

**THE PLAYING FIELDS REGULATIONS (Community Involvement in Disposal Decisions) (WALES) REGULATIONS 2015**

**NOTICE OF PROPOSAL TO DISPOSE OF PART OF A PLAYING FIELD,  
PONTYPOOL PARK, TORFAEN**

**IMPACT ASSESSMENT**

**8<sup>th</sup> January 2019**

**1. Introduction**

Torfaen County Borough Council is proposing to exercise its powers under s123(1) of the Local Government Act 1972 to dispose, by way of a lease to Pontypool Rugby Ltd. the rugby pitch at Pontypool Park, Pontypool, Torfaen which for identification purposes is described in the schedule in Appendix 1 of this assessment and shown edged red on the plan .

In order to facilitate the exercise of power the council is required to take into consideration statutory guidance and consultation to ensure those who have an interest in the park have an opportunity to comment on any potential change. The mechanism for consultation is set out in the Local Government Wales 'The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015'. The regulations are in Appendix 2.

Section 1 of the Playing fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 provides a power for the Welsh Ministers to make provision, by regulations, for the involvement in communities in decisions by local authorities about the proposed disposal of land consisting, or forming part, of a playing field.

The primary purpose of the 2010 measure and associated regulations is to:

- Require a local authority to publish information on the impact of the proposed disposal of a playing field on the health and well-being of the community, by reference to a number of key strategies , plans and assessments for the area in which the playing field is located : and
- Strengthen arrangements for consulting the community, playing field users and relevant national bodies before a local authority takes a final decision to proceed with a proposed disposal

The regulations note under 7.4 of the statutory guidance for the Playing Fields (Community Involvement in Disposal Decisions (Wales) Regulation 2015 that:-

*“There may be circumstances in which a local authority proposes to relinquish ownership of a playing field, or to grant an interest in the land, but it is to remain available for public use as a sports or recreational facility. Consequently regulations 3(c) and 4(1) combine to provide that the requirements in regulations 5 to 10 do not apply to a proposed decision to dispose if:*

- (a) *The proposed decision to dispose relates to the grant of an interest in the playing field which does not have an adverse impact on the use of the playing field as a sports or recreational facility by the public ; and*
- (b) *The playing field is to be retained as a sports or recreational facility for use by the public , whether or not such use is subject to a payment, and the proposed disposal is to be made to:*
  - a. *A local authority; or*
  - b. *A body whose aims or objectives include the promotion of sporting or recreational activities. “*

The regulations also state that:-

“In relation to a) above, the expressions “grant of an interest” and “adverse impact” have their ordinary meanings. For example the “grant of an interest” includes the grant of easements, rights and legal changes over land. Whilst the grant of an interest does not change the ownership of the land, it is possible it could affect the use of the land. An “adverse impact” will result from the grant of an interest which has, or may have an unfavourable or harmful impact on the ability of playing field users to participate in the sporting or recreational activities for which the playing field has been used within the previous 5 years”

It is in this context that Torfaen County Borough Council is required to undertake an impact assessment on the disposal of Pontypool rugby pitch by way of a lease to Pontypool Rugby Ltd. to ensure that there will be no unfavourable or harmful impact on the ability of playing field users to participate in the sporting or recreational activities that are currently enjoyed by users of Pontypool Park and its sports pitches.

## **2. Background**

Pontypool, a town of over 36,000 is located in the traditional countryside of Gwent, in the borough of Torfaen, South Wales. Growing from an industrial hub, Pontypool at one time was one of the larger towns in Wales, the success of which was linked to the Iron Industry. Today however, Pontypool is a more modest town to its larger neighbours Cwmbran and Newport.

The Park is 64 hectares in size and is located immediately adjacent to Pontypool town centre. It shares just over half of its border with the built environment of Pontypool and the remainder with the countryside of the adjacent Brecon Beacons National Park. The Park provides a rich and diverse quality Parkland.

The Park has two distinct areas; the Lower Park and the Upper Park. The Lower Park services the community with facilities such as the active living centre, bowling green, rugby ground, skate park, tennis courts, playground and has a more formal arrangement with specimen trees, lawns and gravel paths. The Upper Park has a more naturalistic appearance with steep sided wooded valleys, meadowland and views over Pontypool and the surrounding area.

Established in 1694 Pontypool Park is inextricably linked to the fortunes of the local iron masters the Hanbury's who owned the land until 1921 (the Hanbury Tenison family still have affiliations with the Park and adjacent farm land).

As one of the oldest Parks in Torfaen, Pontypool Park was originally laid out with formal lawns, canals, ponds and a bowling green as the grounds to the Hanbury's home (the main house of which is now owned and used by St Albans R.C. School).

