

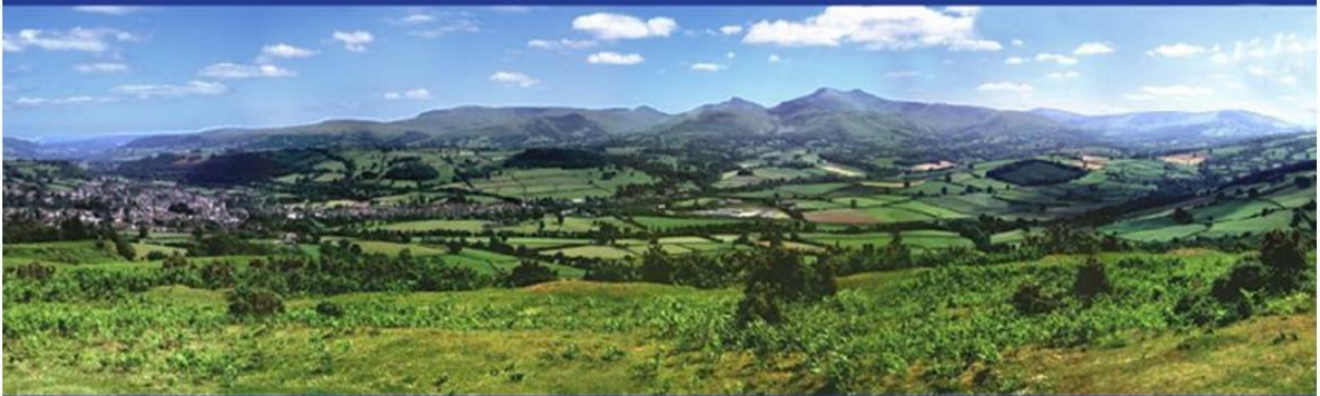
BRECON BEACONS NATIONAL PARK



Brecon Beacons National Park

Authority Approved

Planning Obligation Strategy



October 2008



PARC CENEDLAETHOL BANNAU BRYCHEINIOG

Brecon Beacons National Park Authority



Authority Approved
Planning Obligation Strategy
October 2008

Contents

1.0	INTRODUCTION	3
2.0	PLANNING POLICY	6
3.0	MECHANICS OF PLANNING OBLIGATIONS IN THE BRECON BEACONS NATIONAL PARK	10
3.1	Planning Obligations Statement of Intent (see appendix 4 for diagram of application process)	10
3.2	Management and Monitoring of Planning Obligations	11
3.2	Dispute procedure	12
4.0	CATEGORY I CONTRIBUTIONS	14
a)	Affordable Housing	15
b)	Biodiversity	17
c)	Sustainability	21
5.0	PARTNERSHIP WORKING	24
6.0	POWYS	26
7.0	MONMOUTHSHIRE	31
8.0	CARMARTHENSHIRE	34
9.0	BLAENAU GWENT CBC	38
10.0	TORFAEN CBC	42
11.0	RHONDDA CYNNON TAFF CBC	46
12.0	MERTHYR TYDFIL CBC	50
	MAP I CONSTITUENT UNITARY AUTHORITIES	54
	APPENDIX 1	55
	APPENDIX 2	57
	APPENDIX 3	59
	APPENDIX 4	62
	APPENDIX 5	64

1.0 INTRODUCTION

1.0.1 This Planning Obligation Strategy has been prepared in conjunction with an 8 week public consultation. This document forms Supplementary Planning Guidance for the Brecon Beacons National Park and will be used for development control purposes.

1.0.2 The Brecon Beacons National Park Authority (BBNPA) has produced this document to assist prospective developers by identifying the likely occurrences where planning obligations will be sought. In doing so it is hoped this strategy will enable developers / applicants to calculate provision levels into initial development costings. For development control purposes this strategy aims to help speed up the time spent on negotiating individual planning applications. This strategy also aims to provide assurance to residents of the National Park that any new development will make a positive contribution to the special qualities of living and working within this exceptional landscape.

1.0.3 Planning obligations also known as or Section 106 agreements under the Town and Country Planning Act 1990 (as amended), are benefits that may be in kind or take the form of financial contributions. Section 106 agreements are legally binding undertakings which seek to secure that development is acceptable in land use planning terms. Planning obligations are used to secure developer contributions which will offset negative consequences of development, help meet local needs, or secure benefits to make development more sustainable. (Planning Policy Wales 2002 p.43)

1.0.4 The Brecon Beacons was designated as a National Park in 1957 under the National Park and Access to the Countryside Act of 1949, its current legislative framework is the 1995 Environment act. The two statutory purposes of the National Park are: -

“To conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Park.”

“To promote opportunities for the understanding and enjoyment of the special qualities by the public.”

In addition to these purposes the National Park has a duty to

“seek to foster the economic and social well-being of local communities”

1.0.5 This strategy has been drafted in correspondence with the aims and strategic framework of the Unitary Development Plan (UDP), which is in turn, is determined by the National Park’s statutory purposes and duty of designation. The aims of the UDP are:-

- i. *to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park;*
- ii. *to promote the understanding and enjoyment by the public of the special qualities of the Park;*
- iii. *to foster the social and economic well-being of the communities within the Park;*
- iv. *to ensure that all development within the Park has regard to the concepts of sustainability¹*

I.0.6 The aims of this planning obligations strategy are hence similarly derived from the National Park's statutory purposes and the Authority's duty and its commitment to sustainable development in accordance with the aims of the UDP. This is the guiding framework that has determined the approach the NPA takes towards the seeking of planning obligations, and the motivation for the type of contributions appropriate to the scale and nature of development within the special qualities of the National Park area.

I.0.7 The NPA is the Local Planning Authority for the National Park area, controlling the nature and scale of development within its boundaries. As such the National Park has the authority to negotiate and enter into section 106 agreements with developers. However the NPA does not have administrative jurisdiction over the provision of community services such as education, public parks & gardens and transport. The provision and maintenance of community infrastructure comes under the control of the nine unitary authorities that lie within the National Park's boundaries. As such, whereas the National Park Authority can define and stipulate the need for developers to contribute towards the community through planning obligations the contribution levels are determined from the proven evidence of need set out by the relevant constituent authorities service areas..

I.0.8 This planning obligation takes a dual approach to the seeking of planning obligations:

Category 1 Contributions

Contributions specific to the National Park as set out in UDP policy. These contributions are determined by the specific criteria of our designation and seek to work towards achieving the vision and key aims for the National Park.

Category 2 Contributions

Contributions for community benefit that rely on partnership working with the appropriate Unitary Authority and/or Community Service providers. These contributions will channel obligated contributions towards the achieving of socio-

¹ The definition of sustainable development as adopted by the UK government is 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. For further information please see www.sustainable-development.gov.uk

economic benefits as outlined in the relative Unitary Authorities Community Strategy and Development Plans.

1.0.9 This strategy will be applied to all relevant applications for planning permission submitted to the BBNPA.

Category 1 contributions will be sought from all relevant development. Category 2 contributions will be sought from development of 3 or more new dwellings or 500m² commercial floor space.

2.0 PLANNING POLICY

2.1 Welsh Office Circular 13/97 Planning Obligations

2.1.1 Welsh Office Circular 13/97 Planning Obligations is the current source of Government guidance on the use of planning obligations in Wales. It advises that Local Planning Authorities define the circumstances where planning obligations are likely to be sought.

Circular 13/97 states that planning obligations should be sought only where they are:

- Necessary;
- Relevant to planning;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects²

In addition the circular states that:

- Planning permission may not be bought or sold
- A planning permission will not to be sought to redress existing deficiencies or lack of capacity in existing facilities, services or infrastructure.
- The overall extent of planning obligations sought will have regard to what is reasonable in terms of the scale of the development and its impact and this will be a matter for negotiation.
- The circular states that planning obligations can enhance the quality of development and enable proposals to go ahead which might otherwise be refused.³

2.1.2 In using planning obligations BBNPA aims to offset the negative consequences of development to help meet local needs or to secure benefits which will make development more acceptable. As such planning obligations may relate to matters other than those covered by planning permission, provided that there is a direct relationship between the planning obligation and the planning permission.

2.1.3 Circular 13/97 places an emphasis on the overall quality of development rather than the number of planning benefits that could be obtained or offered. Planning obligations therefore provide a means of ensuring high quality development for the benefit of the community and the National Park.

² PPW 4.7.2 p.43

³ Circular 13/97p.5-7

2.1.4 The circular also states that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies. In addition to this, attempts should not be made to extract excessive contributions to infrastructure costs from developers. Additionally it makes clear that planning obligations should not be used where the use of planning conditions would suffice.

2.1.5 In accordance with circular 13/97 point B3, acceptable development will not be refused by the NPA because an applicant is unwilling or unable to offer benefits in the form of planning obligations. Similarly unacceptable development will not be granted permission by the BBNPA because of unnecessary or unrelated benefits offered by the applicant.

2.2 Planning Policy Wales & Technical Advice Notes

2.2.1 Section 4.7 planning policy Wales 2002 'Negotiating Planning Obligations' offers guidance on Welsh Assembly Government (WAG) policy with regards to planning obligations.

2.2.2 In addition further advice in relation to specific aspects of development is given in Technical Advice Notes, including:

- TAN 2, Planning & Affordable housing, 2006 – to restrict occupation of property to people falling within particular categories of need.
- TAN 5 *Nature Conservation and Planning* (Draft consultation document 2006) - section 4.6 details the use of planning obligations with regards to nature conservation and enhancement.
- TAN 18, Transport, 2007 – to seek contributions towards or improvements to public transport, walking and cycling

2.3 Policy Statement for National Parks in Wales – Welsh Assembly Government March 2007 Working Together For Wales

2.3.1 The WAG has also issued guidance stating that National Parks in Wales should be *“...places that experiment with new approaches in sustainable development and environmental conservation, providing exemplars of best practice for wider Wales....”*

2.3.2 The WAG vision for the role and function of a National Park is a guiding principle in the approach the National Park takes in the seeking of Planning Obligations.

2.4 Brecon Beacons National Park Management Plan (NPMP)

2.4.1 The National Park Management Plan (NPMP) is the source of inspiration for all other plans and strategies affecting the National Park, including the UDP and this Planning Obligation

Strategy. The NPMP sets out a vision for the Park and the over-arching aims and objectives of all National Park activity. The NPMP provides an understanding of the objectives for managing the Park as a whole. As such it establishes standards for the quality of life in the National Park communities and for conserving the Park's special qualities. Of specific relevance to this Strategy, are the NPMP's strategic objectives to;

- Conserve and enhance the beautiful and varied character of the landscape via sustainable, integrated management.
- Integrate renewable energy into building and settlement design.
- Ensure that there is sufficient land for market and affordable housing to meet the identified need.
- Maintain and encourage the vitality and viability of the Park's communities and town centres.
- Improve the physical quality, energy efficiency, accessibility and sustainable design and construction of all development throughout the park.

The NPA will seek to ensure that all new development will contribute towards achieving the land based planning objectives of the NPMP as detailed within the UDP.

The NPA will use planning obligations where applicable in the granting of planning permissions to ensure that all development impacts positively within our communities in line with the vision for the national park the management plan outlines.

2.5 Brecon Beacons National Park Authority Unitary Development Plan (UDP)

2.5.1 The BBNPA Unitary Development Plan (UDP) was approved by the Authority for development control use in April 2007. The UDP provides a framework by which planning applications are determined within the BBNP. Policy G3: 'Development in the National Park', outlines the criteria developers need to meet in order to gain planning approval within the National Park area.

