

1.0 Background

- 1.1 The Section 106 Agreement dated 19 August, 2003 (ref:2002/1000), entered into between the Council of the City and County of Swansea and the former Welsh Development Agency (predecessor to the Welsh Ministers), requires (at clause 6 of the Third Schedule):

The provision of five Children’s Play Areas to equate to a standard of 0.8 hectares per 1000 persons of populations within the Development or agreed equivalent within the Development and the future maintenance of the same by way of a commuted sum to be agreed with the Council as part of the Reserved Matters (such approval not to be unreasonably withheld or delayed) in accordance with Condition 1. Before the occupation of the final unit on the Development the Developer shall transfer and dedicate to the Council the said Children’s Play Areas in perpetuity without any encumbrances and at a nil consideration.

- 1.2 The Welsh Government (Welsh Ministers) would now like to conclude this matter, and as an alternative to the Welsh Government designing, laying out and providing these public open spaces, the Welsh Government has instead offered to:
- To dedicate at nil cost three identified areas of proposed public open space to the Council
 - To make a payment to the Council for an appropriate sum of money to be used by the Council for the purposes of designing, laying out and maintaining the three areas of public open space.

2.0 Context

- 2.1 The development of the SA1 Swansea Waterfront area has been a key element in the Council’s Strategy for the regeneration of Swansea as a vibrant and distinctive Waterfront City. A robust and comprehensive policy context for considering proposals within the SA1 development area is set out within the Port Tawe Swansea Docks SPG (Sept. 2002), which was augmented by the Outline Planning Permission (Ref: 2002/1000) and the approved Design and Development Framework (August 2004 Version 5) and the Masterplan contained therein established the comprehensive land use and urban design guidance for the purpose of considering planning applications and reserved matters applications.
- 2.2 The outline planning permission has been implemented and there has been significant development within the area which has been supported by a large investment in the site’s infrastructure. In terms of public open space / public realm provision, this has resulted in the following:
- Technium Square incorporating the Merchant’s Seamen’s War Memorial;

- Ice House Square – adjacent to the Sailbridge;
- Market Square – adjacent to the Premier Inn / Waterfront Restaurant; and
- Provision of the 6m wide public walkway around Prince of Wales Dock

2.3 Since the original permission was granted, due to the success of the development and market changes led to pressure to alter the proposed land use mix and a Section 73 permission was granted in 2010 (Ref: 2008/0996) which revised the approved Land Use Masterplan (Figure A2.1) which has been used to guide development since then. In terms of the provision of the public open space, the following changes are relevant:

- The reduction in plot densities at the eastern end of the site along Langdon Road to provide residential / townhouses with gardens are now proposed on plots D9, D10, E4 & E5;
- The relocation of the largest area of open space from the north of Langdon Road to the south of the road.
- A new area of open space is now provided between plots E5 and E6.

2.4 The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred on the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

3.0 Policy Context

3.1 Swansea Unitary Development Plan Policy HC17 states that where appropriate, the Council will enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- Improvements to infrastructure, services or community facilities,
- Mitigating measures made necessary by a development, and
- Other social, economic or environmental investment to address reasonable identified needs.

Provisions should be fairly and reasonably related in scale and kind to the individual development.

3.2 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

3.3 UDP Policy HC24 requires all new housing development, where the level and nature of open space provision in the locality is inadequate to meet the needs of the future occupiers of the development proposed and the existing population in the locality, to make provision for areas of open space within the site at appropriate locations or contribute towards the provision of existing off-site facilities. In order to satisfy the requirements of the above policy, areas of open space should be provided in accordance with the National Playing Fields Association Standard. Developers will be required to make appropriate arrangements for the management of these areas and commuted sums for such maintenance would be secured through Section 106 Agreements.

4.0 Appraisal

4.1 Clause 5 of the Section 106 Agreement requires *the provision of five Children's Play Areas to equate to a standard of 0.8 hectares per 1000 persons of populations within the Development or agreed equivalent*. The Planning Obligations SPG indicates that in respect to areas of open space should be provided in accordance with the Fields in Trust (FIT, formerly known as National Playing Fields Association) 'Six Acre Standard' for outdoor playing space which requires 2.4 hectares per 1000 population for public recreation and open space. The provision should be well related to the housing that it is intended to serve with the exact form and type dependent upon the nature and size of the development and the needs of the residents.

