or enhancement either within the site or within the immediate locality.

Tree Preservation Orders

- 16.17. A Tree Preservation Order (TPO) may be made before or after determining a planning application. The expediency of serving a TPO will be considered on the basis of the public amenity value of the tree(s) in question, and the level of threat the tree(s) is subject to. Tree Preservation Orders will be applied to individual trees, groups of trees or woodlands as appropriate.

17. Flood Risk Management and Sustainable Urban Drainage

- 17.1 Planning Policy Wales (paragraph 13.2.4) states that ‘Development proposals should seek to reduce, and certainly not increase, flood risk arising either from river and / or coastal flooding or from additional run-off from development in any location’.
- 17.2 Welsh Government Technical Advice Note 15 (Development and Flood Risk) identifies that ‘Built development such as roads, pavements, and roofing, tends to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. This has the effect of reducing the time it takes for precipitation to enter the watercourse and consequently increasing the peak discharge. SuDs can perform an important role in managing run-off from a site and should be implemented, wherever they will be effective, in all new development proposals’.
- 17.3 Section 27 (Sustainable Development) of the Flood Water and Management Act 2010 gives Lead Local Flood Authorities (LLFA / Cardiff Council in this instance) a duty to aim to make a contribution towards the achievement of sustainable development.
- 17.4 The Welsh Government has published new standards and guidance for sustainable drainage serving new developments in Wales through its document: ‘Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems’ (January 2016).
- 17.5 This chapter of the Planning Obligations SPG is supplementary to Local Development Plan Policies:
- EN10: Water Sensitive Design
 - EN11: Protection of Water Resources
- 17.6 Additional guidance will be provided through the [Cardiff xxx SPG](#).

Infrastructure Provision / Mitigation

Development Type	Provision / Mitigation Sought
All development types	<p>The submission of information in support of a planning application to enable its impact on rainwater management to be properly assessed.</p> <p>Where the need arises as a result of a proposed development, the integral design and implementation of a scheme of rainwater / surface water management measures incorporating SuDs principles that seek to achieve:</p> <ul style="list-style-type: none"> ■ The sites runoff rates prior to development on greenfield sites ■ The ‘betterment’ (reduction) in runoff rates on brownfield sites (previously developed land).
	Flood mitigation measures and / or coastal defence works (where the need arises as a result of a proposed development).

Key Principles

Sustainable Urban Drainage Systems (SuDs)

- 17.7 SuDS (Sustainable Drainage Systems) is a broad term that describes an approach to rainwater / surface water management, with the aims of ensuring the stability and durability of drainage systems, protecting and enhancing the environment, improving water quality and reducing damage from flooding.
- 17.8 SuDS can be used in a variety of different ways to reduce the amount of rainwater that is discharged from a site and to slow down the water that is discharged. Through onsite management, development proposals should seek to equal (or in the case of previously developed land better) the sites runoff rates prior to development.
- 17.9 As with natural rainwater catchments, SuDS can use a combination of drainage techniques to control flows and volumes as well as treating surface runoff. This principle is referred to as a 'treatment train', where runoff has to pass through various treatment stages before infiltrating into the ground, or being released into a watercourse. By attenuating, storing and infiltrating surface water within individual SuDS components, runoff volumes and flow rates can be controlled, which reduces the need for large storage facilities at the end of a system.
- 17.10 SuDS systems can be incorporated into a range of developments, from single dwellings to large scale sites. The appropriate application of a SuDS scheme to a specific development will be dependent upon a series of factors, including the layout, topography and geology of a site and its surroundings.
- 17.11 SuDS systems should be designed to ensure that operational and maintenance requirements are economically proportionate.

Flood Mitigation Measures

- 17.12 TAN 15's Development and Flood Risk Development Advice Map sets out those areas of the city have been identified as being susceptible to flood risk from tidal, fluvial, surface water and groundwater sources. In order for development proposals to be acceptable within these areas, developers will be expected to carry out a Flood Consequence Assessment (FCA) to evaluate the extent of risk and ensure no unacceptable development occurs within the flood risk area identified. An FCA will identify whether there is a need to incorporate environmentally and visually sympathetic flood mitigation measures into development proposals, which need to be planned in a comprehensive manner.

Types of SuDs Provision and Mitigation

- 17.13 There are a range of different SuDS systems, which be used either individually or in combination, these include:

Source Control:

- Permeable paving
- Green roofs
- Infiltration basins
- Infiltration trenches
- Soakaways

Transportation Systems:

- Filter drains
- Swales

Passive Treatment:

- Filter strips
- Detention basins
- Retention ponds
- Wetlands
- Tree planting

Drainage Hierarchy

17.14 When considering SuDS proposals, the following drainage hierarchy should be followed:

- a) Use infiltration techniques in suitable areas;
- b) Provide attenuation with discharge to a watercourse;
- c) Provide attenuation with discharge to a surface water sewer (drain);
- d) Provide attenuation with discharge to a combined sewer (drain).

Incorporating SuDS into a Development Proposal

- 17.15 The integration of SuDS should be considered from the outset of a development proposal and form an integral part of the design of a site. For larger sites, it is recommended that SuDS proposals form part of pre-application discussions, so that conceptual designs can be agreed prior to more detailed design work being undertaken.
- 17.16 Developments will need to consider the protection of open sections of open or culverted watercourses in accordance with the Council's 'Policy Regarding Culverts' document. A corridor of open land should be provided on both sides of a watercourse in order to maintain a flood channel and to provide environmental features.
- 17.17 Most larger developments will have some provision for landscaping and these areas can also be used to locate certain SuDS features. In sites with more limited space, methods such as permeable surfaces, tree planting and rainwater harvesting can form part of the SuDS approach without the need for additional land requirements.
- 17.18 For large scale proposals, developing a masterplan / layout should start with a consideration of the natural water flow paths across the site and associated ground conditions at a drainage catchment scale. Proposed layouts should, as far as possible (taking account of other constraints and development requirements), provide surface routes that replicate and / or improve existing natural flow paths. Water should be allowed to soak into the ground wherever possible if the ground conditions and situation are suitable.
- 17.19 SuDS features and in particular surface features need to ensure that whilst they are designed to be attractive, unobtrusive and safe, they also need to function correctly. It is therefore recommended that design teams include both a landscape architect and a suitably qualified / experienced SuDS engineer.
- 17.20 Formal functional Open Space (refer to Chapter 5) should not be located within areas that form part of a SuDS system.

Pre-Application Stage

- 17.21 At the pre-application stage, it is recommended that the following information be submitted:
- a) The identification of fluvial constraints on the site.
 - b) A site layout, with a SuDS concept design showing the individual components and how they are likely to be connected together. This can be in the form of a sketch diagram, as opposed to an engineering or landscape drawing.

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- c) A description of the likely bedrock and superficial geology below the site, details of which can be viewed (free of charge) online at the British Geological Survey website: www.bgs.ac.uk.
 - d) A description of the existing topography of the site and natural or existing surface water drainage flows.
 - e) The proposed destination for the surface water,
 - f) An explanation of how the proposed SuDS will provide (as appropriate); interception, attenuation to greenfield / existing runoff rates, long term storage and amenity / biodiversity benefits. (For smaller sites, this explanation can be included on the SuDS diagram).

Planning Application Stage

17.22 The following SuDS information should be submitted in support of a planning application:

- a) A diagram of the proposed scheme showing the outline design of SuDS for the site. This should show where areas drain to, the flow routes for water through the system, where water will be stored and the volume of storage provided for the design rainfall event, the location, capacity and details of flow controls and the discharge point. Exceedance routes should also be indicated and explained;
- b) The identification of open or culverted sections of watercourse and how these will be incorporated into the development.
- c) A description of likely bedrock and superficial geology below the site;
- d) A description of existing topography of the site and natural or existing surface water drainage flows and how these have been allowed for in the design;
- e) The proposed destination for the surface water (refer to drainage hierarchy at paragraph 17.14):
 - If discharging surface water via infiltration, the developer will need to provide evidence that the site is suitable. This will require a site investigation including infiltration tests;
 - If discharging surface water to a watercourse, the developer will be required to provide evidence of the restriction of flows to relevant Greenfield or brownfield rates.
 - If discharging surface water to a public sewer, developers will be required to provide evidence of the integrity and that available capacity exists in the public sewerage network to serve their development in the form of written confirmation of acceptance from Dwr Cymru Welsh Water.
 - If discharging surface water to a private sewer, developers will be required to provide evidence of the integrity and that available capacity exists in the private sewer to serve their development, including calculations and written confirmation from relevant landowners.
- f) Landscaping plans for any open surface features showing how they are integrated into the overall landscape design for the development;
- g) A health and safety checklist for the scheme;
- h) Details of how interception losses are provided through the provision of SuDS techniques;
- i) Supporting calculations to demonstrate the SuDS system has sufficient capacity;
- j) Supporting justification for the SuDS components proposed within the system;
- k) An explanation of any amenity and biodiversity provision within the system and the basis for the design of these aspects.