2.5.2 In addition to the UDP the following Planning Guidance Notes and Emerging Guidance notes have helped inform the drafting of this strategy

- *Brecon Beacons National Park Authority Approved UDP Guidance Note Policy ES29 & ES30: Affordable Housing*
- *Best Practice in Biodiversity and Geological Conservation in Planning and Development: Authority Approved Planning Guidance*

- *Guidance for Sustainable Design in the National Parks of Wales (Consultation draft May 2007)*
final anticipated to be adopted for use by development control Autumn 2008.

3.0 Mechanics Of Planning Obligations In The Brecon Beacons National Park

3.0.1 Planning obligations are legal agreements enforceable by the local planning authority. They can be entered into by means of an agreement between a developer and a planning authority as well as by a unilateral undertaking.

3.0.2 In accordance with WAG guidelines a planning obligation will not be sought where a planning condition will suffice. See Welsh Office Circular 35/95 – *The Use of Conditions in Planning Permissions*.

3.0.3 Further to this, planning obligations can be subject to conditions, for example in defining the period, or phasing, within which the obligation is to be provided

3.0.4 Planning obligations will be sought by the authority on all relevant planning applications submitted for approval. For outline applications, especially significant schemes, the NPA will expect more detailed information. This will usually be supplied in the form of a development brief. The need for a development brief will be established through pre-application discussion.

3.1 Planning Obligations Statement of Intent (see appendix 4 for diagram of application process)

3.1.1 Applicants will be required to detail how their scheme meets the requirements of this strategy through the planning application process. Details of contributions should be considered in pre-application discussions with the NPA and where necessary the relevant Unitary Authority.

3.1.2 For Category 1 Contributions applicants must detail within the relevant sections of their planning application how the development will contribute to sustainability, biodiversity and affordable housing contributions. (See *Brecon Beacons National Park Validation Requirements* October 2008 for further details)

3.1.3 For Category 2 applications in the case of all applications for development of 3 or more residential units or 500sq m commercial floor space applicants will be required to submit a Statement in support of their planning application. This statement must detail their intent to contribute towards community infrastructure. This Statement should clearly state that the applicant has read and understood the requirements of this Strategy as relating to the type and scale of the proposed development. This Statement of Intent should be prepared in accordance with the requirements of the National Park Authority as set out in this Strategy and should clearly list the service areas that contributions will be obligated to as well as the levels of contributions to be provided.

3.1.4 Applicants should contact the relevant Unitary Authority prior to the submission of the application to ascertain the extent of any required contributions and use this information to help produce their Statement of Intent (contact details are provided in the relevant chapters for each UA see also map 1).

3.1.5 Where necessary, draft heads of terms for any proposed Section 106 Agreement should also be included for consideration by the National Park Authority. This Statement should also affirm that the applicant understands that the details of their intended obligations will be submitted to further consultation with the relevant Unitary Authority and that the provision levels and areas may be subject to further negotiation. If the applicant is unwilling to meet the requirements of this Strategy as part of the application, then the Statement should detail the reasons why the obligations cannot be met and the detailed discussions which have taken place with the respective Unitary Authority which have informed that view.

3.1.6 Applications for 3 or more new dwellings or 500m² commercial floor space must be accompanied by a planning obligation statement of intent. *Failure to do so will render the application invalid and it will be returned without consideration.*

3.2 Management and Monitoring of Planning Obligations

3.2.1 The National Park will require the provision of planning obligations on all relevant applications according to the principles detailed in this strategy.

3.2.2 Where necessary relevant stakeholders, such as Unitary Authorities, will be joint signatories on Section 106 agreements for the provision of category 2 contributions outside of the NPA's administrative jurisdiction. It will be the responsibility of the stakeholder in liaison with the NPA to monitor and administer financial contributions.

3.2.3 Applications approved in principle subject to the completion of a section 106 agreement, will be reviewed by the NPA after a period of 6 months. Where little progress has been made towards the completion of the Section 106, in the absence of reasonable justification as to why this is the case, the principal of approval may be reconsidered or removed.

3.2.4 The preparation of planning obligations by the Authority's legal service will be made subject to the payment of reasonable legal costs. A minimum charge of £500 will be levied, with further charges made to reflect the complexity and time spent working on that agreement.

3.2.5 Where planning obligations are secured, arrangements must also be in place for the long term maintenance of any facilities or infrastructure provided to the satisfaction of the NPA.

Maintenance provision will form part of the planning obligations negotiations and will similarly be tied by deed to any S106 agreement. In accordance with circular guidance, in cases where facilities are provided directly for the benefit of the development, maintenance measures will be the sole responsibility of the applicant / developer. In the case of Category 2 Contributions maintenance provision is subject to negotiation between the applicant, NPA and the relevant Unitary Authority.

3.2.6 It may be possible to modify or discharge the obligation if it is judged by the authority to be no longer relevant or appropriate. This is only to be considered a likely occurrence in such cases where details emerge subsequently to the S106 agreement that were not considered during the application process which shed new light on the impact of the development proposal and as such render the obligation wholly or in part obsolete. The modification or discharging of a planning obligation will only be authorized by agreement between the Authority, any relevant joint signatory and persons against whom the Section 106 agreement is enforceable. Anyone against whom a planning obligation is enforceable may apply to modify or discharge the obligation after a period of 5 years from the date of the agreement. See PPW 4.7 also circular 13/97, Annex C for further guidance on the discharging / modification of planning obligations. In such cases the Authority will, where applicable, reimburse a percentage of any monies paid in regard to a S106 agreement to the contributing party in accordance with the terms of the agreement.

3.2 Dispute procedure

3.3.1 As planning obligations are subject to negotiation process there is a possibility that there may be disagreement between developers and the Authority over the levels of contributions sought.

3.3.2 Where economic viability is raised as a reason for a developer being unable to agree to obligation levels, the NPA will expect developers to have investigated and proposed alternative means of contributions for negotiation with the NPA.

3.3.3 If economic viability issues persist the NPA will expect developers to enter into an 'open book' accounting procedure. The developer will be asked to produce a development appraisal providing financial details in terms of the proposal. The Authority will then employ the services of an impartial third party, such as the valuation office agency to confirm the viability of the proposed development taking account of the level of planning obligations sought. The cost of the economic viability study will be funded by percentage share between the Authority and the applicant.

3.3.4 In any event the financing of developments will need to be scrutinized in detail and developers will be expected to provide supporting evidence of any viability issues raised in preparation of the planning obligation statement of intent.

4.0 Category I Contributions

Brecon Beacons National Park Specific Contribution Levels

4.0.1 The BBNPA UDP makes provision for some 1980 dwellings and some 45 hectares of employment land during the 15 year UDP period 2000-2016.

4.0.2 The development of this land will impact on the environment, communities, amenities and physical infrastructure of the National Park. As such the NPA will expect all development to mitigate the extent of this impact on the landscape and communities through the use of planning obligations on the granting of planning permissions.

4.0.3 The NPA believes that the setting of Planning Obligations should be determined by the specific criteria of our designation to conserve and enhance this special living landscape for the benefit of our communities and the environment. As such the areas in which contributions will be sought are enshrined in BBNPA policy and supported by:- The vision and key aims of the NPMP; the strategic aims of the UDP; the direction of the *Three Park Sustainable Design Guide*; and the detailed policies of the UDP.

4.0.4 Category I BBNPA specific planning obligations will be sought as below:-

a) Affordable Housing

To ensure that developers meet the provision for affordable housing and that the affordable element is retained in perpetuity as set out in UDP policy ES29 & 30 (see also G3v)

b) Biodiversity

To secure measures to protect, enhance or reduce harm to protected sites or species of acknowledged nature conservation importance as set out in the NP's First Purpose, UDP policies Q1-5 and Biodiversity Supplementary Planning Guidance (see also G3ii)

c) Sustainability

To secure the provision of onsite renewable energy sources (or community facilities) and sustainable design as outlined in the Strategic Aims of the UDP, the 3 Park Sustainable Design Guide, and UDP policy G6i.

a) **Affordable Housing**

The NPA's objective to ensure that new development contains a proportion of affordable housing is derived from our statutory duty of designation to “*seek to foster the economic and social well-being of local communities*”

The need for affordable housing in the National Park is established through liaison with the Authority's constituent Housing Authorities. In order to try to meet the identified need, a **minimum** of 20% of the total number of dwellings to be provided on a proposal site will need to be for affordable housing.

For the purpose of this guidance affordable housing is defined as properties for rent at registered social landlord (RSL) benchmark rent levels and intermediate housing, such as properties available for low cost home ownership, in accordance with WAG or other criteria that are acceptable to the local housing authority that is responsible for that part of the National Park.

The NPA will enter into a Section 106 agreement with the developer / applicant in order to secure a **minimum proportion** of 20% affordable housing in developments of three or more houses. The actual proportion of affordable housing will be determined through interrogation of the Local Housing Needs Assessments Surveys or from a proven evidence of need supplied by the Local Housing Authority.

The NPA will enter into a Section 106 agreement with the developer and/ or the RSL in order to ensure that all and subsequent occupiers will benefit from the affordable status of the dwelling.

The NPA will enter into a Section 106 agreement to ensure that all initial and subsequent occupiers are local people in need. In addition a number of RSLs operate a local allocations policy for their properties which can also be tied into the Section 106 agreement if needed.

Where a proposal is for 3 or 4 dwellings the NPA may agree to a land swap for an equivalent piece of land on which to provide the affordable housing, or exceptionally to accept a commuted sum payable to the relevant Unitary Housing Authority to enable the provision of affordable housing in the local area. This will also be tied by a Section 106 agreement.

For further guidance on the provision of affordable housing applicants are referred to:

Brecon Beacons National Park Authority Approved UDP Guidance Note Policy ES29 & ES30 Affordable Housing

See also Appendix I for flow diagrams demonstrating the stages in the process of considering applications involving affordable housing provision.

b) Biodiversity

Under UN Agenda 21 of the 1992 Earth Summit it is a government requirement to act at a national and international level to halt the continued loss of global biodiversity.

WAG guidance in TAN 5 *Nature Conservation and Planning* (consultation draft January 2006) states that:

The Assembly Government looks to the planning system to improve as well as protect the environment and to enhance as well as conserve the countryside and undeveloped coast, including statutorily designated areas

Further to this planning authority should:

Look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species

The Brecon Beacons National Park includes a wide variety of habitats. These habitats and the species they support are threatened by a variety of factors including new development.

It is a specific aim of the National Park Management Plan to conserve and enhance the biodiversity of the Park in the habitats and species conservation as a contribution to local, national and global biodiversity.

Further to this the UDP states

“Future development should not result in a net loss in either the quality or quantity of biodiversity in the Park and instead, wherever possible, should contribute positively to its engagement, producing a net gain that benefits local biodiversity in terms of people and wildlife alike”

The UDP also acknowledges the importance of preserving the Park’s biodiversity for social, cultural and economic reasons as an asset valued by local residents and visitors alike and contributes to the special qualities of the Park.

UDP part 1 policy 2 Biodiversity and Earth Heritage states that

“...Wherever appropriate development proposals will adhere to the principle of Biodiversity conservation”

In addition detailed policies Q1-Q5 specifically relate to the conservation and enhancement of biodiversity.

