

# Neighbourhood Planning Guidance Note 30

## Community facilities

April 2013 - Revised June 2015



Community facilities can make an important contribution to the vitality and sustainability of neighbourhoods across Herefordshire. This guidance note considers the range of community facilities in operation and the ways within which Neighbourhood Planning can protect and enhance existing provision, and act as a catalyst for securing new facilities.

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## An introduction to community facilities

Community facilities - also referred to as social and community infrastructure - can be defined as physical facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community, and play an important role in the development of vibrant neighbourhoods by creating a sense of place and providing opportunities for people to meet and interact socially.

Community facilities could include the following:

- health and social care facilities (including GP surgeries, NHS walk-in centres and local care centres);
- leisure and sports facilities;
- green infrastructure and heritage assets such as parks, gardens, woodlands, playing fields, allotments, cemeteries, etc;
- transport (including footpaths, bridleways, cycleways, highways, public transport, railways and car parks);
- community centres or meeting halls;
- youth facilities;
- play facilities;
- library and information services, including noticeboards etc;
- cultural facilities;
- places of worship;
- theatres, public art, heritage centres;
- public house;
- village shops;
- post offices;
- schools and other places of learning.

This list is not exhaustive, as not all activities and services need customised places to operate and local needs can change over time in nature and popularity.

Importantly, communities now have the opportunity to identify a building or land which is important to their social wellbeing, and bid for it if it comes up for sale (see Assets of Community Value section).

## Why are community facilities important?

In short, community facilities play an intrinsic role in the life of Herefordshire's communities and are crucial for economic, social and environmental sustainability for the entire county. The provision of community facilities is particularly important in view of Herefordshire's ageing and growing population and our reliance third sector (charity and voluntary) and faith-based organisations to provide the community with these services.

## National policy context

The majority of national policies on this theme are fairly strategic in their approach and so it is possible that they will not match the circumstances in your Neighbourhood Area.

The approaches set within such recent documents as 'Creating the conditions for integration' (DCLG: 2012) and 'Opening Doors; Breaking Barriers' (DCLG: 2012) underpin Government's commitment to helping communities provide and run facilities for themselves, all within the ethos of community empowerment.

## National Planning Policy Framework

The Planning and Compulsory Purchase Act (2004) (as amended) states that in preparing development plans regard must be had to the national planning policy contained in the National Planning Policy Framework (NPPF), published in March 2012.

The NPPF therefore provides the direction of travel and advises, among other things, that the capacity of existing infrastructure and the need for community facilities should be taken into

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account. The document also places great emphasis on securing developments which contribute towards the creation of safe, sustainable, liveable, mixed communities with good access to jobs and key services and facilities for all members of the community.

### **Local policy context**

There is a great deal of community work ongoing in Herefordshire, all of which is underpinned by a range of plans, policies and programmes.

### **Herefordshire Economic Development Strategy, 2011-2016**

The Economic Development Strategy for Herefordshire builds on these documents by outlining the path and direction to foster economic vitality. Whilst the vision of the strategy is to increase the economic wealth of the county through the growth of business, one of its aims is to develop Herefordshire's built infrastructure so enterprise can flourish. Inevitably, the development of the county's built infrastructure will be of benefit to communities, as certain facilities can be co-located.

Also of importance is the strategy's recognition of strong communities as a contributing factor to a vibrant and sustainable economy, a theme which runs through Herefordshire Council's 2012 guide to preventing the closure of village services.

### **Local planning policy - Herefordshire Local Plan - Core Strategy**

Herefordshire Council's planning policy in respect of community facilities is set within the Herefordshire Local Plan - Core Strategy which forms part of the Local Development Framework. It includes a section on Social Progress within which are policies on social and community infrastructure (see policies SC1 and OS1 to 3). Policy SC1 explains the circumstances in which proposals for new community facilities will be acceptable, as well as setting out how they will be retained or replaced where appropriate. This policy (subject to agreement), strives to protect community facilities except where reconfiguration of the provision, either within the site or across a number of sites is needed to meet identified needs.

### **Key players in delivering community facilities**

There are a number of agencies with responsibility for, or an interest in, the provision of such facilities across the county including Herefordshire Council, Health Care Trusts, parish councils and various voluntary organisations. In addition, the private sector also undertakes some provision, including childcare, care of older people and health care.

