



Complete Agenda



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

JOINT PLANNING POLICY COMMITTEE

*** A MEETING OF THE JOINT LOCAL DEVELOPMENT PLAN PANEL WILL FOLLOW THIS MEETING***

Date and Time

2.00 pm, FRIDAY, 22ND MARCH, 2019

Location

**Ystafell Glyder Fawr, Council Offices, Penrallt,
Caernarfon, Gwynedd. LL55 1BN**

Contact Point

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(DISTRIBUTED Thursday, 14 March 2019)

JOINT PLANNING POLICY COMMITTEE

MEMBERSHIP

www.gwynedd.llyw.cymru

**Gwynedd
Councillors**

**John Brynmor Hughes,
Berwyn Parry Jones, Dafydd Meurig,
Gareth A Roberts, John Pughe Roberts,
Paul Rowlinson, Owain Williams**

**Isle of Anglesey
Councillors**

**Richard Dew, John Griffith,
Kenneth P Hughes, Richard O. Jones,
Bryan Owen, Nicola Roberts,
Robin Williams**

A G E N D A

1. APOLOGIES

To receive any apologies for absence

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT BUSINESS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 6

The Chairman shall propose that the minutes of the meeting of this committee held 25th January 2019 be signed as a true record.

5. SUPPLEMENTARY PLANNING GUIDANCE FOR ADOPTION:

7 - 78

To submit a report by Senior Planning Policy Officers, Joint Planning Policy Unit

Agenda Item 4



JOINT LOCAL DEVELOPMENT PLAN

Joint Planning Policy Committee

2:00 am. 25 January 2019

Meeting Room 1, Llangefni

Present:

Isle of Anglesey County Council

Cllr Richard Dew (Chair)

Cllr John Griffith

Cllr Kenneth P Hughes

Gwynedd Council

Cllr Dafydd Meurig

Cllr Paul Rowlinson

Cllr John Brynmor Hughes

Cllr Owain Williams

Cllr Gareth Roberts

Officers:

Nia Haf Davies

Manager – JPPU

Gareth Jones

Senior Manager, Planning and Public Protection Service (GC)

Nia Jones

Development Control Manger (CSYM)

Rhun ap Gareth

Senior Solicitor (GC)

Heledd Jones

Team Leader - JPPU

Linda Lee

Senior Planning Officer – JPPU

Rhodri Owen

Senior Planning Officer – JPPU

Apologies:

Cllr John Pughe Roberts (GC)

Cllr Berwyn Parry Jones (GC)

Cllr Robin Williams (IACC)

Cllr Richard Owain Jones (AIACC)

1. APOLOGIES

Apologies as noted above.

2. DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest.

3. URGENT ITEMS

No urgent items were received.

4. MINUTES

The minutes of the Committee held on 16 November 2018, were accepted as a true record.

5. SUPPLEMENTARY PLANNING GUIDANCE:

i) Supplementary Planning Guidance: Converting buildings and re-building houses in the countryside

Presentation by Heledd Jones explaining the changes to the guidance since its introduction to the Joint Local Development Plan Panel on 16 November 2018, and requesting approval to publish the guidance for public consultation.

Matters raised:

- Need explanation why buildings built pre 1919 are considered as traditional?
- What is meant by the term 'close to' an Area of Outstanding Natural Beauty i.e. when considering the impact of any proposal on the AONB?
- Need to add the word 'No' between two boxes in the flow chart.
- In terms of demolition and re-building, does the guidance identify poor quality buildings?
- Concern regarding re-use of farm buildings in the countryside. It is easier for large farms to show that the business is viable compared to small farms, which means that large farms can get a house for a family member who works on the farm or for a farm worker via TAN6. However, it appears that the policy does not recognise that other workers are important for rural areas. Policies allow the conversion of outbuildings into holiday accommodation but not for a house for local residents.
- Is affordable housing affordable for local residents, particularly in places such as Abersoch?
- The guidance prevents rather than facilitates developments in the countryside,

Response:

- Following 1919, more modern methods of construction were introduced e.g. cavity walls and building foundations. It was explained that the date was not prescriptive but was included in the guidance in order to give an idea of what is defined as a traditional building.
- What exactly is meant by 'close to' the AONB cannot be defined. Each case has to be considered individually in terms of the proposal's impact on the AONB setting. Every proposal is different in terms of what is proposed and the type of landscape within the AONB that needs to be considered. The effect of an individual development on views into and out of the AONB are therefore based on an analysis of the evidence about the visual impact of the development.
- Section 13 of the guidance deals with the suitability of buildings and supports policy TAI 13 in terms of a requirement for a structural report and a financial viability report that indicates that the building is not economically viable for re-use. This does not exclude

re-building housing of poor quality, as long as the building conforms to all the relevant requirements in the policy and guidance.

- With a proposal to convert buildings in the countryside, it is necessary to comply with national policies that give priority to conversion for economic use. The direction of national policy has started to shift and identifies the change in the rural economy e.e reference to rural enterprises rather than only farming and agriculture. Whilst priority is given to employment use, if evidence shows that this is not viable then planning permission can be granted to convert a building for an affordable house for a local person. Section 5 of the guidance, 'Priority to employment use', highlights the evidence required to prove that it is not possible to have suitable viable employment use of the buildings e.g. marketing for a period of 12 months, relevant evidence from an estate agent.
- The prices of medium affordable housing are a percentage of the price of open market housing. In settlements where the price of a house on the open market is high, such as in Abersoch, the difference between the price of an affordable house and the price a similar house on the open market, i.e. the discount, would be more. The Supplementary Planning Guidance on Affordable Housing, which is out for public consultation, gives more information on this subject.
- Note the comment.

Resolution - Accept the recommendation to approve the publication of the Guidance for public consultation.

ii) Supplementary Planning Guidance: Planning Obligations

Presentation by Nia Davies explaining the changes to the guidance since its introduction to the Joint Local Development Plan Panel on 16 November 2018, and requesting approval to publish the guidance for public consultation.

Matters raised:

- Need to harmonize the broadband / wideband terminology on page 74 - in Welsh and English.
- Page 85 - refer to the 'Council' and not the 'Councils'

Response

- Note the points.

Resolution - Accept the recommendation to approve the publication of the Guidance for public consultation.

ITEM 5

MEETING	Joint Local Development Plan Committee
DATE	22 March 2019
NAME	Supplementary Planning Guidance: Housing mix (final draft)
PURPOSE	Consider and approve the proposed response to comments received about the Local Market Housing and Open Spaces in New Residential Development Supplementary Planning Guidance and adopt these Guidance
RECOMMENDATION	That the Committee approves the proposed response to the comments received about the following Supplementary Planning Guidance and adopt these Guidance: (i) Local Market Housing; (ii) Open Spaces in New Residential Development
AUTHOR	Senior Planning Policy Officers, Anglesey and Gwynedd Joint Planning Policy Unit

1. Background

- 1.1 The Planning Authorities are committed to prepare a range of Supplementary Planning Guidance to support the Joint Local Development Plan. This report presents:
- i. A consultation report on the Local Market Housing Supplementary Planning Guidance (Appendix 1) and the final draft version of the Local Market Housing Supplementary Planning Guidance (Appendix 2);
 - ii. A consultation report on the Open Spaces in New Residential Development Supplementary Planning Guidance (Appendix 3) and the final draft version of the Open Spaces in New Residential Development Housing Supplementary Planning Guidance (Appendix 4).

2. The public consultation and the final draft Guidance

- 2.1 The Local Market Housing and Open Spaces in New Residential Development Supplementary Planning Guidance consultation drafts were compiled last year on the basis of consultation with relevant officers in the two Councils and the Joint Local Development Plan Panel. Approval was received by the Joint Planning Policy Committee on the 21 September 2018 for public consultation on these draft Guidance.

2.2 There was a public consultation on the content of the draft documents between 11 October and 22 November, 2018. The Public Consultation Reports shown in Appendices 1 and 3 record the comments received and the response to them. The Guidance in Appendices 2 and 4 have been amended as a result of the consultation, taking some of the issues raised into consideration.

3. Strategic Environmental Assessment and the Habitat Regulations Assessment

3.1 Screening assessments were conducted to determine if these Guidance should be subject to a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004. Habitats Regulations Assessment (HRA) of plans and programmes that may affect sites of international importance is one of the requirements of the Habitats Directive (92/42/EEC). These Guidance were therefore assessed to determine whether there was a requirement for a full appropriate assessment under the Habitats Regulations.

3.2 The Regulations set out a process for Authorities to undertake a screening opinion. Primarily because these SPGs support policies that have been subject to SEA, the conclusion was that there was no need for these Guidance to be subject to SEA. The Plan's policies were assessed under the Habitats Regulations and the conclusion was that there was no need for an appropriate assessment of the Plan. Because these Guidance support some of those policies, the screening assessment referred to in paragraph 3.1 above came to a conclusion that there was no need for an appropriate assessment of these Guidance.

3.3 In accordance with the processes set out in the Regulations referred to above, a copy of the screening assessments were sent to Natural Resources Wales and CADW, which are the specific environmental bodies. These organisations were required to respond within 5 weeks.

3.4 This process has determined that the Councils' screening assessments are correct, and, therefore, a SEA and an Appropriate Assessment of both these Guidance are not required. Screening Statements will be published to reflect this decision.

4. Next steps

4.1 After these Guidance are adopted they will be a material planning consideration.

4.2 A copy of the final SPGs will be available on the websites of the two Councils and hard copy can be found in the offices of the two Planning Services and the Office of the Joint Planning Policy Unit.

4.3 A copy of the Public Consultation Reports can be found on the websites of the two Councils and hard copy can be found in the offices of the two Planning Service and the Office of the Joint Planning Policy Unit.

4.4 A copy of the Strategic Environmental Assessment and the Habitat Regulations Assessment Screening Statements will be available to view on the Councils' websites and a paper copy will be available to view in the offices of the two Planning Service and the office of the Joint Planning Policy Unit.

4.5 We shall inform the individuals that took part on the public consultation that these Guidance have been adopted.

5. Recommendation

5.1 The Joint Planning Policy Committee is asked to approve the proposed response to comments about the following Supplementary Planning Guidance and adopt these Guidance:

- (i) Local Market Housing (See Appendix 2);
- (ii) Open Spaces in New Residential Development (See Appendix 4).

APPENDICES:

Appendix 1: Public consultation report for the Local Market Housing Supplementary Planning Guidance

Appendix 2: Local Market Housing Supplementary Planning Guidance Final draft

Appendix 3: Public consultation report for the Open Spaces in New Residential Development Supplementary Planning Guidance

Appendix 4: Open Spaces in New Residential Development Supplementary Planning Guidance Final draft

ITEM 5 – APPENDIX 1

LOCAL MARKET HOUSING SUPPLEMENTARY PLANNING GUIDANCE

CONSULTATION REPORT AND OFFICER'S RECOMMENDATIONS



CYNGOR SIR
YNYYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

MARCH 2019

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1. BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan (JLDP) was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

1.7 Once they have been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2. LOCAL MARKET HOUSING SPG

2.1 This SPG aims to give more detail and additional information to assist both planning authorities to implement Policy TAI 5 ('Local Market Housing') of the JLDP, in order to ensure a consistent method of implementation. This guidance facilitates the appropriate provision of local market housing in the relevant settlements noted within the policy by addressing specific considerations and identifying the appropriate control mechanisms.