Policy Q5 ii & iii states:

Development will only be permitted where:

ii) The developer identifies habitats and landscape features of importance for wildlife within the site and provides for the further creation, positive management, restoration, enhancement or compensation for these habitats and features to ensure that the site maintains its nature conservation importance; and

iii) Full provision is made for the future management of the site's habitats and features of nature conservation value. This will be secured either through planning obligations or the imposition of planning conditions.

In accordance with the above directives and policy the Brecon Beacons National Park Authority will ensure that all new development will adhere to the principle of biodiversity conservation and enhancement by seeking contributions that maintain and enhance the green-infrastructure of the National Park.

Green Infrastructure

"Green Infrastructure" is the sub-regional network of protected sites, nature reserves, green spaces and green linkages. These include river corridors, floodplains, footpaths, linear routes or other features of the landscape, that are of importance as corridors or stepping stones for wildlife.

Green Infrastructure can provide for multi-functional uses i.e., wildlife, recreational and cultural experience, as well as delivering ecological services, such as flood protection, shade, cooling during hot weather, carbon dioxide absorption and water conservation. It can operate at all spatial scales and in all areas from urban centres to open countryside and ideally should be designed to integrate with wider landscape conservation measures.

Further guidance is available from the Town and Country Planning Association (TCPA) in its publication "**Biodiversity by Design – a guide for sustainable communities**". See www.tcpa.org.uk

Where necessary applications for planning permission will be expected to be accompanied by a Biodiversity survey or report. This will help inform the NPA of the ecological context of the proposed development and provide details of what measures the development will take to conserve and enhance the biodiversity of the site.

All development for 3 or more units will need to be accompanied by a Biodiversity survey or Report which will consider how the proposed development will conserve and enhance the biodiversity of the site. For all other development proposals the necessity for biodiversity survey and report or environmental statement will be determined through pre-application advice or through the validation process.

Within this survey developers will be asked to:-

- Consider how the development might make a positive contribution to ‘green infrastructure’ (see above) or the protection, enhancement or better understanding of geology and natural features and processes.
- Consider design measures that might achieve new benefits, for example:
 - Creating areas of new habitat such as woodland, rough grassland, wildflower grassland or ponds in landscaped areas or public open space
 - Siting open space and landscaping so that planting within them forms a suitable wildlife corridor between areas of habitat adjacent to the site
 - Making provision on new buildings for species such as bats, swallows, barn owls or other species that might live locally
 - Restoring landfill and mineral sites to suitable wildlife habitat or retaining new geological exposures through periodic clearance of vegetation
 - Using sustainable drainage schemes so that drainage infrastructure (such as reed bed filtration) also acts as biodiversity habitat

In all cases applicants are advised to contact the Biodiversity Information Service to ascertain whether any records exist for the proposed development site and adjacent areas, including protected sites and species. The results of the BIS search can be included as a part of the planning statement portion of the planning application if no Biodiversity Survey / Report is required. See <http://82.138.248.215/index.html> for details.

The findings of survey work will inform the development proposals. Where the survey findings detail the need for mitigation or compensation and enhancement measures, the implementation, management or monitoring of these measures will be secured either through condition or through a S106 agreement.

Examples of the types of planning obligations to be issued include:

- Provision of access and interpretation facilities for a geological feature;
- Provision of new habitats or geological exposures
- Off-site monitoring of any hydrological effects of development;

- Management of a particular feature (for example on-site or off-site habitat for a specified period;
- Financial provisions for establishment and/or management.

The BBNPA will use planning obligations where necessary in the granting of planning permission to ensure that development does not have a detrimental effect on the existing biodiversity and green infrastructure of a site. The nature and scale of these obligations will be judged according to a proven evidence of need on a site by site basis and will only be applicable where a condition on planning permission will not suffice.

Applicants are referred to the Biodiversity Obligation Matrix at Appendix 2 of this document to determine the nature of enhancement measures relating to their development proposal. Applicants should note that the matrix is indicative rather than definitive of likely obligations. Each relevant application will be subject to appraisal and more or less contribution may be required than the matrix can necessarily predict.

In exceptional circumstances where biodiversity enhancements are proven to not be viable developers will be expected to contribute a commuted sum to the BBNPA for use in the mitigation of developments effect on biodiversity. This contribution and any associated maintenance will be the subject of a financial viability appraisal to the satisfaction of the NPA and will be determined on a site by site basis.

For further guidance on the provision of biodiversity conservation and enhancement measures please refer to *Brecon Beacons National Park Authority Best Practice in biodiversity and geological conservation in planning and development: Authority Approved Planning Guidance*

c) Sustainability

The WAG has issued a policy statement for the National Park's of Wales. This statement outlines that National Parks should be exemplars for sustainable development.

Following on from this the National Park Management Plan sets out that the BBNPA must be managed in such a way that promotes the essence of sustainability.

“Sustainability is key if we wish to enable the successful transition of the Brecon Beacons into the future and provide future generations with a National Park that can be at the very least equally enjoyed and utilized as we do today,”

The Unitary Development Plan policy G6 part one states that development proposals will need to:

“Achieve sustainable design solutions representing best value by making prudent use of natural resources, incorporate sustainable energy use and waste control measures and provide the means for effective long-term maintenance, efficient operation and management” p.19

This policy statement has been expanded in the *Guidance for Sustainable Design in the National Parks of Wales*. This guidance is framed within National Design Policy and in particular Planning Policy Wales Technical Advice Note 12, in so much as sustainable design ‘is at the heart of the design process’ TAN 12, 2002.

The Brecon Beacons National Park will ensure that all new development will adhere to the principle of sustainable design this will either be determined through the use of conditions on planning permission or where necessary through the use of planning obligations.

Section 106 agreements will be sought where necessary to ensure that all new development has a minimum 10% renewable energy provision either on site or through community based projects directly related to the site. Development of 3 or more residential units will be obligated to increase this renewable energy provision to 20% or more.

Section 106 agreements will also be sought where a condition on planning permission will not suffice to ensure that development fulfils the requirements of sustainability best practice as outlined in the Sustainable Design guide where relevant.

Applicants are referred to the Sustainable Design Guide Matrix at Appendix 3 of this document to determine what specific levels of provision and action is relatable to their development proposal.

In addition to the contributions outlined at appendix 3 obligations will be used where necessary to ensure that development contributes towards the achievement of the 'good status' target as set out by the Water Framework Directive. Key issues that planning obligations could be used to seek to address include:

- *Wastewater Treatment Infrastructure*: In cases where mains sewer connection is not possible due to lack of capacity, planning obligations can be used to facilitate sewer capacity upgrades.
- *Flood Risk Management* Involving physical alterations of the water environment for flood defence or land reclamation. For example, planning obligation could be used to ensure flood risk mitigation is carried out.
- *Drainage* issues such as increased volumes of run-off, changes to natural functioning of flood plains and the need to use Sustainable Drainage Systems, climate change will make all of these issues more difficult to manage (see also Appendix 3)
- *Minerals and waste* i.e. restoration; bonds
- *Regeneration* which provides opportunities to integrate the water environment within development.

In exceptional circumstances where sustainable design provision is proven to be not viable, developers will be expected to contribute a commuted sum to the BBNPA for use to mitigate against the negative effects of the development in related schemes. This contribution will be the subject of a financial viability appraisal to the satisfaction of the NPA and will be determined on a site by site basis. As a guideline developers should be expected to contribute between 1-3% of gross development cost (not including cost of land).

Table I: Category I Contribution levels

Topic	Applicable to	Threshold Trigger	Contribution
Affordable Housing	Residential Development	3 or more dwellings	Minimum 20% dependent provision in line with Policy ES29 & ES30
Sustainable development	All development	Multiple thresholds as related in Appendix 3	Adherence to sustainability best practice. Provision of water quality enhancement measures Provision of on-site renewables or payment of commuted sum to the BBNPA. See matrix at appendix 3 for expected contribution levels
Biodiversity	All development	All development. 3 or more dwellings require provision of biodiversity survey	See matrix at appendix 2 for indicative contribution levels

5.0 PARTNERSHIP WORKING

Category 2 contributions

NB. Planning obligations sought from Category 2 contributions will be in addition to that specified for in category 1.

5.0.1 The NPA is committed to securing positive contributions for the communities it serves. However in most cases the management of community services comes under the administrative jurisdiction of the relevant Unitary Authority.

5.0.2 Therefore the NPA has defined the seeking of planning obligations for the benefit of community service areas as category 2 community contributions. These relate to contributions for which the NPA does not have administrative control over the service provision. In the case of the seeking of category 2 contributions, the NPA will negotiate planning obligations working in partnership with the relevant Unitary Authority (UA).

5.0.3 In the seeking of category 2 contributions the BBNPA will adopt the policy positions of the specific UA. The UAs have formulated their approach to planning obligation contributions in line with their relevant Community Strategies and other related high level policy documents. These strategies are in turn based on an 'audit of need' exercise which help establish the evidence base upon which contribution levels are set. As such The NPA has decided to adopt this position to best serve the needs of our constituent communities.

5.0.4 Instances where category 2 contributions may be sought include:

- The provision and maintenance of open space and recreational areas in developments including enhancement of 'public realm' areas including waterside sites.
- Provision or enhancement of existing Educational facilities.
- Provision of sustainable transport links such as improved accessibility to public transport, park and ride services and cycle and footpaths.
- Provision of community facilities (such as improvements to library facilities, existing community halls, bus shelters)
- Provision or improvement of road infrastructure to serve a development
- Provision, maintenance and management of existing recycling or community composting facilities
- Improvements to access for disable people
- Measures to offset negative impact on the integrity of cultural or archaeological heritage (including enhancements such as improved access to and interpretation of features of interest)

- Provision of measures to improve community safety including CCTV
- Provision or enhancement of existing healthcare facilities
- Public art provision
- Provision of local training initiatives
- Flood risk management measures
- Any other appropriate planning gain as judged according to a proven evidence of need on a site by site basis

5.0.5 In order to provide guidance and clarity for developers as to the level of contributions sought, this guide is split into the following seven chapters each detailing indicative levels of provision required for the relevant⁴ 7 constituent unitary authorities within the National Park border. These chapters outline the contribution levels the NPA will be seeking for developments located within the main unitary authorities of the Park.

⁴ As previously detailed the National Park has 9 Unitary Authorities operating within its border. However Neath Port Talbot and Caerphilly are excluded from detail within this strategy as they have insufficient land within the Park's borders to produce a scheme that is likely to warrant the need to negotiate planning obligations.

6.0 POWYS

6.0.1 The Brecon Beacons National Park Authority will work in partnership with Powys County Council in accordance with their emerging Planning Obligation Strategy in the determining of category 2 planning obligation contributions.

6.0.2 These contributions are *in addition* to the planning obligation requirements already outlined in category 1.

6.0.3 Powys County Council has produced *Interim Development Control Guidance: Planning Obligation Strategy* (April 2008). This guidance has been approved as Interim Development Control Guidance for use in the determination of planning applications however its implementation is subject to the approval of a business case. Subject to approval in Powys the scale of any proposed development will determine the County Council's approach to securing planning obligations.

a) Where developments are small in scale (generally 3-5 residential units / small employment developments) applicants must work in partnership with Powys County Council to prepare the planning obligation statement in support of their application. Contributions will be based on the guidance prepared by each of Powys County Councils service areas. Where this includes a tariff based approach to contributions applicants must detail the amounts to be contributed to each service area within their statement of intent and confirm their willingness to enter into a unilateral undertaking to provide contributions should planning permission be granted.

b) Where developments are larger in scale (generally more than five residential units / larger employment developments) the Powys County Council and BBNPA joint Planning Obligation officer will present the proposal to the planning obligations board for consideration. The obligations board, made up of key stakeholders, will then instruct the applicant on the planning obligations package that is required from the development. The details of this package should be used to inform the Planning Obligation Statement accompanying their application. The statement should also clearly indicate the applicant's willingness to provide the contributions or detailed justification as to why the findings of the board can not be met.

