

**Monmouthshire County  
Council**

**Approach to Planning  
Obligations**

**Interim Policy**

**March 2013**

**(With Policy S7 updated to  
correspond with Adopted  
Local Development Plan, 27  
February 2014)**

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## **1 INTRODUCTION**

### **1.1 Purpose of Interim Policy**

**1.1.1** This Interim Policy guidance sets out an approach to guide negotiations for Section 106 planning obligations between Monmouthshire County Council and applicants. The Guidance covers three main time periods, up to and including the possible adoption of a Community Infrastructure Levy.

- First, from the current period up until the adoption of the Local Development Plan (LDP) which is likely to be in late 2013;
- Second, from adoption of the LDP until the full supplementary planning guidance (SPG) on Planning Obligations is approved;
- Third, post the adoption of the SPG on Planning Obligations and (if the option is pursued) the introduction of a Community Infrastructure Levy (CIL) by the Council. (Under the Community Infrastructure Levy Regulations 2010 and 2011, councils may decide to charge a levy to fund the provision of infrastructure to support growth and regeneration).

**1.1.2** The Council has been assisted in the preparation of this policy document by Peter Brett Associates and Three Dragons.

**1.1.3** A summary of the Community Infrastructure Levy (CIL) is set out in Annex 1. If this option is followed, the Council will need to follow a detailed set of procedures set out in Regulation.

### **1.2 Justification for and Status of Interim Policy**

**1.2.1** The need for interim policy guidance to steer negotiations on obligations from new development during and post the preparation/adoption of the LDP is based on:

- The importance of providing high quality new developments that are supported by an appropriate range of new infrastructure;
- The need to provide clarity to the development industry on what is to be expected from new development and how the Council will approach negotiations with planning applicants about planning obligations;
- The need to reflect recent changes in the legislative framework for planning obligations;
- The time taken to produce a robust and acceptable approach to development contributions, including a CIL charging schedule should the Council decide to introduce CIL. If this option were to be taken up, a CIL charging schedule would not be in place before late in 2014.

**1.2.2** This interim policy guidance is compliant with the new legislative framework and developers will be able to understand the scope of planning obligations which the Council will be seeking as it moves towards a possible CIL. There is also a need to ensure that the separate and cumulative impact of proposed development is properly recognised in the developer contributions sought.

## **2 POLICY AND LEGAL CONTEXT**

### **2.1 Introduction**

**2.1.1** In order to set out the Council's approach to planning obligations for the three time periods set out in paragraph 1.1 it is necessary to briefly outline national planning policy and guidance, the legislative basis for planning obligations with the introduction of CIL and Monmouthshire's local planning policy. The relevant policy, legislation and guidance are summarised below.

### **2.2 National Planning Policy and Guidance**

[Planning Policy Wales \(Edition 5\) November 2012](#)

**2.2.1** Development Plans should include policies to indicate where developer contributions will be expected towards infrastructure, community facilities and affordable housing (Para 9.2.24). For new settlements, Plans should state clearly the contribution which developers will be expected to make towards infrastructure provision as above (Para 9.2.7).

**2.2.2** Chapter 12 'Infrastructure and Services' stresses that the planning system has an important part to play in ensuring that infrastructure is adequate to accommodate proposed development so as to minimise risk to human health and the environment, prevent pollution and minimise impacts associated with climate change (Para 12.1.5).

**2.2.3** A strategic and long term approach to infrastructure provision is required in development plans including early consultation with utility companies and other infrastructure providers so that plan policies are realistic and capable of implementation (Para 12.1.8).

[Wales Infrastructure Investment Plan for Growth and Jobs May 2012](#)

**2.2.4** The Welsh Government recently published its plans on delivering growth and jobs with a £15bn spend on roads, schools, hospitals, housing and other capital projects over the next decade. The investment priorities for this spend are: improving transport and telecommunications networks, supporting the energy industry, housing, public services, improving the quality of the educational estate, particularly schools and developing enterprise zones.

[Welsh Government Homes for Wales: A White Paper for Better Lives and Communities May 2012 \(consultation document\)](#)

**2.2.5** Although this White Paper was only a consultation document, it highlights the Government's view on Section 106 agreements in relation to housing supply, particularly the need to deliver more homes including affordable houses. It points out that there are inconsistencies between authorities which can act as a barrier to investment by house builders due to differing local thresholds, infrastructure requirements and clauses. The White Paper says that the Welsh government is working with the Welsh Local Government Association and other key partners to prepare updated guidance on securing affordable housing via Section 106 agreements and that this is likely to come out before the White Paper on Planning, due this year (2013).