4.2 The FIT standard of 2.4 hectares per 1000 population represents the minimum scale of provision that will be sought throughout urban Swansea and can be broken down as follows:

- Formal Play Space (Neighbourhood Area of Play – NEAP: 1.6 ha per 1000 population;
- Children's Equipped Area (Local Area for Play – LAP: 0.3 ha per 1000 per population;
- Informal / Casual Play Space (Local Equipped Area for Play – LEAP 0.5 per population.

4.3 The Council's Open Space Assessment for the St Thomas Ward (which includes the SA1 Swansea Waterfront area) highlights that there is existing standard of only 1.876 per 1000 population and in particular, that the SA1 Swansea Waterfront area is entirely deficient in FIT provision. There is therefore a clear continued justification for the Children's Play Area provision.

4.4 In consultation with the Head of Culture and Leisure, there is considered no merit in providing five play areas as stated in the original Section 106 Agreement, as this would place a significant additional burden on parks maintenance and moreover, there would be no derived benefit from having a number of smaller Locally Equipped Areas for Play (LEAP's) in such close proximity to one another. It is therefore proposed to amalgamate the provision into one significantly larger Neighbourhood Equipped Area for Play (NEAP) to cater for the provision in the whole of the SA1 development area, whilst also serving the wider Swansea Community.

4.5 Within the SA1 development area, three areas of public open space have been identified for the provision of public realm/ children play area to be offered to Swansea Council for the purposes of designing, laying out and maintaining the three areas of public open space and for which Welsh Government have agreed a financial cost of £1 million which is the agreed equivalent of the *provision of five Children's Play Areas* of the capital cost of laying out the public open space / NEAP together with the future maintenance and design costs. In addition, as part of the land transfer agreement, Welsh Government will undertake the site preparation of the three identified areas.

5.0 Conclusion

5.1 In order to expedite matters, it has been agreed with Welsh Government that in lieu of the existing Section 106 Planning Obligation for the provision of the children's play area that a new Section 106 Planning Obligation is entered into for the provision of the public open space together with the financial contribution for the children's play area under sections 106A and 106B of the Town and Country Act 1990 (as amended).