6.0.4 The expected contribution levels are judged in accordance to a proven evidence of need as set out in Service Areas Topic Papers (emerging). Likely areas of contribution are listed below at table two: Development over 5 residential units or large employment developments will be referred to Powys County Council's service areas to ascertain the specific level of need. Emerging service area documents will provide justification as to their specific obligations package requirements.

6.0.5 In all cases of development for 3 or more residential units or 500m² commercial development applicants must submit detailed description of their proposal including all relevant plans to Powys County Council to the addresses detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

Details of the proposal must be submitted to each service area.

This information will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO POWYS COUNTY COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application.

Darren Jones Education darren.jones@powys.gov.uk 01597 826709	Powys County Council Spa Road East Llandrindod Wells Powys LDI 5LG
Richard Hobbs Transportation richard.hobbs@powys.gov.uk 01874 61 2302	Neuadd Brycheiniog, Cambrian Way, Brecon, Powys LD3 7HR
Chris Tully Public Open Space chris.tully@powys.gov.uk	St John's Offices, Spa Road East, Llandrindod Wells, Powys LDI 5ES
Louise Ingham Public Art louise.ingham@powys.gov.uk	St John's Offices, Spa Road East, Llandrindod Wells, Powys LDI 5ES

Table 2: Powys County Council Planning Obligations Assessment Framework

Topic / Service Area	Applicable to	Contribution	Maintenance
<i>In addition to category 1 contributions</i>			
Amenity Open Space	3 or more Residential development 500 m ² Commercial development	Judged according to a proven evidence of need in liaison with relevant Service provider on a site by site basis.	Site by site negotiation over maintenance (where not practicable developer to maintain or payment of commuted sum based on maintenance costs).
Sports Areas & Play Space, Parks and Gardens	3 or more Residential Development 500m ² Commercial Development	Judged according to proven evidence of need in liaison with relevant Service provider on a site by site basis.	Site by site negotiation over maintenance (where not practicable developer to maintain, based on maintenance costs).
Sports facilities	Residential Development	Judged according to proven evidence of need in liaison with relevant Service provider on a site by site basis.	Site by site negotiation over maintenance (where not practicable developer to maintain, based on maintenance costs).
Accessibility, transport and movement	All development	Improvements as necessary as agreed with Highways authority.	Site by site negotiation over maintenance where applicable.
Public Art	Residential development	Onsite provision or provision judged according to a proven evidence of need in liaison with relevant service provider on a site by site basis.	Site by site negotiation over maintenance where applicable.
Educational Contributions	3 or more Residential development	Judged according to proven evidence of need in liaison with Powys Education	Site by site negotiation over maintenance where

		Authority on a site by site basis.	applicable.
Built Heritage and Archaeology	Development that is likely to impact on built heritage and archaeology	Judged according to proven evidence of need in liaison with relevant service Area on a site by site basis	Site by site negotiation over maintenance where applicable.
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis.			

6.0.5 Applicants for development within Powys are referred to *Powys Interim Development Control Guidance: Planning Obligation Strategy* (April 2008). for more information regarding the setting of planning obligations contribution levels.

7.0 MONMOUTHSHIRE

Category 2 contributions

7.0.1 For developments located within the administrative area of Monmouthshire, BBNPA will work in accordance with the planning obligation policy of Monmouthshire County Council in negotiating community benefits. These contributions will be *in addition* to the planning obligation requirements already outlined in category 1.

7.0.2 Monmouthshire County Council have timetabled the drafting of Supplementary Planning Guidance on Section 106 agreements to be in place sometime in September 2009. At such a time as the SPG is approved for use, the NPA will address its strategy in relation to category 2 planning obligations within Monmouthshire. Until such a time the NPA will work in partnership with Monmouthshire County Council addressing each relevant application on an individual basis according to a proven evidence of need for category 2 contributions.

Applications which trigger the need to assess the required planning obligation contributions are those which are

- a) Located within the administrative boundaries of Monmouthshire County Council **and**
- b) Judged on a development by development basis as having a scale and impact that warrant planning obligation requirements. In rural areas, for instance the trigger in relation to residential development will generally be considered 3 or more dwellings.

7.0.3 For all category 2 developments within the administrative boundaries of Monmouthshire, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to all service areas within Monmouthshire County Council to the addresses detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO MONMOUTHSHIRE COUNTY COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application.

<p>Jacqui Morris – Access Manager Education JacquiMorris@monmouthshire.gov.uk 01633 644504</p>	<p>Lifelong Learning and Leisure M-C-C, County Hall, Cwmbran NP44 2XH</p>
<p>Mark J Davies – Traffic Development Manager Highways MarkJDavies@monmouthshire.gov.uk 01633 644754</p>	<p>Regeneration, Environment & Resources M-C-C, County Hall, Cwmbran NP44 2XH</p>
<p>Mike Moran - Leisure and Recreation Manager Leisure and Recreation Manager MikeMoran@monmouthshire.gov.uk 01633 644611</p>	<p>Lifelong Learning and Leisure M-C-C, County Hall, Cwmbran NP44 2XH</p>
<p>Tim O'Donovan Landscape Consultant TimO'Donovan@monmouthshire.gov.uk 01633 644435</p>	<p>Regeneration, Environment & Resources M-C-C, County Hall, Cwmbran NP44 2XH</p>
<p>John Hill – Waste and Cleansing Manager Waste Management JohnHill@monmouthshire.gov.uk 01633 644126</p>	<p>Regeneration, Environment & Resources M-C-C, County Hall, Cwmbran NP44 2XH</p>

7.0.4 Table 3 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Monmouthshire County Council.

Table 3: Monmouthshire County Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Contribution	Maintenance
<i>In addition to category I contributions</i>			
Amenity open space	a) Residential Developments	Judged on a development by development basis in accordance with a proven evidence of need.	Site by site negotiation over maintenance where applicable
Accessibility, transport movement	All development	Improvements as necessary as agreed with Monmouthshire highways authority.	Site by site negotiation over maintenance where applicable
Educational Contributions	Residential Development	Judged according to a proven evidence of need in liaison with Monmouthshire Education Authority on a site by site basis.	N/A
Built heritage Archaeology	Developments that are likely to impact on built heritage and archaeology	Depending on applicants survey results Judged according to a proven evidence of need on a site by site basis	Applicant to arrange
Rights of Way	All development impacting on rights of way	Enhancements of the immediate rights of way network judged according to a proven evidence of need on a site by site basis	Should not be necessary
Public Art	All development	In relation to Major Developments.	Applicant to arrange & agree as part of obligation
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis			

8.0 CARMARTHESHIRE

8.0.1 Carmarthenshire County Council have established policy regarding planning obligations both within their UDP and through the issuing of draft supplementary planning advice in the form of *Section 106 Consultation Paper: The Provision of Service and Community Facilities Related to new Development in Carmarthenshire*.

8.0.2 The Brecon Beacons National Park Authority will work in accordance with the planning obligation policy of Carmarthenshire County Council in negotiating all category 2 obligated provision on all relevant applications. This is *in addition* to the planning obligation requirements already outlined in category 1.

8.0.3 Applications which trigger the need to assess the required planning obligation contributions are those which are

- a) Located within the administrative boundaries of Carmarthenshire County Council **and**
- b) All residential development as set out in draft Supplementary Planning Guidance (SPG) which states that in the seeking of planning obligations ‘no minimum threshold will be applied, No contributions will be sought however, in instances where no net increase in dwellings is proposed or in relation to house extensions and no contributions will attach to reserve matters applications where the application does not change the number of dwellings, as approved in the outline applications’

8.0.4 Carmarthenshire County Council have adopted a tariff based approach to the setting of planning obligations in 2 key areas, Amenity Open Space and Education. The formula for calculating these contribution levels have been set out in draft SPG and approved by Carmarthenshire County Council for use in the negotiation of planning applications. The BBNPA will adopt these figures when negotiating planning obligations for category 2 contributions within Carmarthenshire.

8.0.5 For all category 2 developments within the administrative boundaries of Carmarthenshire, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to Carmarthenshire County Council to the address detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO CARMARTHENSHIRE COUNTY COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application

Eifion Bowen Head of Planning	Carmarthenshire County Council County Hall Carmarthen Carmarthenshire SA31 1JP
---	--

8.0.7 Table 4 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Carmarthenshire County Council.

Table 4: Carmarthenshire County Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Contribution	Maintenance
<i>In addition to category I contributions</i>			
Amenity open space	a) Residential Developments b) Commercial Sites	a) Minimum 13% of development area to be for amenity open space (including the provision of sporting facilities) b) In Lieu of on-site provision commuted sum to be payable of £1000/plot	a) In the case of on-site provision developer to arrange b) In the case of commuted sum, developers to pay £10,000 maintenance fee
Accessibility, transport & movement	All development	Improvements as necessary as agreed with relevant highways authority.	N/A
Educational Contributions	Residential Development	Financial contribution per school place generated based on formula. a) For housing development in a catchment area where the local school has no surplus accommodation and or the MEP draft implementation plan identifies a significant investment need contribution ranges form £3000 - £4000 per school place generated	N/A

		b) For housing development in a catchment area where local school is shown to have a surplus accommodation and there is no significant draft MRP implementation plan contribution ranges from £1000-£2000 per school place generated	
Built heritage & Archaeology	Developments that are likely to impact on built heritage and archaeology	Depending on applicants survey results Judged according to a proven evidence of need on a site by site basis	Applicant to arrange
Rights of Way	All development impacting on rights of way	Enhancements of the immediate rights of way network judged according to a proven evidence of need on a site by site basis	Should not be necessary
Public Art	All development	Judged according to a proven evidence of need on a site by site basis	Applicant to arrange & agree as part of obligation
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis			

8.5 Applicants are referred to Carmarthenshire County Councils draft SPA on Planning Obligations for more detailed information regarding community planning gain and contribution levels.

9.0 BLAENAU GWENT CBC

Category 2 contributions

9.0.1 For developments located within the administrative area of Blaenau Gwent, BBNPA will work in accordance with the planning obligation policy of Blaenau Gwent County Borough Council in negotiating community planning gain. These contributions will be *in addition* to the planning obligation requirements already outlined in category 1.

9.0.2 Blaenau Gwent County Council are in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations. At such a time as Blaenau Gwent's SPG is approved for use in determining planning applications the NPA will address its strategy in relation to category 2 planning obligations within Blaenau Gwent. Until such a time the NPA will work in partnership with Blaenau Gwent County Borough Council addressing each relevant application on an individual basis according to a proven evidence of need for category 2 contributions.

9.0.3 Applications which trigger the need to assess the required planning obligation contributions are those which are located within the administrative boundaries of Blaenau Gwent and fall within the Threshold/ Trigger levels as detailed in the table below.