[Welsh Office Circular 13/97](#)

- 2.2.6** This is still extant although the CIL regulations which came into force in April 2010 (as amended 2011 and 2012) has implications for Section 106 contributions (see below).

#### Community Infrastructure Levy

- 2.2.7** The decision as to whether the Council should introduce CIL is not for discussion in this interim policy paper. However it is important to note that regardless of this decision the Council will still need to consider two important elements of the CIL Regulations which effect planning contributions:

- The CIL Regulations 2010 (Regulation 122) states that:

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

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the proposed development.'*

Although these three tests were set out as part of the policy tests in the Circular 13/97 they are now, as a result of the CIL Regulations a **legal requirement** for Section 106s and planning obligations.

- Pooled contributions from more than 5 obligations will not be permitted once either a CIL is in place or it is post April 6<sup>th</sup> 2014 for infrastructure which could be funded from a CIL. This will limit obligations for strategic infrastructure such as major roads, for example, which rely on a large number of contributing developments.

## 2.3 Local Planning Policy

#### Local Development Plan

- 2.3.1** In 2006 Monmouthshire adopted its Unitary Development Plan or UDP. The UDP remains the Council's formal planning policy document until it is replaced by the Monmouthshire Local Development Plan (LDP), which is currently in preparation. A deposit version of the LDP was out for consultation in September 2011. The LDP examination takes place in May/June 2013, with adoption scheduled for winter 2013.

- 2.3.2** The emerging Local Development Plan has a trajectory of 4,000 new dwellings over the Plan period 2011-2021 with a broad dispersal of new development amongst the main settlements. A number of strategic housing sites are identified in the main towns ranging from 200 to 370 dwellings.

- 2.3.3** The Deposit version of the LDP recognises the importance of appropriate infrastructure especially in rural areas and new development. Three types of infrastructure are identified:

- Physical infrastructure e.g. transport, water, sewerage, flood prevention, utilities
- Community infrastructure e.g. schools, healthcare, sport and recreation, open space
- Green infrastructure

- 2.3.4** Policy S7 sets out the requirement for new development to be accompanied by an appropriate level of infrastructure to accommodate this growth. Contributions for future

management and maintenance are also sought. The Policy goes on to list sixteen types of obligation.

- 2.3.5** The current UDP does not contain a similar policy to S7. However, it does provide guidance on the provision of different types of ‘infrastructure’ through policies which are specific to a particular topic (e.g. community facilities). These policies are relevant to this interim policy in the period up to the adoption of the LDP. Their role is explained further in Chapter 4.

#### SPG Affordable Housing 2007

- 2.3.6** The Council intends to update and revise the current Affordable Housing SPG to support the adopted LDP. Until that time, the 2007 SPG continues to provide supplementary advice about the way the Council implements its affordable housing policy. Since 2007, the Council has updated its assessment of need for different types and tenures of affordable housing and the guidance in the 2007 is no longer applicable. Applicants are advised to discuss the changing circumstances with the Council’s affordable housing team.

#### Proposed SPG on Planning Obligations

- 2.3.7** Guidance on the types of obligation and types of development and how the policy will be implemented will be supplied in a proposed SPG on Planning Obligations. The SPG will follow after adoption of the LDP

## **3 INFRASTRUCTURE REQUIREMENTS**

### **3.1 The Infrastructure Plan**

**3.1.1** The Council has been working with infrastructure providers in the public and private sectors to prepare an Infrastructure Plan (IP). This will underpin the implementation of the Local Development Plan and could also be the basis for preparing a charging schedule for a CIL. The IP provides detailed information about infrastructure requirements and should be read in conjunction with this Interim Policy.

**3.1.2** The IP groups the infrastructure requirements under the headings of Physical, Social and Community and Green and covers the range of requirements identified below.

- Physical Infrastructure
  - Transport
  - Utility
  - Waste
- Social and Community Infrastructure
  - Education
  - Healthcare
  - Crematoria and burial grounds
  - Faith
  - Sports and leisure
  - Allotments
  - Emergency services
  - Public Realm
  - Other community facilities e.g. libraries
- Green infrastructure

**3.1.3** The IP will be kept under review and updated to reflect changes in infrastructure requirements as they emerge.

### **3.2 Funding and Risk**

**3.2.1** It is clear that public funding for many items of infrastructure is likely to be less than previously available and the future scale and focus of public funds is uncertain. In addition, it will be advantageous to work with the development industry to assess viability of contributions and to ensure the timely collection of monies for infrastructure as this will also help to mitigate the risk to infrastructure delivery of lack of funding.