In 1921 the Park was sold to the then local authorities and Hanbury house was taken into new ownership. Pontypool Park became affectionately known as the 'People's Park' and once in the ownership of the local authorities, additional elements were introduced, including:

- Tennis courts 1924 (Restored in 2004)
- War Memorial Gates 1924
- Rugby Ground 1925
- Bowling Green 1925
- Putting Unknown
- Bandstand 1931 (Restored in 1993)
- Children's play area 1934 (Rebuilt in 1991 & 2007)
- Leisure Centre 1972
- Artificial Ski Slope 1975
- Grand Stand 1945 + 1967
- Skate Park 2004

Pontypool Park is currently owned and managed by Torfaen County Borough Council. The Council covenanted on purchasing the park in 1996 to allow the entirety to be for the use of the public. That covenant has recently been modified so as not to apply in relation to the rugby ground.

A successful HLF bid for funding enabled the local authority to undertake much needed improvements to a wide range of infrastructure and facilities for the benefit of the park, stakeholders, users and biodiversity. The production of a Pontypool park management and maintenance plan in 2009 latterly updated to 2017-2022 in response to a Green Flag award provides guidance of the day to day management of the park and its historic features

Pontypool Park is listed by Cadw as a 'Grade II\* Park of Special Historic Interest in Wales'. Various structures within the Park have their own individual listings. These include:

**Within the Park:**

- |                           |             |
|---------------------------|-------------|
| Double Ice House          | - Grade II  |
| Memorial Gates            | - Grade II  |
| Pontymoile Entrance Gates | - Grade II* |
| Shell Grotto              | - Grade II* |

### **Other influential listed elements surrounding the Park:**

American Garden Lodge and Cottage	- Grade II
Park Cottages	- Grade II
St Albans R.C. School	- Grade II
Twyn-Gwyn Farm and Barn (Near Grotto)	- Grade II
Pontypool Museum	- Grade II*

Apart from the listed buildings within the Park there are a number of themes which link with the overall historical aspect of the Park. These include

- Heritage assets: including tunnels and weirs,
- Natural Diversity: eg. Protected species including fresh water crayfish, Veteran trees,
- Health and Well-being: eg Walking routes, park runs;
- Educational Role: Opportunities for outdoor and ground maintenance workers and Linking with key stages for schools with emphasis on primary level
- Events: A series of events including a 3 day Jazz Festival, Opera, carnival and music

The above outlines how the park is extensively used throughout the year. The rugby club and pitch sit within the park and provide facilities for rugby to be played and enjoyed at a range of ability levels. The disposal of the rugby pitch to the club via a lease will provide the club with exclusive possession of the rugby pitch and stand. This will provide the club with the ability to have a greater control over the management of the leased area of grounds.

What is exclusive possession?

Exclusive possession is an essential ingredient of a lease; without exclusive possession there can be no lease. Exclusive possession is the right to use premises to the exclusion of all others, including the landlord himself.

If the occupier has no right to exclusive possession of the premises then his right to use the premises cannot amount to a lease, although it may be some lesser right, such as a licence or possibly an easement. However, the fact that a person had been given exclusive possession is not conclusive proof that he has a lease, for it is also possible to have a licence or certain other rights in land, without exclusive possession.

Although exclusive possession normally gives the tenant the right to exclude everyone else, including the landlord, from the premises, the lease may reserve the right for the landlord to enter the premises on certain occasions, eg, to inspect the state of repair of the property. Such a right must be exercised at reasonable hours

and in a reasonable manner and does not prevent the tenant having exclusive possession, though a right for the landlord to come and go as he pleases without the tenant's permission would have this effect.

### **3. Assessment Methodology**

To comply with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 Regulation 6(1) provides that the details of the proposed disposal must be available for inspection and sent to specific consultees or other persons under regulation 5 and must include information about the effect a proposed disposal would have on key Strategies, Plans and Assessments for the area.

Such key Strategies, Plans and Assessments include:

- a) Local Development Plan: required under section 62 of the Planning and compulsory purchase Act 2004. The current TCBC LDP was adopted in 2013-2021
- b) Play Sufficiency Assessment: required under section 11 of the children and families (Wales ) Measure 2010
- c) Community Strategy: required under section 39 of the Local Government (Wales) Measure 2009. This has been replaced by the Public Service Board Well-Being Plan for Torfaen 2018-2023
- d) Health, Social care and Well Being Strategy: required under section 40 of the National Health Service (Wales) Act 2006

Other strategies, plans and assessments include

- e) Corporate Plan: TCBC Corporate plan
- f) Pontypool Park Management and Maintenance plan

The assessment should consider how the proposed disposal would impact upon achieving the outcomes that the subject area relates to contained in the above strategies, plans and assessment of the area. The regulations do not prescribe the extent of and nature of the assessment an authority needs to undertake in order to be able to publish information of the impact of the proposals. However the assessment should be proportionate to the nature and scale of the proposed disposal.

In this circumstance there is to be exclusive possession of the rugby pitch area by Pontypool Rugby Ltd. as defined on the plan in Appendix 1 via a lease. As defined in the regulations the assessment will be a desktop exercise to scrutinise any impact as a result of the disposal via a lease would have on the management and use of space as well as the health and well-being of the community in the context of the impact on the relevant current key Strategies, Plans and Assessments for the area.