9.0.4 For all category 2 developments within the administrative boundaries of Blaenau Gwent CBC, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to Blaenau Gwent CBC at the address detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO BLAENAU GWENT COUNTY BOROUGH COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application

Lynda Healy Development Plans Manager	Regeneration Division Business Resource Centre Tafarnaubach Industrial Estate Tredegar NP22 3AA
---	--

9.0.5 Table 5 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Blaenau Gwent County Borough Council. These levels are yet to be formally adopted by Blaenau Gwent however are detailed as emerging policy. The contribution levels and triggers may be subject to change.

Table 5: Blaenau Gwent County Borough Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Threshold/ Trigger	Contribution	Maintenance
<i>In addition to category 1 contributions</i>				
Educational Facilities	Residential Developments	10 or more dwellings	Judged according to a proven evidence of need in liaison with Blaenau Gwent Education Authority on a site by site basis.	n/a
Outdoor Recreational Facilities	Residential Developments	10 or more dwellings	Contributions sought on a site-by-site basis according to a proven evidence of need in line with FIT standards for public open space.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Accessibility, transport & movement	All development	Considered on a case by case basis where there is a proven evidence of need.	Judged according to a proven evidence of need in liaison with Blaenau Gwent Transport Authority on a site by site basis.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Community Development and Recreational	All development	10 or more dwellings	Contributions sought on a site-by-site basis according to a proven evidence of need.	Developers to make arrangements to the satisfaction of the County

Facilities				Borough Council and the NPA
Skills and Labour Market	All development	Major development as defined by ODPM	Contributions will be sought to encourage opportunities for local job seekers, contractors and local businesses.	N/A
Community Safety	All development	Judged on a site by site basis according to a proven evidence of need.	Contributions will be sought to supply signage, street lighting, CCTV etc. in accordance with a proven evidence of need,	Developer to arrange to the satisfaction of Blaenau Gwent CC and the NPA
Public Art	All development	Judged on a site by site basis according to a proven evidence of need.	Judged on a site by site basis. Public art will be a particularly important consideration in respect of development in town centre locations.	Developer to arrange to the satisfaction of Blaenau Gwent CC and the NPA
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis				

9.0.6 Applicants for development within Blaenau Gwent are advised to be aware that Blaenau Gwent CBC is in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations, it is anticipated that a consultation draft will be available in the autumn of this year.

10.0 TORFAEN CBC

Category 2 contributions

10.0.1 For developments located within the administrative area of Torfaen, BBNPA will work in accordance with the planning obligation policy of Torfaen County Borough Council in negotiating community planning gain. These contributions will be *in addition* to the planning obligation requirements already outlined in category 1.

10.0.2 Torfaen County Council are in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations. At such a time as Torfaen's SPG is approved for use in determining planning applications the NPA will address its strategy in relation to category 2 planning obligations within Torfaen. Until such a time the NPA will work in partnership with Torfaen County Borough Council addressing each relevant application on an individual basis according to a proven evidence of need for category 2 contributions.

Applications which trigger the need to assess the required planning obligation contributions are those which are

- c) Located within the administrative boundaries of Torfaen County Council **and**
- d) defined as major in accordance with the ODPM classifications. Developments classed as major are:
 - Development of 10 or more Residential units
 - Provision of over 1000m² commercial floor space
 - Developments involving an area of 0.5 hectares or more in area

10.0.3 For all category 2 developments within the administrative boundaries of Torfaen CBC, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to Torfaen CBC to the address detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO TORFAEN CBC BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application

<p>Duncan Smith Director of Planning and Public Protection Services</p>	<p>Planning and Public Protection Service Torfaen CBC 4th Floor County Hall Cwmbran Torfaen NP44 2WN</p>
--	---

10.0.4 Table 6 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Torfaen County Borough Council. These levels are yet to be formally adopted by Torfaen however are detailed as emerging policy. The contribution levels and triggers may be subject to change

Table 6: Torfaen County Borough Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Contribution	Maintenance
<i>In addition to category I contributions</i>			
Educational Facilities	Residential Developments	Judged according to a proven evidence of need in liaison with Torfaen Education Authority on a site by site basis	n/a
Outdoor Recreational Facilities	Residential Developments	Contributions sought on a site-by-site basis according to a proven evidence of need in line with FIT standards for public open space.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Accessibility, transport & movement	All development	Judged according to a proven evidence of need in liaison with Torfaen Transport Authority on a site by site basis.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Community Development and Recreational Facilities	All development	Contributions sought on a site-by-site basis according to a proven evidence of need.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Community Safety	All development	Contributions will be sought to supply signage, street lighting, CCTV etc. in accordance with a proven evidence of need,	Developer to arrange to the satisfaction of Torfaen CC and the NPA
Public Art	All development	The level of contribution will be subject to negotiation judged according to proven evidence of need subject to a maximum of 1% of the development value.	Developer to arrange to the satisfaction of Torfaen CC and the NPA

Any other service area deemed appropriate according to a proven evidence of need on a site by site basis

10.05 Applicants for development within Torfaen are advised to be aware that Torfaen CBC is in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations, it is anticipated that a consultation draft will be available later this year.

11.0 RHONDDA CYNNON TAFF CBC

Category 2 contributions

11.0.1 For developments located within the administrative area of Rhondda Cynnon Taff, BBNPA will work in accordance with the planning obligation policy of Rhondda Cynnon Taff County Borough Council in negotiating community planning gain. These contributions will be *in addition* to the planning obligation requirements already outlined in category 1.

11.0.2 Rhondda Cynnon Taff County Borough Council have timetabled the drafting of Supplementary Planning Guidance on Section 106 agreements to be in place by the autumn of this year. RCT will also address refining the role and use of Planning Obligations in advance of the consultation on the draft deposit LDP in autumn of this year. At such a time as RCT's SPG is approved for use in determining planning applications the NPA will address its strategy in relation to category 2 planning obligations within Rhondda Cynnon Taff. Until such a time the NPA will work in partnership with Rhondda Cynnon Taff County Borough Council addressing each relevant application on an individual basis according to a proven evidence of need for category 2 contributions.

11.0.4 Applications which trigger the need to assess the required planning obligation contributions are those which are located within the administrative boundaries of Rhondda Cynnon Taff and fall within the Threshold/ Trigger levels as detailed in the table below.

11.0.5 For all category 2 developments within the administrative boundaries of RCT CBC, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to RCT County Borough Council to the address detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO RHONDDA CYNNON TAFF COUNTY BOROUGH COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application

Shelia Davies Director of Development and Regeneration	Rhondda Cynnon Taff CB Council Valleys Innovation Centre Navigation Park Abercynon Rhondda Cynnon Taff CF45 4SN
--	--

11.0.6 Table 7 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Rhondda Cynnon Taff County Borough Council. These levels are yet to be formally adopted by RCT however are detailed as emerging policy. The contribution levels and triggers may be subject to change.

Table 7: Rhondda Cynnon Taff County Borough Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Threshold/ Trigger	Contribution	Maintenance																						
<i>In addition to category I contributions</i>																										
Educational Facilities	Residential Developments – exemptions apply for certain unit types such as one bedroom apartments.	Net increase of 10 eligible units	Judged according to a proven evidence of need in liaison with Rhondda Cynnon Taff Education Authority on a site by site basis.	n/a																						
Outdoor Recreational Facilities	Residential Developments – exemptions apply for certain unit types	Net increase of 10 eligible units	Contributions sought on a site-by-site basis according to a proven evidence of need.	Developers to make arrangements to the satisfaction of the County Borough Council																						
Accessibility, transport & movement	All development	Considered on a case by case basis.	<p>Considered on a case by case basis</p> <p>Note: The requirement for a Transport Assessment (including Travel Plans), will be in accordance with the following triggers:</p> <table border="0"> <tr> <td>Retail (food & non-food)</td> <td>1,000 m²</td> </tr> <tr> <td>Leisure (inc. Cinemas)</td> <td>1,000m²</td> </tr> <tr> <td>Business</td> <td>2,500m²</td> </tr> <tr> <td>Industrial</td> <td>5,000m²</td> </tr> <tr> <td>Distribution/Warehousing</td> <td>10,000m²</td> </tr> <tr> <td>Hospitals</td> <td>2,500m²</td> </tr> <tr> <td>Schools</td> <td>All</td> </tr> <tr> <td>Higher / Further Education</td> <td>2,500m²</td> </tr> <tr> <td>Stadia</td> <td>1,500 seats</td> </tr> <tr> <td>Housing</td> <td>100 dwellings</td> </tr> <tr> <td>Hotels</td> <td>1,000m²</td> </tr> </table>	Retail (food & non-food)	1,000 m ²	Leisure (inc. Cinemas)	1,000m ²	Business	2,500m ²	Industrial	5,000m ²	Distribution/Warehousing	10,000m ²	Hospitals	2,500m ²	Schools	All	Higher / Further Education	2,500m ²	Stadia	1,500 seats	Housing	100 dwellings	Hotels	1,000m ²	Developers to make arrangements to the satisfaction of the County Borough Council
Retail (food & non-food)	1,000 m ²																									
Leisure (inc. Cinemas)	1,000m ²																									
Business	2,500m ²																									
Industrial	5,000m ²																									
Distribution/Warehousing	10,000m ²																									
Hospitals	2,500m ²																									
Schools	All																									
Higher / Further Education	2,500m ²																									
Stadia	1,500 seats																									
Housing	100 dwellings																									
Hotels	1,000m ²																									

Community Facilities	All Development	Considered on a case by case basis	Contributions sought on a site-by-site basis according to a proven evidence of need.	Developers to make arrangements to the satisfaction of the County Borough Council
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis				

11.0.6 Applicants for development within Rhondda Cynnon Taff are advised to be aware that RCT CBC is in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations, it is anticipated that a consultation draft will be available in the autumn of this year.

12.0 MERTHYR TYDFIL CBC

Category 2 contributions

12.0.1 For developments located within the administrative area of Merthyr Tydfil, BBNPA will work in accordance with the planning obligation policy of Merthyr Tydfil County Borough Council in negotiating community planning gain. These contributions will be *in addition* to the planning obligation requirements already outlined in category 1.

12.0.2 Merthyr Tydfil County Council are in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations as part of the drafting of their emerging Local Development Plan. At such a time as Merthyr Tydfil's SPG is approved for use in determining planning applications the NPA will re-address its strategy in relation to category 2 planning obligations within Merthyr Tydfil. Until such a time the NPA will work in partnership with Merthyr Tydfil County Borough Council addressing each relevant application on an individual basis according to a proven evidence of need for category 2 contributions.

12.0.3 Applications which trigger the need to assess the required planning obligation contributions are those which are

- e) Located within the administrative boundaries of Merthyr Tydfil County Council **and**
- f) Defined as major in accordance with the ODPM classifications. Developments classed as major are:
 - Development of 10 or more Residential units
 - Provision of over 1000m² commercial floor space
 - Developments involving an area of 0.5 hectares or more in area

12.0.4 For all category 2 developments within the administrative boundaries of Merthyr Tydfil CBC, the BBNPA will require applicants for proposals for 3 or more residential units or 500sq m of commercial development to submit a detailed description of their proposal including all relevant plans to Merthyr Tydfil County Borough Council to the address detailed below. This submission must clearly state that it is a request for information with regards to the needed planning obligations as directed by the BBNPA planning obligation strategy.

This information submitted will be used to ascertain the planning obligations requirements of the proposal.