## 4 APPROACH

### 4.1 Principles

4.1.1 In order to secure appropriate contributions to mitigate the separate and cumulative impacts of proposed development set out in the emerging LDP this interim policy is based on the following principles:

- The Council will ‘pool’ contributions from more than one new development where new infrastructure is needed to mitigate the cumulative impact of these schemes. Such infrastructure could be, for instance, new highway provision or green infrastructure. County-wide strategic requirements such as town centre improvements will be included within the level of contribution. However, after April 6<sup>th</sup> 2014, contributions cannot be pooled from more than 5 obligations;
- New items of infrastructure for which obligations are sought must be related to new growth and not used to remedy existing deficiencies.
- Where the level of contributions being sought will adversely affect scheme viability, the Council will consider a reduced level of contribution for a site, (subject to a viability appraisal) so as not to endanger delivery of new development in the County. In assessing viability issues a residual value appraisal model will be used (the Development Appraisal Toolkit that is used by a number of local authorities in Wales).

### 4.2 Phases

4.2.1 Given the changing planning context in the County over the next 12 - 18 months and the potential to introduce a Community Infrastructure Levy there will be a phased approach to the negotiation of planning obligations. This is described below.

#### Phase 1: Approach to Section 106 agreements prior to adoption of LDP

4.2.2 The Council's current approach to planning obligations is based on national policy and guidance and the existing UDP adopted in June 2006. The latter can be summarised as follows:

- There is no single policy that deals with planning obligations;
- Policies on Affordable Housing (H9), Employment Sites (E3), Coastal Protection Zone (C6), Provision of Community Facilities (CF1) contain specific wording on securing s106s for specific measures;
- Supporting text to a range of policies (including above) include reference to the seeking of developer contributions for example for affordable housing, controlling the use of retail and parking, recreation facilities and open space, provision of community facilities (including serviced land for education, health, social services, childcare, crime prevention measures), sustainable transport measures;
- There is adopted SPG covering Affordable Housing (March 2007). UDP Policy H9 requires 20% affordable dwellings on sites of 10 or more dwellings in the main towns and 5 or more dwellings in other settlements. Since 2007, the Council has updated its



assessment of need for different types and tenures of affordable housing and applicants are advised to discuss their proposals with the Council's affordable housing team;

- Other adopted policies and informal guidance on developer contributions approved by the Council e.g. Recreational & Public Open Space Developer Contributions as approved annually by the Council. For an up to date charging schedule, see Annex 2 of this document;
- Highway contributions will be required on a site-by-site basis. To promote sustainable transport measures Green Travel Plans will be generally be needed on major developments and this could include a contribution of around £1,000 per dwelling unit. Applicants are advised to discuss their proposals with the Council's Highway Engineers;
- Where existing education facilities are considered inadequate to accommodate the scale of new development proposed then a contribution towards the provision of improved facilities will be required. Again, this will be considered on a site-by-site basis depending on the standard of provision in the community in which the development is located.

**4.2.3** The Council will continue to apply the above policies. These will be implemented in line with the principles set out in 4.1 above and which encourage, where justified, the pooling of contributions to provide infrastructure which serves a number of developments.

**4.2.4** The UDP provides guidance on the size of schemes that should contribute to certain types of infrastructure. These include:

- For children's play areas/facilities and adult outdoor recreation, a presumption that schemes of 10 or more dwellings will make a contribution but also noting that, "... a contribution towards the improvement of existing off-site areas/facilities may still be sought from developers of these smaller housing sites where it is: inappropriate to provide them on-site; there are already deficiencies in the facilities that exist in the locality; and where these facilities are fairly and reasonably related to the proposed development" (Para 13.5.6 of the UDP).
- Contributions to community facilities are sought from '*...large residential developments in areas where existing facilities are inadequate to cater for the increased population will be expected to make appropriate provision for community facilities to meet the needs of new residents.*' (see policy CF1)
- Mitigation measures to reduce the impact of a development within the Coastal Protection Zone (see policy C6). The policy does not indicate any size limit to developments that should make such contributions.

**4.2.5** For other types of obligation, the UDP is silent on the scale of development from which contributions will be sought. However, the Council recognises that, as a general rule, contributions have not been sought from schemes of less than 10 dwellings (other than for measures directly to mitigate the impact of that development). The Council does not propose to change this approach in advance of adoption of the LDP.