### **4. Impact Assessment**

The assessment is in table format to show clearly the relevant sections of each Strategy, Plan and Assessment under review to determine impact against the

Strategy, Plan and Assessment outcomes based on the information currently available. The assessment does not pre judge responses from statutory consultees or public perceptions.

### **Torfaen County Borough Council Local Development Plan (LDP) to 2013-2021**

The LDP set out the development strategy and detailed policies and proposals for future development and use of land in a local authority administrative area. The following are the most relevant policy objective areas. Although the disposal via a lease in itself is not a development proposal it does have a bearing on the way land may be used.

Policy	<p>LDP Policy Objective 2:  Strategic policy S4,S5,S6,S7,S8,S9  Supporting strategic action area policy  SAA1,SAA2,SAA3,SAA4,SAA5,SAA6,SAA7  Supporting topic based policy  H5,EET4,EET5,EET6,RLT4,RLT8,T3,CF1,CF2,CF3,CF4,CF5,CF6,C3</p>
Objective	<p>2 To promote health and well-being through the provision of development including community facilities, leisure and outdoor recreational opportunities, accessible to all.</p>
Assessment	<p>The LDP objective is underpinned by strategic action area policies and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to:</p> <p>S7, Conservation of the Natural and Historic Environment particularly</p> <p>a ) Biodiversity resources</p> <ul style="list-style-type: none"> <li>• The pitch and stand falls within part of the wider Pontypool Park SINC ref 186 landscape asset</li> </ul> <p>d) Landscape setting</p> <ul style="list-style-type: none"> <li>• The pitch and stand forms part of the Grade II* Park of Special Historic Interest in Wales as registered with CADW. Early nineteenth-century landscape park (with modern additions)</li> </ul> <p>f) Historic Assets</p> <ul style="list-style-type: none"> <li>• The pitch and stand forms part of the Grade II* Park of Special Historic Interest in Wales as registered with CADW. Early nineteenth-century landscape park (with modern additions)</li> </ul> <p>The Council has an obligation of duty of care in relation to the LDP and legislation under the Environment (Wales) Act, Historic Environment (Wales) Act 2016 and supporting TAN, PPW, SPG and action plans to ensure assets in its control and possession are given appropriate levels of protection</p> <p>H5, Provision of recreation, open space, leisure facilities and allotments.</p>

	<p>The council has set its own standards in terms of provision of recreational open space and on site open space based on the Fields in Trust guidance as follows:</p> <ul style="list-style-type: none"> <li>a) Equipped children's play areas -0.25ha / 1000 population</li> <li>b) Informal recreation open space -0.55ha / 1000 population</li> <li>c) Formal recreation open space -1.6ha / 1000 population</li> </ul> <p>Also the council has adopted</p> <ul style="list-style-type: none"> <li>a) On site Open space standard of 0.4ha / 1000 population</li> <li>b) NRW standard of 2ha natural green space /1000 population</li> <li>c) No one should live more than 300m from their nearest natural green space</li> <li>d) There should be at least one 20ha site within 2km, one 100ha site within 5km and one 500ha site within 10km of their home</li> </ul> <p><b>CF4 Protection of Important Urban Open Space (IUOS)</b>  The council recognises the value of IUOS in both the Cwmbran new town landscape and similar areas of open space in the wider borough which have an informal recreational value to the public.  The park itself was not required to be registered as an IUOS under the assessment criteria having its own levels of status and protection as a registered historic park.</p> <p><b>CF5 Protection of Allotments and Recreation and Amenity Open Space</b>  The aim of the policy is to protect open space, either in public, private or voluntary ownership which has significant recreational, conservation, environment or amenity value. There are five categories:</p> <ul style="list-style-type: none"> <li>• Formal recreation space</li> <li>• Informal recreation space</li> <li>• Children's play area</li> <li>• Amenity open space</li> <li>• Allotments</li> </ul> <p>The policy acknowledges that areas of open space can perform more than one function eg a park and that some areas of open space serve a purely local function while others have a countywide importance. Pontypool Park in which the pitch and stand are located provides a wide range of recreation and amenity Openspace functions.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 2</p> <ul style="list-style-type: none"> <li>• There will be no change in the provision of sports pitches managed by clubs in Torfaen that are available to the public to use through a club</li> <li>• There should be no negative impact on the biodiversity resources of the park, its landscape setting and impact on any of its historic values assuming land is managed in much the same way as it is currently</li> </ul>

