
PART IV

Developer Contribution Benchmark Document

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1 INTRODUCTION

1.1 Document Purpose

- 1.1.1 This section of the Local Authority Bus Strategy (2004) is designed to illustrate how the Vale of Glamorgan Council will approach the issues of seeking developer contributions to assist with the improvement of bus services and infrastructure.

1.2 Document Structure

- 1.2.1 The Public Transport Contributions Benchmark document covers the following sections:
- Review of the national policy context for developer contributions/planning obligations;
 - Review of the Vale of Glamorgan Council policy context;
 - Review of current policies on developer contributions in Wales and England, identifying key issues; and
 - Identifying the way forward for the Vale of Glamorgan Council.

2 POLICY CONTEXT

2.1 National Policy

Planning Obligations, Welsh Office Circular 13/97

- 2.1.1 Planning obligations should be:
- Necessary;
 - Relevant to planning;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development; and
 - Reasonable in all other respects.
- 2.1.2 Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations, which comprise both planning agreements and unilateral undertakings by developers. The Circular states that “acceptable development should never be refused because an applicant is unwilling or unable to offer benefits, and equally unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant.”
- 2.1.3 Where development creates a need for a facility (e.g. bus shelters) the circular points out that it may be reasonable for developers to meet or contribute towards the cost of providing such facilities to enable the development to go ahead or to provide the facilities in the near future. Sums paid by a developer should be repaid on or by a specified date if they have not been used for that purpose.
- 2.1.4 Payments should be time limited and not be required in perpetuity by planning obligations. In the case of funding for public transport, contributions to revenue

support of services may be considered, but for a limited period in the short term only and with a maximum cost.

- 2.1.5 The circular states that where relevant, Part II Unitary Development Plan (UDP) policies should make it clear that planning obligations may be sought in connection with a particular type of development or in relation to specific development sites. The Circular also highlights the fact that policies on planning obligations in development plans should not be unduly restrictive. Matters considered unacceptable include the use of blanket formulations and allocation of precise costs in advance, as it is not possible to know exactly what is involved until an individual development proposal has been made.
- 2.1.6 In the Vale of Glamorgan the UDP has already reached an advanced stage, with no real opportunity to alter the content of the transportation policies at this late stage. However the Local Transport Plan (LTP) has been approved for development control purposes so there may be an opportunity to consider introduction of an appropriate policy on developer contributions into this document when it is next reviewed. This opportunity may be limited by the fact that the Welsh Assembly Government have made no announcement on whether or not a new LTP will be required in the near future. There is potential to address the issue through the introduction of Supplementary Planning Guidance (SPG).

Planning Policy Wales, March 2002

- 2.1.7 This document sets the strategic policy framework for the preparation of development plans by local authorities in Wales. With regard to supporting public transport the document states that local authorities should promote public transport as a means to achieve environmental objectives, relieve congestion and encourage social inclusion. Importantly Planning Policy Wales (PPW) notes that where additional public transport would be required to allow development to proceed, an appropriate policy should be included in the UDP and LTP (see above comments on possible limited scope for new UDP/LTP policies). Where development can only take place with improvements to public transport services, local authorities should consider use of planning conditions and/or planning obligations.
- 2.1.8 In addition, there are a number of factors highlighted that local authorities should take into account when determining a planning application that has transport implications, including (inter alia):
- The impacts of the proposed development on travel demand;
 - The level and nature of public transport provision;
 - Accessibility by a range of different transport modes; and
 - The willingness of a developer to promote travel by public transport, cycling and walking or to provide infrastructure or measures to manage traffic to overcome transport objections to the proposed development.
- 2.1.9 For major developments, PPW states that Transport Assessments (TAs) should be conducted to appraise travel demand and impact. TAs can provide the basis for negotiation on scheme details including measures to improve public transport access. The proposed access to a development should reflect the likely travel

patterns and ensure that people can reach the development as far as practicable by walking, cycling and public transport as well as by car. PPW notes that where transport improvements will be needed to enable the proposal to go ahead these should normally be provided before development proceeds.

- 2.1.10 Finally, PPW also states that planning obligations may be used in appropriate circumstances to secure off-site improvements in public transport, walking and cycling, where such measures would influence travel patterns to the site concerned.

Technical Advice Note (Wales) 18 Transport, Consultation Draft, March 2001

- 2.1.11 This advice note highlights the role of land use planning in ensuring that integrated transport is achieved, for example, by ensuring that the new development includes appropriate public transport provision. When preparing UDPs and in determining planning applications the Technical Advice Note (TAN) states that planning authorities should (inter alia):

- Indicate where buses will be given priority and the measures that will be taken to support this;
- Identify the potential for improved safe and accessible passenger interchange facilities with bus, rail and taxi services located close together;
- Encourage the provision of safe and accessible local transport facilities such as bus stops, and shelters etc; and
- Provide clear guidance and where appropriate, negotiate with developers on the requirements for public transport access to new development areas, in order to reduce the need to travel by car and the level of parking at such sites.

- 2.1.12 With regard to transport interchange, the TAN states that local authorities should consider the following when preparing UDPs or determining planning applications:

- Consider the need for additional transport interchange sites, ensuring that proposed sites are well-related to travel and intensive uses, and that the design, layout and access arrangements are safe, secure and maximise catchment for public transport services;
- Identify interchange improvements that need to be made to existing public transport interchanges; and
- In rural areas, identify interchange sites at nodes where the transfer between local and long distance public transport services can take place.