Management and Maintenance

- 17.23 The successful performance of SuDS depends not only on good design, but also on its management and maintenance, which should be considered from the outset of a proposal. The Council will need to be satisfied both that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing maintenance of the SuDS over the lifetime of the development. Within this context there are a range of options. Section 106 agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms and can be used to require the payment of commuted sums or other provisions. The appropriate responsible party to maintain and operate the SuDS component(s) will be evaluated on a site by site basis.
- 17.24 Developers will be expected to make satisfactory arrangements for the future management and maintenance of SuDS. This should be considered from the outset of a proposal through early engagement with the Council and Dwr Cymru Welsh Water.

Adoption

- 17.25 For a SuDS to be adopted, the Council would require it to be laid out to satisfactory standards (as identified in the Cardiff xxx SPG), this would require payment and a legal agreement backed up by the deposit of a repayable performance bond in respect of the construction or laying out and maintenance of the SuDS for a specified period. Following the expiration of the bond period, the Council may require the right for it or the adopting body to access and maintain the adopted asset instead of transferring the asset.
- 17.26 The 1 year maintenance period will commence on the date the laying out works are certified complete in their entirety by the Council's Drainage Division. The maintenance work will be carried out in accordance with an approved specification. Failure to maintain the SuDS to the relevant standard will result in the maintenance period being extended.
- 17.27 The process for the transfer of the SuDS to the Council will only commence on the satisfactory completion of a 1 year maintenance period as determined by the Drainage Division. The developer will continue to be responsible for the maintenance of the SuDS to the specified standards until the transfer is complete and the commuted capital sum has been paid to the Council.

Commuted Maintenance Sums

- 17.28 Commuted maintenance sums will reflect the size and type of the SuDS provision and the nature of any infrastructure provided within it. This will be calculated at detailed design stage, once the design of the SuDS has been agreed in writing by the Council. Any commuted sum calculated at an earlier stage, will form an estimate only and will be updated at detailed design stage.
- 17.29 It is recommended that developers discuss the SuDS requirements for their development and the associated commuted capital sum payments with the Council's Drainage Division with whom the payment must be agreed in advance of a final planning application, i.e. at pre-application stage.
- 17.30 The payment of commuted capital sums is likely to be secured by way of a planning obligation under Section 106 of the 1990 Town & Country Planning Act

Transfer of SuDS

- 17.31 The Developer will be expected to provide a completed Operational / Maintenance Manual and be responsible for providing all necessary information and documentation to execute the legal transfer of the SuDS to the Council and paying the Council's reasonable costs. Developers will be responsible for maintaining the SuDS until the legal proceedings have been completed.

Management Companies

- 17.32 Where it has been agreed between the Council and the Developer / Owner of a site that maintenance will be carried out by an organisation other than the Council, the following information will need to be provided to and approved in writing by the Council:
- An appropriate Management Plan and Service Charge Regime in relation to the maintenance of the SuDS, which shall include proposals for default in the event of such management scheme failing to become operational or being properly maintained in perpetuity,
 - Details of a named Management Company and a manager responsible for liaising with the Council and owners / occupiers of the Dwellings,
 - Demonstrate to the Council that the management company has sufficient financial standing to perform the obligations required to maintain the SuDS,
 - Provide to the Council a copy of the Certificate of Incorporation and the Memorandum and Articles of Association of the Management Company,
 - Specify arrangements including 'step in' rights for the Council whereby in the event of the Management Company defaulting in its maintenance obligations, that the Council will be able to obtain the necessary funds from the site owners or their nominee and arrange for maintenance to be carried out.

18. Development Viability

- 18.1 Developers will be expected to provide, pay for, or contribute towards mitigation measures and infrastructure provision where the need arises as a result of their proposed development. It is recognised however that there may be occasions where development proposals are unable to meet all the relevant policy requirements whilst still remaining viable.
- 18.2 Planning obligations are negotiated between the Council and developers on a case by case basis. Where developers believe that viability is an issue, applicants will need to submit an 'open book' viability appraisal to the Council in accordance with the below checklist, setting out how they are not able to meet the full policy requirements (including the amount and tenure of affordable housing) deemed necessary to be secured through a Section 106 agreement and / or any payable CIL charges.
- 18.3 The Council will seek independent verification to review the financial appraisal which has been provided (the cost of which will be met by the applicant). The application will then be considered against the potential under provision or delayed provision of infrastructure (including affordable housing).
- 18.4 Based on independent financial viability findings and other evidence, planning obligations may potentially be deferred / phased, or discounted (as identified below)-

Deferred timing / phasing of planning obligations

- 18.5 This option would be explored first before seeking to reduce the quantum of contributions. The following may be considered to be justifiable, depending on the viability evidence:
- The provision of site specific infrastructure (including affordable housing) in phases, with some on commencement and some at a specified later trigger point.
 - Deferral of financial payments due under a planning obligation to a later stage of development.

Reduced quantum of planning obligation contributions

- 18.6 Any reduction in contributions would be to the minimum necessary to make the scheme financially viable. The Council would need to determine whether a development would still be acceptable in planning terms with a reduced level of contribution(s).

Appendix 1: Residential Viability Appraisal Checklist

1. Overview of Development Proposal		✓
➤ Brief description of the proposed development / redevelopment	Including site area (ha), development details and reasons why the applicant considers there is an economic case for lower levels of contributions / affordable housing than those sought.	
➤ Address and site location plan	With a site boundary plan including the GROSS site area (in hectares/acres) and NET development area (in hectares/acres)	
➤ Total Number of Dwellings.	Type, square metre size, number of beds and mix, including proposed number, type, size and mix of Affordable Housing.	
➤ Total Gross Internal Area	Calculated in accordance with the RICS code of measuring practice to the new buildings to be built/converted/refurbished (in square metres/square ft).	

2. Details of Current Use of the Site and Planning Uses		✓
➤ Current use planning approval number.		
➤ Current planning use type.		
➤ Site Acquisition Cost:	Include details on stamp duty, VAT etc	
➤ Current value of site for existing planning use/Benchmark Land Value	Supported by professional evidence and assessment at the date of the appraisal.	

3. Development Revenues		✓
➤ Market Values.	Market values of sale units (per unit or by size of unit per sqm basis) with total revenue for the whole site. Please include a summary sales specification and indicate the car parking (number and type) to be provided per unit; also include details of ground rents, service charges.	
➤ Sales Revenues	For other mixed-use elements with calculation to give capital values including rental stream and yields used.	
➤ Sale of Affordable Housing units	The affordable housing payments to be made	
➤ Value of around rents / leases		
➤ Service charge information		
NB. All sales information should be supported by professional evidence of values for comparable units in the area of the development, for independent verification on a unit-by-unit basis (e.g. 1 bed 2 person flat with balcony, view, car space etc.).		

4. Development Costs		✓
➤ Build Costs	Building Cost of units, with detailed cost plan to support the headline costs being used.	
➤ Site infrastructure costs / external works	I.e. roads, sewers, services, highways/access, landscaping, connections etc.	
➤ Abnormal Costs (if applicable)	With supporting professional evidence.	
➤ Contingency sum or percentage.		