Public Consultation

2.2 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on the 21st September, 2018. This draft was prepared in consultation with relevant officers from both Authorities, such as the Development Management Section of both Authorities and the Legal Units. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 17th July, 2018.

2.3 The SPG was the subject of a public consultation exercise between the 11th October and the 22nd November, 2018.

2.4 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG. Details of the consultation were also sent to the specialists in the topic area (e.g. Registered Social Landlords, house builders, estate agents and mortgage lenders). Hard copies of the SPG were also available to inspect in all public libraries, Anglesey County Council's main office in Llangefni, and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).

2.5 A number of platforms were available for interested parties to respond to the consultation which were:

- Online word and pdf response form - available on both websites and paper copies were made available in all libraries, Isle of Anglesey County Council's main office and Siop Gwynedd. Paper copies of the response form were also available on request from the JPPU
- Email
- Letter

2.6 A total of 8 representations were received, which comprised of 7 objections and 1 comment of support.

2.7 The following section (Appendix 1) summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment. Any proposed change to the wording of the SPG is noted in a **bold font that has been underlined**.

APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS’ RECOMMENDATIONS

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1	01	Support	Porthmadog Town Council	General	Porthmadog Town Council are very supportive of the recommendations that are proposed for supplying local market housing. They are of the opinion that this is a major step forward in the right direction, especially locally in Borth y Gest and Morfa Bychan.	Comment noted
Page 14 2	02	Objection	Penrhyndeudraeth Town Council	General	If the methodology for identifying house building within future local development plans prepared by Gwynedd Council is amended so that process of preparing the plan does not start by means of determining a county wide housing figure but rather by the means of undertaking research to determine the exact housing requirements of the County’s communities so that houses would only be built to meet local need from cheapest to the most expensive, and if the protectionist and credible regulations of the Local Market Housing Supplementary Planning Guidance (draft) are implemented to promote this, this would result in one of the most far reaching social favours that can be encouraged.	Comment Noted This SPG relates to a specific policy in the JLDP, namely Policy TAI 5, which promotes local market housing in specific locations within the Plan area. This policy is based on paragraph 4.2.9 of Planning Policy Wales (Edition 10, December 2018), which specifically mentions that such a policy has to relate to ‘specific local housing needs for market housing’ based on robust evidence. This policy therefore does not relate to the housing market in its entirety throughout the Plan area. The methodology for identifying housing growth within the Plan area extends beyond the requirement and remit of this SPG.

					We encourage Gwynedd Council to start the process of revolutionising the culture within the planning field by ensuring that the housing market in its entirety is local market. There is a great need to do so.	Recommendation No change required to the SPG in light of this objection.
3	03	Objection	Grŵp Cynefin	4.8	A comment regarding local – there would be a need for information regarding what is the connection – need to define this in order to make it easier to decide if a person has a connection or not i.e. family / lived in the area for X number of years.	Comment Noted ‘Local’ in this context is defined within the explanation to Policy TAI 5 (para. 6.4.30), which is further clarified in paragraphs 4.8-4.12 of the draft SPG. Recommendation No change required to the SPG in light of this objection.
4	03	Objection	Grŵp Cynefin	4.10	Who will ensure that there are satisfactory arrangements available to confirm connection with the ward in order to restrict the occupation of any local market house in the first place and in perpetuity to those that conform to the relevant occupation definition? Who will be monitoring this? The Planning Authority?	Comment Noted Paragraphs 5.1-5.4 of the draft SPG specifies how the occupancy of local market units is intended to be controlled. This will be controlled through section 106 legal agreements that facilitate how the policy works in practice. This considers the initial as well as future occupancy of the property and specifies the manner in which a cascading system should operate if there is evidence of unsuccessful marketing. Paragraph 4.15 of the draft SPG also states that a restriction is placed through the land

Page 16						<p>registry so that permission would have to be sought from the local authority to confirm the eligibility of the household that intend to occupy the property. This is specified in the section 106 agreement. Suitable evidence will have to be provided to prove that they conform to the requirements.</p> <p>The occupation of relevant properties will be monitored by the relevant local authority where the property is located. Enforcement action can be undertaken if there is a lack of compliance with the planning obligation.</p> <p>Recommendation No change to the SPG in light of this objection.</p>
	5	03	Objection	Grŵp Cynefin	4.15	<p>Is it possible to mention Tai Teg where it mentions the appointment of an 'external body to assess'? This is so that individuals recognise the link and recognise that there is a need to register with Tai Teg.</p> <p>Accepted</p> <p>Whilst this policy relates to providing local market housing as opposed to affordable housing (Tai Teg is a partnership initiative between housing organisations and developers whereby a register of people interested in homeownership who cannot currently afford to buy on the open market is identified), in assessing the evidence to ascertain whether a household conforms to the occupancy criteria, given their role in assessing 'local need' in terms of affordable housing, agree to identify Tai Teg within paragraph 4.15 as an example of a possible</p>

Page 17						<p>external body to undertake the relevant assessment.</p> <p>Recommendation In order to address the matter raised in the representation, include reference to Tai Teg as a possible source of undertaking the 'local' assessment in paragraph 4.15.</p> <p>"The Local Authority or any suitable external body appointed by the Local Authority, such as for instance Tai Teg, will assess whether the prospective residents are eligible on the basis of this evidence.</p>
	6	03	Objection	Grŵp Cynefin	4.24	<p>Who will be monitoring this? Will this need to be done regularly?</p> <p>Comment Noted</p> <p>Any intention to extend or increase the size of a property will be suitably controlled by the relevant local planning authority. They will also, through their enforcement function, be assessing any development that has not gained the necessary planning permission.</p> <p>Any increase to the size of a local market unit would have to be proportionate to the objectives of the policy. This would be assessed, monitored and regulated by the local planning authority in accordance with the guidance noted in paragraph 4.24 of the draft SPG. Restricting the permitted</p>

						<p>development rights on such properties would be important in this regard as it provides an opportunity for the local planning authority to assess the effect of extensions on the 'affordability' of the property in the long term as a local market house.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
Page 18	7	03	Objection	Grŵp Cynefin	5.6, 5.7 & 5.10	<p>Is there an intention to limit the price of a local market house? Is there an intention to monitor how local market houses are marketed – there is a need for a guidance and 'a suitable way' is too vague. Unsuccessful marketing is too negative, this should be given as a guidance from the outset – the price, the marketing area, and the relevant means for their marketing - signs, posters, the internet, agencies etc.</p> <p>A suitable price must be agreed upon before it is marketed and who will be monitoring this to ensure that it is appropriate? Possible to get information regarding the need for a developer to discuss and agree an affordable price with the Council before Tai Teg start to market the property/properties. This will assist with the assessment process given that everyone will</p> <p>Accepted in part</p> <p>Given that local market houses are not defined as affordable housing in relation to Technical Advice Note 2 by the Welsh Government, planning consent would not be subject to a mechanism to control their price. Any lowering of the price would be as an indirect result of the occupancy restriction. Therefore, there is no need to agree an affordable price before marketing any such property. The marketing price is influenced by the limitation on the size of local market properties. It is important however that local market units, as noted in paragraphs 5.9 and 5.10, are marketed at a price/rent that reflects this restriction. As such agree to amend paragraph 5.10 to ensure that a written confirmation will be</p>

				<p>have agreed upon the affordable price in the first place.</p>	<p>required from an Estate Agent, Letting Agent or a Chartered Surveyor who operate within the JLDP area that the price/rent of the unit reflects the occupancy restriction. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry.</p> <p>Whilst paragraph 5.9 of the draft SPG states the evidence that is required to demonstrate that a property has been unsuccessfully marketed, agree that cross-reference should be made to this paragraph when mentioning marketing in a 'suitable way'.</p> <p>Agree that the requirements in paragraph 5.9 could be made clearer in order to ensure that units have been marketed adequately. Include reference to 'For sale/Letting signs' outside the property for the relevant 12 week period and that the sales or lettings particulars should clearly note the occupancy restriction relating to the property.</p> <p>Also a need to clarify that the type of newspaper in which it is appropriate to advertise the property (as stated in the third bullet point in paragraph 5.9) should be a widely circulated daily or weekly newspaper. Advertising only in community newspapers, for instance, is not appropriate.</p>
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						<p>Recommendation</p> <p>Cross-reference any mention of marketing a property in a 'suitable way' with paragraph 5.9. This is applicable in relation to box 1 in Diagram 1 and in the first sentence of paragraph 5.8.</p> <p>Amend the wording of paragraph 5.9 to clarify the relevant steps that should be undertaken in order to provide evidence of unsuccessful marketing.</p> <p>Amend paragraph 5.10 to ensure that written confirmation is required to justify the price/rent of local market units on the basis of the occupancy restriction.</p> <p>Diagram 1 – Box 1: "Market the property in a suitable way (see paragraph 5.9) for a period of 12 weeks in accordance with the definition of 'local' noted in Policy TAI 5".</p> <p>Para. 5.8: "It must be ensured that the property is marketed in a suitable way and at a reasonable price (see paragraph 5.9) during the relevant periods noted in Diagram 1".</p> <p>Para. 5.9: "Evidence of Unsuccessful Marketing: A written confirmation will be required from an Estate Agent, Letting Agent</p>
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						<p>or a Charter Surveyor who practises within the Joint Local Development Plan area that the unit has been marketed unsuccessfully either for sale or for rent (as applicable) for the 12 week period at a price/rent that reflects the restriction on who can occupy the property. Such confirmation must include the following:</p> <ul style="list-style-type: none">• Copies of the sale or letting particulars <u>which clearly states the occupancy restriction in relation to the property</u>• Details of all viewings by those who are interested in buying/renting the property• Confirmation that the information about the property has been advertised on the agent's website for the 12 week period and/or that copies of advertisements regarding the availability of the property to purchase or to let have been placed in <u>daily or weekly</u> newspapers that are usually circulated in the local authority area where the application is located during the whole of the 12 week period. <u>A suitable 'For Sale' or 'To Let' sign also has to have been placed in front of the property for the duration of this period"</u>.
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						<p>Para. 5.10: “The Local Planning Authority must be satisfied that the price of the property/rental cost is acceptable and there has been no relevant interest in the property within the defined time periods if the property is to be marketed more extensively. <u>Written confirmation will be required from an Estate Agent, Letting Agent or a Chartered Surveyor who practises within the Joint Local Development Plan area that the price/rent of the unit reflects the occupancy restriction applicable to the unit. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry”.</u></p>
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<p style="text-align: center;">8</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 23</p>	<p style="text-align: center;">03</p>	<p style="text-align: center;">Objection</p>	<p style="text-align: center;">Grŵp Cynefin</p>	<p style="text-align: center;">General</p>	<p>What about guidance for villages such as Abersoch, with regards to the Council looking at opportunities to prioritise affordable housing in such villages for local people?</p>	<p>Comment Noted</p> <p>This SPG relates to local market housing rather than affordable housing. There are other policies within the JLDP, such as TAI 15, and other strategies that promote and facilitate affordable housing in settlements such as Abersoch.</p> <p>Policy TAI 5 and therefore this SPG aims to support and complement affordable housing delivery by tackling imbalance within specific housing markets in the Plan area and to maintain and strengthen vulnerable communities.</p> <p>Recommendation</p> <p>No change required to the SPG in light of this objection</p>
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ITEM 5 – APPENDIX 2

**SUPPLEMENTARY PLANNING GUIDANCE
FINAL DRAFT**

LOCAL MARKET HOUSING



MARCH 2019

GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN

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1. Introduction

Purpose

1.1 The Purpose of this Guidance is to:

- assist applicants and their agents in preparing planning applications and in guiding them in discussions with officers before submitting planning applications,
- assist officers to assess planning applications, and officers and councillors to make decisions on planning applications, and help Planning Inspectors to make decisions on appeals.