- 2.1.13 The TAN states that major developments should be accompanied by a TA. There is flexibility to vary the content/scope of each TA depending on the scale, travel intensity and characteristics of the development proposal. As a minimum these TAs should provide information on the likely modal split of journeys to and from the site, together with details of the measures to improve access by public transport and other modes and reduce the number and impact of motorised journeys associated with the proposal. The importance of TAs as a basis for negotiation on scheme details to improve public transport etc and monitoring future modal split of transport is also highlighted.

- 2.1.14 With regard to planning conditions and obligations, the TAN reinforces previous guidance in Welsh Office Circular 13/97. Examples of matters that can be covered by planning conditions are provided, such as infrastructure for public transport including bus stops, lay-bys and real time passenger information systems and the provision of information to promote access by public transport. Planning obligations can be appropriate to secure public transport improvements near the site or which improve accessibility to/from the site.
- 2.1.15 The priorities of an area should be set out in the UDP so that developers can have a degree of certainty about the nature and scope of obligations that may be expected. Development proposals in locations outside town centres and major transport interchanges may expect to contribute more to improving public transport access than for developments in more central locations.
- 2.1.16 The inclusion of Travel Plans for new and existing developments in the TAN illustrates another method of improving the public transport accessibility of new developments that can be covered in whole or part in planning conditions.

2.2 Vale of Glamorgan Council Policy Context

Vale of Glamorgan Council Unitary Development Plan Deposit Draft 1998 (As amended 2003)

- 2.2.1 The UDP provides the most up-to-date local development framework for the Vale of Glamorgan. The interaction between land use and transport planning is primarily covered in the transportation chapter although it is also mentioned in a range of other policy areas within the document.
- 2.2.2 Key UDP policies include a number of strategic and transport projects aimed at reducing the role of the private car for accessing new developing and facilitating increase us of public transport cycling and walking e.g.:

Part 1 Policies

- Policy 2: Proposals which encourage sustainable practices will be favoured including.....Proposals which are located to minimise the need to travel, especially by car and help to reduce vehicles movements or which encourage cycling, walking and the use of public transport.
- 2.2.3 However the polices are largely related to the location of development, as would be expected in a land use plan. The UDP policies are not statements of intent to deliver an objective in a particular manner, other than through general progress of development through the planning system. Negotiations with developers may come to the fore in realising these policy objectives where a current location is not fully accessible by public transport, or where a development dictates that public transport accessibility needs to be significantly improved.
- 2.2.4 The following modifications show how transport issues/development briefs are being considered for housing sites:
- Modification E15 provides additional text on the proposed allocation of a redevelopment site at South Quay Barry Waterfront. It states that the

Council will, through discussions with the developers, seek to secure a range of contributions including for public transport. A Development Brief is to be prepared and a TA will be undertaken to identify transport solutions.

- Modification E18 refers to development at Pencoedtre, sets out the need for a revision of the existing Development Brief and the addition of a requirement for a travel plan for the site as a whole.
- Modification E29 covers White Farm, Barry and highlights the need for a Development Brief to guide the implementation of this 130 dwelling scheme.
- Modification E30 refers to Llandough Fields in Penarth, and states that development will be guided by a Development Brief. A transport assessment will also be required to identify any potential transport solutions
- Modification E32 on land north of the railway line in Rhoose covers the need for securing public transport provision at this 26-hectare site; again a Development Brief and transport assessment will be required.
- Modification E33 relates to 12ha of potential residential development on land north of the town hall in Cowbridge, where a development brief and TA will be required.

2.2.5 New employment developments may provide additional opportunities for consideration of the impact on the transport network and should initiate negotiations with developers to secure public transport improvements. However, the modifications of this chapter in the UDP do not include any requirements similar to those for housing. The UDP refers to highway improvements for major employment sites such as Vale Business Park, but does not refer to public transport improvements. In general the omission of references to public transport and other requirements for development of employment sites may be an indication of the relative strength of the housing market in the Vale and the continuing need to facilitate employment-generating development.

2.2.6 In the Transportation chapter there is strong emphasis on the need for the integration of land use and transport. Modification G010 constitutes a new policy illustrating the priorities for strategic public transport improvements. There is no mention of the potential for developer contributions from development proposals on or adjacent to these corridors.

2.2.7 Modification G016 refers to the implementation of the policies in the Transportation chapter. The emphasis here is on the powers the local authority has to seek to enter into planning obligations with developers, regarding the use or development of land or buildings. This section also states that developers will be requested to submit TAs with planning applications for major developments, where the proposal is likely to have a significant effect on the surrounding road network. These assessments should ensure that the development incorporates adequate public transport facilities to meet the generated demand and encourage public transport use.

Vale of Glamorgan Council Local Transport Plan, August 2000

2.2.8 The LTP provides a series of policies on future transport developments and improvements in the Vale. It also sets out the five-year programme 2001/02-2005/6. This programme identifies the capital and revenue funding sources for

taking various projects forward. It does not make any mention of the potential for developers to contribute to the costs of these projects.