4. Development Costs (Continued)			✓
➤ Development Costs.	Professional fees identified by specialism together with supporting information of appointment.		
This should include:	% of:		✓
- Professional Fees	Base build cost		
- Agency & Marketing (Open Market Housing)	GDV		
- Agency & Marketing (Affordable Housing)	GDV		
- Agency & Marketing (Commercial development)	GDV		
- Legal costs associated with disposals	% GDV or £'s per unit		
- Finance – Debit interest	Borrowing		
- Finance – Credit interest	Any development surplus		
- Developer's return (profit) for open market housing	GDV or cost		
- Developer's return (profit) for commercial development	GDV or cost		
- Other (please specify)			

4. Development Costs (Continued)			✓
➤ Other costs.	Planning fees, site investigations, building reg fees, NHBC etc.		
➤ Off Site Works	If relevant.		
➤ S106 allowances.	Commutated sum contributions for all Planning Obligations, other than AH, with brief summary of item. (See Planning Obligations SPG for guidance)		
➤ CIL allowances	CIL sum contributions		
➤ Finance Costs	Cost of financing scheme over development period including funding fees giving interest rate assumptions based on monthly costs; include details of total development period, construction period for the development and the sales period for the development		
➤ Profit	Anticipated profit margin / return(s) i.e. Profit on cost / revenue		
➤ Residual land valuation	Anticipated land value based on a residual valuation approach.		
NB. Please provide evidence to support costing. This should include detailed breakdown of costs provided by appropriate professionals and a method statement of how costs have been calculated. Any provisional sums should be clearly shown. Figures for comparable schemes should also be supplied.			

4. Other Information Required			✓
➤ Most recent scheme plan	Relating to planning application and updates.		
➤ Cash flow data.	Provide the full cash flow for the scheme		

Appendix 2: Consultation on the Draft Planning Obligations SPG

Consultation on the Cardiff Planning Obligations SPG was undertaken between 8th September and the 20th October 2016. A press notice was placed in a local newspaper on Wednesday 7th September 2016. Copies of the draft guidance was placed in all Cardiff libraries and at County Hall Reception. The draft guidance was also published on the Council website. Letters notifying that consultation was being undertaken on the draft guidance were sent to all Councillors, the Welsh Government, Community Councils in Cardiff and any interested persons and the following organisations known to have general interest in planning in Cardiff or a potential interest in this guidance:

- Alder King
- Alternatives for Transport
- AMEC Environment & Infrastructure UK Limited
- Arts Council of Wales
- Arup
- Asbri Planning Ltd
- Associated British Ports
- Association of Inland Navigation Authorities
- Atkins
- Austin-Smith: Lord
- Baker Associates
- Barton Willmore
- Bellway Homes (Wales Division) Ltd
- Biffa
- Bilfinger GVA
- Black Environment Network
- Blake Morgan LLP
- BNP Paribas Real Estate
- Bovis Homes
- Boyer Planning
- Bristol City Council
- Bryant Homes (South West)
- BT Group plc
- Business in the Community Wales
- C2J
- Cadwyn Housing Association
- Caerau and Ely Communities First
- Caerphilly County Borough Council
- Campaign for the Protection of Rural Wales
- Cardiff & Vale Parents Federation
- Cardiff & Vale University Health Board (UHB)***
- Cardiff Access Group
- Cardiff Against the Incinerator
- Cardiff Bus
- Cardiff Bus Users
- Cardiff Civic Society
- Cardiff Community Housing Association
- Cardiff Cycling Campaign
- Cardiff Ethnic Minority Elders
- Cardiff Greenpeace
- Cardiff Heliport
- Cardiff International Airport Ltd.
- Cardiff Local Access Forum
- Cardiff Metropolitan University
- Cardiff Naturalists
- Cardiff Pedestrian Liberation
- Cardiff Transition
- Cardiff University
- Cardiff West Communities First
- Carolyn Jones Planning Services
- CDN Planning
- Celsa Manufacturing (UK) LTD
- Cemex Uk Operations Ltd
- CFW Architects
- CGMS Consulting
- Chartered Institute of Housing in Wales
- Chichester Nunns Partnership
- Chris Morgan
- Chwarae Teg
- Civil Aviation Authority
- Coal Authority
- Coleg Glan Hafren
- Communities First Adamsdown
- Community Housing Cymru
- Community Land Advisory Service Cymru
- Confederation of British Industry
- Confederation of Passenger Transport
- Connections Design
- Country Land and Business Association
- CSJ Planning Consultants
- Danescourt Community Association

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- David Lock Associates***
 - Davies Sutton Architects
 - DavisMeade Agricultural
 - Derek Prosser Associates
 - Design Circle RSAW South
 - Design Commission for Wales
 - Development, Land & Planning Consultants Ltd
 - Disability Arts Cymru
 - Disability Wales
 - DLP Consultants
 - DPP Cardiff
 - Drivers Jonas
 - DTB Design
 - DTZ
 - Dwr Cymru Welsh Water***
 - Edenstone Homes
 - Equality and Human Rights Commission
 - Ethnic Business Support Project
 - Federation of Small Businesses
 - First City Limited
 - FirstGroup plc
 - Firstplan
 - Forestry Commission Wales
 - Freight Transport Association
 - Friends of Nantfawr Community Woodland
 - Fulfords Land & Planning
 - G L Hearn
 - G Powys Jones MSc FRTPI
 - Garden History Society
 - Geraint John Planning Ltd
 - GL Hearn Ltd
 - Glamorgan - Gwent Archaeological Trust Ltd
 - Glamorgan Gwent Housing Association
 - GMA Planning
 - Graig Community Council
 - Graig Protection Society
 - Great Western Trains Company Limited
 - Grosvenor Waterside
 - GVA
 - GVA Grimley
 - H O W Commercial Planning Advisors
 - Hafod Housing Association Limited/ Hafod Care Association Limited
 - Halcrow
 - Hammonds Yates
 - Harmers
 - Heath Residents Association
 - Herbert R Thomas LLP
 - Home Builders Federation***
 - Hutchinson 3G UK
 - Hyland Edgar Driver
 - Hywel Davies
 - Interfaith Wales
 - Jacobs Babtie
 - Jeremy Peter Associates
 - JLL
 - John Robinson Planning & Design
 - John Wotton Architects
 - Jones Lang LaSalle
 - JP Morgan Asset Management
 - Keep Wales Tidy
 - Kelly Taylor & Associates
 - Kingsmead Assets Limited
 - Knight Frank
 - Landscape Institute Wales
 - Level Ltd
 - Linc-Cymru
 - Lisvane Community Council
 - Llandaff Conservation Group
 - Llandaff Society
 - Lovell Partnership
 - Loyn & Co Architects
 - LUC
 - Madley Construction
 - Mango Planning and Development Limited
 - Marshfield Community Council
 - Martin Robeson Planning Practice
 - McCarthy & Stone (plc)
 - McCarthy and Stone (Western Region)
 - Meadgate Homes Ltd
 - Mineral Products Association
 - Morgan Cole
 - Mott MacDonald
 - Nathaniel Lichfield and Partners***
 - National Youth Arts
 - Natural Resources Wales***
 - Neame Sutton
 - Network Rail***
 - Network Rail Infrastructure Ltd
 - Newport City Council
 - NFU Cymru
 - North West Cardiff Group

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- Novell Tullet
 - O2 UK
 - Oakgrove Nurseries
 - Old St Mellons Community Council
 - Orange
 - Origin3
 - Pantmawr Residents Association
 - Peace Mala
 - Peacock & Smith
 - Pegasus
 - Pentyrch Community Council
 - Persimmon Homes***
 - Peterson Williams
 - Peterstone Community Council
 - Phillippa Cole
 - Planning Aid Wales
 - Planning Potential
 - Police & Crime Commissioner
 - Powell Dobson
 - Powergen
 - Prospero Planning
 - Quarry Products Association
 - Quinco
 - Race Equality First
 - Radyr & Morganstown Association
 - Radyr and Morganstown Community Council
 - Radyr and Morganstown Partnership and Community Trust (PACT)
 - Radyr Farm
 - Radyr Golf Club
 - Rapleys
 - Redrow Homes (South Wales)
 - Reeves Retail Planning Consultancy Ltd
 - Renplan
 - Reservoir Action Group (RAG)
 - Rhiwbina Civic Society
 - Rhondda Cynon Taf County Borough Council
 - RICS Wales
 - Rio Architects
 - Riverside Communities First Team
 - Robert Turely Associates
 - Roberts Limbrick
 - Robertson Francis Partnership
 - Royal Commission on the Ancient & Historical Monuments of Wales
 - Royal National Institute for the Blind
 - RPS Group Plc***
 - RSPB Cymru
 - Save Creigiau Action Group
 - Savills
 - Savills (Cardiff)***
 - Scope Cymru
 - Scott Brownrigg
 - Sellwood Planning
 - Shawn Cullen
 - SK Designs
 - SLR Consulting
 - South Wales Chamber of Commerce Cardiff
 - South Wales Police Crime Prevention Design Adviser
 - South Wales WIN
 - Splott and Tremorfa Communities First
 - Sport Wales
 - SSE Energy Supply Ltd
 - St Fagans Community Council
 - Stedman Architectural
 - Stewart Ross Associates
 - Stonewall Cymru
 - Stride Treglown Town Planning
 - Stuart Coventry Scott Wilson
 - Sullivan Land & Planning
 - Sustrans Cymru
 - SWALEC
 - Taff Housing Association
 - Tanner & Tilley
 - Taylor Wimpey
 - Terry Nunns Architects
 - The 20th Century Society
 - The Boarding Centre Ltd
 - The Design Group 3
 - The Georgian Group
 - The Institute of Cemetery and Crematorium Management
 - The Land Mark Practice
 - The Planning Bureau
 - The Royal Town Planning Institute
 - The urbanists
 - The Victorian Society
 - The Wildlife Trust of South & West Wales
 - Theatres Trust
 - T-Mobile (UK) Ltd
 - Tongwynlais Community Council