Phase 2: Approach to Section 106 agreements when the LDP is in place

- 4.2.6** Phase 2 deals with the period between the adoption of the LDP but in advance of the adoption of a Planning Obligations SPG and/or CIL. This section will also be helpful for developers/site promoters who may be putting together preliminary proposals in anticipation of LDP site allocations being found 'sound' and included in the adopted plan. It should also be noted that the LDP is proposing to increase the proportions of affordable housing required from residential developments.
- 4.2.7** The IP will provide guidance on i) specific items identified for the strategic sites set out in the LDP and ii) infrastructure to which development generally is expected to contribute.

*Strategic sites*

- 4.2.8** The infrastructure items shown in the IP for each of the strategic sites are those that have been identified as necessary to bring forward the sites in the LDP. These items will continue to be provided through s106 agreements and it is not anticipated that the introduction of CIL would change this approach. The Council will need to take this into account in designing any CIL scheme.
- 4.2.9** With or without CIL in place, the Council will not be able to pool contributions from more than 5 obligations for any one piece of identified infrastructure, post April 2014.
- 4.2.10** It will be a requirement, however, that the strategic sites are developed in a comprehensive manner in accordance with a master plan that will be subject to a single planning permission for the whole site.

*General place-making and other infrastructure requirements*

- 4.2.11** The IP sets out the infrastructure items that are general requirements to ensure better place making and contribute to economic and sustainable growth. They will serve more than one development and the Council will seek contributions for these facilities from the developments they serve, in accordance with the three statutory tests. The Council will provide further guidance on which developments it will seek contributions to fund the items listed as and when there is more information about the costs of the items
- 4.2.12** After April 2014 or when the Council introduces a CIL (whichever is the sooner), contributions from no more than 5 obligations can be used to fund these items. If the Council introduces a CIL, these items are more readily suited to provision by CIL.
- 4.2.13** General infrastructure requirements could include:
- Physical Infrastructure
    - Transport
    - Utility
    - Waste
  - Social and Community Infrastructure
    - Education
    - Faith

## Development Contributions – Interim Policy

- Sports and leisure
  - Emergency services
  - Public Realm
  - Other community facilities e.g. libraries
- Green infrastructure

(There are items that will be included in the IP but for which contribution from development will not be sought e.g. Healthcare)

### **LDP Policy for Infrastructure Provision**

- 4.2.14** The LDP includes a policy for the provision of infrastructure. Its wording (as amended by the LDP Inspector's report and subsequently included in the adopted LDP) is set out below:

### **Policy S7 – Infrastructure Provision**

The infrastructure needed to service and deliver sustainable development must be in place or provided in phase with proposed development. Where existing infrastructure is inadequate to serve the development, new or improved infrastructure and facilities to remedy deficiencies must be provided. Where provision on-site is not appropriate, off-site provision, or a financial contribution towards it, will be sought.

Financial contributions will also be required towards the future management and maintenance of facilities provided, either in the form of initial support or in perpetuity.

Planning Obligations may be sought to secure improvements in infrastructure, facilities, services and related works, where they are necessary to make development acceptable. In identifying appropriate contributions due regard will be paid to the overall development viability, including the cost of measures that are necessary to physically deliver a development and ensure that it is acceptable in planning terms.

Such obligations may include:

1. Strategic utilities
2. Community and cultural facilities
3. Formal and informal open space
4. Recreation and leisure facilities
5. Green infrastructure
6. Ecological mitigation
7. Educational facilities
8. Transport infrastructure
9. Sustainable transport measures
10. Waste management facilities
11. Renewable / low carbon energy infrastructure
12. Local climate change mitigation and adaptation measures
13. Flood risk management measures
14. Commuted payments for the management and maintenance of facilities provided
15. Broadband infrastructure
16. Other facilities and services considered necessary.

In the event that viability considerations indicate that not all the identified contributions can be reasonably required, priority contributions will be determined on the basis of individual circumstances of each case. In the case of housing developments, priority will be given to the affordable housing required by Policy S4 unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other necessary purpose/s.

Proposals for utility services to improve infrastructure provision will be permitted, subject to detailed planning considerations.

**4.2.15** Specific infrastructure items required to deliver the LDP strategic sites are set out in the site allocation policies and in the IP.

