

ANNEX 4: COMMUNITY FACILITIES AND REGENERATION

Community facilities provide a central role in meeting the needs of society and contribute towards higher standards of sustainable development by providing appropriate facilities locally. Community facilities are those used by local people for primarily social and / or leisure purposes. As such, the quality, quantity and location of provision impacts upon quality of life. Where development is likely to increase the need for such facilities or place existing facilities under pressure, the Council will seek planning obligations towards the provision of new facilities or the improvement of existing facilities. In addition to community facilities, where appropriate, the Council will seek obligations with regard to the provision of public realm improvements, community safety measures, public art, waste and recycling facilities, works to the Monmouthshire and Brecon Canal and Afon Llwyd Corridor, broadband connectivity and commercial training opportunities.

4.1 Policy and Guidance

The following policy and guidance is specifically relevant. Torfaen Local Development Plan policies are generally set out in full in Part One to this SPG.

- Future Wales: The National Plan 2040 (February 2021) Policy 2 Strategic Placemaking requires local facilities to be within walking distance of homes. Policy 13 (Supporting Digital Communications) requires new developments to provide Gigabit capable broadband infrastructure from the outset.
- Planning Policy Wales 11th Edition (February 2021) paragraphs 4.4.1 – 2, 5.2.17
- Welsh Office Circular 13/97 Planning Obligations paragraphs B2, B7, B10 and B14
- Welsh Government Circular 016/2014 The Use of Planning Conditions for Development Management: paragraphs 3.10, 4.21 and 4.22.
- The Community Infrastructure Levy Regulations 2010 (as amended): Regulations 122 & 123.
- Torfaen Local Development Plan (2013) Policies: S2 (Sustainable Development); S4 (Place Making / Good Design); S5 (Planning Obligations); S9 (Retailing / Town Centres); RLT8 (Local and Neighbourhood Shopping Centres); CF2 (Primary School Safeguarding); and CF3 (Community Facilities).

4.2 Circumstances in which Obligations will be Sought

Planning obligations in relation to community facilities will be required where a proposed development is likely to result in the generation of additional households or work force so that the likely additional population would exceed the existing or planned capacity of local facilities. Such facilities may include community centres and meeting places, community halls, community learning facilities, libraries and leisure centres. For the purposes of this guidance, community facilities do not include those which are not freely available to all members of the public.

Whilst schools and religious buildings are not included, facilities attached to a school or religious building that are available for use by members of the public are included. Provision for health facilities, shops, places of worship and police stations may be appropriate in exceptional circumstances. Requirements relating to education facilities and open space / recreation facilities are provided for in Annexes 3 and 6 of this SPG respectively.

As a general guide, obligations may apply to residential development comprising a net increase of 25 or more dwellings or commercial development with a net increase of 1,000 m² floorspace or a site area exceeding 1 ha.

The Council will undertake an assessment on a case by case basis to determine whether or not the proposed development would result in an increase in demand that exceeds the existing and / or planned capacity of the local community facilities serving the site, or whether it would generate a specific impact on a local community facility. In assessing which community facilities the

development may impact upon, the catchment areas of local facilities will be considered in relation to the proposed development site.

There are a variety of ways with which the Council identifies community facility capacity / need. These include needs assessments, consultation with key community groups in the area, community led plans and audits of existing facilities. In carrying out the capacity assessment the Council will use the most up to date information available.

Any need for significant new facilities as a result of allocated sites will be addressed through the Local Development Plan.

4.3 Nature of Obligation

Obligations relating to community facilities, public realm improvements, community safety measures and works to the Monmouthshire and Brecon Canal / Afon Llwyd Corridor may comprise the transfer of land, works by the developer or a financial sum (Community Facilities Payment) to be paid to the Council at an agreed stage in the development.

Where works are required, the Council's expectation is that the works should be delivered directly by the developer in accordance with details and specification to be agreed with the Council. The developer would be required to fund the development of the detailed scheme and carry out the works to the appropriate standard. If land or works are to be transferred to the Council, they must be accompanied by a commuted sum to enable the Council to maintain the facility for 20 years.