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- Torfaen County Borough Council
 - Turley Associates
 - United Welsh Housing Association
 - Urban City Ltd
 - Urdd Youth Group
 - Velindre NHS Trust Corporate Headquarters
 - Virgin Media
 - Vodaphone
 - Wales & West Housing Association
 - Wales Council for Voluntary Action
 - Wales Women's Aid
 - Watts Morgan
 - Welsh Ambulance Services NHS Trust - South East Region
 - Welsh Government
 - Welsh Government - Economy Skills and Transport Division
 - Welsh Language Commissioner
 - Welsh Language Society
 - Welsh Tenants Federation Ltd
 - Wentlooge Community Council
 - White Young Green Planning
 - Wimpey Homes
 - Wyevale Garden Centres Ltd.

Comments specifically or generally relevant to the draft guidance were received from the above consultees indicated ***.

Appendix 3: Consultation Representations and Responses

No.	Summary of Comments	CCC Response	Amendment to SPG
1	<u>SPG General Comment.</u> Generally welcome the SPG. Consider it is important to note that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms.	This is referenced at paragraphs 1.1.4 and 1.2.4.	No Change.
2	<u>SPG / Cardiff Infrastructure Plan.</u> Consider that it is important that the SPG is, as far as possible, consistent with the LDP Infrastructure Plan and site-specific masterplan frameworks. It is unclear how the SPG relates to the Infrastructure Plan and the likely obligations and contributions to be secured from the development of the Strategic Sites. This should be clarified in the SPG.	Strategic Site schematic frameworks have been incorporated into the Adopted LDP as Policies KP2A-H (Strategic Sites), to which the Planning Obligations SPG is supplementary. The Infrastructure Plan sits alongside the LDP and is informed by the relevant LDP policies and associated SPG's.	New paragraph added at 1.3.7 referencing LDP Policies KP2A-H. New paragraph added at 1.3.11 referencing the Cardiff Infrastructure Plan.
3	<u>Chapter 7 (Schools and Education), Para 7.20.</u> No explanation is provided as to why 'residential land value' should be assumed for purchasing a site for a school. It would be more appropriate and in accordance with Circular 13/97 that paragraph 7.20 is amended to 'the equivalent existing use value'. The paragraph should be amended to the following wording 'equivalent existing use value'.	It needs to be recognised that the purchase price of an area of land may be greater than its 'existing use', e.g. where it has a planning consent or is an area of land identified in the LDP as allocated for an alternative use.	Paragraph 7.20 amended to reference 'equivalent land value purchase price'.
4	<u>Chapter 3 (Transportation and Highways) Para 3.2.</u> No reference to developer contributions being used towards improving rail infrastructure or rail facilities. Major new developments place strain upon customer facilities available at stations.	LDP Policy KP7 identifies that planning obligations will be sought to mitigate any impacts directly related to a development and will be assessed in line with Planning Policy Guidance. Paragraph 3.20 of the SPG identifies that infrastructure provision / mitigation may include local 'facilities to enable efficient interchange between modes'.	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
5	<u>Chapter 3 (Transportation and Highways)</u> Reference should be included within the SPG to identify that financial contributions will be sought from developers towards the replacement of level crossings with over bridges, where increased usage from a major development would have a detrimental impact upon the safety of pedestrians and / or vehicles using the level crossing.	The local transport impacts of a proposed development and associated mitigation measures would be identified / considered through a Transport Assessment on a site by site basis.	No change.
6	<u>SPG / Cardiff Infrastructure Plan.</u> Infrastructure that relates to more than one 'strategic site' should be apportioned on a pro-rata basis to each site and considered within the scope of the CIL R122 legal tests (necessary / directly related / fairly and reasonably related in scale and kind).	Planning applications are considered / determined with regard to relevant legislation and policy context, having regard to all material factors.	No change.
7	<u>Chapter 2 Affordable Housing.</u> The SPG should make it clear that the exact affordable housing contribution to be provided will depend on the circumstances of each proposal, particularly overall scheme viability and be possibly subject to an appropriate viability assessment.	Development Viability is not an issue that is solely applicable to Affordable Housing. Chapter 18 – Development Viability covers these points raised in relation to scheme viability.	No change.
8	<u>Chapter 7 Schools and Education.</u> The SPG should recognise and note that schools can be provided through on-site provision, contribution through land and contributions from other developers/developments.	This is addressed in the infrastructure provision table at Chapter 7.	Paragraph 7.5 amended to provide further clarification.
9	<u>Chapter 9 Primary Healthcare Facilities.</u> The SPG should acknowledge that the funding of doctors' surgeries is undergoing change and recognise that they operate as independent businesses.	The Planning Obligations SPG seeks to provide floor space provision for primary healthcare facilities for strategic sites where the need arises as a result of the proposed development.	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
10	<p><u>Chapter 9 Primary Healthcare Facilities.</u> The Cardiff and Vale University Health Board is responsible for the provision of local primary healthcare (GP practices, dentists, optometrists and community pharmacists) and community health (e.g. district nursing, health visiting, podiatry, physiotherapy, audiology). We request that the title of the chapter be amended to Primary and Community Healthcare Facilities and the description amended at para 9.3.</p>	Noted.	Amendment made to chapter title and description at paragraph 9.3.
11	<p><u>Chapter 9 Primary Healthcare Facilities.</u> Para 9.2. This section suggests that mitigation will only be sought from sites of 500 or more dwellings. We would urge that developer contributions be sought from developments of 50+ dwellings.</p>	This issue has been considered. The thresholds identified have taken account of how floorspace provision is calculated (GP to patient ratio of 1:1800) and policy guidance / regulations provided through Welsh Office Circular 13/97 (Planning Obligations) and the CIL Regulations 2010 (as amended, inc Regs 122 and 123).	No change.
12	<p><u>Chapter 9 Primary Healthcare Facilities.</u> A model for the delivery of community healthcare floor space requirements has recently been completed and we would seek that an additional 0.031sqm per person be added to floor space calculations to accommodate this requirement.</p>	Contributions sought need to be reasonable, necessary and directly related (the 3 tests) to a proposed development. Within this context, the provision of 0.096sqm per person established through the preparation of the LDP Infrastructure Plan is considered appropriate, recognising the balance between facilities that cater for a proposed development and those services which may also be used by the wider population.	No change.
13	<p><u>Chapter 9 Primary Healthcare Facilities.</u> An assessment of the capacity of nearby health centres will be undertaken and developer contributions will be sought where local facilities cannot meet the projected demand.</p>	As assessment of GP premises was undertaken as part of the preparation of the LDP Infrastructure Plan and has informed the level of contribution sought from Strategic Sites. This would be reviewed as applications are received.	No change.