### Phase 3: Planning Obligations SPG and CIL

#### *The SPG*

**4.2.16** As soon as is practical after adoption of the LDP, the Council will prepare and consult on Supplementary Planning Guidance for the operation of planning obligations. This will set out:

- The planning obligations requirements for different types and location of new development, in accordance with the IP, including costings;
- A protocol for dealing with planning applications to assess what types of obligation are required and how they will be delivered (e.g. on site provision or collection of a financial contribution);
- How the authority will deal with any scheme viability issues;
- Collection and monitoring of monies collected and delivery of facilities;
- The approach to be adopted to CIL.

#### *Moving towards a CIL regime*

**4.2.17** Following adoption of the IP, the Council will review the items it believes are best funded through a CIL (because of their strategic nature) and assess:

- The total cost of the infrastructure items to be funded through CIL;
- Other sources of funding available and the consequent funding gap.

**4.2.18** This information will form the basis for preparation of a CIL charging schedule. If the Council concludes that there are no or minimal such strategic infrastructure items, it will not proceed with preparation of a charging schedule.

**4.2.19** In the circumstances that the Council decides to adopt a CIL, the process for this will follow that set out in the regulations and as sketched out in summary below.

Figure 4.1: Process for Preparation of CIL Charging Schedule



- 4.2.20** CIL cannot be used to remedy existing deficiencies in infrastructure. However, Welsh Government guidance qualifies this by explaining that CIL can be used to remedy existing deficiencies where<sup>1</sup>, “.....*those deficiencies would be made more severe by new development. CIL can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure.*” Funding from CIL can also be used to support growth. If the Council introduces CIL, therefore, it is likely to allocate some of the money collected to support the Council’s education improvement programme.
- 4.2.21** The introduction of CIL will not negate the need for other planning obligations to mitigate the impact of individual developments.

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<sup>1</sup> Welsh Government, Community Infrastructure Levy (CIL), Preparation of a Charging Schedule, 2011. Para 1.4

## **5 OPERATION AND MONITORING**

### **5.1 Procedure**

#### Pre Application discussions

**5.1.1** Applicants are encouraged to discuss with the Council's Development Management Team the likely impacts of a proposed development prior to submission of a formal application using the information set out in Section 4. This will help to identify, in a standardised way, the necessary infrastructure requirements or mitigation measures. Guidance can then be provided to applicants about the level of likely planning obligations at an early stage.

**5.1.2** During this stage the aim will be to agree a draft heads of terms and where there are alternative suggestions a reasoned justification will be sought from the applicant.

#### Application stage

**5.1.3** A formal planning application will need to be accompanied by a statement summarising the contributions to provisions to be delivered by Section 106 agreement to address policy and site specific requirements.

#### Post decision including costs

**5.1.4** The Council's Development Management Team will monitor the implementation of developments to ensure that planning obligations are met. The Council's reasonable legal costs in processing an obligation will be required to be met by the applicant.

**5.1.5** Financial contributions from developers will continue to be monitored by the 106 Working Group which includes Finance, Planning, Cabinet Members and officers from Highways, Children and Young People etc.

### **5.2 Monitoring and Review**

**5.2.1** The application and effectiveness of this interim guidance will be monitored until either a CIL is in place or there is an approved LDP and SPG on Planning Obligations. It will be reviewed if there is evidence that the interim policies are not meeting the Council's objectives of securing contributions from new development with consequent implications for any proposed CIL charging schedule.

## Annex 1

### A Short Guide to the Community Infrastructure Levy

#### *What is the Community Infrastructure Levy?*

The Community Infrastructure Levy (CIL) is a new levy that local authorities (LA) in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the local community needs. It applies to most new buildings and charges are based on the size and type of the new development. The CIL regulations came into force on 6 April 2010. However, liability to pay CIL for a development will not arise until the LA has implemented a charging schedule (which has to be based on an up-to-date development plan i.e. a Local Development Plan, and is subject to consultation).

#### *How is it set?*

The CIL will be set by individual local authorities at a rate per square metre, and will be levied on the net additional gross floor space resulting from the development. Differential rates can be set across parts of a district, and for different property uses.

The levy is intended to encourage development by creating a balance between collecting revenue to fund infrastructure and ensuring that the rates are not so high that they put development across the area at serious risk. These rates should be supported by evidence, such as the economic viability of new development and the area's infrastructure needs.

#### *What can it be used for and who can spend it?*

CIL must be spent on infrastructure. Infrastructure is defined broadly and could include for example items such as transport measures, flood defence, schools, libraries, parks and sports facilities.

CIL can be spent by the authority that collects it or can also choose to pass CIL receipts to other infrastructure providers in order to contribute towards the provision of infrastructure that it could not provide itself. Unlike s106 agreements CIL is not tied to a specific development site and can be used to support wider infrastructure needs.