	<ul style="list-style-type: none"> <li>There would be no negative impact on the FIT standards and its own terms of provision that the Council follows as the pitch will remain in place for use</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts in response to the LDP Objective 2</p> <ul style="list-style-type: none"> <li>The granting of a lease for exclusive possession may mean that areas of the pitch environment that are currently accessible to the public may become less accessible if management of the area changes. However this would not have an impact on the provision of the pitch and facility for sport or other pitches or open space in the park. Equally as the park has a wide range of paths and Open spaces and other features it is unlikely that any loss of accesses to the pitch area would detrimentally impact on access to open space, health and well-being should that ever occur.</li> </ul>
Policy	<p>LDP Policy Objective 4:  Strategic policy S3,S4,S8  Supporting Borough wide policy BW1  Supporting topic based policy CF6,C4,C5,HE2</p>
Objective	<p>4 To ensure the highest quality of design in all developments and delivering safe, healthy and attractive environments.</p>
Assessment	<p>The LDP objective is underpinned by strategic action area polices and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to the following: (where a policy has been covered under another objective there will be a reference):  S3 Climate Change</p> <p>The policy refers mainly to new development proposals and seeks to ensure that any development proposals, decisions, design, opportunities, energy efficiencies and use of renewables are considered.</p> <p>In terms of the grant of exclusive possession itself there would be no impact on this policy.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 4</p> <p>There is not likely to be an impact on the S3 climate change policy guidelines as a result of the granting of a lease itself.</p>
Policy	<p>LDP Policy Objective 6:  Strategic policy S6,S8  Supporting strategic action area policy SAA2,SAA6  Supporting topic based policy EET6,T2,T3,HE2</p>
Objective	<p>To protect, manage and enhance sustainable tourist attractions and facilities in Torfaen for the benefit of tourists and the community</p>
Assessment	<p>The LDP objective is underpinned by strategic action area polices and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to the following: (where a policy has</p>



	<p>been covered under another objective there will be a reference).  The LDP policies under objective 6 are quite prescriptive but under the topic based policy EET6 8.17.2 the council recognises an additional benefit of tourism is that use by visitors of existing facilities primarily used by residents can assist in sustaining those facilities.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 6</p> <ul style="list-style-type: none"> <li>Although the ground and pitch is not necessarily a tourist attraction in the same category as Big Pit or the Blaenavon World Heritage Site it does have a rugby tradition and history that is of interest and a strong supporter following. A grant of lease for exclusive possession may provide more options for further investment attracting further interest and support for the club.</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts in response to LDP Objective 6</p> <ul style="list-style-type: none"> <li>There is unlikely to be a negative impact on the policy objective</li> </ul>
Policy	<p>LDP Policy Objective 7:  Strategic policy S4,S7,S8  Supporting Borough wide policy BW1  Supporting strategic action area policy SAA2,SAA4 SAA6,SAA7  Supporting topic based policy EET6,C2,HE1, HE2</p>
Objective	<p>To conserve and enhance the distinctive cultural and historic resources of the county borough</p>
Assessment	<p>The LDP objective is underpinned by strategic action area policies and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to the following: (where a policy has been covered under another objective there will be a reference)</p> <p>S7: Under Objective 2  EET6: Under Objective 6  C2: Special Landscape Area. Pontypool Park does not impact on any SLA's in Torfaen. Part of the Parks boundary aligns with the Brecon Beacons National Park boundary.  HE1 Buildings and Structures of Local Importance  The park is listed on the CADW Register of Landscapes Parks and Gardens of Special Historic Interest in Wales Grade II* Reference PGW(Gt) 26 .</p> <p>The pitch, open terrace and stand are not listed structures within the park.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 7</p> <ul style="list-style-type: none"> <li>The grant of lease for exclusive possession would not necessarily</li> </ul>

	<p>infer additional responsibility or financial burden in connection with any listed structures within the park as the proposed lease area does not include any listed structures.</p> <ul style="list-style-type: none"> <li>The awareness of the LDP objective to conserve and enhance the distinctive cultural and historic resources that the park has, in which the pitch and stands reside would positively support the LDP objective.</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts in response to LDP Objective 7</p> <ul style="list-style-type: none"> <li>It is unlikely that the process of providing a lease providing exclusive possession will have a negative impact on objective 7. Any future aspirations of the tenant to undertake a significant change that may impact on the historic character of the grade (ii) listed park would be subject to the planning process to determine appropriateness and impact. .</li> </ul>
Policy	<p>LDP Policy Objective 10:</p> <p>Strategic policy S3,S7,S8 Supporting Borough wide policy BW1 Supporting topic based policy BG1</p>
Objective	<p>To protect manage and enhance biodiversity and ecological networks across Torfaen</p>
Assessment	<p>The LDP objective is underpinned by strategic action area policies and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to the following: (where a policy has been covered under another objective there will be a reference)</p> <p>S3: Covered under objective 4 S7: Covered under objective 2</p> <p>BG1 policy relates primarily to new development however within the policy the Council recognises that Torfaen's distinctive natural environment contains important locally designated sites of biodiversity interest (SINCs), local nature reserves (LNRs) and regionally important geological sites (RIGs). The policy affords protection to those sites.</p> <p>Whilst Pontypool Park including the proposed lease area, falls within SINC site ref: 186 the pitch and ground has a specific recreational purpose and as such, the terms of the proposed lease will not specifically make reference to meeting SINC management targets.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 10</p> <ul style="list-style-type: none"> <li>There should be no significant negative impact on the biodiversity</li> </ul>