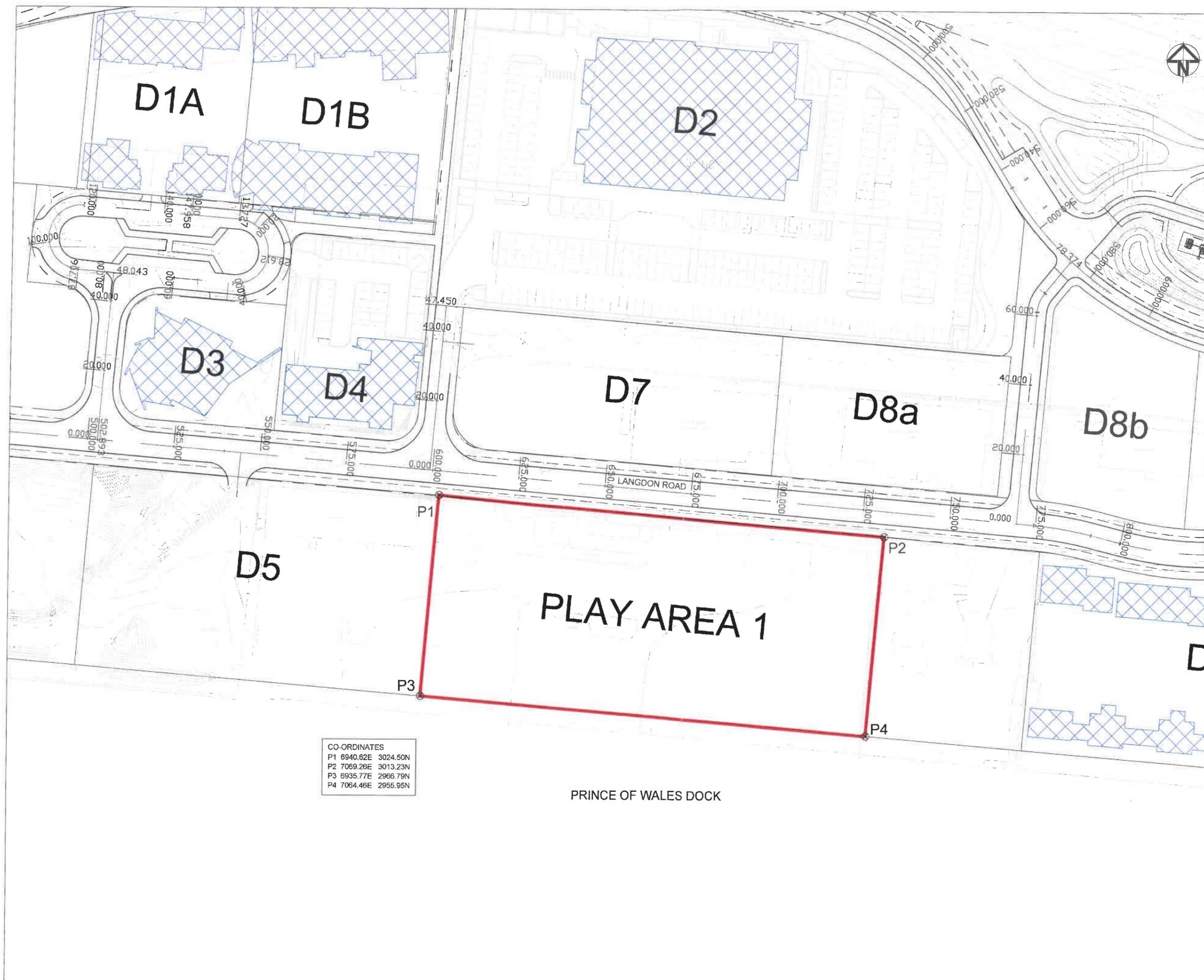
6.0 Recommendation

6.1 It is recommended that the a new Section 106 Planning Obligation be entered into to provide the public realm / public open space together with a children's play area on the three identified areas within the SA1 Swansea Development area subject to the receipt of the financial payment from Welsh Government to the sum of £1,000,000.00 to cover the design, laying out and future maintenance costs of the provision.

6.2 That the approach cited above be agreed by Planning Committee and delegated powers be given to the Head of Planning and City Regeneration to agree the details of the Section 106 Planning Obligation with Welsh Government.

Contact Officer: David Owen
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Document Name: Public Open Space – SA1,
Swansea Waterfront



KEY
— SITE BOUNDARY



Rev	Date	Description	PW	LB	SAD
P01	10-08-17	FIRST ISSUE			

Client
 WELSH GOVERNMENT

PROJECT:
 SA1
 SWANSEA WATERFRONT

Site
 SA1 Waterfront
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TITLE:
 PLAY AREA 1
 RED LINE BOUNDARY

Designed	P. WILLIAMS	Drawn	P. WILLIAMS	Scale	1:500	Date	AUGUST 2017
Checked	L. BURGESS	Original Size	A1	Grid	OS		
Approved	SA, DAVIES	Suitability Code	S2	Project Number	UA006032		

Suitability Description:
PRELIMINARY

Drawing Number:
 SA1-ARC-XX-130-DRG-CE-0100

Revision:
 P01

CO-ORDINATES

P1	6940.82E	3024.50N
P2	7069.26E	3013.23N
P3	6935.77E	2966.79N
P4	7064.46E	2955.95N

PRINCE OF WALES DOCK



KEY
SITE BOUNDARY

PLAY AREA 2

CO-ORDINATES
 P1 6541.74E 2834.20N
 P2 6577.01E 2831.73N
 P3 6528.59E 2805.68N
 P4 6573.83E 2793.87N

B4

B7

B13

B5

P1

P2

P3

P4

KINGS ROAD

Rev	Date	Description	Drawn	Check	Approv
P01	10-08-17	FIRST ISSUE			

Client
 WELSH GOVERNMENT

PROJECT:
 SA1
 SWANSEA
 WATERFRONT

Site	Client
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TITLE:
 PLAY AREA 2
 RED LINE BOUNDARY

Designed	P. WILLIAMS	Signet	AUGUST 2017
Drawn	P. WILLIAMS	Signet	AUGUST 2017
Checked	L. BURGESS	Signet	AUGUST 2017
Approved	SA. DAVIES	Signet	AUGUST 2017
Scale:	1:500	Datum:	AOB
Original Size:	A1	Grid:	OS
Suitability Code:	S2	Project Number:	UARC0032