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14	<p><u>Chapter 9 Primary Healthcare Facilities.</u></p> <p>The UHB is committed to delivering services from shared use facilities as stated in Chapter 8 (Community Facilities) Para 8.11. We recommend that a similar comment is explicitly made within Chapter 9 and cross referenced to Chapter 8.</p>	Noted.	New paragraph 9.7 added relating to shared community facilities.
15	<p><u>Chapter 9 Primary Healthcare Facilities.</u></p> <p>It should be noted that calculations for community healthcare facilities does not incorporate requirements for delivering group education sessions. It is assumed that activity rooms in shared use facilities could be used for such group activity.</p>	Noted.	No change.
16	<p><u>Chapter 2 Affordable Housing, Para 2.11.</u></p> <p>Although this paragraph does provide flexibility for tenure mix to be negotiated on each site, it would be helpful in terms of providing clear and equal advice to developers if it were to define the preferred tenure mix by a percentage split whilst retaining the flexibility to negotiate.</p>	<p>Each site / scheme will be negotiated on a case-by-case basis including the tenure of the affordable housing.</p> <p>The appropriate tenure will be agreed with regard to the site specifics which will vary from site to site.</p> <p>In view of the above it is not considered appropriate to specify a tenure mix.</p>	No change
17	<p><u>Chapter 2 Affordable Housing, Para 2.23.</u></p> <p>DQR standards are currently only a requirement of the grant approval for SHG and not required by legislation so affordable housing which does not receive grant should not be required to comply with DQR standards. This paragraph should be reworded to only require DQR standards on affordable housing which is provided using SHG.</p>	<p>Development Quality Requirements (DQR) is considered to be the reference for best practice for the development of affordable housing.</p> <p>By negotiating and delivering affordable units that meet DQR, the Council is ensuring that well designed, good quality and sustainable housing is being provided for tenants both now and in the future.</p> <p>In view of the above, the building of affordable rented housing will continue to be sought to DQR standards.</p>	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
18	<u>Chapter 3 Transportation and Highways, Para 3.13 and 3.20.</u> A statement should be included that clarifies that contributions will not be included for any items on the Council's R123 list should a CIL be adopted.	This is identified in Chapter 1, at sections 1.4 and 1.5.	No change.
19	<u>Chapter 3 Transportation and Highways, para 4.13.</u> The requirement to construct to an adoptable standard is not a 'financial consideration' and should be dealt with under a separate heading. In addition, if the requirement is to construct to adoptable standards then there should also be wording to confirm that the Council will consider adopting the works following completion.	Noted. Paragraph move to Key Principles section of the chapter. Adoption would be considered on a site-by-site basis. No change proposed.	Paragraph ordering amended.
20	<u>Chapter 5 Provision of Functional Open Space.</u> Para 5.10 is repeated at Para 5.32, it is not considered necessary to have it twice in the same section of the document.	This is a key issue in the provision of functional open space and is therefore considered appropriate to reference in the introductory section of the chapter.	No change.
21	<u>Chapter 5 Provision of Functional Open Space.</u> Para 5.15 includes SuDs in the list of exclusions, but it is included in Para 5.13 and 17.16. The guidance is currently confusing and should be amended.	Noted. Paragraphs amended to reflect that engineered Suds features that do not serve a recreational function are excluded.	Paragraphs amended to reflect that engineered Suds features that do not serve a recreational function are excluded.
22	<u>Chapter 5 Provision of Functional Open Space.</u> Para 5.32 is contradicted by Para 5.33 as paragraph 5.32 suggests developers are responsible for making satisfactory arrangements for future management and maintenance, but the paragraph 5.33 indicates that the Council 'may consider accepting areas of functional open space'. The current wording causes confusion and should be amended.	Noted.	Paragraph 5.32 amended to provide clarification.

No.	Summary of Comments	CCC Response	Amendment to SPG
23	<p><u>Chapter 5 Provision of Functional Open Space</u>. Request that additional wording be incorporated to provide flexibility to allow for where a new school's leisure facilities which are open for community use are provided and it can be shown that these facilities are available for use by the general public, that they should be included in the open space calculation for the development. This is supported by TAN16, which advocates the multiple use of such facilities.</p>	<p>Although dual use of recreational facilities between schools and the wider community are welcomed in principle, there has to be certainty that facilities located within a school will be available for community use in perpetuity to allow these to be considered as part of the recreational allocation.</p> <p>At present, there are a number of barriers which prevent this and the current approach is to therefore consider school dual use provision as an 'add-on' to public open space, not a replacement for it</p> <p>FIT guidance also makes it clear that educational open space can only count towards meeting the standard for recreational provision where "authorised community use is secured by written agreement". As no such written agreements are currently in place within Cardiff it is correct to not count educational open space towards the recreational standard.</p>	No change.
24	<p><u>Chapter 7 Schools and Education, Para 7.22</u>. With regard to the words 'consultation under the relevant statutory requirements at the time' additional wording should be added to explain that the Local Authority will be responsible for this. It is not considered appropriate for a developer to be responsible for such a consultation process.</p>	<p>The establishment of any new school would be subject to consideration by the relevant decision making authority (e.g. a Local Authority) and consultation would be undertaken in accordance with the relevant statutory requirements at the time.</p>	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
25	<u>Chapter 7 Schools and Education, Para 7.23.</u> The HBF object to this paragraph. Currently the wording suggests that a developer will have to pay the full cost of a new school even if their development doesn't result in it all the spaces being taken up by the development.	Paragraph 7.5 identifies that contributions sought will relate to the number of pupils expected to be generated by a proposed development.	No change.
26	<u>General Comment.</u> The HBF can find no references to 'claw back' or 'repayment' clauses with regard to financial contributions. The HBF consider that it is normal practise to include such provisions allowing for unspent money to be returned to the developer within a reasonable period of time. The HBF request that the document includes a statement with regard to this issue and sets a maximum period of 5 years (unless an extended period is agreed by the developer) for the repayment of unspent contributions.	Planning obligations may require different timescales for implementation depending on the details of individual applications. It is not therefore considered reasonable nor appropriate to identify an arbitrary clawback provision within this SPG.	No change.
27	<u>General - Planning Obligations / CIL.</u> Broadly supportive of the certainty provided by the aforementioned document, but have concerns when considered in the context of the limitations prescribed by regulation 122 and 123 of the CIL Regulations 2010. We would welcome further information on the anticipated S106 obligation that will be imposed on a typical development and how this will impact on development when considered in the context of the CIL Preliminary Draft Charging Schedule.	The Planning Obligations SPG identifies the types and level of S106 contributions that will be sought where the need arises as a result of a proposed development. Contributions will be sought in accordance with Regulations 122 and 123. CIL charges proposed through the CIL Draft Charging Schedule (DCS) have taken account of the contributions that are sought through the Planning Obligations SPG. The DCS will be considered at independent examination prior to adoption.	No change.

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28	<p><u>Chapter 2 Affordable Housing.</u> Whilst we note the intention of the wording contained in para 2.21, it should be noted that the provisions of the Development Quality Requirements are such that there will be a difference in the external appearance of the open market and affordable units.</p>	<p>Noted. Paragraph 2.21 will be amended to reflect this issue.</p>	<p>Paragraph 2.21 amended to reflect this issue.</p>
29	<p><u>Chapter 2 Affordable Housing, Para 2.11.</u> The suggestion that the tenure will be predominantly social rented has the effect of decoupling supply from the evidenced need and as such, should be reworded to ensure that tenure mix is always linked to evidenced need.</p>	<p>The evidenced need for Cardiff is for predominantly social rented accommodation. Each site / scheme will be negotiated on a case-by-case basis including the tenure of the affordable housing. The appropriate tenure will be agreed with regard to the site specifics which will vary from site to site.</p>	<p>No change.</p>
30	<p><u>Chapter 2 Affordable Housing, Para 2.23.</u> Part 4 of the Housing (Wales) Act 2014 together with sections 33A, 33B and 33C of the Housing Act 1996 permits Welsh Ministers to set mandatory standards for the quality of new, existing and rehabilitated housing where public subsidy is available. This distinction is important as it recognises that the standards imposed by Welsh Ministers should be borne by the Welsh Government i.e. through public subsidy and not by private developers. Insisting on DQR standards for the construction of all social rented housing where public subsidy is not available would represent a departure from that which was intended by the aforementioned legislation. Accordingly, we would request that the Council's intention in respect of the DQR standards reflects and respects the provisions of the Housing Act 1996 and the Housing (Wales) Act 2014.</p>	<p>Development Quality Requirements (DQR) is considered to be the reference for best practice for the development of affordable housing. By negotiating and delivering affordable units that meet DQR, the Council is ensuring that well designed, good quality and sustainable housing is being provided for tenants both now and in the future. In view of the above, the building of affordable rented housing will continue to be sought to DQR standards.</p>	<p>No change.</p>