	resources of the park assuming land is managed in much the same way as it is currently
Policy	LDP Policy Objective 12:  Strategic policy S1,S2,S7 Supporting Borough wide policy BW1 Supporting topic based policy CF4,CF5,C1,C2,C4,C5,HE1,HE2
Objective	To protect and enhance the valued landscape character of Torfaen, including important opens space and sense of rurality between settlements
Assessment	<p>The LDP objective is underpinned by strategic action area polices and topic based policy.</p> <p>The impact of the granting of a lease of exclusive possession under this objective is more relevant to the following: (where a policy has been covered under another objective there will be a reference).</p> <p>S7 under objective 2 Cf4 under objective 2 CF5 under objective 2 C2 under objective 7</p> <p>S2 policy Sustainable Development outlines the LDP approach to new development and how they will need to have taken into account the principles of</p> <p>Regeneration of existing communities, encourage sustainable transport , conserve and enhance the natural and built environment, , promote efficient use of land , maximise the efficiency of community infrastructure, use sustainable construction techniques, promote sustainable economic and employment growth and are primarily focussed within urban boundaries.</p> <p>Although the policy is focused primarily on providing guidance for development under 5.2.6 the LDP recognises that the county boroughs natural and built environment is an important resource and new development should be located so that it does not compromise and where possible seeks to enhance the areas countryside , open spaces, landscape character and biodiversity resources.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to LDP Objective 12</p> <ul style="list-style-type: none"> <li>• There should be no negative impact on the value of the landscape character of Torfaen, Pontypool Park or the sense of rurality between settlements assuming land is managed in much the same way as it is currently.</li> <li>• The provision through a lease providing exclusive possession may provide an opportunity for new investment to enhance the valued landscape character in which the pitch and stand are situated ie</li> </ul>

	<p>within the setting of the historic park</p> <p>In disposing of the pitch via a lease, there is unlikely to be a negative impact on Objective 12 of the LDP. Any proposed future development activity would be subject to planning approval to protect the valued landscape setting.</p>
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**Torfaen County Borough Council Play Sufficiency Assessment / Open Space and Recreation Assessment**

The studies and report undertaken by Knight, Kavanagh and Page during 2009-2010 considered the supply and demand for allotments and play provision as well as a comprehensive review and reclassification of important urban open space.

The report referenced the FIT standards as well as PPW and TAN 16 Sport Recreation Openspace

Policy	Torfaen Play Sufficiency Assessment
Objective	<p>To assess the sufficiency of play including a wide spectrum of issues in relation to play and play provision.</p> <p>This includes staffed play provision, population data, parks and open spaces, traffic and transport initiatives, access to space and information, participation, securing the work force as well as links to key policy and agendas.</p> <p>Play provision standards are informed by the Fields in Trust (FIT) standards</p>
Assessment	<p>The Open space and Recreation assessment report by KKP undertaken in October 2010 to inform the 2013-2021 LDP included play sufficiency assessment provision for children and young people.</p> <p>PPW TAN 16 : Sport, Recreation and Openspace states it is ‘vital that children and young people, including those who are disabled, can access areas for casual and more formal organised uses, which provide safe, secure opportunities to socialise and play ‘</p> <p>The study and report assessed the availability of local areas of play (LAP), local equipped areas of play, (LEAP), neighbourhood equipped area for play (NEAP), settlement equipped area of play and provision of skateboard, basketball/teenage shelters as classified by the FIT standards.</p> <p>The assessment mapped, analysed, evaluated and provided recommendations having identified deficiencies and surpluses in term of play sufficiency.</p> <p>In terms of the Pontypool rugby ground pitch and stand there</p>

	<p>is no LAP, LEAP, NEAP, SEAP or skateboard, basketball/teenage shelters within the proposed leased area or use under exclusive possession.</p> <p>The wider Pontypool park does have other play provision which contributes to the play sufficiency of the borough including the relatively new the Pontypool Park SEAP.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to the provision of play sufficiency within Torfaen.</p> <ul style="list-style-type: none"> <li>• There will be no change in the provision of play sufficiency in Torfaen.</li> <li>• The granting of the Lease would not impact on the ability to provide play areas such as LAPs, LEAPS etc. to meet FIT standards for the Pontypool area.</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts in response to the provision of play sufficiency within Torfaen.</p> <p>As there are no informal or formalised play areas within the proposed lease space eg LAP LEAP, NEAP etc. there is unlikely to be an negative impact on play sufficiency especially in light of the provision provided by the adjacent wider Pontypool park</p>
Policy	<p>Torfaen County Borough Council Outdoor recreation assessment report 2009 and the Torfaen County Borough Council Open Space and Recreation Assessment Report October 2010</p>
Objective	<p>The objective is to provide:</p> <ul style="list-style-type: none"> <li>• A comprehensive audit of existing provision of different types of outdoor and indoor facilities detailing quantity, quality, accessibility and wider value to the community</li> <li>• An accurate assessment of supply and demand for sport facilities</li> <li>• A robust evidence base to enable each authority to develop planning policies as part of the local development plan (LDP) and other local development documents</li> </ul> <p>The assessment is set within the context of: PPW (March 2002), TAN 16, Climbing Higher 2005, Climbing Higher – next steps (2006) Framework for the development of sport and physical activity Sports Council Wales (2005) FIT (Fields in Trust)</p>
Assessment	<p>The assessment reports in 2009 and 2010 undertaken by KKP on behalf of Torfaen Council are the current basis of</p>

analysis for open space and outdoor recreation provision in Torfaen this is currently being reviewed and updated to inform the next LDP. The reports provided an assessment of current provision of rugby pitches for union and league codes and an analysis of shortfall, adequacy and requirement in Torfaen. This was based on data currently available at the time. The report highlighted an increase in demand of junior sections within clubs attributed to a high level of participation in rugby within the school environments in Torfaen. The study highlighted an increasing latent demand for junior and youth provision, less so for adult provision but the current capacity at the time was sufficient to meet the demand at the time especially if there was an approach to increase replacing grass with all-weather pitches.