Vale of Glamorgan Council Local Transport Plan Annual Progress Report, June 2004

- 2.2.9 This document provides an update of progress on achieving the implementation of the various policies in the LTP. It also includes an implementation timetable for the various projects. A variety of capital funding sources have been identified. Expenditure is mostly programmed from Transport Grant, however, Barry Central Station is shown as partially funded using S106 of the Town and Country Planning Act 1990. This is a good example of successful negotiation with developers on a major scheme in order to secure support for a public transport project.

Vale of Glamorgan Council Local Authority Bus Strategy (LABS), June 2003

- 2.2.10 The LABS (2003) outlines the position regarding bus and taxi services in the Vale of Glamorgan and sets out a programmed action plan to improve the bus journey experience. The objectives of the document include:
- Identifying ways of improving bus frequency;
 - Improving the standards of bus services to residential, employment, retail and tourism destinations;
 - Ensuring that new developments are accessible by bus.
- 2.2.11 Bus Action 9 states that the Council will negotiate with developers on new residential and employment developments for the provision of appropriate public transport facilities within them. As part of this action point, the Council will seek to explore the possibilities for new/extensions to existing bus services and/or routes as well as infrastructure improvements, through the implementation of appropriate planning and legal agreements.

1999 Addendum to 1993 South Wales Parking Guidelines

- 2.2.12 This addendum introduced the concept of maximum parking guidelines for development proposals (excluding residential). It also included some additional advice on the use of commuted payments. In locations where there is good access other than by private car, local authorities can seek to reduce the amount of car parking to serve developments. Commuted payments can be sought, equivalent in value to the reduction in car parking provision to fund sustainable transport projects. The value of commuted payments can be the subject of negotiation but could vary between £1,000 and £5,000 per space.

3 CURRENT PRACTICE IN THE VALE OF GLAMORGAN

3.1 Introduction

- 3.1.1 As part of on-going work the Council has been assessing the current policy context and the potential for seeking developer contributions to facilitate public transport improvements/measures. Issues have also been discussed with

representatives of other Council departments.

3.2 Current Practice

- 3.2.1 At present there is no dedicated policy document/supplementary planning guidance that sets out a policy for the Vale of Glamorgan.
- 3.2.2 When developers approach the Council seeking planning consent, decisions on the level of public transport infrastructure are made on a case-by-case basis with reference to the above policy context.
- 3.2.3 However, there is concern that this context is not sufficiently robust for Council purposes.
- 3.2.4 With no specific policy document on public transport developer contributions in place the primary indicator of the level of public transport use for a major development will be the Transport Assessments, submitted as part of the planning application by the developer or agent. The lack of any firm and consistent expectation that developers will contribute to the cost of public transport provision means that developers are likely to seek to avoid payment or challenge the need for such payment in relation to a development proposal.

4 REVIEW OF POLICIES IN OTHER AUTHORITIES

4.1 Review of Existing Policies in Wales

- 4.1.1 Some examples of how other local authorities in Wales have approached the issue of developer contributions are provided below:
- 4.1.2 **Cardiff City Council** - Cardiff have had a reasonable amount of success in terms of securing contributions. For example, bus shelters have been funded, as well as the provision of public transport services in some cases. There are concerns, however, as to what is reasonable in terms of level of service (frequency & hours of operation), the scale of development that requires such provision, the triggers for the service to start (e.g. first unit occupied, 50th unit occupied) and the duration of support (e.g. four years). There is no Council policy document available on this subject.
- 4.1.3 **Flintshire County Council** - there has been no success to date in Flintshire, beyond specifying a commitment for developers to produce a Travel Plan. Despite unemployment levels of around 2% there is a feeling that nothing ought to be done to discourage developers. However, reported difficulties in employers finding staff are raising the profile of public transport and there has been some success in achieving contributions from existing employers towards public transport.
- 4.1.4 **City and County of Swansea** - the Council have obtained revenue funding for additional subsidised local bus services in the Fforestfach area. This was achieved when the Tesco Extra store was extended some years ago. There will also be a requirement for a contribution from the developer of the Spontex

(Swansea Point) development in the Maritime Quarter to provide improved bus service frequencies in the area.