A Community Facilities Payment would be more appropriate where works are required off site. In such cases, the developer will be required to provide a detailed scheme for the required works accompanied by costings of initial provision and maintenance over a 20 year period. The scheme should be submitted for agreement with the Council and upon agreement, the corresponding payment made. The Council will then use the payment to undertake the works in accordance with the agreed scheme.

Waste and Recycling Facilities

All new residential and commercial developments will be required to evidence appropriate provision for waste and recycling facilities within the site which will normally be secured by planning conditions. An obligation will be required where provision cannot be secured within the site and will only be considered acceptable in exceptional circumstances.

In some circumstances, there may be a requirement for publicly accessible community recycling facilities. In such cases, an obligation may comprise works or a financial contribution and would need to take into account the long term management and maintenance of the facilities.

Public Art

The Council will expect all development to achieve a high standard of design in accordance with national guidance set out in Technical Advice Note 12: Design (2009).

In terms of incorporating public art, it is the Council's expectation that opportunities for art to be designed into the scheme will be taken forward. These could include decorative features within boundary walls or enclosures, site entrance signage within highway or building structures or themed play areas. Ideas and designs could be generated in conjunction with Arts Wales and appropriate community groups. All such works could significantly raise the quality of the development and could be secured by way of planning conditions. Planning obligations relating to public art will only be negotiated where there is some specific opportunity deemed necessary to the development which could only be delivered outside of the application site. Development to which this may relate may comprise a publicly accessible building, community building or development

with a significant public profile. The scale and nature of the obligation will be established on a site by site basis.

Broadband Connectivity

Increasingly, our society is dependent upon computers for all aspects of life including education, work and social interaction. The internet is a key tool in facilitating knowledge and communication. Household connectivity to high speed data access via broadband is therefore becoming an increasingly essential service. New development is required to provide for broadband connections, both within and to the site. Where such provision is secured by planning obligations, the terms of the agreement will identify whether any 'clawback' finance from the service provider may be appropriate.

Commercial Training Opportunities

It is considered that all major commercial developments may be able to provide opportunities for trainee employees. The Council will encourage commitments to provide opportunities for local jobseekers, contractors and local businesses. Such opportunities would be dependent upon the scale of the development, the type of employment facilities being provided and the level of internal training opportunities being provided by the operator.

4.4 Use of Community Facilities Payment

A Community Facilities Payment towards the upgrading and / or extension of existing community facilities or regeneration works will be sought if the implementation of the development will result in the generation of sufficient additional population to create or exacerbate insufficient capacity at local facilities or to address a specific impact generated or exacerbated by the development.

The catchment areas of local facilities will be considered in relation to the proposed development site so that the needs of the development from which the payment is sought will be addressed. Dual use of existing and new facilities will be encouraged where this is practicable. Within each local community, the most appropriate project to address the capacity issue will be pursued.

Examples of suitable schemes for Community Facilities Payments may be:

- Improvements to a community hall to increase its use within vicinity of site
- Improvements to indoor leisure centres to increase capacity within vicinity of site
- Improved library services where there are inadequate facilities to cater for the needs of the development
- Public realm works, including Monmouthshire and Brecon Canal and Afon Llwyd Corridor where the increased use of a site or facilities within a locality provides justification
- Parking management where a development would generate / influence demand in the locality
- Street furniture or mobility access improvements where these are likely to be necessary as a result of the development
- Street lighting, signage and CCTV as appropriate
- Landscaping schemes and boundary treatments.

The specific use of a Payment will be determined by the Council according to the individual circumstances of the development. Projects to be funded by a planning obligation will be set out within the legal agreement along with details of the delivery / timing of payment(s) and the timing of the provision of the works. A Community Facilities Payment will also need to provide for maintenance and management of the works as appropriate over a period of 20 years.