The summary of the report indicated that borough wide:

- There were 28 rugby pitches available for community use
- There was deemed a shortfall of 2.5 pitches across the borough
- There was a latent demand for one senior, four junior and two mini pitches in recognition of the development in junior teams
- There was a latent demand for team access in the North Pontypool area (in which for the purposes of the study Pontypool RFC was included in) for access to 3.5 pitches for Juniors and 2 pitches for mini teams
- The summary of deficiencies for pitch to meet demand North Pontypool at the time of the study was zero. Indicating that was adequate provision

Looking forward to 2019 the study indicated that to meet future demand based on a 3.2% population increase that:

- Current FIT standards indicated that for every 1000 residents there should be 1.6Ha allocated for outdoor sport and recreational space and 0.8ha for children's play
- The provision at the time was 1.46Ha / 1000 residents based on 33.54ha provision for a population of 22,926
- The study also provided a projection of provision of outdoor sports pitch only for North Pontypool as being 1.74ha / 1000 population by 2019

Since the report was undertaken there has been a decrease in pitch provision in the North Pontypool area of one pitch. There has also been a gradual increase in demand for facilities for junior teams. This is borne out by current consultations for the new LDP with the TCBC Sports Development team and Rugby clubs in Torfaen in general.

The current bench mark provided by FIT for playing pitches is 1.2Ha / 1000 population and to be within 1200m of the

	residential dwellings.
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts in response to the provision of sports pitches within Torfaen.</p> <ul style="list-style-type: none"> <li>• There will be no change in the provision of sports pitches managed by clubs in Torfaen that are available to the public to use through a club</li> <li>• The other less formalised pitch area in the park would not be affected</li> <li>• The granting of a lease for exclusive possession may provide an opportunity for inward investment to improve the sporting facilities and for the protection of the playing surfaces to improve safety, durability and integrity of the pitch and associated stands</li> <li>• The granting of the Lease would not impact on the ability to provide playing pitch provision to meet FIT standards for the Pontypool area.</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts in response to the provision of sports pitches within Torfaen.</p> <p>The granting of a lease for exclusive possession may mean that areas of the pitch environment that are currently accessible to the public may become less accessible if management of the area changes. However this would not have an impact on the provision of the pitch and facility for sport or other pitches or open space in the park. Additionally, Pontypool Rugby Ltd. has confirmed that it intends to continue to use the property as a rugby ground.</p>

## Well-Being Plan for Torfaen 2018-2023

The Well-being Plan for Torfaen 2018-2023 collectively responds to some of the key issues identified in the well-being assessments undertaken by the PSB partnership.

Policy	<p>Torfaen Public Services Board was established in April 2016 under the Well-Being of Future Generations (Wales) Act 2015 and brings together public services operating across the county borough to improve resident's well-being.</p> <p>The PSB Well-Being plan for Torfaen 2018-2023 consists of 7 objectives developed through consultation</p>
Objective	<p>Well-being objectives:</p> <ol style="list-style-type: none"> <li>(1) Develop a functional connected network of natural areas that support the current and future well-being needs of local populations</li> <li>(2) Develop mitigation and adaptation responses to the impacts of climate change</li> <li>(3) Provide children and young people with the best possible start in life</li> <li>(4) Prevent chronic health conditions through supporting healthy lifestyles and enabling people to age well</li> <li>(5) Tackle the inter-generational patterns of poverty and develop economic resilience</li> <li>(6) Improve local skills through work force planning, training, apprenticeships, and volunteering opportunities</li> <li>(7) Create safe, confident communities and promote community cohesion</li> </ol>
Assessment	<p>The objectives underpinning the PSB Well-Being plan for Torfaen 2018-2023 all provide an opportunity through a new lease with Pontypool rugby club to assist with addressing some of the PSB objectives.</p> <p>(i).Develop a functional connected network of natural areas that support the current and future well-being needs of local populations. The nature of the site is such that the areas are managed for sport and amenity ie spectating and maintenance of the site. As such the overall value that the park provides in terms of this element of ecosystem service will not be significantly impacted on detrimentally in terms of natural space. Any opportunities within the area that becomes exclusively possessed to improve the biodiversity elements of the park would be a positive approach. Eg wildflower areas or new tree planting. Equally retention of grass as a carbon sink and absorption medium for water is also a benefit. The open space is also potentially a bat foraging area.</p> <p>(ii) Develop mitigation and adaptation responses to the impacts</p>



of climate change.