### **Why should rural areas protect and provide community facilities?**

As community facilities contribute to the health, education and well being of Herefordshire's communities, it is necessary to make the appropriate provisions for them.

Neighbourhood planning gives parish councils the opportunity to enhance the existing community facilities within their parish and secure new provision, in the long-term, through developer contributions such as Section 106 and Community Infrastructure Levy. This will help to ensure that the anticipated growth in Herefordshire's population is supported by adequate social and community infrastructure, including schools, health centres, centres for the community and community halls for example.

The provision of adequate levels of community facilities is also essential when considering new development proposals, especially as many smaller developments could have just as big a cumulative impact on community facilities as a much larger single development. The needs for community facilities must be considered alongside that infrastructure which is often seen as more essential, such as roads and piping for water and sewerage.

There is a need to both support and seek improvements to local services and facilities across Herefordshire, particularly in rural areas where such facilities have gone into decline or, in many cases, disappeared altogether. Less prosperous groups of the population in remote rural areas are arguably in a worse position than similar income groups in the market towns, because their access to social and community infrastructure is severely limited.

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Access to essential facilities and services in the rural areas depends for many on ownership of a car, or on living on a public transport route. Many settlements in the county have no key facilities and no daily bus service. Through neighbourhood planning, communities can tackle these issues and provide better outcomes for residents, provided the proposals are supported by the community.

### **How to deliver or protect and enhance community facilities within your parish**

As mentioned previously, the Local Plan - Core Strategy already facilitates the provision and retention of community facilities a local planning policy frameworks therefore support the delivery of community facilities across Herefordshire. However you may wish to include more specific policies regarding community facilities for your area, such as allocating sites for a specific community use or safeguarding existing facilities.

### **Site allocations**

It is possible to allocate sites solely for community facilities in your parish. Doing so would satisfy any need identified in the evidence underlying your plan.

Through site allocations you can help the community understand the importance of the provision of physical facilities and provide landowners/developers with a greater understanding about the type of community facilities you require to meet local needs.

If you decide that the need for community facilities in your Neighbourhood Area would be best satisfied through site specific allocations, the next step would involve the identification of potential land that could be included as allocated sites in the Neighbourhood Development Plan.

Further guidance on site allocation can be obtained from guidance note 21: Guide to site assessment and choosing allocation sites.

Further guidance on how to gather evidence is available in Guidance Note 10: Evidence base and information requirements.

### **Community Infrastructure Levy (CIL)**

The CIL is a charge which accompanies planning applications for built development. The money is pooled to fund both countywide and local infrastructure projects

Following changes to the relevant regulations, 25% of CIL collected within the Neighbourhood Area will be given to parishes that have an adopted Neighbourhood Development Plan. This CIL money could fund community facilities that are highlighted within your Neighbourhood Development Plan and supported by evidence.

For those parishes without a Neighbourhood Development Plan the CIL payment will be limited to 15% with a cap of £100 per new dwelling in the parish.

### **Other community rights**

For those communities who merely wish to deliver new community facilities or take charge of existing ones without preparing a comprehensive, detailed planning document, it is possible to prepare either a Community Right to Build Order or a Community Right to Bid. The Localism Act (2011) gives parish councils the mandate to prepare such orders, which can be drawn up separately or as part of a Neighbourhood Development Plan.

### **Community Right to Build Orders**

A Community Right to Build Order is a type of Neighbourhood Development Order, as it allows small-scale development on a specific site to be brought forward without the need for planning permission. To this end, they give you the ability to develop a site for community facilities to meet a proven need.

It is important to note that Community Right to Build Orders are subject to a limited number of exclusions, such as proposals needing to fall below certain thresholds so that an Environmental Impact Assessment would not be required. Proposals are subject to testing by an independent examiner and community referendum.

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Further information on Community Right to Build Orders can be obtained through a set of Guidance Notes published on the Neighbourhood Planning pages of Herefordshire Council's website.

### **Community Right to Bid and Assets of Community Value**

Some communities may believe that enhancing and retaining existing community facilities is just as important, if not more important, than providing new facilities. If this happens to be the case in your Neighbourhood Area, the Community Right to Bid, which came into effect in 2012, will effectively give you the right to prepare and bid to buy community buildings and facilities that are important to the community. This can be achieved through the parish council or by setting up a community organisation.

The Community Right to Bid means that communities can 'stop-the clock' on the sale of valuable local assets and amenities like post offices, village shops or pubs, giving them time to put in a takeover bid of their own and protect it for the wider community's benefit.