- 4.1.5 **Bridgend County Borough Council** - Bridgend CBC refer to WO Circular 13/97 and RTPI 'Planning Gain and Obligations', December 2000. The Council endeavour to negotiate with developers to provide improved public transport services/infrastructure, but there are only a few examples of where this has been successful. A short-lived bus service from McArthur Glen to the town centre and dedicated land for a Park and Ride site at Brackla in association with a housing proposal (neither of which have been constructed). A dedicated bus service to the Lloyds Customer Centre in Pencoed, funded by Lloyds has been provided as part of the Travel Plan required by the Council. There is some support for taking the matter of planning gain/developer contributions forward as a South East Wales Transport Alliance (Sewta) document.
- 4.1.6 **Newport** – Newport's Unitary Development Plan 1996 – 2011 2nd Proposed Changes (May 2003) seeks to secure developer input through negotiation and the designation of Transport Development Areas. PART 1 Policy SP13 states that integrated transport will be implemented through the Council's integrated transport strategy which will promote:
- vi) Appropriate provision for public transport operation at the planning stage of new developments.....
 - viii) Facilities for public transport, walking and cycling in major new development.....
 - Transport Development Areas.
- 4.1.7 The justification for this policy states that it is important in all new developments, especially in major expansion areas, that every opportunity is taken to provide public transport facilities at the outset. Similarly, better provision of public transport, cycle and walking routes will be negotiated in new development layouts and facilities. The concept of Transport Development Areas is also introduced where the aim is to provide good quality mixed use development at higher densities, which should sustain provision of public transport.
- 4.1.8 PART 2 Policy T7 states that developments which have an unacceptably adverse effect on the transportation system will not be permitted. Where objections can be overcome by improvements to the transport system, a contribution will be sought from the developer under statutory provisions. The supporting text for this policy states that, where developers would place burdens on the road system, developers will be expected to contribute to the solution of the problem, either by direct investment in the highway system or where appropriate, by contribution to public transport provision. The contribution should be fairly and reasonably related in level and scale to the proposed development. Travel assessments are also required to assess the impact of all major development proposals.
- 4.1.9 Newport's UDP Draft Supplementary Planning Guidance on Planning Obligations (July 2003) seeks to provide additional clarity for negotiations with developers. It highlights the fact that the City Council has limited resources available to undertake capital schemes and much of the network is operating near or at capacity. Therefore the Council should seek to ensure that new development

does not exacerbate existing, or create new problems.

- 4.1.10 The document provides information on what elements can be taken forward through planning conditions and which can be progressed through agreements/obligations. For example on site improvements to highways, access, servicing and parking, and various other site works prior to occupation can be subject to planning conditions. Off site highways and public transport investment can be the subject of agreements/obligations, as can off site works – although these can also be achieved under Section 278 of the Highways Act 1980 by use of “Grampian” conditions.
- 4.1.11 A series of important guidance notes sets out the principles for planning obligations including the following:
- Obligations should not be seen to legitimise unacceptable proposals – i.e. planning permission cannot be bought or sold;
 - Relevant case law and appeal decisions will be taken into account – e.g. to determine what may be reasonable;
 - Comprehensive and rigorous assessment of need will provide a firm basis for negotiations;
 - Discussions will take place at the earliest opportunity;
 - Examples of good practice will be adhered to; and
 - In appropriate cases the Council will set out requirements in a masterplan or development brief.
- 4.1.12 Planning obligations are identified as a means of promoting sustainable travel, although improved accessibility by a range of modes should not be “traded off”, against ensuring adequate and safe highway access. Successful examples are highlighted including development of the St Cadoc’s Hospital site in Caerleon for housing which will require land to be provided to accommodate a proposed new station and provision of a footbridge. Recent housing developments in Duffryn have also contributed to the safe routes to school scheme. The document does not set out what the level of contribution might be, or provide information on possible trigger points for various development types.

4.2 Review of Policies in Local Authorities in England

- 4.2.1 Examples of current practice of obtaining developer contributions in England are provided below:
- 4.2.2 **Nottinghamshire/Nottingham** - in taking forward a scheme for developer contributions for public transport, Nottinghamshire County Council (NCC) highlighted the views of the development industry which perceives the contribution scheme as a “development tax”. Equally, there have been concerns voiced by district councils in the county regarding the potentially adverse impact of the scheme in attracting inward investment into the more economically deprived areas. An important issue raised during the development of the draft document is the need for advice from Counsel as an independent legal overview of any emerging scheme.

- 4.2.3 The scheme centres on a series of tables setting out specific figures for contributions, which vary according to the area of the county, development location, development type and scale/size of development.
- 4.2.4 Monies are to be exhausted within 5 years of receipt, unless agreed otherwise with the developer. Examples of typical levels of contribution for North Nottinghamshire are provided below:
- Residential development – per net developable hectare (or per 125 bedrooms for developments greater than 125 bedrooms). Suggested minimum size of development is 50 bedrooms or 0.4 developable hectares – whichever is the smaller. In Town/District centres the level of contribution is £7,500, for villages and settlements on public transport corridors the contribution is set at £15,000. Elsewhere some £22,500 will be expected.
 - For food retail a suggested minimum size is 1,000sqm gfa – with a 30K contribution proposed in Town/District centres, £60,000 in villages and settlements on public transport corridors and £90,000 elsewhere. Non-Food retail figures are set at 50% of those for food retail.
- 4.2.5 Contributions are set out for B1(a) office development over 2,5000 sqm gfa and over 5,000sqm gfa for other “B” use employment.
- 4.2.6 Commercial, leisure, tourism, health and education developments will have contributions at levels to be determined locally.
- 4.2.7 Although this is a comprehensive approach to dealing with developer contributions the potential success of the scheme is unclear. There are practical considerations in seeking to obtain standardised levels of contributions from developers.
- 4.2.8 This “blanket” approach does not seem easily transferable to the Vale of Glamorgan, as in Wales where each development must be considered within its own circumstances – i.e. W.O. Circular 13/97 states that contributions must be directly related to the proposed development etc.
- 4.2.9 **Peterborough** - section 15 of Peterborough’s LTP addresses developer contributions. The scheme is presented in tabular format and details the main transport works for the key sites and development proposals in the Council’s area. Trigger points for individual elements of the transport works are also included – e.g. certain levels of development generated trips, or with the completion of a certain number of dwellings. All the main sites therefore have existing or proposed Section 106 agreements covering transport items. Contributions from existing and proposed Section 106 agreements, towards major public transport schemes are also listed.
- 4.2.10 This methodology demonstrates a high level of knowledge (from developer TA’s or the local authorities own work) of the impacts of development proposals in the Council’s area. It is not clear from this section of the LTP how major development proposals not included in the table will be dealt with.