1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions.

The Policy Context

Joint Local Development Plan

1.3 Under planning legislation, the 'development plan' includes planning policies for each area. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd Planning Authority area and to Anglesey.

1.4 The Plan provides wide-ranging policies along with land designations for the main uses, such as housing, employment and retail; it will help shape the future of the Plan area both physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore, attempts to:

- help the Councils to make logical and consistent decisions on planning applications by providing a policy framework that is in line with national policy and
- guide developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

1.5 Although the Plan contains policies that enable the Councils to make consistent and transparent decisions on development proposals, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils' are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

1.6 Supplementary Planning Guidance (SPG) may be considered to be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on

supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs do not introduce any new planning policies.

1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a decision by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on 21 September 2018 by the Joint Planning Policy Committee. The supplementary planning guidance were the subject of a public consultation exercise between 11 October and 22 November 2018. The 8 observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by the Joint Planning Policy Committee on **date** to be used as a material consideration when assessing and determining planning applications and appeals. Comments are summarised in the Consultation Report together with the Authorities' response, which can be viewed on the Councils' websites, the Planning Authorities' offices and the Joint Planning Policy Unit's office.

1.8 **(Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.**

2. The Purpose and Structure of this Supplementary Planning Guidance

- 2.1 This Supplementary Planning Guidance has been published to give more detail and additional information to assist the Authorities to implement Policy TAI 5 ('Local Market Housing'), in order to ensure a consistent method of implementation.
- 2.2 Section 3 of the Guidance introduces the context in relation to Policy TAI 5; section 4 provides information in terms of specific considerations that relate to the Policy; section 5 specifies how the occupancy of local market units are controlled; and section 6 refers to the means of monitoring and reviewing the Policy.
- 2.3 This Guidance should be read in conjunction with the Joint Local Development Plan.

3. Policy Context

- 3.1 Policy TAI 5, 'Local Market Housing', is relevant to all proposals that create new residential units (use class C3 and C4) within the specific settlements noted in the Policy. Subject to the requirements of Policy TAI 15 ('Affordable Housing Threshold & Distribution') in terms of providing affordable units, this Policy ensures that any additional new residential unit within the development boundaries of these specific settlements must be a local market unit.

POLICY TAI 5: LOCAL MARKET HOUSING

Subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, local market housing (as defined in the Glossary of Terms) will be permitted within the development boundaries of the settlements named below on the condition that the proposal complies with the following criteria:

- 1. The size of the units comply with the defined maximum for the particular type of unit proposed;**
- 2. There are adequate arrangements available to restrict the occupancy of any local market house in the first place and in perpetuity to those who conform to the relevant occupancy definition.**

When a development is permitted, a planning condition will be used to manage Permitted Development Rights to ensure that an extension or alterations would not increase the size of the property beyond the defined accepted maximum size.

The relevant settlements:

(i) Local Service Centres

Anglesey

**Beaumaris
Rhosneigr**

Gwynedd

Abersoch

(ii) Local, Rural / Coastal Villages

Anglesey

**Trearddur Bay
Moelfre
Pontrhydybont**

Gwynedd

**Aberdaron
Borth-y-Gest
Llanbedrog
Llangian
Morfa Bychan**

**Mynytho
Rhoshirwaun
Sarn Bach
Tudweiliog**

The following site has been identified as a Housing Designation:

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

3.2 Local Market Housing is defined in the JLDP's glossary of terms as:

“Housing units either to rent or that are for sale within the defined settlements listed in Policy TAI 5. A planning mechanism e.g. a planning condition, is used to control the occupancy of a house to households that have a specific local connection but a mechanism is not used to control the price of the house”.

When does the Policy apply?

3.3 Policy TAI 5, applies when there is a proposal to develop new residential unit(s) that will add to the current stock of permanent residential units within the development boundaries of the settlements named in the Policy. It applies to all types of proposals that create new residential units (use class C3 and C4), regardless of the scale and type of the development. This includes Houses in Multiple Occupation (use class C4 and Extra Care Housing. In the case of Extra Care Housing, the requirements of Policy TAI 11 (*‘Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly’*) will also be a material consideration.

- 3.4 The requirements of Policy TAI 5 will only apply to a proposal to create Houses in Multiple Occupation if it creates such an unit from an use that is not classed as C3 residential use e.g. converting from commercial use. Creating a house in multiple occupation from a building that already has C3 use class will not add to the current housing stock i.e. the policy does not apply when converting from use class C3 to C4. The requirements of Policy TAI 9 (*'Subdivision of Existing Properties to Self-contained Flats & Houses in Multiple Occupation (HMOs)'*) will also apply.

Background

- 3.5 The Joint Local Development Plan has identified a range of main issues that the Plan needs to address. These include the following:

KI 2 - Impact of holiday / second homes on communities and the housing market

KI 5 – Losing young residents who are economically active

KI 6 - Insufficient supply of housing and responding to the need for a better range of housing in terms of location, type, size and affordability for local people

- 3.6 The Vision of the Plan also refers to developing the area to be an area "where the housing needs of local communities in the area are better addressed in terms of supply, type, quality, energy efficiency, location and affordability". In this respect, one of the objectives of the Plan notes the following:

SO16 – To provide a mixture of good quality housing units, of a range of types and tenures to meet the housing requirements of all sections of the population.

- 3.7 Therefore, the purpose of Policy TAI 5 is to tackle imbalance within specific housing markets within the Plan area and to maintain and strengthen vulnerable communities. It responds to recognised factors that influence the relevant housing markets. It aims to expand opportunities within housing markets where there are severe problems and ensure a provision of units that meet the community's needs. The Policy's objective is to ensure the social sustainability of communities, specifically vulnerable communities, where severe problems exist within the housing market. As a result, it is believed that it will create substantial social and economic benefit in these communities. It could also assist to achieve broader social policy aim, such as maintaining or strengthening Welsh language communities.

- 3.8 This Policy is based on paragraph 4.2.9 of Planning Policy Wales (Edition 10, December 20118) which states:

"Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken".

- 3.9 This Policy is therefore only relevant to specific locations where there is specific and intensive pressure within the local housing market. On this basis, the Plan aims to promote the right type of housing units within the areas that face the greatest challenges in order to assist with counteracting the trends of the past. It is important to do this in order to conform with the Plan's aims and vision to maintain or create sustainable communities. **The Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.**
- 3.10 This Policy and the choice of relevant settlements, is based on background work that is to be seen in Topic Papers 17 and 17A that was a part of the evidence base when preparing the Joint Local Development Plan. Topic Paper 17A provides a comprehensive description of the factors that demonstrate that there is specific and very intense pressure on housing markets in some areas within the Plan area. [https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-\(March-2016\).pdf](https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/PT.029-Topic-Paper-17A-Local-Market-Housing-(March-2016).pdf)
- 3.11 The Policy sits under Strategic Policies PS 16 (*'Housing Provision'*) and PS 17 (*'Settlement Strategy'*). It is noted that the housing strategy facilitated by the Plan is distributed in accordance with the division and strategy noted in Policy PS17. Policy TAI 5, along with policies TAI 1-4 and TAI 6 is the mechanism used to deliver this strategy effectively. Despite restricting the type of units that could be provided in specific settlements, there is a close link between Policy TAI 5 and the other housing provision policies. Policy TAI 5 ensures that the Plan promotes new housing on an appropriate scale when and where they are needed but that their occupancy is controlled.

4. Specific considerations relating to Policy TAI 5

Tenure

- 4.1 When a proposal relates to adding new residential units to the existing housing stock, it will not be possible to develop or provide new open market residential units in the settlements named in the Policy. Promoting open market units, namely houses without planning control over their occupancy or price, in the settlements named in the policy, would not correspond with the vision and objectives of the Plan. As noted in paragraph 3.9, the Plan promotes two types of housing in the settlements named in Policy TAI 5, namely affordable housing and local market housing.
- 4.2 Policy TAI 5 is relevant to units that are to be purchased and units for rent.

Link with Policy TAI 15 ('Affordable Housing Threshold & Distribution')

- 4.3 The requirements of Policy TAI 15 are relevant to proposals for new housing units in the settlements named in Policy TAI 5 if the development meets the threshold noted in Policy TAI 15. Policy TAI 15 provides the indicative target for affordable housing per Housing Price Area. Table 22 in the Plan names the settlements that are within each Housing Price Area.

- 4.4 It would be expected for any scheme that is above the threshold noted in Policy TAI 15 to ensure the appropriate affordable provision, either by on-site provision or in exceptions, if that is not possible, a pro rata payment. If it is not believed that it would be practical to meet the affordable provision noted in Policy TAI 15, there is a responsibility on those who submit the application to justify a lower provision based on viability information.
- 4.5 In such cases, the same principles that are noted in Policy TAI 15 would be relevant and which are also highlighted in the 'Affordable Housing' Supplementary Planning Guidance.

Housing allocation in Beaumaris (Site T31 - Casita)

- 4.6 The Joint LDP has allocated a site for housing in Beaumaris, namely the Casita site (Reference T31).

Centre	Site Reference Number	Site Name	Indicative Growth Level	Permission (April 2015)
Beaumaris	T31	Casita	35	Yes

- 4.7 At the time of adopting the JLDP, there was extant planning permission (reference 12C49K) for developing 35 residential units for people aged 55 years old and above on the allocation site. An appeal decision (application 12C49P/DEL, dated 17/01/18) has approved the removal of the minimum age occupancy restriction from the original permission. If this permission is implemented, there would be no need to consider the requirements of Policy TAI 5. However, if a new application is submitted, then Policy TAI 5 will be a key consideration i.e. every unit on the site must either be local market or affordable housing.

The definition of 'Local': Who is eligible to live in the local market units?

- 4.8 The definition of '*local*' in relation to local market housing is dependent on the settlement where it is intended to develop the new residential unit:

Local Service Centres – At least one member of the household must have a connection with the ward where the settlement is located or any ward directly adjoining it.

Local, Rural / Coastal Villages – At least one member of the household must have a connection with the ward where the settlement is located only.