4.5 Standard Heads of Terms

The following definitions and clauses are suggested for use as appropriate in Section 106 legal agreements and unilateral undertakings where community facilities and regeneration contributions are required.

Definitions

“Community Facilities” means [the provision of facilities] at [specify site] which meet local community needs and are publicly available

“Community Facilities Land” means the land hatched on Plan [] annexed to this Agreement

“Community Facilities Obligation” means a planning obligation to be determined at the time of submission of full details of the Development (or any subsequent full application) to be secured by the Council in accordance with the adopted Planning Obligations SPG current at the time the submission or application is made to provide for additional Open Space and Recreational Facilities to meet to the needs of the Development

“Community Facilities Payment” means the sum of £..... pounds (£...) increase (but not decreased) by RPI from the date of the resolution to grant the Planning Permission to the date of payment

“Community Facilities Scheme” means a detailed specification of works to provide the Community Facilities

“Public Art” means a piece of art available to the public that is the original work of a living professional artist which is created for a particular place commissioned by or working in collaboration with others such as architects designers planners developers arts officer and community representatives or such provision of facilities which enable the creation on art

“Training and Development Scheme” means a scheme for the provision of training and development or such other mechanism which enables local people to secure local employment within Torfaen

“Waste and Recycling Facility” means the provision of appropriate facilities for drop off storage and collection of domestic materials for re use or recycling at [designated site] which meet local community needs

“Waste and Recycling Payment” means the sum of £... pounds (£..) increased (but not decreased) by RPI from the date of the resolution to grant the Planning Permission to the date of payment

“Waste and Recycling Scheme” means a detailed specification of works to provide the Waste and Recycling Facility

Example Clauses

Payment

1. Prior to the Commencement of Development the Owner / Developer shall pay to the Council the Community Facilities Payment / Waste and Recycling Payment
2. The Council shall use the Community Facilities Payment / Waste and Recycling Payment to provide the Communities Facilities / Waste and Recycling Facilities

Provision of Community Facilities / Waste and Recycling Facilities

3. Prior to the Commencement of Development the Owner / Developer shall submit to the Council for the Council's approval the Community Facilities Scheme / Waste and Recycling Scheme such approval shall not be unreasonably withheld or delayed
4. The Owner / Developer shall provide the Communities Facilities / Waste and Recycling Facilities in accordance with the approved Communities Facilities Scheme / Waste and Recycling Scheme and shall complete the Communities Facilities / Waste and Recycling Facilities prior to the Occupation of the (.th) Dwelling comprised within the Development
5. The Owner / Developer shall transfer the Communities Facilities / Waste and Recycling Facilities Fully Serviced and with all associated rights of access at no cost to the Council prior to the Occupation of the (.th) Dwelling comprised within the Development
6. The Council shall use the Community Facilities / Waste and Recycling Facilities for the provision of the Community Facilities / Waste Recycling Facilities and for no other purpose

Land Transfer

7. Prior to the Commencement of Development the Owner / Developer shall transfer to the Council the Community Facilities Land / Waste and Recycling Land Fully Serviced with all associated rights of access at no cost
8. The Council shall use the Community Facilities Land / Waste and Recycling Land for the provision of the Communities Facilities / Waste Recycling Facilities and for no other purpose

Outline Permission

9. The Owner / Developer shall enter into a further legal agreement to secure obligations with regard to community facilities and regeneration as appropriate when the full details of the proposal are submitted as Reserved matters or a full planning application

Training and Development

10. Prior to the Commencement of Development the Owner / Developer shall submit to the Council for the Council's approval the Training and Development Scheme
11. The Owner / Developer shall provide training and Development in accordance with the approved Training and Development Scheme

Public Art

12. Prior to the Commencement of Development the Owner / Developer shall submit to the Council for the Council's approval a scheme including timeframes for the provision of Public Art within the Development
13. The Owner / Developer shall provide the Public Art in accordance with the approved scheme and timeframe which shall be no later than the Practical Completion of the Development