#### *Relationship with s106*

Section 106 agreements will continue to be used for direct impacts not covered by CIL, including delivery of affordable housing. However, the policy test which was set out in Welsh Office Circular 13/97 (i.e. that it be necessary, directly related to the development, and fairly and reasonably related in scale and kind) is now a mandatory legal requirement.

#### *Where can I find out more?*

Links to the CIL regulations, their proposed amendments and various guidance documents can be found on the Welsh Government website at: <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/cil/?lang=en> or CLG website at: <http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy/>



## Annex 2

### Recreation and Public Open Space Developer Contributions Charging Schedule

Please note that the play and recreation standards and contributions policy is reviewed on an annual basis; please check with the Council that you have the latest available information.

**SUBJECT: Recreational & Public Open Space Developer Contributions**

**MEETING: Individual Cabinet Member Decision Cllr S.B. Jones**

**DATE TO BE CONSIDERED: 27<sup>th</sup> July 2011**

**DIVISIONS/WARDS AFFECTED: All Wards outside the Brecon Beacons National Park**

#### 1. PURPOSE

- 1.1 To seek approval of the Council's 2011/2012 charges for public outdoor recreational contributions expected from housing developers.

#### 2. RECOMMENDATION

- 2.1 To approve the 2011/2012 level of financial contributions expected from developers in lieu of on-site provision of public open space and recreational facilities, as indicated in **Appendix A - Table 1**. The increase will commence on the 1<sup>st</sup> September 2011

#### 3. KEY ISSUES

- 3.1 The Council has, under Policy RL3 of the adopted Monmouthshire County Council Unitary Development Plan (**APPENDIX B**), adopted the National Playing Field Association's (NPFA) laterly the Fields in Trust 'Six Acre Standard' to guide the provision of recreational open space in the County. In addition, the Council has its own standard for the provision of public open space.
- 3.2 Based on an assessment of local needs, the Council currently negotiates with developers on the basis of 1.6ha (4 acres) for sport provision; 0.8ha (2 acres) for children's play provision; and 0.4ha (1 acre) for public open space provision per 1000 population. Together, these requirements satisfy the Fields in Trust 'Six Acre Standard' and are considered as the minimum standard for the County.
- 3.3 The Council's standard, therefore equates to 70m<sup>2</sup> per dwelling of recreation space that has been calculated and broken down as follows:

Category	Area Per Dwelling
Public Open Space	4,000m <sup>2</sup> (0.4ha) ÷ 400 = 10m <sup>2</sup>
Children's Play Area	8,000m <sup>2</sup> (0.8ha) ÷ 400 = 20m <sup>2</sup>
Adult Outdoor Recreational Space	16,000m <sup>2</sup> (1.6ha) ÷ 400 = 40m <sup>2</sup>

- 3.4 In most cases recreational facilities are provided on-site by the developer and the developer is required to maintain and keep them in their intended use in perpetuity; which is usually by the facility being adopted by the Council with a commuted sum being paid for its future maintenance.
- 3.5 Commuted Maintenance sums are received to fund ongoing annual maintenance and periodic major maintenance for a period of 20 years.

- 3.6 The calculation of the amount invoiced to the developer is based upon applying inflation to maintenance changes over the 20-year period and then discounting the gross amount back for the time value of money. This is due to the fact that it is anticipated that the authority earns interest on a reducing balance held over a 20-year term.
- 3.7 Where the Council considers that on-site recreation provision is not possible or practicable, alternative provision is required to be made in the locality. In such circumstances the normal practice is for a developer to make a financial contribution to the Council in lieu of on-site provision. The specification and costing details in **APPENDIX C** are illustrative of what the Council will provide when facilities are provided off-site. However, these illustrative cost details should not be seen as the total a developer would be expected to spend when they are making on-site provision. The over-riding issue is that all developments provide facilities that meet the Council's adopted NPFA specification.
- 3.8 In March 2009 Cabinet agreed the level of developer contributions expected towards off-site recreation and public open space provision. This report recommends that the principle of developer contributions be continued in its current form, but that the level of contributions is revised to reflect 2011/2012 prices that have been increased by 3.5% for commuted sums and by 5% for the capital costs.
- 3.9 In accordance with the Landscape Units specification (which accords with the relevant F.I.T requirements) for Recreational and public open space, **APPENDIX A TABLES 1 & 2** summarise the costs calculated for off-site developer contributions at 2011/2012 prices. These figures have been revised to take account of the 3.5% rise with commuted sums and the 5% rise in capital costs as well as specification improvements in order to fully meet the requirements of the F.I.T standard. **APPENDIX C** provides full details of how the individual cost elements have been calculated.