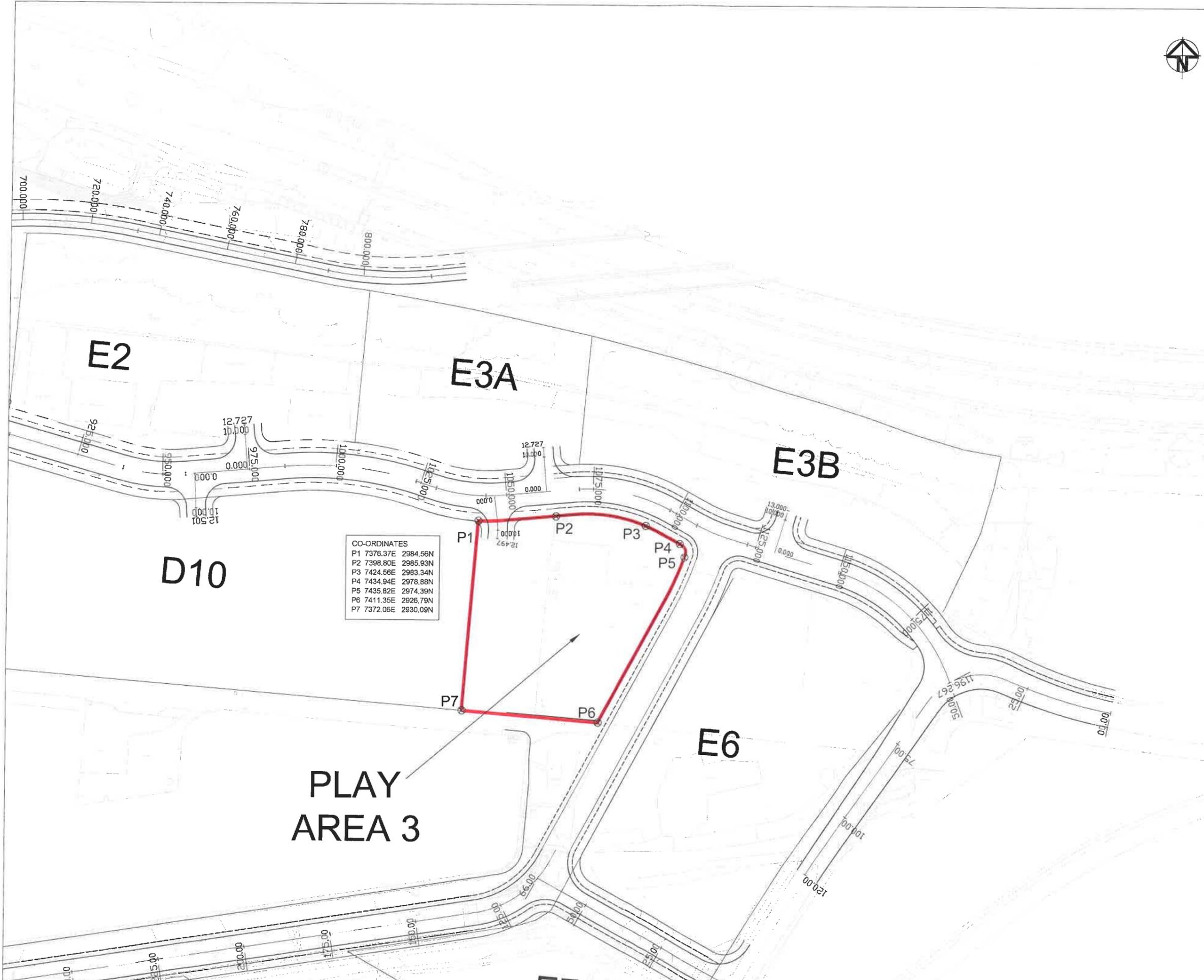
Suitability Description:
 PRELIMINARY

Drawing Number:
 SA1-ARC-XX-130-DRG-CE-0104

Revision:
 P01



KEY
SITE BOUNDARY



CO-ORDINATES	
P1	7376.37E 2984.56N
P2	7398.80E 2985.93N
P3	7424.56E 2983.34N
P4	7434.94E 2978.88N
P5	7435.82E 2974.39N
P6	7411.35E 2926.79N
P7	7372.06E 2930.09N

Rev	1/02/17	Revised	Issue	Drawn	Check	Approved
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Client
WELSH GOVERNMENT

PROJECT:
SA1
SWANSEA
WATERFRONT

Llywodraeth Cymru
Welsh Government

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TITLE:
**PLAY AREA 3
RED LINE BOUNDARY**

Designed	Drawn	Checked	Approved	Date
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Scale: 1:500 Datum: AOD
Original Size: A1 Grid: OS
Suitability Code: S2 Project Number: UA00832

Suitability Description:
PRELIMINARY

Drawing Number:
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Revision:
PC1