### **Assets of Community Value**

The new right gives voluntary and community organisations and parish councils the opportunity to nominate any local 'assets' to be included on a list of 'assets of community value', to be maintained by Herefordshire Council. Properties successfully listed on this register can then have their sale paused for up to six months giving communities the time to prepare a bid and get a business plan together.

Herefordshire Council will have 8 weeks from receiving an application to decide whether a property should be listed, according to a list of eligibility criteria contained in Section 88 of the Localism Act (2011). In addition to preparing and maintaining a register of qualifying properties, other Herefordshire Council responsibilities will include:

- preparing and maintaining a list of properties where nominations have failed;
- registering properties on both lists as Land Charges with the Land Registry;

- notifying owners and occupiers of receipt of notices and registrations, and publicising the possible sale of a listed property, should an owner seek to sell;
- co-operating with neighbouring authorities where a qualifying property falls within more than one local authority area.

Previously the community had no opportunity or time to gather resources to bid to buy or take them over. In a nutshell the Community Right to Bid means that:

- communities can apply to get a range of local assets registered as 'assets of community value';
- if a registered asset of community value goes up for sale, communities will have 6 weeks to express an interest in taking on the asset and fulfilling some of the criteria;
- if approved they will have a total of 6 months during which the asset cannot be sold to anyone, while communities develop plans and raise finance;
- at the end of the six month 'protected period' the asset owner can then sell to whomever they like - this does not mean that communities can force a sale;
- although it will not make the process easier for all communities in all instances, it should certainly significantly help some communities.

### **Protecting and saving rural retail services**

It is important to note that existing community facilities can be retained independently of the planning process.

Due to challenging economic times, many pubs and rural services have struggled to operate as they used to, and in some cases have faced closure. The impact this continues to have upon local community infrastructures is significant.

Herefordshire Council is keen to ensure that pubs and other rural services remain pillars of the community, by giving them the tools they need to strengthen and support their local services by

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taking ownership of their local pubs, shops or post offices. The guidance offered in respect of Saving Rural Retail Services, published in December 2011, highlights ways within which communities in Herefordshire can prevent a vital village service from closing and take control of the asset, drawing on numerous examples of where this has successfully taken place in the process. Notable examples include the village shop and post office now operating in Yarpole and the Kilpeck Inn. This guide can be obtained via the following link: [https://beta.herefordshire.gov.uk/media/1261757/Saving\\_Rural\\_Retail\\_Services\\_Guide\\_2012.pdf](https://beta.herefordshire.gov.uk/media/1261757/Saving_Rural_Retail_Services_Guide_2012.pdf)

Also of importance is the Pub is The Hub initiative which has already supported and advised a large number of communities who have taken ownership of their pub. Although only around 10% of groups have actually gone ahead with their plans to buy or run their local pub, for the ones that have taken the plunge, the results have been impressive.

Some of the previous community ownership projects can be found on the website <http://www.pubisthehub.org.uk/> on this website, contact details are included in the case studies to allow you to communicate directly with other community groups to see how they got on.

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## **Neighbourhood Planning guidance notes available:**

### **Deciding to produce a Neighbourhood Development Plan**

1. Which is the right tool for your parish
2. What is a Neighbourhood Development Plan
3. Getting started
4. A guide to procedures
5. Funding

### **Plan Production**

6. Developing a Vision and Objectives
7. Generating options
8. Writing planning policies
9. Environmental Assessment
10. Evidence base and information requirements
11. Implementation and Monitoring
12. Best practice community engagement techniques
13. Statutory consultees
14. Writing a consultation statement
15. Planning and other legislation
16. Web enabling your plan
17. Using OS based mapping
18. Glossary of planning terms

### **Topics**

19. Sustainable Water Management in Herefordshire
20. Guide to settlement boundaries
21. Guide to site assessment and choosing allocation sites
22. Meeting your housing requirements
23. Conservation issues
24. Recreational areas
25. Renewable energy
26. Transport issues
27. Community Infrastructure Levy

### **Additional Guidance**

28. Setting up a steering group
29. Creating a questionnaire
30. Community facilities
31. Conformity with the Local Plan (Core Strategy)
32. Examinations of Neighbourhood Development Plans
33. Guide to Neighbourhood Development Plan Referendums
34. Tourism
35. Basic Conditions
36. Your plan - Contributing to sustainable development