- 4.2.11 For the Vale of Glamorgan, to adopt this approach would require a step change in the level of transport planning information for all major land use allocations in the Council's area. Given that the majority of these allocations now form part of the UDP there is little scope to change the requirements for public transport provision at each site. This level of information is not available at present and would require significant additional funding to achieve.
- 4.2.12 **Stratford-upon-Avon** - a multi-modal study for Stratford-upon-Avon has been carried out. This provides the basis for a revised methodology for developer contributions. The scale of improvements set out; require funding from other sources including developer contributions.
- 4.2.13 The approach includes all non-residential developments and all residential developments above a threshold of 5 dwellings. An equivalent threshold of 250sqm of floor space has been set for commercial developments.
- 4.2.14 For an individual site the generation figure is expressed as a proportion of the estimated total vehicle trip generation from all development sites including expected windfalls. The contribution is then calculated by applying this proportion to the expected funding gap for major schemes in the ten-year transport strategy for the town.
- 4.2.15 In addition, developers will be required to fund infrastructure and public transport necessary for the scheme and that for the locality of the development. This is to be negotiated on a site-by-site basis. A public transport option must be made available for all potential passenger journeys. Negotiations in this respect will be centred on remedying any deficiencies in the level of service in terms of frequency and reliability.
- 4.2.16 This approach does not seem easily transferable to the Vale of Glamorgan given the requirements of WO Circular 13/97, that planning obligations should be directly related to the proposed development, and fairly and reasonably related in scale and kind to the proposed development.
- 4.2.17 In addition this method also requires a step change in the level of transport planning information available in the Council's area. Additional funding would be required for a multi-modal study of the Vale of Glamorgan area.
- 4.2.18 **Oldham** - here the approach focuses on contributions in lieu of parking for development proposals that would generate a requirement for more than 10 spaces. The commuted sum is provided at a rate of £1,000 per space. A lower level is set at £500 per space for Class A3 uses as daytime customers of these premises may already be in town for other reasons. A worked example is provided below:

1 New Office building including 4 spaces
Proposed floor space = 600sqm
Current standard = 1 space per 30sqm
Notional parking requirement = 20 spaces

Total contribution = 20-4=16 spaces @£1,000 per space
Total commuted sum = £16,000

- 4.2.19 Each contribution will be used on a scheme related to the proposed development, ranging from a major park and ride scheme to improving the local pedestrian environment. Developers are welcome to suggest improvements to local transport infrastructure, which will be given consideration by the Council.
- 4.2.20 This approach is not directly transferable to the Vale of Glamorgan where there are relatively few new opportunities for major development proposals within existing major urban areas, other than those set out in the UDP. However, where appropriate, the 1999 addendum to the South Wales Parking Guidelines (or future replacement document) should be followed – i.e a commuted payment may vary between £1000 per space in rural areas to £5000 per space in city centres. As these guidelines set out maximum requirements there may be less opportunity to seek commuted sums from developers

4.3 Key Issues from the Review of polices in England/Wales

- 4.3.1 In summary, it is clear that there are a number of approaches being adopted – these include:
- Negotiations based on development plan policies – with no fixed requirements for developers.
 - Schemes setting out specific requirements for public transport linked to individual development sites/land use allocations.
 - Use of commuted payments in lieu of provision of car parking spaces.
 - Schemes that provide clear sums that will be expected from developers of specific types/scale of development.
- 4.3.2 Unfortunately none of the more formalised approaches currently being used in England seem directly transferable to the Vale of Glamorgan situation, given the Welsh Planning Policy context, and the apparent lack of resources available to develop a more detailed knowledge of the transport planning characteristics of the Council's area.
- 4.3.3 Equally important is the fact that the UDP is at an advanced stage of preparation and there is no remaining opportunity to influence the policy direction of the document in relation to developer contributions.
- 4.3.4 Although there may be potential to consider the introduction of more formal developers contributions policies in the next Local Transport Plan, it is not clear at present if the Welsh Assembly Government will require unitary authorities in Wales to produce new documents in the near future.
- 4.3.5 There has been some discussion of the need for a regional transport plan so that a consistent approach to a variety of policy areas can be adopted across a number of authorities.