The disposal of the sports pitch via a lease for exclusive possession and its continued use as a grass sports pitch should have no impact on this element of the PSB well-being plan. The Welsh Governments Statistics for Wales 2014: Local Area Summary Statistics (Torfaen) highlights that the ecological footprint of Torfaen was declining at the time of the study

(iii) Provide children and young people with the best possible start in life.

It is understood that the club will be using the pitch for the same purposes. As such the provision of a facility that children and young people can use through being member of a club will still provide the same opportunities.

(iv) Prevent chronic health conditions through supporting healthy lifestyles and enabling people to age well.

Chronic health conditions in Torfaen include obesity, diabetes and heart conditions. The Welsh Governments Statistics for Wales 2014: Local Area Summary Statistics (Torfaen) highlights that “the percentage of obese adults for 2012 & 2013 was significantly higher than the Welsh average” . The Torfaen Residents Survey 2017 indicated that residents in Torfaen valued access to sport and recreation very highly throughout the borough. As above the disposal of the sports pitch via a lease for exclusive possession should provide the same opportunities the residents and visitors to Torfaen to engage with the facilities that the club provides. In terms of access through the area such as walking the path around the pitch the exclusive possession would enable the club to exclude access to the public through passive or physical activity eg signage, fencing, monitoring.

(v) Tackle the inter-generational patterns of poverty and develop economic resilience. The granting of a lease for exclusive possession should not impact on this well-being objective except to provide the club with more control to manage the facilities within the leased area

(vi) Improve local skills through work force planning, training, apprenticeships, and volunteering opportunities

It is unlikely that a lease agreement will impact on this objective

(vii) Create safe, confident communities and promote community cohesion

Pontypool park provides a safe area for the community to use and participate in recreational and other activities. This helps with community cohesion, health and well-being benefits. There are incidents of anti-social behaviour ranging from dog fouling, vandalism, graffiti drug abuse and littering. The club and PALC

	<p>has reported issues related to drug abuse in the covered stand as well, anti-social behaviour in stand and pitch areas over recent years. The Welsh Governments Statistics for Wales 2014: Local Area Summary Statistics (Torfaen) indicates that Torfaen has a crime rate six percentage points higher than the Wales average. However it has fallen 36 per cent since 2002-03. The UKCrimeStats, an open data platform of the Economic Policy Centre indicates that crime within Torfaen over the last year has seen a general increase as an average with criminal damage and arson increasing.</p> <p>The granting of a lease with exclusive possession would provide the club with the ability to manage and undertake more proactive activity to address the issues.</p>
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts on the Well-Being plan for Torfaen objectives.</p> <p>(a) Potential to manage more effectively issues of criminal and anti-social behavioural activity and contributing to creating a safer environment for sporting activity to be undertaken for all age groups and ability be it participant or spectator.</p> <p>In disposing of the pitch via a lease there are the following potential negative impacts on the Well-Being plan for Torfaen objectives</p> <p>The exclusive possession of the pitch and its surrounding path could provide the lease holder with ability to exclude the general public from accessing the path. Although this could be a negative impact there are many other paths for all abilities in the park some of which also provide a part circuit around the pitch area and stand. The impact on the Well Being plan objectives would not be significant</p>

### **Torfaen Corporate Plan (3) 2016-2021**

Policy	<p>Three priorities in the plan for the five year period are:</p> <ul style="list-style-type: none"> <li>• A Clean and Green Torfaen</li> <li>• Raising educational attainment</li> <li>• Support for Torfaen's most vulnerable residents</li> </ul> <p>The relevant priority is Cleaner and Greener Communities</p>
Objective	<p>A Clean and Green Torfaen Vision:</p>

	<p>Cleaner and Greener communities and a sustainable local environment that residents can be proud of.</p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>• Keep the borough clean and free of litter</li> <li>• Maintain open spaces on council owned land to an acceptable standard and work with private landowners and local partners to ensure this</li> <li>• Work in a sustainable way to ensure the local environment is valued and maintained for future generations</li> <li>• Ask residents for their views on maintaining Openspaces in their communities</li> <li>• Prosecute those caught committing environmental crimes where possible</li> </ul>
<p>Assessment</p>	<p>The objectives underpinning a Clean and Green Torfaen all provide an opportunity through a new lease with Pontypool rugby club to assist with addressing some of the council's corporate priorities that also apply to Pontypool park.</p> <p>(i) Keep the borough clean and free of litter. The stadium and pitch occasionally suffer from litter and dog fouling. An emphasis on improving management of cleanliness of the site during the week and on match days will be able to secure a consistent tidy environment</p> <p>(ii) Maintain open spaces on council owned land to an acceptable standard and work with private landowners and local partners to ensure this. The disposal via a lease could help to strengthen existing co-operation to ensure the pitch and immediate environs which would still be in the ownership of the council is maintained to a high standard. This can include addressing ways in which the issues of drug abuse in the stands, litter and graffiti and anti-social behaviour interference with the pitch itself can be resolved</p> <p>(iii) Work in a sustainable way to ensure the local environment is valued and maintained for future generations. In the context of Pontypool park itself the Pontypool Park Management and Maintenance plan 2017-2022 provides an outline vision and prescriptions for the general management and appearance of the park for the next four years. It is the vision of the council that all stakeholders in the park also adhere to the objectives of the plan in the context of the corporate objective. The lease will reflect the relevant corporate objective</p> <p>(iii) Ask residents for their views on maintaining Openspaces in their communities. Through the disposal consultation period there will be the opportunity for stakeholders, statutory organisations and the public to comment on the disposal and its implications on the maintenance of Openspaces within Pontypool park and the pitch areas in particular.</p>