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31	<p><u>General – Planning Obligations SPG / CIL.</u> We would welcome greater clarification of the relationship between the proposed planning obligations and those identified on the Council’s CIL R123 list so as to avoid potential duplication for: Transportation / Highways, Provision of Functional Open Space and Protection of Open Space.</p>	<p>This issue is addressed at Chapter 1.5, which identifies that site specific infrastructure and mitigation measures will be secured through planning obligations. Upon adoption of CIL a R123 list will be published, which will identify those other local infrastructure and wider strategic infrastructure projects which may be funded either in whole or in part by CIL.</p>	No change.
32	<p><u>Chapter 7 Schools and Education, Para 7.10.</u> Paragraph 7.10 quotes the recommendations of the Audit Commission which states that local planning authorities should plan for a 95% occupancy rate in schools to allow for preference and demand volatility. When viewed in its entirety, it can be seen that para 7.10 does not quote the recommendation of the Audit Commission in full, as the full recommendation reads as follows: ‘a sensible approach would be to plan for a 95% occupancy rate at schools and accept some variation, say plus or minus 10 percent, around this target’. On that basis, we would welcome a more flexible approach, which has regard to the capacities of schools in both the immediate and neighbouring catchments, to reflect the recommendations of the Audit Commission and the impact of parental choice as not all pupils generated by a given development will attend schools within the same catchment.</p>	<p>To both provide the developer with a clear and transparent means of obligation request calculation and in order to treat all developers equitably and consistently, the formula derived for evaluating planning obligations has been made as unambiguous as possible. As a consequence, thresholds have been set, typical yields calculated and school capacity and occupancy evaluated according to set criteria and with defined cut off points. Using 95% as a set threshold value is considered to be fair, reasonable, and clear to all parties and is consistent with the means of setting capacity used by other Local Authorities.</p>	No change.
33	<p><u>Chapter 8 Community Facilities, Chapter 9 Primary Healthcare Facilities and Chapter 10 District and Local Centres.</u> We would welcome greater clarity on the operation of the obligation, given the pooling restrictions imposed by Regulation 123 (Pooling of 5).</p>	<p>With regard to infrastructure provision for each of the strategic sites, this is identified through LDP policies KP2A-H and will be considered within the context of the masterplanning and associated delivery of these sites. The definition, phasing and delivery of infrastructure on a site-by-site basis will be mindful of pooling restrictions under CIL Regulation 123.</p>	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
34	<p><u>Chapter 11 Public Realm, Community Safety and Public Art.</u> The guidance provided in respect of Air Quality Monitoring does not prescribe the process, trigger or methodology for the application of the requirement.</p>	Noted.	Paragraph 11.9 amended.
35	<p><u>Chapter 15 Biodiversity.</u></p> <p>15.22. We suggest the wording of the final sentence is amended as follows:</p> <ul style="list-style-type: none"> • ‘...applicants may need to prepare and submit...’ <p>15.25. We suggest the wording is amended as follows:</p> <ul style="list-style-type: none"> • ‘...the Council recommends the following sequential five point approach...’ <p>15.27. We suggest the wording is amended as follows:</p> <ul style="list-style-type: none"> • Second sub bullet point: ‘Survey material showing the location, distribution and type of trees, hedgerows, water features, streams, drainage ditches and other habitat features’ • Fourth sub bullet point: ‘...such as protected species, Section 7 species...’ • Fifth sub bullet point: ‘The timing of any surveys required for key species and the surveys themselves’ • Final bullet point: ‘...and proposed maintenance regime, and details of the proposed financial provisions to secure delivery of the management regime’ • Additional bullet point: ‘Where appropriate, details of the measures proposed for monitoring habitat and species condition (see Section 15.42 below)’ <p>15.41. We suggest the second bullet point is split into two separate points as follows, as they are, by their nature, very different examples:</p> <ul style="list-style-type: none"> • ‘Planting of woodlands’ • ‘Planting of street trees’ 	<p>15.22 – Noted.</p> <p>15.25 – Agreed that the points should be approached in sequence.</p> <p>15.27 – 2nd bullet noted.</p> <p>15.27 – 4th bullet Amendment not necessary; the phrase ‘such as’ indicates that the list is not exhaustive, and in any case all protected species are likely to fall into one or both of the categories listed</p> <p>15.27 – 5th bullet noted.</p> <p>15.27 – Final bullet, not considered necessary, ‘future management arrangement’ includes financial arrangements.</p> <p>15.27 – Proposed additional bullet point noted.</p> <p>15.41 – Noted.</p>	<p>15.22 – Wording amended.</p> <p>15.25 – wording amended.</p> <p>15.27 – 2nd bullet wording amended.</p> <p>15.27 – 4th bullet no amendment.</p> <p>15.27 – 5th bullet wording amended.</p> <p>15.27 – Final bullet no amendment.</p> <p>15.27 – Additional bullet point added.</p> <p>15.41 – Amended to read planting of woodlands and planting of street trees.</p>

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36	<p><u>Chapter 16 Trees, Woodland and Hedgerow Protection.</u></p> <p>16.3. We suggest the wording of the second bullet point in the 'Infrastructure Provision / Mitigation' table is amended as follows: 'Where features are identified as having significant biodiversity / amenity value...'</p> <p>16.5. We suggest the wording is amended as follows '...Their successful integration into a development depends on the selection of appropriate features for retention / enhancement / extension, informed site design and careful consideration.'</p> <p>16.13. We suggest this section, regarding buffer zones, should be moved to the 'Key Principles' section i.e. after 16.6.</p>	Noted.	Paragraphs 16.3 and 16.5 amended. Paragraph 16.13 retained at current location.
37	<p><u>Chapter 17 Flood Risk Management and Sustainable Urban Drainage.</u></p> <p>We question the relevance of the second box in the 'Infrastructure Provision / Mitigation' table, which states: 'Flood mitigation measures and / or coastal defence works (where the need arises as a result of a proposed development).' The explanatory text in this chapter appears to relate to managing flood risk through SuDS, as opposed to fluvial / coastal flood risk. Therefore we suggest further explanatory text is required to explain the relevance of this second box.</p>	Noted.	Paragraph 17.12 added relating to flood mitigation measures and flood consequence assessments.

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38	<p><u>Introduction, Para 1.1.4.</u> This paragraph implies that the formula set out within the SPG will be applied across the board. This does not take into account the tests set out within Regulation 122 (2) of the CIL Regulations which require that contributions are fair, reasonable, necessary and directly related to the development. Change sought: It is suggested that the paragraph is amended to include wording to the effect that each development will be considered on its individual characteristics and specific needs arising from that development, taking into account capacities and needs within the local area. The pooling restrictions set out within the CIL regulations should also be more prominent at an early stage within the document.</p>	<p>Contributions will be sought with regard to relevant legislation and policy context.</p>	<p>Paragraph 1.1.4 amended to make reference to 'the need arising as a result of a proposed development'. The 'pooling of five' is referenced at paragraph 1.4.3.</p>
39	<p><u>Chapter 2 Affordable Housing. Para 2.7.</u> This relates to student accommodation being classified as a sui generis use, confirming that student accommodation will not be expected to contribute towards affordable housing provision. This is considered to be the correct approach and is supported.</p>	<p>Comment Noted.</p>	<p>None.</p>

No.	Summary of Comments	CCC Response	Amendment to SPG
40	<p><u>Chapter 5 Provision of Functional Open Space.</u> The calculations set out in the SPG make no distinction between the needs arising from student accommodation compared with C3 residential uses. Student accommodation is typically only occupied for 2/3 of the year and universities have their own playing fields, sports facilities and organised events, the demand placed on existing public facilities is therefore not the same as they would be for a residential occupier. It is only Informal Functional Open Space (0.68ha per 1000) that has additional stress placed on it as a result of student accommodation. Change sought: student accommodation calculation reduced to 0.68ha per 1000 people.</p>	<p>A reduced level of contribution is sought from Student Accommodation, as identified at paragraphs 5.8 and 5.26.</p> <p>These figures reflect that a contribution is not sought toward the children's play element and a reduced (half contribution) is sought towards formal functional open space.</p>	No change.
41	<p><u>Chapter 5 Provision of Functional Open Space.</u> Under the CIL Pooling restrictions, it should be made clear that contributions cannot be sought on a generic citywide basis. The Council must identify specific projects or areas of Open Space that need to be improved as a result of the specific development.</p>	This issues are identified in Chapter 1.	No change.
42	<p><u>Chapter 8 Community Facilities.</u> The reference to contributions only being sought where the need arises as a result of a proposed development is welcomed.</p>	Noted.	No change.