5 DETERMINING THE APPROACH FOR THE VALE OF GLAMORGAN

5.1 Introduction

- 5.1.1 The appropriate time for the Council to unilaterally determine a formalised approach to negotiating with developers to secure a contribution towards improvement of bus services/facilities is not clear.
- 5.1.2 At present revised TAN 18 has not yet been approved, and without this new guidance in place, the W.O. Circular 13/97 remains the main source of advice in Wales. In England with PPG13 in place there may be more scope for developing a more innovative approach to seeking contributions.
- 5.1.3 In addition, there are real concerns that it would not be in the Council's interest to act alone on this issue. A similar approach to the development of parking guidelines may be appropriate for developer contributions, i.e. that unitary authorities could act together to present a unity of approach to potential inward investors. The most appropriate vehicle for securing this level of co-operation on developer contributions is Sewta. It is recognised that the variations across the Sewta area may complicate the approach to developer contributions but a consistent yet flexible approach, with transparent and robust methodology should overcome these issues and ensure a stronger stance in negotiations with developers.
- 5.1.4 In late 2001/early 2002 there was a debate amongst commentators on the future of developer contributions largely in responses to the DTLR's consultation paper "Reforming planning obligations: delivering fundamental change" (December 2001). In this paper a development tariff had been mooted, but was not adopted as policy given the perception of the tariff as a tax on development. However, the recent announcements from Office of the Deputy Prime Minister on the reform of the planning system have sparked a renewed debate on planning gain. It is not clear what the approach in Wales will be, but it may well follow that in England. Therefore at a time when the future role of planning gain is under consideration at government level it would seem unwise to take forward a formalised approach for one unitary authority. The new Planning and Compulsory Purchase Act includes provision for a new system of tariff-based planning obligations – an approach that has already had support from the Royal Town Planning Institute ¹.

5.2 Development Sites in the Vale of Glamorgan

- 5.2.1 Table 5.1 shows some examples of major residential sites in the Vale of Glamorgan. For many of these sites a development brief has not yet been agreed, therefore scope remains to incorporate issues such as public transport services, infrastructure and layout of the development and road network. Many residential sites already have planning consent so there may be only limited opportunity to seek developer contributions. Therefore the development brief may be even more important as an agreed means of ensuring that developments are

¹ 6/11/03 RTPI Press Release PR2003/46

Table 5.1 Major Residential Sites to 2011

Ref	Location	Size (ha) approx	Total Units approx	Planning Consent Granted	Status	Development brief	UDP Comments	Existing bus provision Operating Hours	Existing Bus Provision Daytime Frequency	Existing Bus Provision Notes	Future bus provision
1	Barry Waterfront	25.9	1400	Yes	Under construction	Existing		05:00-18:00	Minimum 4 buses per hour	93 and 95 Barry Island/Morrison's to Cardiff additional service (2ph) 08:00 to 23:00 Morrison's to Cardiff	This site is located in the south of Barry urban area. It is likely that given the critical mass of population in the completed development will benefit from commercial services. The road network makes provision for public transport and the density of development means that there is a reasonable catchment provided. However there may be a need to seek contributions/transport grant funding toward the provision of service and infrastructure to Urban Feeder standard.
2	Barry Waterfront South Quay	5.2	200	No	Not started	Proposed	Council require a traffic impact assessment to identify appropriate transport solutions	05:00-18:00	Minimum 4 buses per hour	93 and 95 Barry Island/Morrison's to Cardiff additional service (2ph) 08:00 to 23:00 Morrison's to Cardiff	This site is located in the south of Barry urban area. It is likely that given the critical mass of population in the completed development will benefit from commercial services, provided there is appropriate consideration of the needs of public transport in the road layout and design. However there may be a need to seek contributions toward the provision of service and infrastructure to Urban Feeder standard. It will be important to ensure that the site is considered part of the greater regeneration of the Waterfront and that cumulative impacts/needs are considered.
3	White Farm Barry	5.2 up to 130		Yes	Not started	Proposed		06:00-22:00	6 per hour to Winston Square	6 services to Barry, 2 of which continue to Cardiff	This site is located in the north of Barry urban area. The location already benefits from urban services. However there may be a need to seek contributions toward the provision of service and infrastructure to Urban Feeder standard. Where possible the site would benefit from improved access for public transport to maximise accessibility.
4	Rhose, land north of railway line		400	No	Not started	Proposed	Council require a traffic impact assessment to identify appropriate transport solutions	08:00-22:00	Minimum of 3 per hour along Porthkerry Road	6 additional services and hourly evening provision	This site is well located to provide access by rail when the Vale of Glamorgan line is reopened. Public transport access through the site will be important. As the site is within the existing urban area it will be important to ensure that a standard of bus service is provided which accords with that proposed for Urban Feeder services.
5	Pencoedre	7	135	Yes	Not started	Existing (to be revised)	"...Green transport plan must be submitted"	08:00-23:00	4 per hour to Pencoedre Road		This site is located on the north west boundary of the existing Barry urban area. The proposed development consists of a mixed residential/employment development and woodland area. Given this mixed use proposal there will be a need to ensure that the development layout provides a high level of accessibility for public transport, to avoid a peripheral service. Given the location of the site an Urban Feeder level of service should be expected.

planned so as to attract commercial services, through an appropriate road layout, density of development, critical mass within catchments, parking supply etc.

- 5.2.2 Table 5.2 shows similar information for the main employment sites in the Vale. Unlike residential land, where allocations closely match actual demand, the supply of employment land needs to be sufficient to ensure an appropriate range and choice of sites to meet the needs of any potential inward investors, or employment creating development etc. Given this apparent “technical” over-supply, there is less pressure on employment land and therefore potentially less opportunity to seek developer contributions. It may also be more difficult to seek significant developer contributions where a development will provide much needed jobs. It is important that developer contributions do not deter inward investment, however it is also important that there is close integration between land use and transport planning. For the proper planning of the Vale of Glamorgan it will be important that all major employment generating development proposals are accessible by public transport. This may be secured by developer contributions, but can also be secured through negotiation by unilateral action on the behalf of the developer, or the provision of a Travel Plan that can be conditioned as part of the planning consent.