- 4.9 In relation to Anglesey, 'ward' is defined on the basis of the Isle of Anglesey County Council electoral wards prior to 2013. See a list and maps of the relevant wards in relation to each settlement noted in the Policy in Appendix 1.

4.10 '**Connection with the ward**' is defined as follows:

- i. An individual who currently lives within the relevant ward and who has lived there continuously for 5 years or longer; or
- ii. People who are not currently living in the relevant ward but who have a long and established connection with the local community, including having lived in the area for a period of 5 years or longer in the past; or
- iii. People who have an essential need to move to live close to relatives who are currently living in the relevant ward and who have lived there for at least the past 5 years or longer and who need support because of age or infirmity reasons; or
- iv. People who need support due to reasons relating to age or infirmity and who need to move to live near relatives who are currently living in the relevant ward and who have lived there for the past 5 years or longer.

4.11 '**Living in the relevant ward**' is defined as living within the area that is eligible for residing in a local market dwelling (see paragraph 4.8) for a period of at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

4.12 A local market unit has to be occupied as the principle home of the eligible household.

Assessing eligible households

4.13 Those submitting the application do not have to be eligible to live in the property in accordance with the definitions in paragraphs 4.8-4.12, however, it must be ensured that those living in the property are eligible to do so. These criteria must be complied with and any arguments from applicants in terms of the fact that they are 'local' based on any other factor should not be accepted e.g. no connection should be made with individuals' employment situation as people can live in other areas and travel to the relevant settlements named in the policy.

4.14 The type of planning application submitted influences how it can be established whether those living in a local market property comply with the occupancy requirement or not:

Scenario 1: Developing self-build units for the use of those submitting the planning application

In these cases, those who submit the planning application should provide evidence that they conform with the definition of 'local'. A Local Market Housing Proforma should be submitted with any application of this type (see Appendix 2). Submitting this information will also be beneficial in terms of any discussion in relation to gaining pre-application planning advice. The information noted in the proforma will provide the evidence for those who will live in the property. The information submitted in the Proforma will assist the Local Planning Authority to assess the proposal in full and to consider the suitability of the residents in accordance with Policy TAI 5. It should be explained how the household that will live in the property will comply with the definition of 'local' as noted in paragraphs 4.8-4.12 above.

Scenario 2: Commercial/speculative development

If it is a commercial/speculative development and it is not known at the time of the planning application who will be living in the units, then provided that the details relating to the application is acceptable, evidence will not need to be presented with the planning application as to who will be living in the units i.e. there will not be a need to submit a Local Market Housing Proforma. The need for houses to satisfy the local market has already been proven in preparing the Policy. See paragraph 4.15 in terms of the mechanism for assessing who will live in these units.

4.15 In order to ensure that those residing in a local market unit, after the houses have been built, are eligible to do so, a restriction will be placed on the property with the Land Registry. This means that permission will have to be sought from the Local Authority for permission to live in the property. Any prospective resident will have to provide suitable evidence to ensure that they conform with the definition of 'local' on the basis of what is noted in the Local Housing Market Proforma. The Local Authority or any suitable external body appointed by the Local Authority, such as for instance Tai Teg, will assess whether the prospective residents are eligible on the basis of this evidence. The Section 106 legal obligation that will form part of any permission for local market units will refer to this procedure. The type of evidence that will have to be provided by prospective occupants of local market units in order to prove that they conform with the definition of 'local' could include, but is not limited to, the following information:

- Utility bills e.g. electricity, water
- Information from the Electoral Roll
- Council Tax information

It is noted that the Local Planning Authority can require that more than one evidence source is provided in order to ensure that they are satisfied that the prospective occupiers of local market properties are genuinely eligible to live in them.

- 4.16 Unless there is evidence to suggest that the proposed residential units meet 'local' needs, then the application will be contrary to the requirements of Policy TAI 5 and it will be refused.
- 4.17 Applicants and developers should be aware that implementing the objectives of Policy TAI 5 is strategic and long-term and consequently the restrictions on who will be allowed to reside in these units will not be relaxed, except for the exceptions described in paragraphs 5.5 - 5.11 i.e. the cascading procedure.

Maximum property size

- 4.18 In order to ensure that the policy meets its objectives, the policy manages the value of local market units by restricting their size. By controlling the maximum size of local market units, the value of these units will be more compatible with the policy's objective of maintaining sustainable communities.
- 4.19 Providing a specific discount on local market units will not be relevant as they are not affordable units. Any price or rent reduction compared to what would be expected on the open market would be something that would happen based on the impact of the policy and factors and mechanisms within the housing market. It does not necessarily mean that the price of any property will be lower than its value on the open market. No formal mechanism will be introduced that would ensure a reduction in the value of local market properties. The only thing being controlled will be the size of the property and those who are eligible to live in such a property.
- 4.20 Whilst the policy does not seek to inhibit the wishes and requirements of eligible households within the housing market, it is important that the approved units correspond with the policy's objectives. Approving residential units of an excessive size in the locations highlighted in the policy would be inconsistent with the evidence that provides the basis to the policy.
- 4.21 Table 1 below notes the maximum size of 'local market' residential units to be approved under Policy TAI 5. The Supplementary Planning Guidance in relation to 'Affordable Housing' notes the maximum size of any affordable units approved. The maximum size noted for local market housing is more than the maximum size for affordable housing. The maximum size of local market units allows households to meet their residential needs without endangering the sustainability of their communities.
- 4.22 The maximum sizes noted below refer to the total internal floor area of the local market units (i.e. the total of all floors within the building). It does not refer to the size of balconies, patios, gardens etc. but an assessment should be made as to whether any aspects that are not considered within the defined sizes can have a negative impact on property value in relation to what the policy seeks to achieve.

Table 1: *Maximum sizes of residential units in relation to Policy TAI 5.*

Type of residential unit	Local Market Housing
Single storey, 2 bedroom house	90m ²
Single storey, 3 bedroom house	100m ²
Single storey, 4 bedroom house	120m ²
Two storey or more, 2 bedroom house	100m ²
Two storey or more, 3 bedroom house	110m ²
Two storey or more, 4 bedroom house	130m ²
Two storey or more, 5 bedroom house	145m ²
Garage	Additional 20m ²

Extensions and adaptations

- 4.23 Bearing in mind the connection between the size of a local market unit and what the policy is attempting to achieve, a planning condition will form part of the permission for such an unit in order to control the Permitted Development Rights to extend or adapt the dwelling including the erection of outbuildings within the curtilage.
- 4.24 There will be a need to introduce specific justification for any planning application to extend a property that has been approved in line with Policy TAI 5 to be larger than the size noted in Table 1. If the proposal involves adding a bedroom, then it would be reasonable to increase the size of the property to the relevant figure noted in the table. In this respect, it would have to be clear that the additional bedroom meets a clear and justifiable need and that it is not a way of attempting to increase the size of the property without specific justification. If the extension involves providing rooms that are not bedrooms, then a definitive and strong justification would be needed for ensuring an unit that is larger than what is noted in the guidance.
- 4.25 Detailed consideration must also be given to any other planning applications that are submitted for a local market property so that they do not increase the value of an unit to such an extent that it contradicts the objectives of Policy TAI 5. This could include applications to extend the curtilage, change the use of part of the unit to an alternative use etc.

5. Control mechanism

How to control the occupancy of local market units?

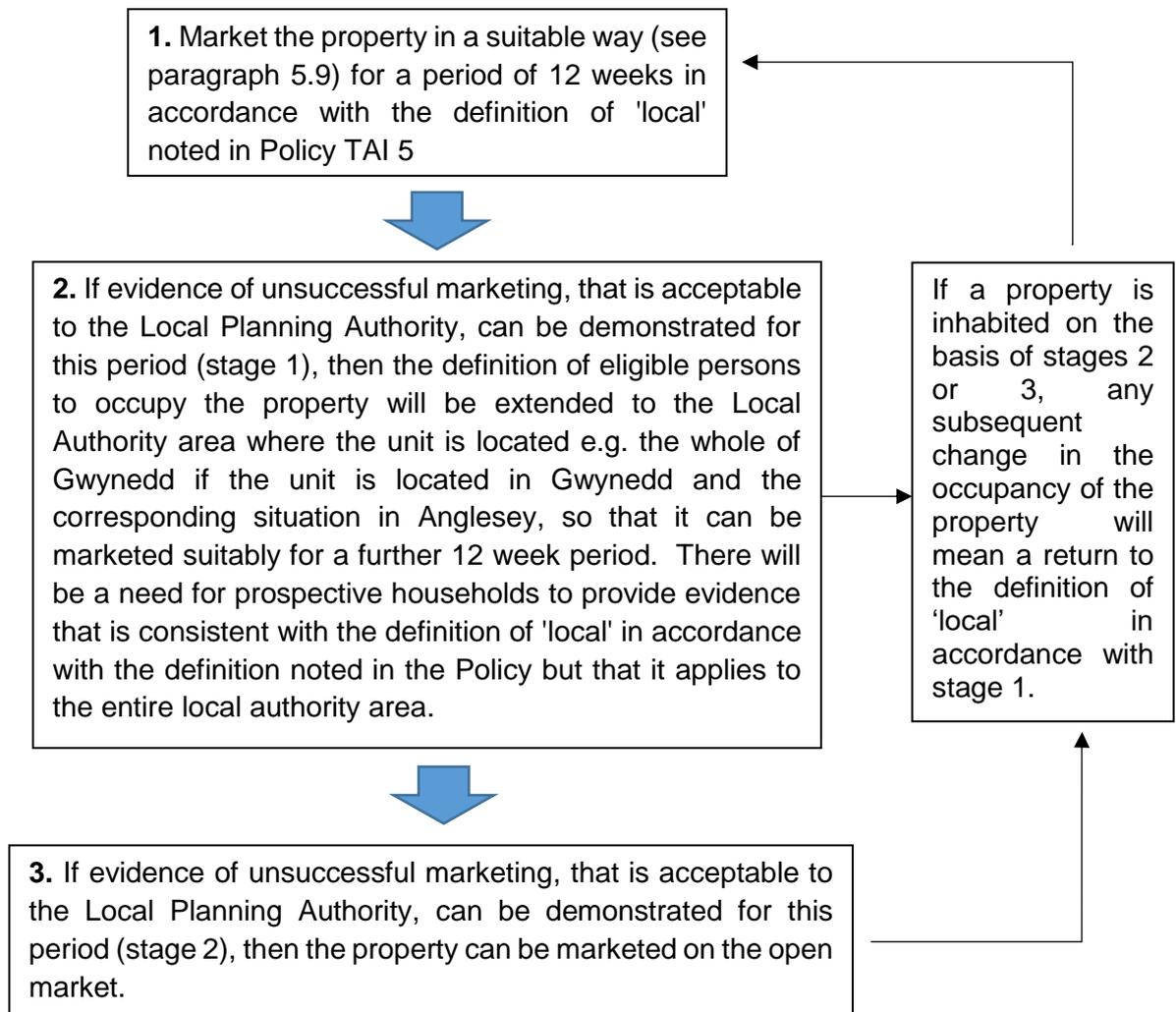
- 5.1 It is essential that the occupancy of the units being provided in accordance with this policy is restricted to those who are eligible. A planning obligation, by means of a section 106 legal agreement is therefore used to restrict the occupancy of local market units. This is extremely important in order to ensure that the policy achieves its purpose and is not undermined.

