Ribble Valley Borough Council

Housing and Economic Development DPD (HED DPD)

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Sport England -Additional Statement: Open Space – Policy OS1, Section 5, Page 19.

Introduction

Sport England made representations to the Open Space – Policy OS1 of the DPD at the Regulation 19 stage to both the wording of the policy and the evidence base on which the policy is justified.

Sport England

Sport England is a non-departmental public body under the Department for Digital, Culture, Media and Sport. Its role is to build the foundations of a community sport system by working with national governing bodies of sport and other funded partners to grow the number of people doing sport; sustain participation levels; and help more talented people from all diverse backgrounds excel by identifying them early, nurturing them, and helping them move up to the elite level.

Sport England's aim in working with the planning system is to help provide places that maximise opportunities for sport and physical activity for all, enabling the already active to be more active and the inactive to become active.

This aim is supported by three objectives: Protect, Enhance and Provide:

> Protect: Existing provision should be protected unless an assessment has demonstrated there is an excess of the provision and the specific buildings or land are surplus to requirements, or equivalent or better provision will be provided as replacement.
>
> Enhance: The use of existing provision should be optimised, for example through quality, access and management improvements supported by appropriate ancillary facilities.
>
> Provide: Appropriate new provision that meets needs and encourages people to play sport and be active should be provided by adapting existing places and through new development.

Understanding people's needs is central to meeting the objectives and planning effectively for sport. An assessment of needs should inform a strategy to meet the needs that is positively applied in both the forward planning and development management aspects of the planning system.

To achieve its planning aims and objectives Sport England plays an active role in the planning system.

This includes helping to shape national and local planning policy, along with the design and masterplanning of large scale developments and responding to planning application consultations.

Sport England also helps local authorities to understand the needs of people in their area for sporting provision and ensure that the needs arising from new development can be met.

This role involves Sport England engaging with both aspects of the planning system:

•Forward Planning – Ensuring planning policies are positive towards sport and physical activity based on robust and up-to-date assessments of need (e.g. developing playing pitch and built facility strategies).

https://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/

•Development Management – Ensuring planning decisions recognise the benefits of, and result in positive outcomes for, sport and physical activity.

https://www.sportengland.org/facilities-planning/planning-for-sport/development-management/

Planning Application Consultations: Sport England has a specific role in the planning system as a statutory consultee on planning applications for development affecting playing fields. The Government also advises local planning authorities to consult Sport England on a range of other sport-related applications, along with large scale housing developments.

Planning Policy Context

The NPPF, both the most recent revised July 2018 version and its forerunner had a very strong stance on protecting playing fields within the definition of open spaces and opportunities for sport and recreation. This reflects Sport England's statutory role and our own playing fields policy.

Para 96 of the NPPF states that **policies should be based on robust and up to date assessments of need and opportunities, and that these assessments should be used to determine what open space sport and recreation facilities are needed, which plans should accommodate**.

Para 97 of the NPPF states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly show the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Sport England's statutory role

Under the terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines our statutory responsibilities and those on the LPA.

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

• all or any part of a playing field, or

• land which has been used as a playing field and remains undeveloped, or

• land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England Policy Exceptions	
E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	The proposed development affects only land incapable of forming part of a playing pitch and does not: ▪ reduce the size of any playing pitch; ▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); ▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; ▪ result in the loss of other sporting provision or ancillary facilities on the site; or ▪ prejudice the use of any remaining areas of playing field on the site.
E4	The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: ▪ of equivalent or better quality, and ▪ of equivalent or greater quantity, and ▪ in a suitable location, and ▪ subject to equivalent or better accessibility and management arrangements.
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Our Representation

Sport England provided comments on Policy OS1 in June of 2017 (see Appendix 1)

In response to our comments the Council made some amendments to Policy OS1 which are welcomed and supported. While this policy still reads slightly clumsily it does cover the changes we suggested, provided that playing fields in public ownership are covered by the more generic 'open space' reference. Both the DMPO and the NFFP make no distinction between playing fields in public and private ownership.

The substance of our representation that still stands is whether the proposed policy OS1 is founded on a robust and up to date evidence base as per the NPPF para 96.