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43	<p><u>Chapter 8 Community Facilities Paras 8.7 and 8.13.</u> Paragraph 8.7 makes reference to the definition of Community Facilities, including those run by not for profit organisations including voluntary organisations, community associations and Cardiff Council. Occupiers of student accommodation attend the Universities which are themselves charities. Therefore Community Facilities provided by the universities should be taken into account when assessing capacity and need arising from student accommodation. The universities provide extensive shared facilities for their students. Most PBSA also includes integrated communal facilities within the building which should be factored into the assessment as to whether community facilities should be sought. As a consequence of the above, it is considered that paragraph 8.13 should recognise these factors stating that community contributions on PBSA will only be sought in exceptional circumstances and where justified by site specifics.</p>	<p>It is recognised that students use facilities provided by universities and that some student accommodation developments also make onsite provision. Students do however also make use of a range of other community facilities and an increase in student population will place increasing pressure on such facilities. Consequently, a financial contribution will be sought towards provide new facilities and / or to extend and upgrade existing ones.</p>	<p>New paragraph 8.6 identifying that where a significant element of onsite communal facilities are provided within student accommodation and sheltered or extra care housing developments, a reduced level of contribution will be sought.</p>
44	<p><u>Chapter 9 Primary Healthcare Facilities, Para 9.2.</u> Clarification is sought to confirm that student accommodation is not included within the 'development type' definition set out under para 9.2. The temporary nature of students presence in the city and the fact that PBSA does not necessarily lead to an increase in the student population means that where sites have 500 beds or more are proposed, they should not be included within the requirements for primary healthcare facilities.</p>	<p>Infrastructure provision table amended to identify that student accommodation is excluded from the types of development where contributions would be sought.</p>	<p>Infrastructure Provision table amended to identify that student accommodation is excluded from the types of development where contributions would be sought.</p>

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45	<p><u>Chapter 13 Local Training and Employment.</u> The concern here is that there is not a direct correlation between changes in floor space and the displacement of staff or the need to re-train them. In many cases, where PBSA is proposed, the quality of office floor space to be replaced / lost is poor and has been difficult to let. In addition, there is a large quantity of empty office floor space within the city to which displaced employers can relocate. It is considered that the contributions towards employment and training, specifically for the loss of B1A office accommodation fails the tests set out within Regulation 122. Changes sought: Either B1A should be excluded from the local employment and training contributions or section 13 of the SPG should be deleted in full.</p>	<p>Each application would be considered on a case by case basis. Where employment land and / or premises are under pressure from non-employment uses and it is considered that there still exists an opportunity to make a contribution towards longer term economic development and job retention and growth within an area, developers will be requested to make provision for an appropriate contribution towards bringing forward compensatory employment opportunities.</p>	<p>No change.</p>
46	<p><u>Introduction.</u> In paragraph 1.3.2 it should be specified that Planning Conditions should be used in preference to Planning Obligations where possible.</p>	<p>This issue would be specific to the circumstances of each application.</p>	<p>No change.</p>
47	<p><u>Chapter 2 Affordable Housing Para 2.13.</u> We support Paragraph 2.13, as if there is a service charge for private management of an estate that includes affordable housing units it is reasonable that the affordable units also contribute towards the management arrangements. For example, there may be areas where up to 30% of dwellings are affordable housing units, it would not be fair for the management of these areas to be subsidised by the private residents.</p>	<p>Noted.</p>	<p>No change.</p>

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48	<p><u>Chapter 2 Affordable Housing Para 2.33 and 2.35.</u> Paragraph 2.33 states that where there is evidence of need, specialist and / or older persons housing may be provided as part of the affordable housing contribution subject to agreement on housing need and affordability. This approach is supported, however, it is unclear how this relates to the statement in paragraph 2.35 that where specialist housing is proposed, this will still give rise to an affordable housing requirement.</p>	Noted.	Paragraph 2.35 will be deleted.
49	<p><u>Chapter 5 Provision of Functional Open Space.</u> The provision of open space for new sites should take into account existing levels of provision within the locality, it should not be automatically assumed that there is a deficit in all areas. The standard of 2.43 ha of functional open space per 1,000 population should therefore take into account existing developments and local provision. Planning obligations should only seek contributions where they are necessary.</p>	These issues are already identified at Paragraphs 5.19 and 5.20.	No change.
50	<p><u>Chapter 5 Provision of Functional Open Space, Para 5.17.</u> Object to the exclusion of education playing fields from the calculation of outdoor sports provision (paragraph 5.17) as the potential for dual use of education facilities should not be discounted. This is a position that is supported by Fields in Trust (FIT) guidance¹, in which it recommends that school playing space is made available to the local community out of school hours and during holiday period as an appropriate way of providing sport and recreation facilities within planned developments.</p>	<p>Although dual use of recreational facilities between schools and the wider community are welcomed in principle, there has to be certainty that facilities located within a school will be available for community use in perpetuity to allow these to be considered as part of the recreational allocation. At present, there are a number of barriers which prevent this and the current approach is to therefore consider school dual use provision as an 'add-on' to public open space, not a replacement for it. FIT guidance also makes it clear that educational open space</p>	No change.

		can only count towards meeting the standard for recreational provision where “authorised community use is secured by written agreement”. As no such written agreements are currently in place within Cardiff it is correct to not count educational open space towards the recreational standard.	
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51	<p><u>Chapter 5 Provision of Functional Open Space</u> PPW does not prescribe particular standards of open space provision, instead it recommends that these should be based on the results of an Open Space Assessment process. LPAs are not obliged to follow the FIT standards where there is evidence that there might be justification for a variation in approach. NLP is concerned that the Council is simply basing its requirements on the FIT standards, in particular in relation to formal provision, where evidence exists pointing towards increased demand for informal recreational provision e.g. trim trails, recreation cycle routes etc. This is particularly important within the context of an aging population where demand for recreational space is likely to change in nature. As such, we do not agree with the rigid imposition of minimum standards set out within Paragraph 5.23 as more appropriate mixes of provision are likely to be suitable.</p>	<p>Cardiff’s Functional Open Space standards identified have taken account of existing provision across the city. Historically, there has been an under provision of ‘formal functional open space’ (i.e. sports pitches) which has placed increased pressure on established parks. As identified at paragraph 5.19, provision will be determined on a site-by-site basis.</p>	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
52	<p><u>Chapter 5 Provision of Functional Open Space.</u> The use of occupancy data from the 2011 census will over estimate demand for play space. The latest household projections, published in 2014, indicate that average household size in 2016 is 2.31 persons dropping to 2.26 in 2026 and 2.23 in 2031. Given the LDP timeframe, it is proposed that the POS calculation should be based on the average household size projected for 2026 of 2.26. The occupancy figure per bedroom should also be amended accordingly to reflect actual projected occupation once developments are completed.</p>	<p>The Census is widely regarded as providing the most accurate and authoritative data in relation to population and housing in England and Wales. Census data provides an accurate 'snapshot' in time, whereas the household projections incorporate estimates for intermediate years and are known to become less certain as time passes. The Council consider that the use of Census data is appropriate and no change is proposed.</p>	No change.
53	<p><u>Chapter 7 Schools and Education, Para 7.11.</u> Paragraph 7.11 refers to pupil number assessments looking over a wider area including schools in nearby catchments that are full and for which projections would indicate that excess numbers would be accommodated by schools within the development catchment. Our clients do not consider that it is reasonable to prioritise pupils from outside a catchment area ahead of pupils from a development site within the catchment area. It is not the purpose of Planning Obligations to address existing problems in provision that are not created by the development. Similarly our clients request that the Council should be prepared to do an assessment across a wider area to understand whether any local capacity problems may be arising from the exporting of pupils from adjacent catchments that actually have the capacity to accommodate them.</p>	<p>The SPG sets out the criteria by which contributions will be assessed. Planning obligations, where sought, relate to the needs arising as a result of the proposed development and (where available) would take account of the projected surplus places in local schools.</p>	No change.