- 5.2 The relevant use of a planning obligation is highlighted in Section 122 of the Community Levy Infrastructure Regulations 2010, where it is noted that a planning obligation will only constitute a reason for granting planning permission for a development if the obligation is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development;
 - (c) Fairly and reasonably related in scale and kind to the development.
- 5.3 A planning obligation would be a way of achieving the policy's objectives and would provide assurance of the occupancy terms in relation to such units. As it is a legal agreement, it provides assurance and robustness to the policy. If an element of affordable housing is apparent within a proposal, the use of a planning obligation will be consistent with the mechanism used to restrict occupancy to those who are eligible for affordable housing.
- 5.4 The use of a planning obligation and the assurance it provides will also facilitate the way that the policy will work in practice. It is essential in this regard that Policy TAI 5 is not misused for personal gain, in complete contrast to the policy's objective of promoting social sustainability in housing markets that have suffered from severe problems. An effective planning obligation will consider the future occupancy of local market units and will not just consider the first occupier. This is advantageous in terms of avoiding a scenario such as a person who is eligible for a local market unit buying a house for a price that is lower than its open market value before selling it for a profit on the open market to a household that does not comply with the policy's requirements.

Cascading system

- 5.5 Whilst it is extremely important to retain the policy's integrity, an element of flexibility must be introduced so that it can work in practice. To this end, in order to facilitate the process of being able to obtain a mortgage or another loan in relation to the local market units and to overcome any potential problems in selling the units, the Section 106 planning obligation that corresponds with the planning permission introduces an element of sensitive cascading if there is a genuine failure to sell the units.
- 5.6 It is important that the cascading process respects the policy and what it seeks to achieve. The 106 Agreement in relation to a local market unit/units will clearly specify when and on what basis it possible to expand who is eligible to live in a local market property and the evidence required to justify this.
- 5.7 The status of a planning obligation and the certainty that is associated with it is a means of ensuring that the policy works effectively, that its integrity is maintained, but that it is not possible to take advantage of the policy and misuse it.

Diagram 1: Cascading system for selling/letting a local market unit



5.8 It must be ensured that the property is marketed in a suitable way and at a reasonable price (see paragraph 5.9) during the relevant periods noted in Diagram 1. The owner will have to provide 'evidence of unsuccessful marketing' in writing to the Local Planning Authority. The Local Planning Authority will have to be completely satisfied that this evidence demonstrates that every reasonable effort has been made to market the property effectively before being able to expand the marketing area.

5.9 **Evidence of Unsuccessful Marketing:** A written confirmation will be required from an Estate Agent, Letting Agent or a Charter Surveyor who practises within the Joint Local Development Plan area that the unit has been marketed unsuccessfully either for sale or for rent (as applicable) for the 12 week period at a price/rent that reflects the restriction on who can occupy the property. Such confirmation must include the following:

- Copies of the sale or letting particulars which clearly states the occupancy restriction in relation to the property.
- Details of all viewings by those who are interested in buying/renting the property
- Confirmation that the information about the property has been advertised on the agent's website for the 12 week period and/or that copies of advertisements

regarding the availability of the property to purchase or to let have been placed in daily or weekly newspapers that are usually circulated in the local authority area where the application is located during the whole of the 12 week period. A suitable 'For Sale' or 'To Let' sign also has to have been placed in front of the property for the duration of this period.

- 5.10 The Local Planning Authority must be satisfied that the price of the property/rental cost is acceptable and there has been no relevant interest in the property within the defined time periods if the property is to be marketed more extensively. Written confirmation will be required from an Estate Agent, Letting Agent or a Chartered Surveyor who practises within the Joint Local Development Plan area that the price/rent of the unit reflects the occupancy restriction applicable to the unit. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry.
- 5.11 If the occupancy of a local market unit is extended to include a wider geographical area, the 106 Agreement ensures that any subsequent change in the occupancy of the unit i.e. when the property will next be sold or let, would mean that the occupancy of the unit will return to the original definition of 'local' that is noted in Policy TAI 5 (see Diagram 1). The property would have to be marketed in accordance with this definition.

Mortgagee in Possession

- 5.12 In order to facilitate the procedure of receiving a mortgage in relation to the local market units, the 106 planning obligation agreement includes a Mortgagee in Possession clause.
- 5.13 If a mortgage provider takes possession or assumes control of a local market unit (on the basis of being a Mortgagee in Possession) they will have a period of 4 weeks to sell the unit to a household that corresponds with the definition of 'local' at a price that reflects the occupancy restriction (see paragraph 5.9 for the 'Evidence of Unsuccessful Marketing' that would need to be provided).
- 5.14 If the Local Authority are content that no relevant interest has been shown in the property during that period, the mortgage provider can then sell the unit on the open market without any restriction on its occupancy.

Enforcement

- 5.15 If lack of compliance with the planning obligation comes to light, the monitoring officer will commence enforcement action. Planning obligations can be enforced by means of court orders that can prevent the development from proceeding and/or ensure compliance with the terms of the Agreement.

6. Monitoring and review

- 6.1 Two main indicators have been identified in the JLDP in relation to monitoring the success and effectiveness of Policy TAI 5 in the Annual Monitoring Report.

6.2 **Indicator D52** - Number of local market housing units built in settlements identified in Policy TAI 5

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D52 Number of local market housing units built in settlements identified in Policy TAI 5	Deliver the maximum level of local market housing in settlements listed in Policy TAI 5.	Less than 10 local market housing units built in settlements identified in Policy TAI 5 in any one year.	JPPU database Development Management databases

6.3 It is essential to assess the provision of new residential units developed in the settlements named in the policy. This is in order to ensure that the policy does not restrict the recognised supply of houses that are identified in the Plan. This would mean that the policy would not be of assistance in meeting the recognised need that the Plan is facilitating, thus meaning that it would be unlikely to meet some of its main objectives.

6.4 As noted in paragraph 3.11 of this Guidance, it is important that this policy assists to provide the relevant level of houses noted in the Joint Local Development Plan in the most suitable manner. Consideration should be given to the indicative supply for windfall sites identified for each of the settlements noted in Policy TAI 5 (Appendix 5 with the information updated annually). As is the case with any proposal within a defined settlement in the Plan, careful consideration must be given to the impact of supplying more houses than the Plan provides for.

6.5 **Indicator D53** - Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing

Indicators - Core / Local	Policy Targets	Trigger level	Data source
Local Indicator: D53 Planning applications and appeals to modify or remove section 106 agreements or a condition relating to local market housing	Retain Section 106 agreements and conditions that facilitate delivery of local market housing in accordance with Policy TAI 5.	Planning application or to modify or remove S106 agreements or condition relating to local market housing approved or allowed (as appropriate) in any given year	JPPU database Development Management database

- 6.6 In order to maintain the Policy's integrity and to ensure that its objectives are not undermined, it is essential that the occupancy restriction emanating as a result of Policy TAI 5 is not lost through a decision on a planning application. This could possibly create a dangerous precedent that could have a negative impact on the objectives of this Policy and the Plan in a broader sense. It is important therefore that the objectives noted in this Guidance are followed and implemented effectively in order to prevent this from happening.

7. Further information and contact details

For further information, contact the:

Joint Planning Policy Unit

☎ 01286 685003

✉ poliscynllunio@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Planning-Policy.aspx>

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<http://www.anglesey.gov.uk/planning-and-waste/planning-control?redirect=false>

APPENDIX 1 – Definition of ‘local’: What is meant by ‘relevant ward’?

The areas which meet the definition of ‘local’ are noted. Some of these areas are relevant for more than one settlement.

LOCAL SERVICE CENTRES

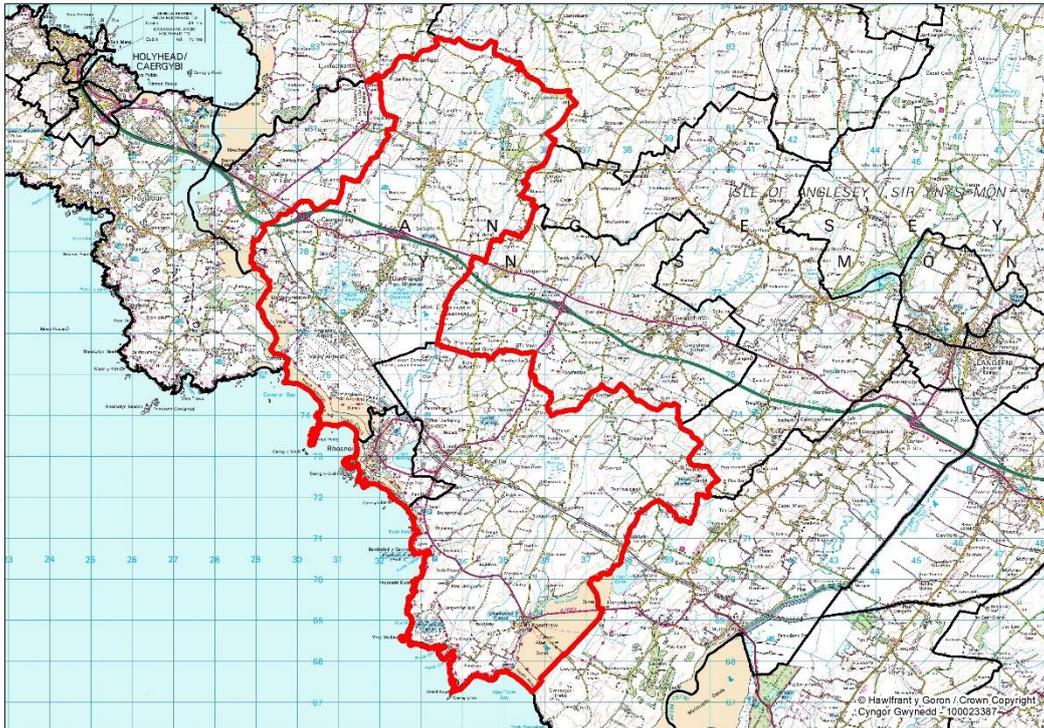
Abersoch (Abersoch, Llanbedrog and Llanengan wards)



Beaumaris (Beaumaris, Cwm Cadnant and Pentraeth wards)



Rhosneigr (Rhosneigr, Aberffraw and Llanfair-yn-Neubwll wards)