THIS INFORMATION MUST BE PROVIDED TO MERTHYR TYDFIL COUNTY BOROUGH COUNCIL BEFORE SUBMITTING AN APPLICATION TO THE BBNPA.

The findings from this pre-application exercise will inform the details of the planning obligations statement to be submitted in support of the planning application

<p>Norman Davies Head of Town Planning</p>	<p>Merthyr Tydfil CBC Ty Keir Hardie Riverside Court Avenue Declichy Merthyr Tydfil CF47 8AN</p>
---	--

13.0.5 Table 8 below highlights the contribution areas and likely obligations that will be sought by the Brecon Beacons National Park Authority working in partnership with Merthyr Tydfil County Borough Council.

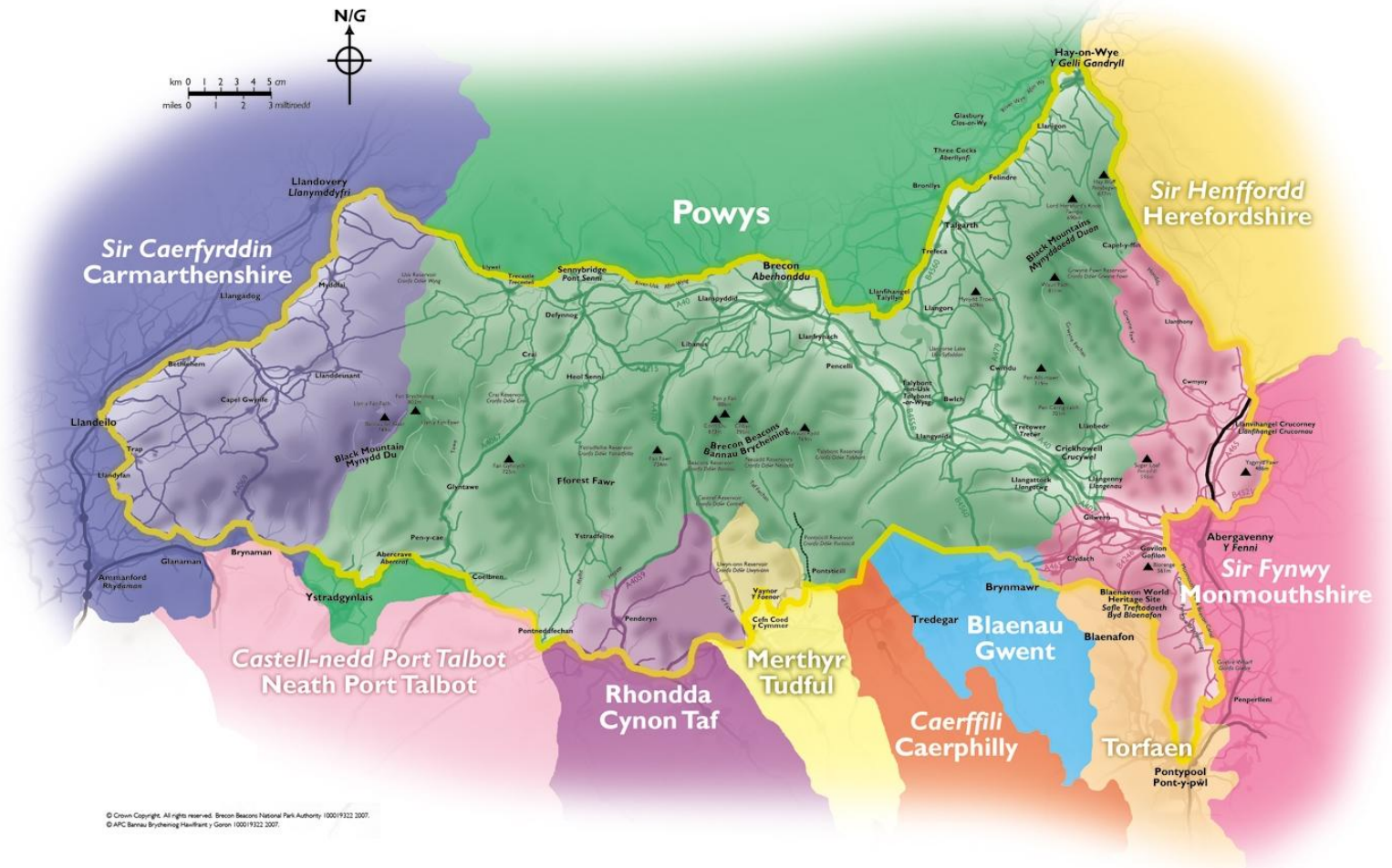
Table 8: Merthyr Tydfil County Borough Council Planning Obligation Assessment Framework

Topic / Service Area	Applicable to	Contribution	Maintenance
<i>In addition to category I contributions</i>			
Educational Facilities	Residential Developments	Judged according to a proven evidence of need in liaison with Merthyr Tydfil Education Authority on a site by site basis.	n/a
Outdoor Recreational Facilities	Residential Developments	Contributions sought on a site-by-site basis according to a proven evidence of need in line with FIT standards for public open space.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Accessibility, transport & movement	All development	Judged according to a proven evidence of need in liaison with Merthyr Tydfil Transport Authority on a site by site basis.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Community Development and Recreational Facilities	All development	Contributions sought on a site-by-site basis according to a proven evidence of need.	Developers to make arrangements to the satisfaction of the County Borough Council and the NPA
Community Safety	All development	Contributions will be sought to supply signage, street lighting, CCTV etc. in accordance with a proven evidence of need.	Developer to arrange to the satisfaction of Merthyr Tydfil CC and the NPA
Public Art	All development	The level of contribution will be subject to negotiation judged according to proven evidence of need subject to a maximum of 1% of the	Developer to arrange to the satisfaction of Merthyr Tydfil CC and the NPA

		development value.	
Any other service area deemed appropriate according to a proven evidence of need on a site by site basis			

12.0.6 Applicants for development within Merthyr Tydfil are advised to be aware that Merthyr Tydfil CBC is in the process of drafting Supplementary Planning Guidance on the seeking of planning obligations.

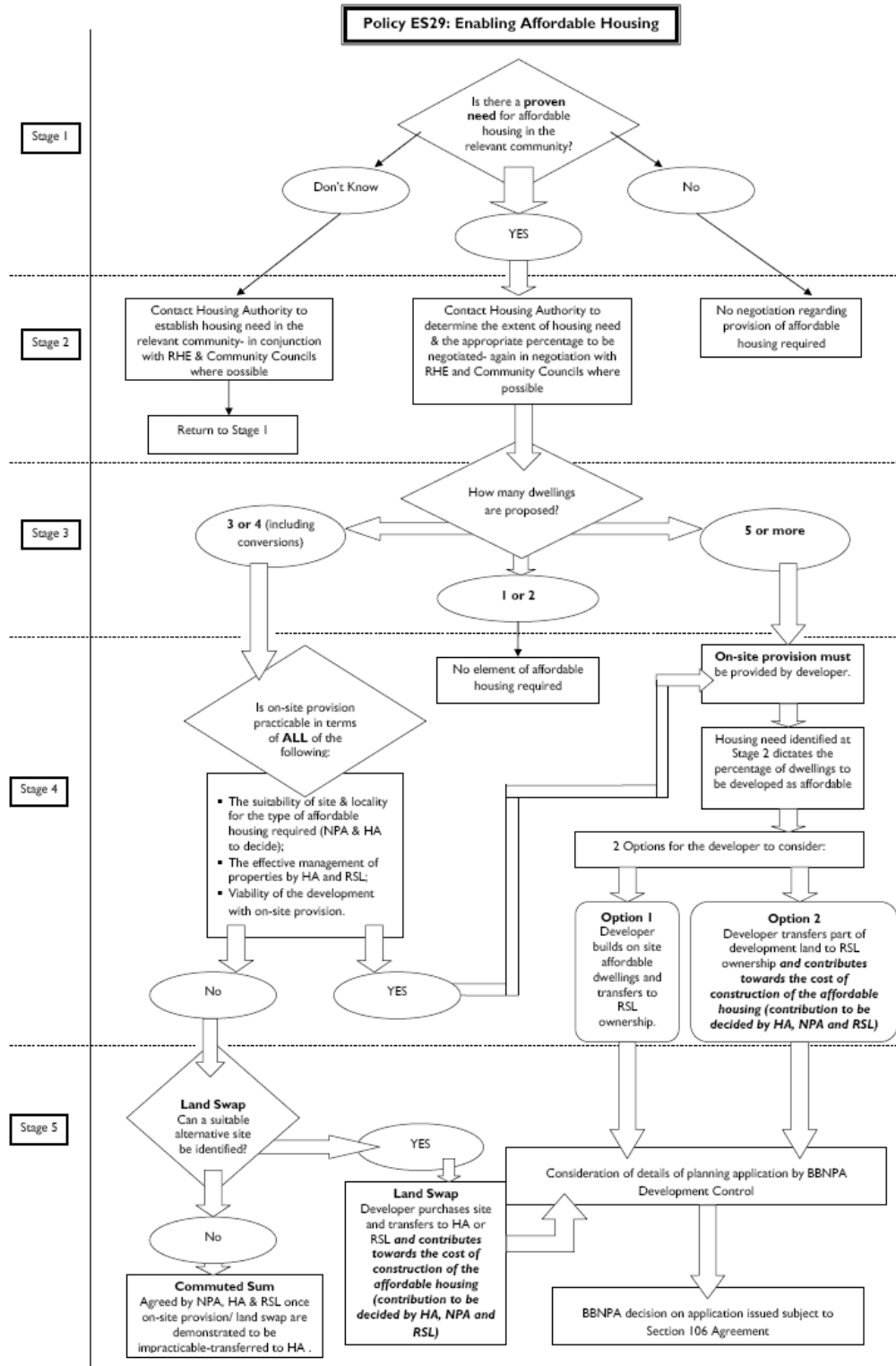
MAP 1 CONSTITUENT UNITARY AUTHORITIES



© Crown Copyright. All rights reserved. Brecon Beacons National Park Authority 100019322 2007.
 © APC Bannau Brycheiniog Hafardd y Goron 100019322 2007.