	(iv) Prosecute those caught committing environmental crimes where possible. The disposal of the pitch via lease will provide the club with the ability to pursue prosecutions in their own right for any environmental crimes committed within their leased area.
Potential impact	<p>In disposing of the pitch via a lease there are the following potential positive impacts on the Torfaen Corporate Plan (3).</p> <ul style="list-style-type: none"> <li>• Potentially improved sustainable maintenance and management of the pitch areas to a better than acceptable standard through the exclusive possession and vested interest.</li> <li>• Responsibility for aftercare to be with the Pontypool rugby club</li> <li>• The ability to be proactive in managing anti-social behaviour affecting stand and pitch</li> </ul> <p>In disposing of the pitch via a lease there are the following potential negative impacts on the Torfaen Corporate Plan (3).</p> <ul style="list-style-type: none"> <li>• A reduction in day to day management and oversight by TCBC, but the Clubs vested interest in the grounds could improve maintenance.</li> </ul>

## 5. Consultation process and timeline

The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 provides guidance on the consultation process as follows.

### **Notice publication**

- Publication of Notice of disposal: Two consecutive weeks in a local newspaper
- Notice of disposal is available for a minimum of six weeks after first publication at identified locations for inspection. Inclusive of supporting documentation. All information is dual language Welsh / English
- Notice of disposal is erected on the day of publication on a location near to site and at entrance locations to the site
- Notice of disposal is sent on the day of publication by post to adjacent properties to the site, statutory consultees, stakeholders, NGO's, interested parties
- Notice of disposal and supporting information is uploaded for public viewing for 6 weeks from the date of publication on the Torfaen County Borough Council website.

## **Decision Notices**

Once a decision has been arrived at after the consultation period

- Decision Notice published in a local newspaper for two consecutive weeks
- Decision Notice is then available for a minimum 6 weeks for comments and representations
- Decision Notice and supporting information is available for inspection at the same locations and websites as the notice of disposal
- No actual disposal is to take place until at least 12 weeks after the publication of the disposal decision

## **6. Conclusion**

With reference to key legislation, strategies and plans, an impact assessment has been undertaken on the implications of a proposal to dispose of the rugby pitch and stand at Pontypool Park, via a lease to Pontypool Rugby Ltd. (area marked red on the location plan). The assessment considers any adverse impact as a result of a disposal which has, or may have an unfavourable or harmful impact on the ability of playing field users to participate in the sporting or recreational activities for which the playing field has been used within the previous five years.

The assessment was guided by the Playing Field Regulations which required information about the effect a proposed disposal would have on key Strategies, Plans and Assessments for the area.

In relation to access to areas of open space within the Park, the disposal provides exclusive possession, enabling the tenant to exclude the public from accessing the area should they choose to do so. Given the wider facilities that Pontypool Park provides (accessible open space, paths and an alternative pitch) it is considered unlikely that this would have any significant impact on the health and well-being of the community or casual or formalised users of the Park.

The assessment has concluded that as the pitch, open terrace and associated space within the red line on the plan will continue to be used for the provision of sporting and recreational facilities within the context of the Pontypool Rugby Ltd., there will be a minimal, if any, negative impact on the objectives of the relevant key Strategies, Plans and Assessments for the area. Pontypool Rugby Limited has confirmed that it intends to continue to use the property as a rugby ground. Furthermore, the club intends to allow other community interests to continue to use the facility as has been the case for a number of years. There could therefore be a positive impact if additional inward investment was secured as a result of exclusive possession to improve the quality of the facility for sports and recreational activity. Including addressing issues around anti-social behaviour.

**Appendix 1 - Drawing attached**

**Appendix 2**

**References:**

- 1. Torfaen County Borough Council: Local Development Plan (to 2021)**
  - a. [Link](#)
- 2. The Playing Field (Community Involvement in Disposal Decisions ) ( Wales) Regulations 2015**
  - a. [Link](#)
- 3. Torfaen Corporate Plan (3) 2016-2021**
  - a. [Link](#)
- 4. Pontypool Park management plan 2017-2022**
  - a. [Link](#)
- 5. Well-Being Plan for Torfaen 2018-2023**
  - a. [Link](#)
- 6. Torfaen County Borough Council Play Sufficiency Assessment / Open Space and Recreation Assessment**
  - a. [Link](#)