LOCAL, RURAL / COASTAL VILLAGES

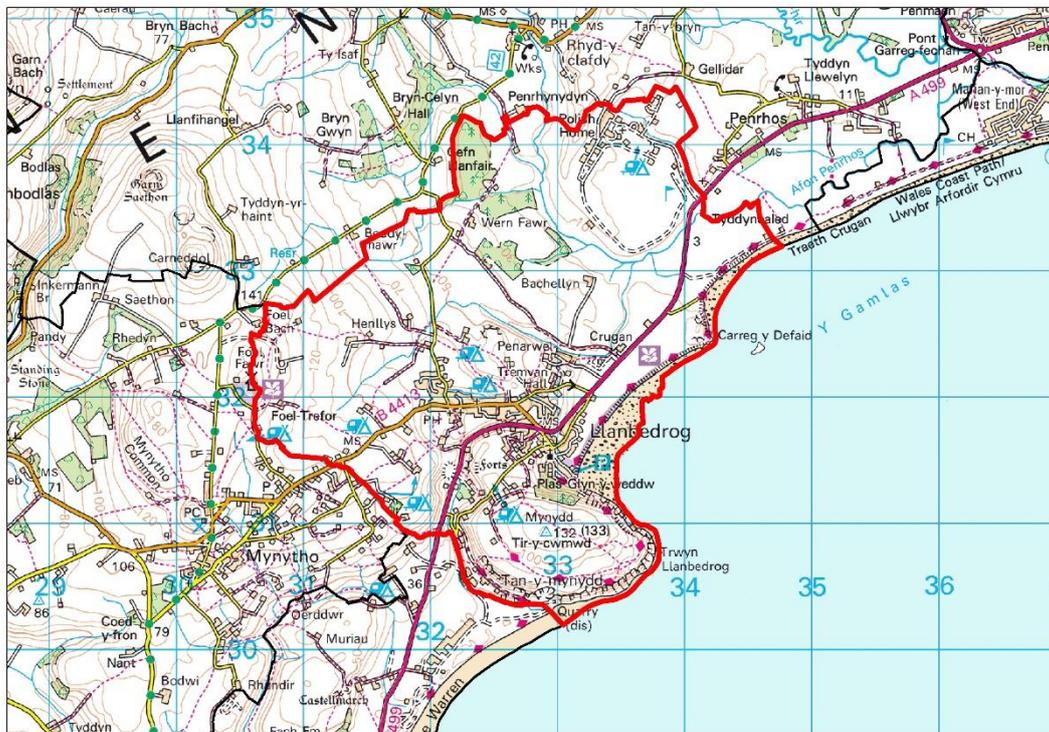
Aberdaron and Rhoshirwaun (Aberdaron ward)



Borth-y-Gest and Morfa Bychan (Porthmadog West ward)



Llanbedrog (Llanbedrog ward)



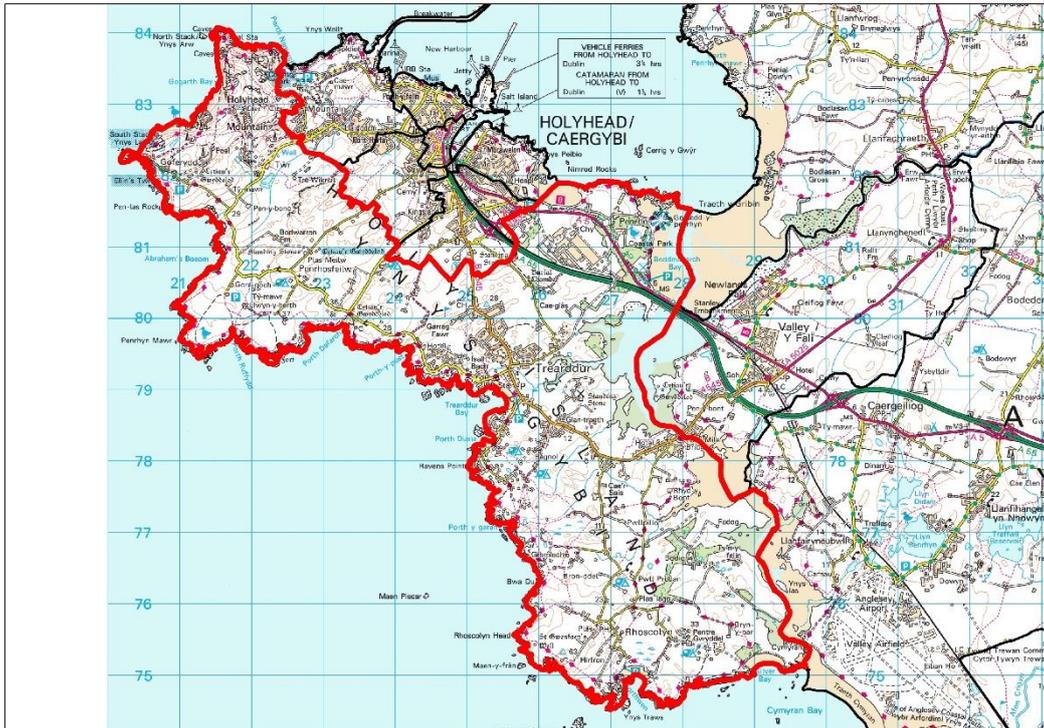
Llangian, Mynytho and Sarn Bach (Llanengan ward)



Tudweiliog (Tudweiliog ward)



Trearddur Bay (Trearddur ward)



Moelfre (Moelfre ward)



APPENDIX 2 - Local Market Housing Proforma

This information is collected in order to assess the eligibility of an individual/individuals that submit an application to live in a local market unit in accordance with the requirement of Policy TAI 5 of the Anglesey and Gwynedd Joint Local Development Plan (adopted July 2017). All the information that meets the definition of personal data in accordance with the Data Protection Act will be used in a strictly confidential manner and will not be shared outside the Council. The information will be kept on file for a period that conforms to the data protection policies of Gwynedd Council and the Isle of Anglesey County Council. For further information please refer to the Gwynedd Council and the Isle of Anglesey County Council websites.

What is the address of the planning application site?

.....
.....
.....
.....
.....

How many people are there in your household?

Do you currently live¹ within a ward that meets the definition of 'local' in accordance with Policy TAI 5? Yes / No

If yes, what is your current address?

.....
.....
.....
.....
.....

How long have you lived at this address? Years Months

¹ 'Living in the area' is defined as living within the area that is eligible for residing in local market housing for a period that is at least 225 days in a calendar year (and for each of the 5 years in question) and where Council Tax has been paid on a property on the basis of it being a permanent residence.

If less than 5 years, please provide your addresses for the previous five years and the relevant dates.

.....
.....
.....
.....
.....

You will need to attach documents that provide evidence of your place of residence for the past five years, e.g. bills, your details on the electoral register

If you do not currently live within a ward that meets the definition of 'local' in accordance with Policy TAI 5:

Have you previously lived within a ward that meets the definition of 'local' in accordance with Policy TAI 5 for a period of more than 5 years? Yes / No

If yes, please provide your addresses during your previous period of residence in the relevant ward along with the relevant dates.

.....
.....
.....
.....
.....

You will need to attach documents that provide evidence of your previous place of residence within the ward e.g. bills, your details on the electoral register

Complete any of the following sections that apply to you:

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer and who need(s) support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

.....
.....
.....
.....
.....

Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Do you need to move to live closer to a relative(s) who currently live(s) in a ward that meets the definition of 'local' in accordance with Policy TAI 5 and who has/have lived there for at least the past 5 years or longer on the grounds that you need support because of age or infirmity reasons? Yes / No

If yes, please provide details regarding the name and address of your relative, their period of residence in the relevant ward and the reason why you have an essential need to move to live closer to them. Please provide as much information as possible, including any relevant documents.

.....
.....
.....
.....
.....

Any sensitive information will be dealt with on a strictly confidential basis and will not be placed on any public file

Declaration

Name:

Signed:

Date:

Item 5 – Appendix 3

OPEN SPACES IN NEW RESIDENTIAL DEVELOPMENTS SUPPLEMENTARY PLANNING GUIDANCE

CONSULTATION REPORT AND OFFICER'S RECOMMENDATIONS



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

JANUARY 2019

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1.0 BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

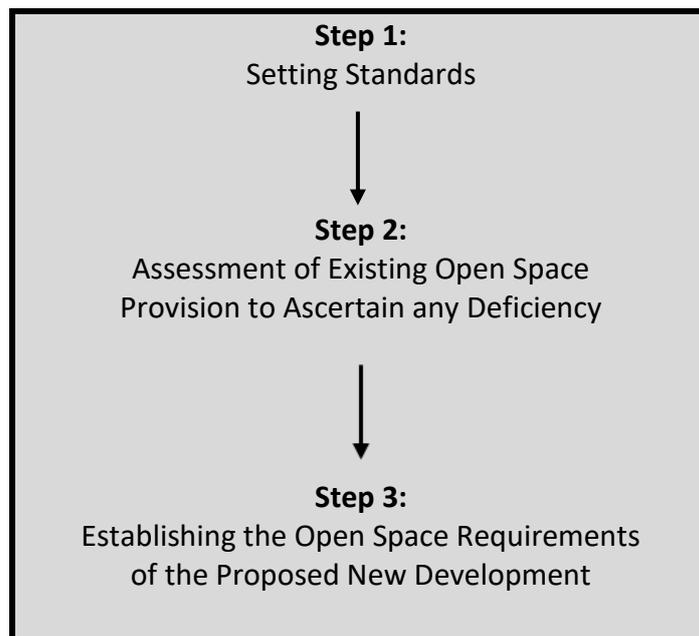
- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

1.7 Once it has been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2.0 OPEN SPACES IN NEW RESIDENTIAL DEVELOPMENTS SPG

2.1 The aim of the SPG is to put in place the relevant planning mechanisms that will facilitate the provision and maintenance of an appropriate level of open space of recreational value in respect of new housing developments of 10 or more residential units in the Plan area. This threshold is set in Policy ISA 5: Provision of open spaces in new housing developments.

The SPG covers the three stages in the process in determining need for and amount of new open spaces in new housing developments, which is reflected in the following flow chart :



Public Consultation

2.3 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on the 21 September 2018. This draft was prepared in consultation with officers from the Development Management Section of both Authorities. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 17 July 2018.

2.4 The SPG was the subject of a public consultation exercise between the 11th October and 22nd November, 2018.

2.5 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG. Details of the consultation were also sent to the specialists in the topic area (Fields in Trust Cymru and Sports Wales). Hard copies of the SPG were also available to inspect in all public libraries, Anglesey County Council's main office in Llangefni, and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).

- 2.6 A number of platforms were available for interested parties to respond to the consultation which were:
- Online word and pdf response form - available on both websites and paper copies were made available in all libraries and Siop Gwynedd. Paper copies of the response form were also available on request from the JPPU
 - Email
 - Letter
- 2.7 A total of 6 representations were received, all objections.
- 2.8 The following section summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment.

APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS’ RECOMMENDATIONS

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1	01	Objection	Cyngor Cymuned Nefyn	Appendix 2 – Open Space Assessment Map Nefyn	Map needs to be amended to show the equipped/formal play areas by the former Capel Seion	<p>Accepted Prior to publication of the SPG for public consultation Community Councils were contacted to provide them with an opportunity to help the Service to up-date its information about the supply of open spaces. It is important that the Open Space Assessment maps are correct so that the Councils’ can accurately assess the existing level of provision within communities. The Community Council’s representation has helped to ensure that the Service’s baseline information is up-to-date.</p> <p>Recommendation The map will be changed to reflect the comment.</p>
2	02	Objection	Natural Resources Wales	General	The SPG could be developed beyond spatial provision and type of provision to provide a requirement for quality of provision and design. This is about setting out some design principles that encourage attractive useful Public Open Spaces to be delivered and avoid green but sterile and functionless amenity space.	<p>Comment Noted The SPG focuses on issues related to policy ISA 5, which deals with identifying the level of provision of open spaces required to accommodate changes in the community, not the quality of the open space provision. There are other policies within the plan that relate to design principles. In all circumstances application of the Plan’s design and place shaping policies will ensure that the quality of the open space and the overall design</p>

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
Page 58						<p>principles of the site, including how it complements the established character and amenity of the existing surrounding area will be considered. A Design and Access Statement will be a key tool in this respect.</p> <p>Recommendation To include a short paragraph at the end of the SPG to refer the applicant / agent to the need to make play space (when necessary) attractive and safe and include a link to relevant websites such as ROSPA https://www.rospa.com/play-safety/advice/design/ or Play Wales http://www.playwales.org.uk/eng/home</p>
	3	02	Objection	Natural Resources Wales	General	<p>As of January 2018 all major schemes will require SuDS to be integrated within the planning proposals. Public Open Space is the obvious location to locate this.</p>

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
						<p>in the plan that promote the use of SuDS where appropriate and water conservation.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
4	02	Objection	Natural Resources Wales		As of January 7 th , 2019 all new developments of more than 1 house will require SuDS for surface water to be designed and built in accordance with the statutory standards and approve any SuDS scheme prior to construction. In view of this it may be appropriate to include some reference to SuDS within the SPG and consider whether some of these 'Open Space' areas can be used for dual purpose	<p>Comment Noted See above. The purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required. There are other policies in the plan that relate to SuDS and water conservation.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
5	02	Objection	Natural Resources Wales	3.5	Para 3.5 only considers the one-off payment (commuted sum) approach. Periods of low interest rates mean commuted sums need to be high to generate income. No reference is given to the use of index linked ground service charges on the residents. This approach has several material advantages, perpetuity funding and avoiding requirements for diminishing public sector resources to be used for maintaining these additional features.	<p>Comment Noted The purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required. Nonetheless, it is considered useful to note here that there will be options to consider in relation to the ownership or maintenance of new recreational open space or play facilities deemed to be required as a result of the calculation set out in the SPG. These will include:</p>

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
Page 60						<ul style="list-style-type: none"> • Transfer to the relevant Community or Town or City Council, along with the agreed commuted sum (maintenance contribution). • Where appropriate to the location of the development, transfer to a community association or similar body, along with the agreed commuted sum (maintenance contribution); or • Maintenance of the recreational open space and play facilities by the developer, either directly or through the use of a management company. <p>Recommendation No change required to the SPG in light of this objection</p>
	6	02	Objection	Natural Resources Wales	4.1.2	Open Space Assessment – Cross reference to green infrastructure is advocated. Future tenure issues need to be identified in respect of where developer provides facilities. Areas of land required for long term ecological mitigation (e.g. for protected species) may not be suitable to be used multifunctionally, e.g. also used as open space due to disturbance and possibility other reasons.

**FINAL DRAFT
SUPPLEMENTARY PLANNING
GUIDANCE**

**OPEN SPACES IN NEW
RESIDENTIAL DEVELOPMENT**



MARCH 2019

ANGLESEY AND GWYNEDD JOINT LOCAL DEVELOPMENT PLAN

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1.0 Introduction and Purpose of the Supplementary Planning Guidance

1.1 Purpose

1.1.1 The Purpose of this Guidance is to:

- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers before submitting planning applications,
- assist officers to assess planning applications, and officers and councillors to make decisions about planning applications, and
- help Planning Inspectors make decisions on appeals.

1.1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions.

The Policy Context

Local Development Plan

1.1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.

1.1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore,:

- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
- guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

1.1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of Supplementary Planning Guidance to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

1.1.6 Supplementary Planning Guidance (SPG) may be considered to be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs do not introduce any new planning policies and cannot amend the Plan's policies.

1.1.7 In accordance with Welsh Government advice, the SPG has been the subject of a public consultation and a resolution to adopt by the Joint Planning Policy Committee on behalf of the Councils. A draft version of this SPG was approved for public consultation on *date* by *Committee name*. The supplementary planning guidance was

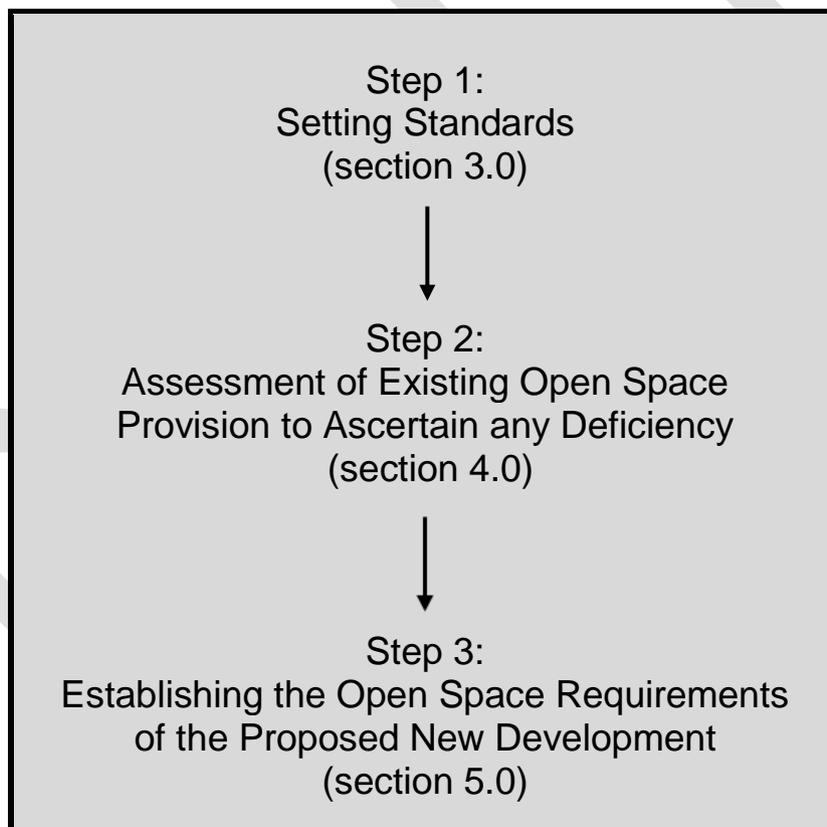
the subject of a public consultation exercise between *date*. The *x* observations presented to the Councils were considered and, where appropriate, appropriate changes have been included in the final draft approved by the *Joint Planning Policy Committee* on *date* to be used as a material consideration when assessing and determining planning applications and appeals. A summary of the observations and the Councils' response are given in *Appendix or location of a Committee report*.

(Once it has been adopted) This document should, therefore, be given substantial weight as a material planning consideration.

1.2 Introduction

- 1.2.1 This Guidance aims to put in place the relevant planning mechanisms that will facilitate the provision and maintenance of an appropriate level of open space of recreational value in respect of new housing developments of 10 or more residential units in the Plan area. This threshold is set in Policy ISA 5: Provision of open spaces in new housing developments.

The following flow chart shows the key stages in determining need for and amount of new open spaces in new housing developments:



2.0 Planning Policy Context

2.1 National Planning Policy

- 2.1.1 National planning policy guidance on sport and recreation is set out in Chapter 4: Active and Social Places, of Planning Policy Wales (PPW, Edition 10, Dec 2018) and recognises the contribution recreation spaces have on our quality of life (4.5.1).
- 2.1.2 PPW recognises that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater and a places of tranquillity (4.5.3).
- 2.1.3 Further guidance is also contained in Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2009) which provides advice relating to the preparation of Open Space Assessments, the protection of existing facilities, the provision of new facilities and the planning for allotments and spaces for children's and young people's play.

2.2 Joint Local Development Plan

- 2.2.1 The Anglesey and Gwynedd Joint Local Development Plan (JLDP) was adopted on the 31st July 2017 and provides the planning policy framework for this SPG. The important role of open spaces within communities in the Plan area is reflected in the JLDP which seeks to protect existing open spaces and require the provision of new open spaces to address the needs of relevant households in new housing developments.
- 2.2.2 Policy ISA 5: Provision of Open Spaces in New Housing Developments states that:

New housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust benchmark standards of 2.4 hectares per 1000 population.

In exceptional circumstances, where it is not possible to provide outdoor playing spaces as an integral part of a new housing development, the developer will be required to:

1. Provide suitable off site provision which is close to and accessible to the development in terms of walking and cycling, or, where this is not feasible/practical
2. Contribute financially towards new facilities including equipment, improving existing facilities on readily accessible sites or improving accessibility to existing open spaces.

Developer contributions will be subject to a legal agreement in line with Policy ISA 1.

- 2.2.3 This Policy will only be relaxed where it can be demonstrated that there is adequate suitable open space provision and outdoor playing spaces in accordance with the Fields in Trust (FiT) benchmark standards.

- 2.2.4 Criterion (3) of Policy PCYFF 2 seeks to ensure that proposals should demonstrate its compliance with making the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density).
- 2.2.5 In light of this the Council will seek justification from the applicant for proposals at a lower density to ensure that applications do not seek to avoid the threshold level of 10 or more dwellings for the provision of open spaces where there is a need for such provision in the area.

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3.0 Step 1: Setting Standards

For the purposes of the JLDP the Councils' standard reflects the Fields in Trust benchmark standards and TAN16 (2009).

3.1 The Fields in Trust (FiT) Benchmark Standards

3.1.1 FiT (formerly the National Playing Fields Association) has prepared benchmark standards to aid local authorities in the provision and protection of spaces for sport, recreation and play. The benchmark standard proposed by the FiT consists of a minimum **2.4 hectares per 1000 population** which is divided as follows:

- **1.6ha of outdoor sports facilities**
 - 1.2ha playing pitches or 12m² per person
 - 0.4ha outdoor sport or 4m² per person
- **0.8ha for children's' playing space**
 - 0.25ha equipped playing space or 2.5m² per person
 - 0.55ha informal playing space or 5.5m² per person

3.2 Categories of Open Space

3.2.1 Outdoor Sport Facilities

This covers the following:

- Facilities such as pitches, greens, courts, athletic tracks and miscellaneous sites such as croquet lawns and training areas in the ownership of local government, at all tiers.
- Facilities as described above within the educational sector which are available for public use by written agreement. The informal or unauthorized use of such facilities by the public does not qualify.
- Facilities described above within the voluntary, private, commercial sectors that serve the leisure needs for outdoor sport and recreation of their members, or the public.

FiT recommends that playing pitches should be within 1.2km of all dwellings in residential areas

3.2.2 Children's Playing Space

This covers the following:

- Designated areas for children containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play
- Casual or informal playing space within housing areas, which provide opportunities for informal play.