#### **4. REASON**

- 4.1 The charges need updating for the 2011/2012 financial year.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 Implementation within the planning process will be undertaken with the co-operation of Public Life and Culture, Planning Place and Enterprise and the Landscape Unit and other services, where appropriate.

#### **6. CONSULTEES**

Cabinet Members  
Head of Finance

Head of Planning

Section 106 Working Group

Select Committee Chairman

Leadership Team

**Results of Consultation;** Consultation responses resulted in amendments being made to the report

7. **BACKGROUND PAPER** - Cabinet Report "Recreational & Public Open Space Standards and Developer Contributions", 4th March 2009

RCS Select Committee Report – 17<sup>th</sup> November 2005  
Appendix 3 – Commuted Maintenance Sums.

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## APPENDIX A Calculated Costs 2011/2012

Table 1: Cost per Dwelling of Recreation and Public Open Space

	Land Purchase	Capital Cost	Adoption Cost	Admin. Cost	Total Cost
10m <sup>2</sup> Public Open Space	£33.85	£32.37	£117.09	£18.22	<b>£202</b>
20m <sup>2</sup> Children's Play Area	£67.69	£263.68	£416.43	£72.55	<b>£820</b>
40m <sup>2</sup> Adult Recreation Area	£135.41	£1698.04	£803.49	£260.84	<b>£2898</b>
				<b>Total Cost Per Dwelling</b>	<b>£3920</b>

Table 2: Costs of Children's Play Areas

	Land Purchase	Capital Cost	Adoption Cost 5.3	Total Cost
Local Area for Play	£1286	£14637	£29019	£44942
Local Equipped Area for Play	£12186	£49874	£74785	£136845
Neighbourhood Equipped Area for Play	£28773	£100289	£156481	£285543
<b>Total</b>	<b>£42245</b>	<b>£164800</b>	<b>£260285</b>	<b>£467330</b>
<b>Total Cost per Dwelling</b>	<b>£68</b>	<b>£264</b>	<b>£416</b>	<b>£748</b>

Note: The Total Cost Per Dwelling calculation shown in Table 1 is derived using the following formulae for each of the three individual costs:

A	B	C
The relevant cost shown in Table 1 and below:	( The total area of the relevant recreational facility shown in Appendix B and below:	The area of the relevant recreational facility required per dwelling shown in paragraph 3.3 and below: )
$\div$	$\div$	
<i>Land Purchase</i>	<i>Public Open Space 10,000m<sup>2</sup></i>	<i>Public Open Space 10m<sup>2</sup></i>
<i>Capital Cost</i>	<i>Adult Recreation 16,187m<sup>2</sup></i>	<i>Adult Recreation 40m<sup>2</sup></i>
<i>Adoption Cost</i>	<i>Children's Play Area 12,500m<sup>2</sup></i>	<i>Children's Play Area 20m<sup>2</sup></i>

i.e.  $A \div (B \div C)$

## APPENDIX B Policy RL1 of Adopted Monmouthshire County Council Local Plan

'All residential and major office or retail developments will provide, maintain and keep in their intended use, recreation, public open space and play facilities in accordance with the Council's adopted standards. Such facilities will normally be provided on site, but if this is not possible or practicable, alternative provision related in scale and kind to the development proposed will be required to be made in the locality.'

## APPENDIX C Calculated Costs 2011/2012

### 1. Public Open Space (10,000m<sup>2</sup>)

DESCRIPTION	QUANTITY	COST
Footpath	150m <sup>2</sup>	<b>£32365</b>
Boundary Fence: 1.2m high tanalised timber post and two rail	100m	
Standard Trees	40	
Grass Area	9,850m <sup>2</sup>	
Orchard Brambley Seat	2	
Earth Anchor Litter Bin	2	
DESCRIPTION	FREQUENCY	COST
Rotary grass cutting	14 per year	<b>£117092</b>
Tree inspection	Yearly	
Seat inspection	Yearly	
Empty litter bins	Weekly	
Seat painting	Every 5 years	
Overlay footpath	Every 10 years	
Fence painting	Every 10 years	