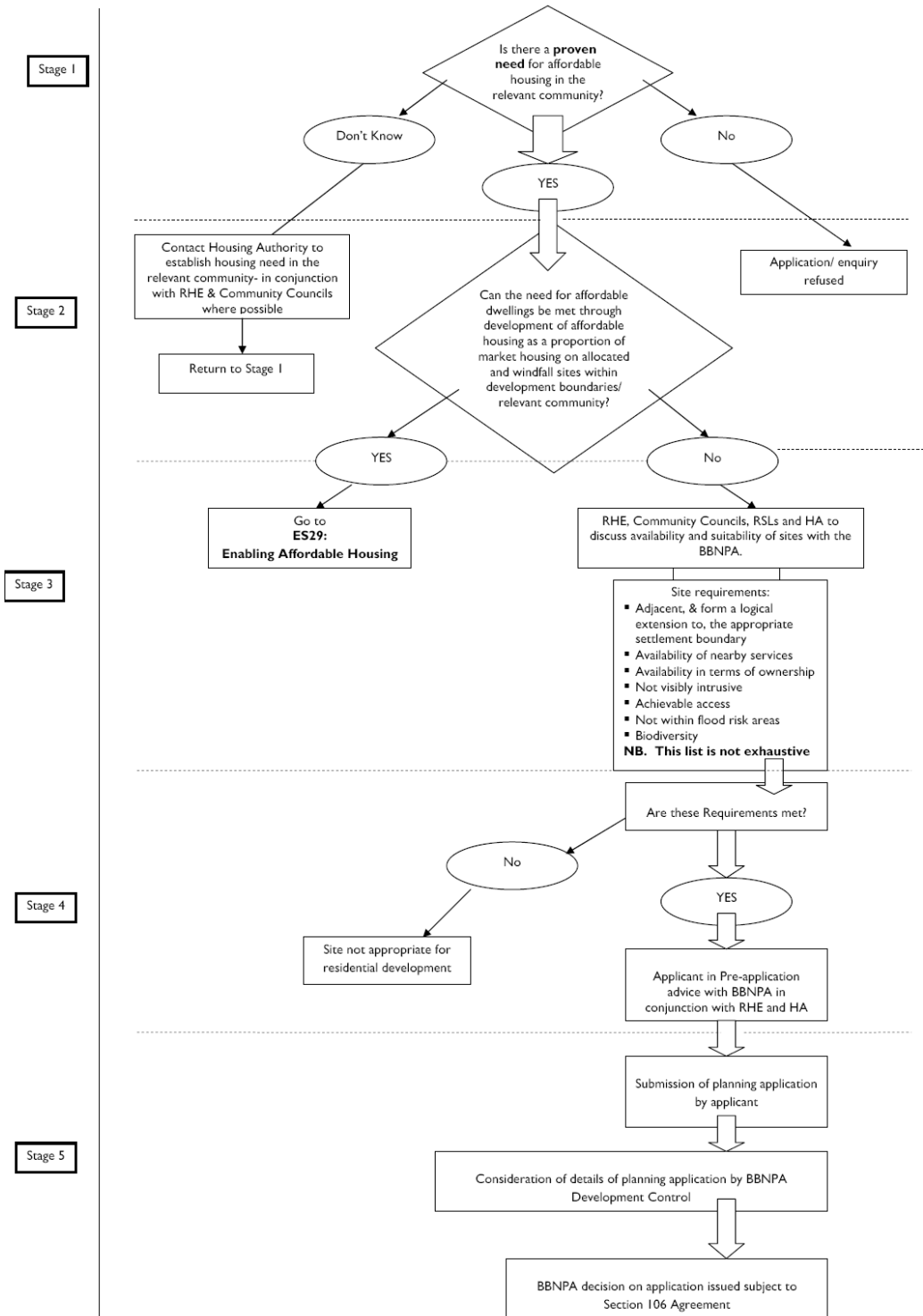
APPENDIX 1

BBNP UDP: Affordable Housing Requirements on Applications for Residential Development (For use on all applications for residential development)



BBNP UDP: Development of Affordable Housing Outside Development Limits
 (For use on all applications for affordable housing outside development limits)

Policy ES30: Enabling Affordable Housing Outside Development Limits



Appendix 2

Biodiversity Planning Obligations Indicative Contribution levels and Areas

Checklist of Development Activities	Habitats or Species affected?	HABITAT ENHANCEMENT, CREATION AND COMPENSATION MANAGEMENT
Riverside development	Habitat: ponds, river, waterside pasture or meadow, other water feature	Enhance pasture/meadow, water feature or create new one. Create habitat suitable for otter / water vole / amphibians; long term management; keep dark by screening. Long term management required.
	Species: water vole	Create or restore ditches with vegetation, undisturbed bank side vegetation; long term management required
	Species: otter	Create or restore undisturbed habitat by rivers, establish wet woodland; keep dark by screening. Long term management required.
	Species: bats	Retain and extend riverside woodland and wetlands; keep dark by screening; add new bat roosts. Long term management required.
	Species: Kingfisher	Manage existing and plant new trees by rivers/streams, conserve undisturbed bank sides.
	General	Riverside development should only be permitted where it results in no detriment to riverside habitats and species. Planning obligations will be required to provide a)enhancements to the stream / river corridor by for example, using fencing to create an undisturbed buffer along the watercourse and b)the creation of habitat connections, for example, green corridors from watercourses to woodland pockets and/or hedgerows
Barn or disused building conversions	Species: bats, barn owl	Incorporate barn owl or bat “lofts” and other suitable spaces within the conversion, extension or renovation. Also provide nest and bat boxes, retain mature/decaying trees, suitable planting and habitat links. BBNPA planning advice notes also available. Additional hedgerow or woodland planting, retention or creation of new foraging areas (tussocky grass verges, areas of unimproved grassland)

Checklist of Development Activities	Habitats or Species affected?	HABITAT ENHANCEMENT, CREATION AND COMPENSATION MANAGEMENT
Developments affecting green field sites e.g., residential or industrial	Habitat: Rough grassland, flower-rich meadows and pasture Species: wide range of species may be affected	Manage existing and create new areas of wildflower-rich grassland, glades, and grassland strips / verges. Plant native species of local or regional genetic origin and allow natural expansion / colonisation; long term management required.
Developments affecting (or adjacent to) woodland, hedgerows, lines of trees and scrub e.g., residential or industrial	Habitat: Usually broadleaf woodland Species: Barn owl, other bird species, badger, bats, very wide range of possible species	Retain as many trees as possible. Plant new trees (4:1 ratio), erect suitable nest boxes. Plant native species of local or regional origin and allow natural expansion / colonisation; retain all mature or veteran trees. Long term management required.
Developments affecting old and veteran trees including any felling or lopping	Habitat: Mature trees Species: Barn owl other bird species, bats	Maintain existing mature/veteran trees. Pollard or coppice new trees and re-introduce this where appropriate to existing stock. Leave existing trees in situ and plant new trees to succeed the old ones (4:1 ratio, in groups of 4). Leave standing dead wood, as well as cut deadwood in piles beneath shade. Plant native species of local or regional origin and allow natural expansion / colonisation.
Major residential development, landfill site, commercial industrial site, mineral working	Species: any!	Depending on the location of the development, it is possible for any number of species and habitats to be present. Species assemblages on former industrial or developed sites might be unique and worth conserving and managing.
	Species: Newts and other amphibians	Create accessible ponds (more than one) with some shading, adjacent to areas of rough grassland and scrub.
	Species: Common lizard and other reptiles	Create undisturbed areas of habitat and basking areas of bare ground/short grass on south facing slopes. Create log piles.
	Species: Other Birds	Swift holes, swallow platforms and house martin boxes attached to buildings. Other bird boxes on trees etc., native planting particularly trees with berries / seeds
Restore landfill or mineral sites to habitats that are suitable to the local area; retain new geological exposures through periodic clearance of vegetation.		

Appendix 3 Sustainable Design

Sustainable Design Type of Development	Energy				Materials & Resources		Water		Landscape & Biodiversity		Place & local distinctiveness		Robust Building		
	Energy statement.	Sitting & building orientation.	Renewable Target		Recycling Facilities.	Materials & Waste Statement	Efficient re-use of water.	SUDs	Landscape character.	Protect & Enhance.	Consideration of place and local distinctiveness.	Provide a safe route to public transport	Flexibility for the future	Health and Wellbeing	Home Working Space
			>10%	>20%											
Dwellings 10+	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dwellings 3-9	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dwellings 1-2	✓	✓	✓		✓	✓	✓			✓	✓		✓	✓	✓
Householder	✓	✓	*			✓	✓			✓	✓		✓	✓	
Non-Residential Major	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Non-Residential Minor	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓		
Minerals and waste	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓		

* For energy intensive extensions, i.e. extensions to living space, the renewable target of at least 10% should be met.

Energy Statement – Please provide an energy statement detailing the energy requirements of the building and also steps taken to minimise energy use throughout. It should include a SAP rating produced by a SAP assessor. The occupier of the development should be provided with a written statement that informs them of all energy saving measures present within the development and encouraged to install energy efficient household goods only such as A rated kitchen facilities.

Siting and building orientation – Layout addresses orientation with homes facing within 45° of due South, or building design so that the majority of large windows are south facing, ensuring a maximum utilisation of solar energy for lighting and solar gains. This should be clearly indicated on any plans alongside a written statement detailing how solar gain has been maximised.

Renewables – Greater than 10% or 20%, depending on the type of development (per unit) of the building's energy requirement is generated from renewable energy on site. Regardless of development, each one should attempt to facilitate the installation of more renewable technologies at a later point through retrofitting. If the renewable stipulation is not met then a commuted sum is payable to the NPA for use in climate change mitigation schemes. In larger developments consideration should be given to the viability of community renewable energy projects to provide for a scheme's energy requirements, such as small combined heat and power facilities or hydro electric generators.

Recycling Facilities – Each development should provide ample recycling facilities. This includes internal and external space for recycling bins. Bin stores will minimise the visual impact of waste storage on the surrounding area and should be sited in such a way so that they are easily accessible from the home and the collections site.

Materials and Waste Statement – provide written statement detailing the material to be used during construction (we encourage local materials, timber from certified sustainable sources and recycled / reclaimed materials). All materials should be sourced with sustainability in mind and recorded within the waste and materials statement. Lifetime costs of the materials should be considered, including the costs of maintenance and disposal / salvage. The lifecycle in terms of environmental impact should also be considered and documented. The materials section should also include consideration of various types of materials and why the final materials were selected. Waste minimisation during construction should be a priority and detailed measures should be included. A list of materials and techniques should be included with samples if required. Use of the 'considerate constructors'

scheme is encouraged. All matters relating to on-site waste minimisation and materials selection should be discussed with contractors as soon as practical to ensure they are able to provide the required services.

Efficient re-use of water – Rainwater harvesting ('green water') for non-drinking purposes and a 'greywater' system (re-using water from dishwasher and washing machines) for toilet flushing should be considered at an early stage. Developers should provide occupiers with information of fixtures and fittings designed to reuse the use of water (e.g. dual flush toilets) and details of a rainwater harvesting and/or grey water reuse system.

SUDs (Sustainable Urban Drainage Systems)– developer will use SUDs technique to assist in containing rainfall from 1:100 year event. Consult a hydrologist on the various options and technology available to reduce surface run-off and promote reuse. Such methods include green paving, green roofs and collection of run-off water from roofs. If appropriate measures should be implemented within the design of the development on an individual plot basis.

Landscape character - Demonstrate how the development contributes to landscape character, also provide a suitable landscaping scheme agreed with the LPA.

Protect and Enhance – Any harm to biodiversity must be avoided. However loss of habitat can occasionally be unavoidable. In such cases any loss should be more than compensated for; these measures, for example tree planting, creating a wildflower meadow or placing of nesting boxes must be document with appropriate evidence. Additional trees and hedgerows should be planted with appropriate native species and existing trees accommodated. Green corridors must be protected and if possible enhanced. Biodiversity must also be considered at the construction stage, and measures must be presented displaying adequate care for the environment during any particularly disruptive phases of development.

Consideration of place and Local distinctiveness – Include a paragraph within the design statement describing how the surrounding area has been considered and all measures taken to maintain the local distinctiveness of the surrounding area. The development should fit within the context of the area in which it is sited.