5.3 Defining the Principles for Bus Improvement Developer Contributions

- 5.3.1 It is proposed that the Council will use the following principles to constitute an approach to securing developer contribution for bus improvements in the Vale of Glamorgan. The principles are mostly applicable to larger housing sites (50+ units), large employment sites (likely to be those larger than 1ha but maybe smaller sites depending on the density of employment), and major retail, recreational or other proposals that could have significant transport impacts.

- The main purpose of seeking to secure developer contribution towards bus improvements is solely to ensure the enhancement of the role of public transport for access to/from a development. Obligations should not be seen to legitimise unacceptable proposals – i.e. planning permission cannot be bought or sold.
- New developments that could have a significant impact on the surrounding transport network should be accessible by public transport. This means that where there is a significant volume of traffic generated by a new development, the developer should seek to ensure that a public transport option is available for trips with an origin or destination at the development.
- The Council will continue to enter into negotiations with developers on the traffic and transportation impacts arising from developments. However as part of the negotiations, the Council will seek to address transport issues according to the principles of the sustainable transport hierarchy, whereby the needs of all users of the development are considered in the following priority: pedestrians, cyclists, bus users, rail users, private car drivers. This may necessitate the involvement of transport policy planners in negotiations with developers.

Table 5.2 Major Employment Sites

Ref	Location	Size (ha)	Use Classes	Full Planning Consent Granted	Existing bus provision Operating Hours	Existing Bus Provision Daytime Frequency	Existing Bus Provision Notes
1	Atlantic Trading Estate	12	B1, B2& B8	No	07:18 - 18:00	every 90 mins	88 (94 stops over 1 mile away)
2	Barry Business Park	0.8	B1&B8	Yes	06:00 - 23:00	7 per hour	93,94,95, X45
3	Barry Docks & Chemical Complex	5.2	B1, B2& B8	No	07:18 - 18:00	every 90 mins (Chemical complex) Minimum 2 buses per hour	88 & 95 (half a mile away)
4	Cardiff International Airport Business Park	58.9	B1, B2& B8	No	06:50 - 20:00	minimum 4 buses per hour	X45, 304, 144, 146, V5, X91
5	Hayes Lane	1.4	B1&B8	No	07:18 - 18:00	every 90 mins	As atlantic trading estate
6	Hayes Road Barry	5.3	B1	No	07:18 - 18:00	every 90 mins	As atlantic trading estate
7	Hayes Wood	4.2	B1&B8	Yes	07:18 - 18:00	every 90 mins	As atlantic trading estate
8	Llandough Trading Estate	0.9	B1, B2& B8	No	06:00 - 23:00	6 per hour	92,93,94 along Penarth Rd
9	Llandow Trading Estate	7.3	B1, B2& B8	No	07:30 - 18:00	2 hourly	V1
10	Marley Tile Co. site st Mary Hill	1.6	B1, B2& B8	No	n/a	2 hourly (divertabus)	V3
11	Pencoedtre Business Park	3.2	B1&B8	No	08:00 - 23:00	4 per hour to pencoedtre Road	
12	Rhoose Quarry	2.9	B1, B2& B8	No	08:00 - 22:00	min 3 per hour along Porthkerry Rd	6 additional services, and hourly evening provision
13	Sully Moors Road, Barry	5	B1, B2& B8	Yes	06:00 - 23:00	7 per hour	as Ty Verlon
14	The Waterfront Barry	3.4	B1&B8	No	05:00 - 18:00	minimum 4 buses per hour (88 90mins daily)	93 and 95 Barry Island/Morrisons to Cardiff 88
15	Ty-Verlon Industrial Estate	0.5	B1, B2& B8	No	06:00 - 23:00	8 per hour	93,94,95, X45, 88, 304
16	Vale Business Park	14.8	B1, B2& B8	No	07:30 - 18:00	2 hourly	V1, (801 1 return a day)
17	Land to the north of Rhoose	6.3	B1&B8	No	08:00 - 22:00	min 3 per hour along Porthkerry Rd	6 additional services, and hourly evening provision
18	Pencoedtre	N/A	B1&B8	No	08:00-23:00	4 per hour to Pencoedtre Road	
19	Land to S.E. of M4 Junction Miskin	54.3	B1, B2& B8	Yes	07:10-17:45	Every 2 hours	320