### 2. Youth/Adult Outdoor Recreation Area (16,187m<sup>2</sup>)

DESCRIPTION	QUANTITY	COST
Football Pitch	1	<b>£687153</b>
Multi-Sports Pitches	2	
Changing Rooms	1	
DESCRIPTION	FREQUENCY	COST
Building Maintenance	As required	<b>£325149</b>
Rotary grass cutting	14 per year	
Fertiliser	2 per year	
Sand top dressing	2 per year	
Renovation work	Yearly	
Take down/set up goal posts/nets	As required	
Over marking for multi-sports pitch	Yearly	
Over marking for grass pitches	Weekly	
Brushing for multi-sports pitch	Monthly	
Empty litter bin	Weekly	

**3. Local Area for Play LAP (400m<sup>2</sup>)**

DESCRIPTION	QUANTITY	COST
Grass Area	300m <sup>2</sup>	<b>£14637</b>
Shrub Planted Area	30m <sup>2</sup>	
Standard Trees	2	
Tarmac Footpath	50m <sup>2</sup>	
Powder Coated Galvanised Bow Top Fencing	50mts	
Self Closing Gate	1	
Play Equipment:		
- Kompan Criss Cross Unit	1	
- Kompan Crazy Hen Springer	1	
- Hopscotch Area	1	
Impact Absorbing Surface	19 m <sup>2</sup>	
Orchard Brambley Seat	1	
Earth Anchor Litter Bin	1	
DESCRIPTION	FREQUENCY	COST
Rotary grass cutting	14 per year	<b>£29019</b>
Tree/Shrub maintenance	4 per year	
Play equipment maintenance	Weekly	
Empty litter bin	Weekly	
Seat painting	Every 5 years	
Overlay footpath and replace safety surfacing	Every 10 years	
Fence painting	Every 10 years	

**4. Local Equipped Area for Play LEAP (3,600m<sup>2</sup>)**

DESCRIPTION	QUANTITY	COST
Grass Area	3300m <sup>2</sup>	<b>£49874</b>
Shrub Planted Area	50m <sup>2</sup>	
Standard Trees	40	
Tarmac Footpath	100m <sup>2</sup>	
Powder Coated Galvanised Bow Top Fencing	75 mts.	
Self Closing Gate	2	
Play Equipment:		
- Kompan SupaNova Roundabout	1	
- Record Midi Venturer Multiplay Unit	1	
- Proludic Pod Swing	1	
- Wicksteed Cobra Seesaw	1	
- Kompan Spica 1	1	
Impact Absorbing Surface	135m <sup>2</sup>	
Orchard Brambley Seat	2	
Earth Anchor Litter Bin	2	
DESCRIPTION	FREQUENCY	COST
Rotary grass cutting	14 per year	

Tree/Shrub maintenance	4 per year	<b>£74785</b>
Furniture maintenance	Yearly	
Play equipment maintenance	Weekly	
Empty litter bin	Weekly	
Seat painting	Every 5 years	
Overlay footpath	Every 10 years	
Replace impact absorbing surface	Every 10 years	
Fence painting	Every 10 years	

### 5. Neighbourhood Equipped Area for Play NEAP (8,500m<sup>2</sup>)

DESCRIPTION	QUANTITY	COST
Grass Area	8000m <sup>2</sup>	<b>£100289</b>
Shrub Planted Area	200m <sup>2</sup>	
Standard Trees	40	
Tarmac Footpath	100 <sup>2</sup>	
Powder Coated Galvanised Bow Top Fencing	100 mts	
Self Closing Gate	2	
Play Equipment:		
- Kompan Izar Unit	1	
- Proludic Pod Swing	1	
- Wicksteed Cobra See Saw	1	
- Kompan SupaNova Roundabout	1	
- Kompan Galaxy Spica 1	1	
- Kompan Algol Unit	1	
Impact Absorbing Surface	200m <sup>2</sup>	
Orchard Brambley Seat	2	
Earth Anchor Litter Bin	2	
Teenage Area: Either SMP Arena Meeting Point Shelter or Steel Youth Shelter	1	
Either Tarmac Hard Play Area with Basketball Hoop or SMP Indiana Goal Section	1	
DESCRIPTION	FREQUENCY	COST
Rotary grass cutting	14 per year	<b>£156481</b>
Tree/Shrub maintenance	4 per year	
Furniture maintenance	Yearly	
Play equipment maintenance	Weekly	
Empty litter bin	Weekly	
Seat painting	Every 5 years	
Overlay footpath	Every 10 years	
Replace impact absorbing surface	Every 10 years	
Fence painting	Every 10 years	

**Note:** Costs reflect the current rates of tendered contracts by Monmouthshire County Council. The costs are indicative and for costing purposes only.