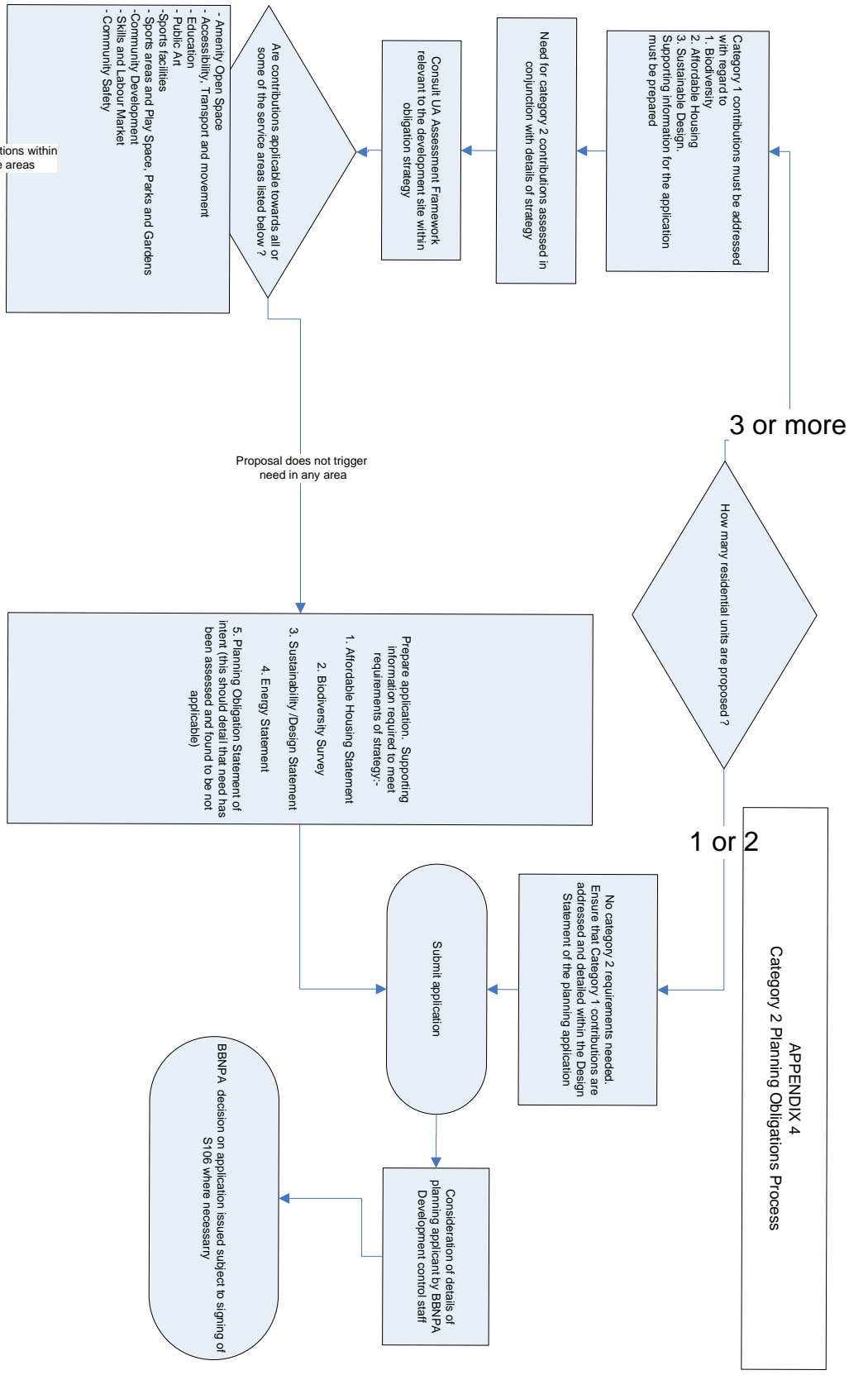
Provide a safe rout to public transport – Where links to the public transport network are possible every effort should be made for the development to facilitate its usage. This should include well-lit, well signed paths to stops and stations suitable for all levels of mobility.

Flexibility for the Future – Encouragement of buildings to be built to the Lifetime Homes Standard or at least to incorporate appropriate standards.

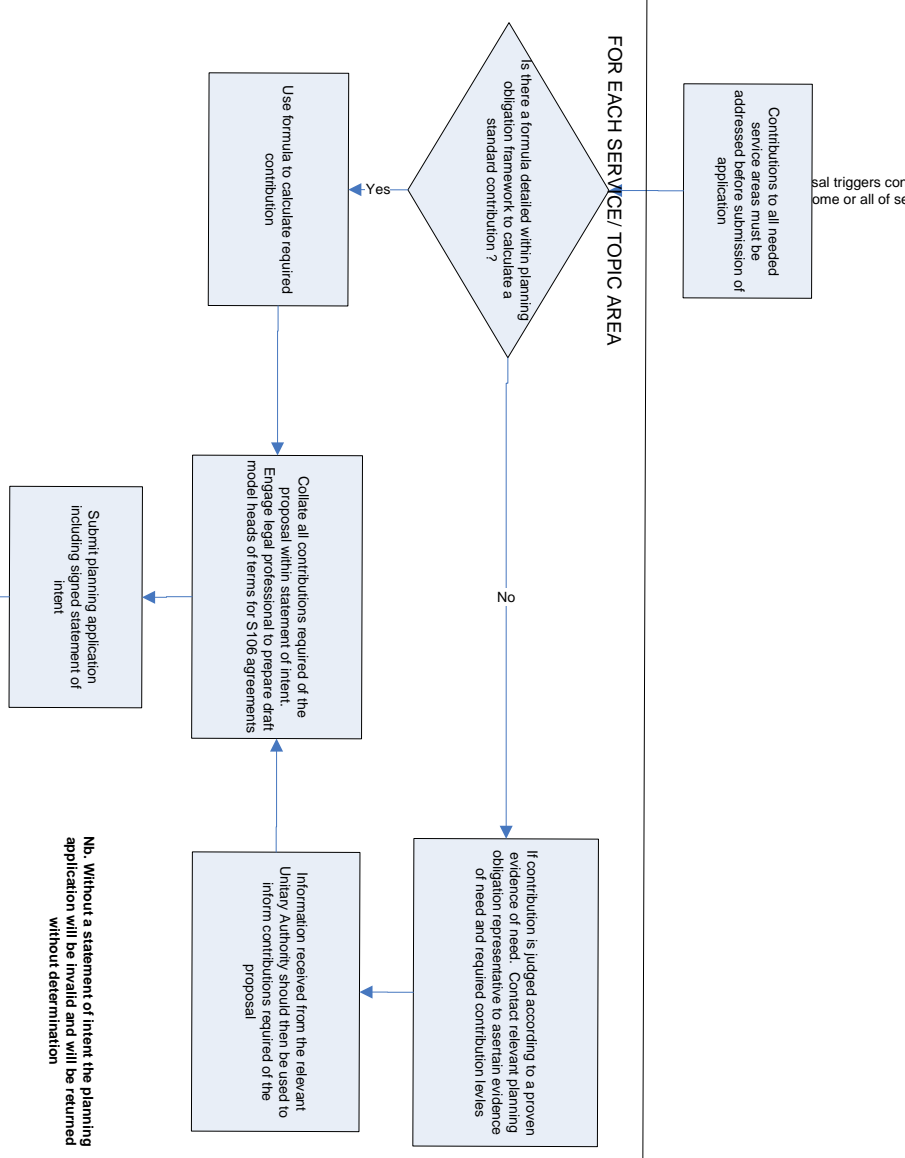
Health and Wellbeing – The development must provide adequate private and public open-space for residents – each development must meet the NPA’s standard for each dwelling.

Home Working Space – Plans for Homeworking should be included. Homeworking spaces should have sufficient power sockets, telephone points and internet access points. Broadband availability should be checked and detailed within the design statement. The space should also be planned to be of sufficient size to allow a desk and storage drawers. A home work space may be incorporated into another room, however the kitchen , bathroom or main bedroom is not considered to be a suitable to locate a Home-working space.

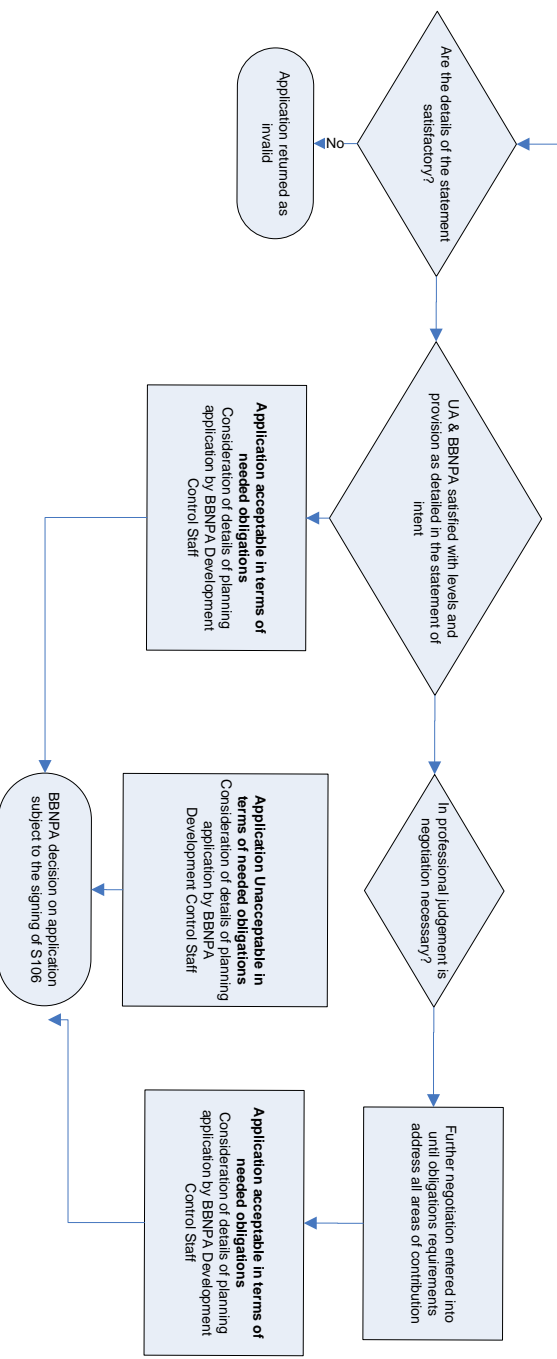
APPENDIX 4
Category 2 Planning Obligations Process



Pre Application Self Assessment



Preparation of Statement of Intent to accompany planning application



Determination

APPENDIX 5
Category 2 Planning Obligations Statement of Intent Checklist

For all applications for development of 3 or more residential units or 500sq m commercial floor space will be required to submit a statement detailing their intent to contribute towards community infrastructure through the provision of category 2 Planning Obligations.

*Please ensure that your statement covers the following and includes **all** required information.*

Required	✓
Statement to detail that you have read and understood the requirements of this strategy as related to the type and scale of the proposed development.	
Include any supporting documentation showing all contact had with relevant Unitary Authority including details of all required obligations as set out by each service area. (Please include contact details of all officers involved in these negotiations) OR If you have been unable to determine a planning obligation package from the relevant unitary authority you must detail all attempts to do so, including copies of any correspondence with Service Areas, etc.	
Clearly list all the relevant service areas requiring obligations and contribution amounts. If levels are less than required by the Unitary Authority detailed justification must be given as to why this is the case	
Draft heads of terms for any proposed S106 agreement necessary to the application.	
OR	
If you are unwilling or unable to meet the requirements of the Planning Obligation Strategy as part of the application then the statement should detail the reasons why the obligations cannot be met and documentary evidence of the detailed discussions which have taken place with the respective Unitary Authority which have informed this position.	