- Negotiations with developers will pay due regard to the principles established in the Local Authority Bus Strategy for improving the bus journey experience. Developer contributions towards achieving an improved bus journey experience should be sought by negotiation, where it is considered that specific measures can be directly related to the proposed development, and are fairly and reasonably related in scale and kind to the proposed development.
- In entering into negotiations with developers on developer contributions for bus services/infrastructure the Council will have due regard to the schemes set out in the programme within the Local Authority Bus Strategy. Where the boundary of an appropriate development is within 400 metres of proposed bus improvements, the Council will seek a contribution to the costs of the infrastructure improvement to encourage an enhanced role for public transport accessing the development proposal. Where possible, developer contributions may be used to bring forward construction of public transport improvements, or provide increased quality of facility/service/information.
- Where a development would benefit from programmed public transport improvements, the Council may seek to negotiate with developers to secure a contribution towards the costs of ensuring that an appropriate level of bus services is provided in association with construction of the proposed bus infrastructure.
- Where a development proposal can be accessed by an existing bus service that is supported by the Vale of Glamorgan Council, the Council may seek to enter into negotiations with a developer to secure contributions towards the costs of providing that service(s).
- The Council retains the right to amend its approach to negotiating on levels of developer contributions for bus improvements, and to incorporate any policy changes arising from the new TAN 18, or Planning and Compulsory Purchase Act. The potential for standardising planning gain through the introduction of a centralised set of procedures from Government will have a significant impact on the Council's approach to developer contributions.
- For developments that have a significant impact on the highway network development briefs should be prepared and agreed with the developer. Development briefs can ensure that piecemeal development does not take place, but that individual development proposals are co-ordinated through an inclusive scheme. "Trigger points" should be incorporated into development briefs to clarify at what stage in the development the bus infrastructure or service improvements can be expected to be provided directly by the developer, or the stage at which an appropriate contribution will be provided by the developer. In considering an appropriate trigger point for action close attention should be prepared to the scale of development in the Vale and experience of the pace of development in the past, within the region.
- In negotiating with developers, the Council will pay due regard to the content of any Travel Plans for the development proposal. Where appropriate the

Council may agree specific measures contained within a Travel Plan as an alternative to the provision of financial contributions. However the Council must be satisfied that Travel Plan measures are programmed, deliverable, appropriate, and enforceable by condition or agreement.

- The Council will ensure that its approach to seeking developer contributions is the subject of appropriate legal advice, so that developer contributions meet the tests within WO Circular 13/97, and subsequent case law.
- Monies are to be exhausted within 5 years of receipt, unless agreed otherwise with the developer.
- The Council may also consider the introduction of other thresholds for development, for example, where there is a threat of reduced housing density due to thresholds based on numbers of units.

6 Actions for a Developer Contribution Benchmark

6.1.1 It is proposed that the following actions be taken towards the provision of a developer contributions benchmark document for the Vale of Glamorgan:

- The Vale of Glamorgan will develop appropriate thresholds for development to which developer contributions may apply for example: Residential development 50+ dwellings; Food/non Food Retail 1,000sqm gfa +; B1(a) Office development 1,000sqm + gfa, 5,000sqm gfa + for other “B” use employment. Commercial, leisure, tourism, health and education developments will be determined locally.
- A forum involving officers with responsibility for development control, planning policy, transport planning, public transport, traffic, and economic development, as well as other service departments has already been established to consider when it is appropriate to seek developer contributions for measures which may include bus improvements. Each development proposal should be considered on its merits, although the cumulative impact of smaller developments may be a factor in decision-making.
- In preparing development briefs for larger proposals it will be important to ensure that transport planning skills are employed to cover issues such as level of service, layout, infrastructure, and trigger points within the development.
- The Vale of Glamorgan could benefit significantly from a multi-modal modelling tool to assess the transportation impacts of development proposals, land use allocations, modal split targets. This tool could focus on the main urban areas on the Waterfront Strip initially. At present there is insufficient information on baseline modal splits and possible future modals splits to allow a robust target to be requested for trips to/from a new development. Although the TRICS database provides examples of the level of trip generation from developments elsewhere it is a reactive tool rather than a means of planning future land use and transport for the Vale of Glamorgan. Where the Council

succeeds in adopting modal split targets, developers should be prepared to contribute towards achieving a similar modal split for a development proposal, this would also help guide the assessment of Travel Plans etc. (The modal split targets set out in the Council's Road Traffic Reduction Act Report are not applicable in this instance as they only apply to journeys with origins in Cardiff City Centre and Cardiff Bay).

- There is a need for a strong link with UDP policies. At present the Council's UDP does not contain a specific policy but highlights the potential role of developer contributions in considering implementation of the transport policies. Given the advanced stage of the Vale of Glamorgan UDP, the LTP can provide some clarity of policy, and is already adopted for development control purposes. However revised LTPs are not required before 2005. It is therefore proposed that the Vale of Glamorgan consider the incorporation of its approach to securing developer contributions for bus improvements, within Supplementary Planning Guidance. The use of SPG will ensure that the policy is tested in public and provides a more robust basis for negotiating with developers. Prior to SPG preparation/adoption it may be appropriate to approve the Local Authority Bus Strategy (2004) for development control purposes.
- The Council will encourage regional public transport consortia to consider the possibility of adopting a regional approach to developer contributions for public transport.
- Consultation with stakeholders (including the House Builders Federation, WDA, etc) will be carried out prior to the adoption of a more standardised format for seeking developer contributions.
- The Council will continue to monitor the debate on the proposed tariff-based approach to developer contributions, particularly the progress of the Planning and Compulsory Purchase Act and any emerging details of how the requirements of the Act could apply to Wales. The Council has already responded to the Welsh Assembly Government's consultation on a new approach to Planning Obligations by opposing the proposed tariff-based approach.