No.	Summary of Comments	CCC Response	Amendment to SPG
54	<p><u>Chapter 7 Schools and Education.</u> Paragraph 7.23 makes reference to in kind provision and the minimum size of schools whilst paragraph 7.22 makes it clear that on strategic sites that the 'developer constructs' option will be sought. In circumstances where a new school is provided on site it is possible that a developer might be required to make education provision that meets the future needs of a wider catchment than just their development. There must be a mechanism in place to ensure that this 'over provision' including land inputs can be recaptured by the developer to accord with the legal requirements for seeking Planning Obligations.</p>	<p>This issue would need to be considered in relation to the specifics of individual planning applications having regard to all material factors, including consideration of welsh / English medium and primary / secondary provision as well as subsequent phases of larger developments.</p>	<p>No change.</p>
55	<p><u>Chapter 8 Community Facilities.</u> The Community Facilities floor space requirement figure of 0.32sqm per person requires justification. As with our comment on open space, it is considered that occupancy figures should be based on the best estimate of household size on completion of the scheme (i.e. latest household projections) rather than the 2011 census figures; as currently proposed the SPG over estimates occupation per dwelling.</p>	<p>0.32sqm per person is the established standard of community facility provision in Cardiff. It is considered that 320m² is the appropriate size of community building for 1000 people, as this allows the provision of a range of community activities to meet the different needs within a population. By way of an example, the Council is currently developing the new St Mellons Hub which, upon completion (and in addition to existing facilities) will provide a total floor area of 3323m² for the 10,000 residents of the St Mellons estate. This level of contribution is consistent with that sought through the former Community Facilities and Residential Development SPG (March 2007) which was adopted following consultation.</p>	<p>No change.</p>

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56	<p><u>Chapter 8 Community Facilities.</u> We support the shared use of community facilities set out in paragraph 8.11 and consider that the SPG could be stronger on this point. Whilst the SPG places the onus on the developer to explore potential our experience is that the difficulties often arise in seeking agreement from different Council Departments to share facilities.</p>	<p>Cardiff Council is committed to the principal of multi-use, multi-functional, multi-agency community building, as evidenced by the community hubs development programme.</p>	<p>No change.</p>
57	<p><u>Chapter 9 Primary Health Care Facilities.</u> Our client does not object to the provision of such facilities where there is evidence of need. As with education provision however where it is provided in kind on site there will be a minimum effective scale of provision which might be in excess of that required by the development alone. As a result there must either be a recognition of the scale of over provision (including land costs) in calculating the total s106 contribution or a way of recapturing some of the over provision.</p>	<p>This issue would need to be considered in relation to the specifics of individual planning applications, having regard to all material factors.</p>	<p>No change.</p>
58	<p><u>Chapter 13 Local Training and Employment.</u> Object to the requirement of a financial contribution towards compensatory employment and training on sites where there is a loss of employment land. Where such a change of use is permitted and to meet the tests of the LDP policy it will have been accepted that the site is no longer appropriate for an employment use. Any loss of employment is likely to have happened well before any proposed change of use and will not have been created as a result of it. In these circumstances the proposed contribution would not arise as a result of the development and would not relate to it, as a result it would fail the legal tests.</p>	<p>Each application would be considered on a case by case basis. Where employment land and / or premises are under pressure from non-employment uses and it is considered that there still exists an opportunity to make a contribution towards longer term economic development and job retention and growth within an area, developers will be requested to make provision for an appropriate contribution towards bringing forward compensatory employment opportunities.</p>	<p>No change.</p>

No.	Summary of Comments	CCC Response	Amendment to SPG
59	<p><u>Chapter 14 District Heating and Sustainable Energy.</u> Paragraph 14.7 refers to emerging guidance on Renewable Energy Assessments which is yet to be consulted upon. Despite this, reference is made to the minimum requirements of these assessments which potentially go beyond what is required by national policy and LDP policy EN12 – we would question the appropriateness of the SPG introducing requirements that are more onerous than policy established within the Local Plan or National Policy. Additionally, the issues raised are not matters that would be expected to be contained within a s106 agreement. It is questionable the extent to which the contents of this section is relevant to the Planning Obligations SPG and whether it should instead be contained within the forthcoming Renewable Energy Assessments SPG.</p>	<p>One of the aims of the Planning Obligations SPG is to help enable the consideration of infrastructure matters at the earliest possible stage in the development process. In this regard, it is considered appropriate to include broader principles relating to certain subjects within this document.</p>	<p>No change.</p>
60	<p><u>Chapter 15 Biodiversity.</u> The level of detail in this section goes well beyond matters relating to Planning Obligations and should be extracted. If it is considered that all the detail is necessary then it should form the basis of an SPG dealing with Biodiversity.</p>	<p>One of the aims of the Planning Obligations SPG is to help enable the consideration of infrastructure matters at the earliest possible stage in the development process. In this regard, it is considered appropriate to include broader principles relating to certain subjects within this document.</p>	<p>No change.</p>
61	<p><u>Chapter 5 Provision of Functional Open Space.</u> Paragraph 5.13 defines the type of facilities that would be regarded as informal functional open space. It goes on to state that ‘the open space may contain water features or SUDS where it is demonstrated that they serve a recreational function’. Paragraph 5.15 however identifies ‘large water features, including rivers, canals and reservoir’ as examples of open space which are not considered suitable for active sports and recreation and are therefore not considered as functional open space.</p>	<p>Noted. Reference to water features deleted from paragraph 5.13.</p> <p>Paragraph 5.15 amended to identify that large water features (i.e. the body of water) are excluded from calculations, but that the land around these, where they meet the informal functional open space criteria (i.e. provide a recreational function through permanent hard surfaced footpaths or other recreational provision) will be considered.</p>	<p>Noted. Reference to water features deleted from paragraph 5.13.</p> <p>Paragraph 5.15 amended to identify that large water features (i.e. the body of water) are excluded from calculations, but that the land around these, where they meet the informal functional open space criteria (i.e. provide a recreational function through permanent hard surfaced footpaths or</p>

	We feel that there may be a slight contradiction in these statements that may need further clarification.		other recreational provision) will be considered.
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62	<u>Chapter 16 Trees Woodland and Hedgerow Protection.</u> Whilst our client does not necessarily disagree with the matters set out in this section, most of it is more relevant to the preparation of a planning application rather than consideration of Planning Obligations. As a result we request that wider advice is removed and only matters directly relevant to Planning Obligations are retained.	One of the aims of the Planning Obligations SPG is to help enable the consideration of infrastructure matters at the earliest possible stage in the development process. In this regard, it is considered appropriate to include broader principles relating to certain subjects within this document.	No change.
63	<u>Chapter 17 Flood Risk Management and Sustainable Urban Drainage.</u> This section seems to be more suited to best practice guidance on flood risk management and SUDs rather than SPG focusing on Planning Obligations. In order to retain the focus of the SPG we request that wider advice is removed and only matters directly relevant to Planning Obligations are retained.	One of the aims of the Planning Obligations SPG is to help enable the consideration of infrastructure matters at the earliest possible stage in the development process. In this regard, it is considered appropriate to include broader principles relating to certain subjects within this document.	No change.
64	<u>Chapter 17 Flood Risk Management and Sustainable Urban Drainage.</u> Whilst we welcome the provisions of Section 17 of the Planning Obligations SPG which refers to Sustainable Urban Drainage, we would recommend that this section be expanded to also take account of improvements to water and sewerage infrastructure in line with Section 8 of LDP Technical Paper No.6 Infrastructure Plan.	Improvements to water and sewerage infrastructure is considered to be outside the scope of this chapter of the SPG, which relates to Flood Risk Management and Sustainable Urban Drainage.	No change.
65	<u>Chapter 15 Biodiversity.</u> Further justification is required to support the assertions in paragraph 15.37 that compensatory habitat provision will be required to exceed that which is to be lost.	This issues is already covered in paragraph 15.37, which identifies that newly created habitats may take many years to achieve the quality of the habitat lost and that newly created habitats may fail to support the species for which they are intended. NRW have advised in their planning application advice that a ratio of 3:1 is considered appropriate to mitigate these issues.	Paragraph 15.37 amended to include 'NRW have advised that'....