FiT defines three categories of children's playing space. These are:

1. Local Area for Playing (LAP): A small area of unsupervised open space specifically designated for young children for play activities close to where they live.
2. Local Equipped Area for Playing (LEAP): An unsupervised play area equipped for children of early school age.
3. Neighbourhood Equipped Area for Playing (NEAP): An unsupervised site servicing a substantial residential area, equipped mainly for unaccompanied older children between 8 and 14, but with opportunities for play for younger children, older children and those with special needs.

3.3 Accessibility of Open Space

3.3.1 The FiT standards include accessibility of outdoor sports, which are as follows:

- 20 minutes travel from outdoor bowls and tennis
- 45 minutes travel from a synthetic athletics tracks
- 1.2km from a sports pitch (over 0.4ha and marked for games)

3.3.2 Accessibility standards for children’s playing space are as follows:

Type of Space	Distance Criteria (m)	
	Walking Distance	Straight Line Distance
LAP	100	60
LEAP	400	240
NEAP	1000	600

3.4 Exceptions

3.4.1 A contribution towards children’s play areas will not be sought from one bedroom dwellings, student accommodation, sheltered and elderly housing, extra care facilities and other specialist forms of development where children in the 0-14 age range will not usually be resident. The 2011 Census does not indicate that children live in one bedroom properties.

3.4.2 Similarly, a financial contribution towards the enhancement and development of playing fields and recreational facilities will not be sought from sheltered housing and extra care facilities as residents of this type of development are unlikely to utilise playing fields. It will still be necessary to consider whether such development trigger the need to contribute to neighbourhood amenity open space.

3.5 Financial Contribution

3.5.1 Policy ISA 5 does acknowledge that in some circumstances on site provision may not be feasible. **The applicant must provide robust justification to prove that it is not possible to provide outdoor playing spaces as an integral part of the new housing development.** In such cases, the Authority will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. A planning obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space and provided that the relevant tests relating to the use of planning obligations are satisfied. Supplementary Planning Guidance: Planning Obligations provide information and advice about planning obligations.

3.5.2 The level of financial contribution required is calculated using the estimated number of residents and current costs per square metre of providing the required outdoor playing space. The costs are based on the cost of providing new facilities and associated works.

3.5.3 A breakdown of costs can be found in Appendix 1.

4.0 Step 2: Assessment of Existing Open Space Provision

Paragraph 6.1.28 of the JLDP states that Policy ISA 5 will only be relaxed where it can be demonstrated that there is adequate suitable open space provision and outdoor playing spaces. Therefore an assessment of existing open space will be required in order to ascertain if there is adequate provision or not.

This assessment is divided into two parts:

- a) An open space assessment
- b) A estimation of the residential population

4.1 A) Open Space Assessment (OSA)

4.1.1 The OSA identifies all forms of open spaces found in TAN16. Further information can be found in Topic Paper 14: Open Space Assessment. A OSA has been undertaken and maps can be found in Appendix 2.

4.1.2 Guidance found in TAN 16 states that the Open Space Assessment should address all forms of open space provision. Appendix 2 of TAN 16 provides a 'Typology of Open Space' as a useful basis for preparing Open Space Assessments and development plan policies¹. The typology should be taken into account by authorities when assessing existing need and provision, and when determining future requirements for open space.

- i. **public parks and gardens** – including urban, country parks and formal gardens;
- ii. **natural and semi-natural greenspaces** – including woodland, urban forestry, scrub, grasslands, open access land (e.g. mountain, moor, heath, downland, common land and meadows) wetlands, wastelands and derelict open land and rocky areas (e.g. cliffs, quarries and pits), and coastal land;
- iii. **green corridors** – including river and canal banks, footpaths, cycleways, bridleways, disused railway land and rights of way; these may link different areas within and between urban areas. They may also form part of a network which links urban areas, or links them to the surrounding countryside;
- iv. **outdoor sports facilities** (with natural or artificial surfaces, publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas, A sports pitch is currently defined as a playing field, larger than 0.4 hectares in size, that has been marked for team games in the last five years;
- v. **amenity greenspace** (most commonly, but not exclusively in housing areas) – including informal recreation spaces (private or open to the public), roadside verges, greenspaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises, domestic gardens and grounds, and village greens;
- vi. **provision for children and young people** – including play areas, areas for wheeled play, including skateboarding, outdoor kickabout areas, and other less formal areas (e.g. 'hanging out' area, teenage shelters);
- vii. **allotments, community gardens , and city (urban) farms** – a statutory allotment is defined as having an area not exceeding 40 poles (1000sq metres);
- viii. **cemeteries and churchyards;**
- ix. **accessible areas of countryside in the urban fringe** – which directly adjoin or are connected to an urban area;

¹ Where open spaces have multiple uses, the areas will be categorised by the primary or main use of the area concerned.

- x. **civic spaces** - including civic and market squares, promenades and other predominately hard surfaced areas designed for pedestrians. These spaces may include planted areas and trees;
- xi. **water** – including open air tidal and freshwater pools, ponds, rivers, canals, lakes, reservoirs, docks, and harbours.

4.1.3 The OSA has primarily focussed on the 28 settlements identified as the sub-regional centre, urban service centres and local service centres listed below as planning applications for 10 or more houses are more likely to be submitted in these settlements. If a planning application for 10 or more houses is submitted in a settlement not listed below, the Joint Planning Policy Unit can undertake a desktop assessment to ascertain the existing provision in that settlement.

Sub-regional Centre	
<u>Gwynedd:</u>	
Bangor	
Urban Service Centre	
<u>Gwynedd:</u>	
Blaenau Ffestiniog Caernarfon Porthmadog Pwllheli	<u>Isle of Anglesey:</u> Amlwch Holyhead Llangefni
Local Service Centre:	
<u>Gwynedd:</u>	
Abermaw Abersoch Bethesda Criccieth Llanberis Llanrug Nefyn Penrhyndeudraeth Penygroes Tywyn	<u>Isle of Anglesey:</u> Beaumaris Benllech Bodedern Cemaes Gaerwen Llanfairpwll Menai Bridge Pentraeth Rhosneigr Valley
Service Village:	
Bethel Bontnewydd Botwnnog Chwilog Deiniolen Rachub Tremadog Y Fôr	Gwalchmai Newborough Llanerch-y-medd

4.1.3 When an application is received the Council’s GIS system is used to calculate the existing open space provision within the prescribed distances (see section 3.3).

4.2 B) Estimation of Resident Population

4.2.1 The next step is to estimate the resident population so that target recreational needs can be calculated. The Council’s GIS system will be used to calculate the population

within distances identified in section 3.3 by multiplying the number of residential address points by average household size (Census 2011 table PHP01). Examples of which can be found in Appendix 3.

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5.0 Step 3: Establishing the Open Space Requirement of the Proposed New Development

Once it is established that there is a deficiency of open space within the locality, it is then necessary to establish the open space requirement of the proposed new development. This is divided into two parts:

- a) Occupancy Assumptions;
- b) Recreational Needs.

Occupancy assumptions establish the number of people per dwelling type which when multiplied with the FiT benchmark standard for each open space category establishes the recreation needs of the proposed new developments.

5.1 A) Occupancy Assumptions

5.1.1 Since FiT’s standards are based on population it is necessary to estimate the average level of occupancy of the proposed new development is required. The average occupancy rate is based on table DC4405EW, Tenure by household size by number of bedrooms Census 2011.

No. of Bedrooms	Average Occupancy Rate	
	Gwynedd	Anglesey
1	1.31	1.26
2	1.72	1.74
3	2.35	2.36
4	2.82	2.41
5 or more	3.18	3.04

5.1.2 Where the numbers and/or bedroom sizes of dwellings are unknown (e.g. outline applications), the open space provision would have been reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made.

5.2 B) Recreational Needs

5.2.1 In order to calculate the recreational needs of a proposed new development the following calculation is needed:

Occupancy Assumptions (per bedroom size)		
x		
Need per Unit (m²)		
Outdoor Sport 16m ²	Children’s Informal Play Space 5.5m ²	Children’s Equipped Play Space 2.5m ²
x		
Number of Units		

Example:

Proposed development of 50 houses in Gwynedd (10 two bedroom, 25 three bedroom and fifteen 4 bedroom).

i) Outdoor Sport

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 16m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	20.96	0	0
2	1.72	27.52	10	275.20
3	2.35	37.60	25	940.00
4	2.82	45.12	15	676.80
5 or more	3.18	50.88	0	0
Total	-	-	50	1892m²

ii) Children's Informal Play Space

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 5.5m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	7.21	0	0
2	1.72	9.46	10	72.10
3	2.35	12.93	25	323.25
4	2.82	15.51	15	232.65
5 or more	3.18	17.49	0	0
Total	-	-	50	628m²

iii) Equipped Children's Play Space

A. Number of Bedrooms	B. Occupancy Assumption	C. Need per Unit (m ²) (B x 2.5m ²)	CH. Number of Units	Total Need (m ²) (C x CH)
1	1.31	3.28	0	0
2	1.72	4.30	10	43.00
3	2.35	5.88	25	147.00
4	2.82	7.05	15	105.75
5 or more	3.18	7.95	0	0
Total	-	-	50	295.75m²

Therefore for the above example the estimated new provision of open spaces for the proposed development is as follows:

- i. Outdoor Sport = 1892m²**
- ii. Informal Children's Play Space = 628m²**
- iii. Equipped Children's Play Space = 295.m²**

6.0 Further Information & Contacts

For further information please contact the:

Joint Planning Policy Unit

☎ 01286 685003

✉ planningpolicy@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Joint-Local-Development-Plan/Joint-Local-Development-Plan.aspx>

Gwynedd Council's Planning Service,

✉ Council Offices

Ffordd y Cob

Pwllheli

Gwynedd

LL53 5AA

☎ 01766 771000

✉ planning@gwynedd.llyw.cymru

<https://www.gwynedd.llyw.cymru/en/Residents/Planning-and-building-control/Planning/Planning.aspx>

Isle of Anglesey's Planning Service

✉ Council Offices

Llangefni

Anglesey

LL77 7TW

☎ 01286 752428

✉ planning@anglesey.gov.uk

<http://www.anglesey.gov.uk/planning-and-waste/planning-control/>

- Further information regarding the quality, design, health and safety of open space provision

Fields in Trust Cymru

<http://www.fieldsintrust.org/wales>

Royal Society for the Prevention of Accidents:

<https://www.rospa.com/play-safety/advice/design/>

Appendix 1 – Breakdown of Costs

The calculation of costs is based on (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision. If the cost of providing the various categories of open spaces changes over time, the most recent cost framework will be used.

	Cost per square metre		
	Provision	Maintenance	Total
Playing pitches	£11.69	£5.23	£16.92
Outdoor sports	£11.69	£5.23	£16.92
Children's play space (equipped)	£37.99	£79.30	£117.29
Children's play space (informal)	£11.40	£5.57	£16.97
Neighbourhood amenity	£11.69	£5.23	£16.92

* As a general rule funds which have not been spent within 8 years from the date of payment or 5 years from completion of the development whichever is the later, will returned to the applicant.

Appendix 2 – Open Space Assessment Maps

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Appendix 3 – Estimation of population