Ribble Valley Evidence Base - I note reference is made to:

1. Lancashire Sport Partnership (LSP) - Ribble Valley Facilities Review 2013 and
2. Open Space Topic Paper March 2016.

The first document is a useful starter but has clear limitations. Whilst the document is based on Sport England's own Active Places Power website and data, it is purely a desk-based analysis and does not represent and examine true empirical supply and demand level research. It is not possible to tell precisely whether Ribble Valley has enough sports facilities to meet its current and future needs and whether the quality of the facilities is sufficient to sustain current and future levels of play. Sport England could not say this is a fully robust assessment and sufficient to fully execute the requirements of proposed policy OS1 for instance. Disappointingly, despite using Sport England's own data, we were not consulted on the draft of this document.

The second document makes extensive reference to the now superseded PPG 17 and its companion guide. This is erroneous given the status of the NPPF and its planning practice guide on Open space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space, published in 2014.

https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space

Sport England was involved in the drafting of this guide during its evolution in 2013 and it makes explicit reference to our own guidance on assessing the needs for sport and recreation facilities. We have since updated our Playing Pitch Strategy Guidance and 'Assessing Needs and Opportunities' methodology and these are both referenced in NPPG (see Appendix 2).

It is disappointing the topic paper makes no reference to Sport England's own methodologies for assessing playing pitches and indoor facilities or our role, despite the topic paper being produced only last year.

In Section 3.5.1 the topic paper cross references with the LSP facilities review and refers to a forthcoming playing pitch strategy (PPS). Such research in a PPS could help fill the evidence base gap when produced. It would be useful to include an anticipated date of when it will be complete and draw out some early trends if appropriate prior to submission of the H&ED DPD. Is this the same as the playing pitch audit mentioned in Section 3.6 however? The audit dates from 2015, so it is now coming up to 3 years old. Sport England advises that audit data becomes out of date after 3 years if it has not been annually refreshed there the slow production of the strategy element means the data on which it would be based

could already be out of date. It is unhelpful that the audit has not been made available in the evidence base material.

I reiterate the same short comings of Section 3.11 in relation to indoor sports facilities. The LSP report is purely a desk-based assessment using Sport England tools. Although I note some elements of the LSP report may benefit from Council held and collected data, perhaps even including site specifics or site visits, but it does not appear to have taken a fully holistic approach in this method to make the research fully robust.

Sport England would find the evidence base weak and lacking for these reasons should the Council continue to submit the plan without fully completing the PPS and rectifying the research on indoor sport facilities; and would be likely to object to the plan on soundness of the evidence base grounds. We would question how the Council could fully implement the proposed Policy OS1 without a more robust evidence base.

For information our own guidance for under taking research on sport can be found here: https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/

Conclusions

Sport England welcomes the amendments made to Policy OS1 however maintains our position that the policy, supporting text and the Housing and Economic Development – Development Plan Document has not been founded on a robust and credible evidence base in that no assessment of needs and opportunities compliant with government guidance and Sport England's methodology has been prepared.

APPENDIX 1 – SPORT ENGLAND CONSULTATION RESPONSE

Thank you for consulting us on the Reg 19 – Preferred options draft of the plan. Sport England would like to make the following comments.

Open Space – Policy OS1, section 5, page 19.

We welcome the efforts at extra clarification to be provided in this policy. I recommend consideration is also given to including sites *last used* as playing field (sometimes also known as lapsed sites) explicitly within the remit of this policy. Sport England knows that on occasion landowners purposefully stop the use of sites for sport or open space to get round policies like this. I recommend the additional wording in the second sentence as highlighted below:

This will include private playing fields which are *currently* in recreational use, *or were last used for recreation.*

The use of the term 'recreational' is presumed to cover both formal sport and informal open space type uses. The policy may get greater benefit for being explicit here too and by adding 'or sporting' and 'for sport' as set out below. This ensures both formal and informal use of the space are covered.

This will include private playing fields which are *currently* in recreational *or sporting use*, *or were last used for sport or recreation.*

The second paragraph of this policy aims to reflect the approach of NPPF para 74, however seems confused slightly. A robust assessment of what? Of open space, sport and recreation? Or of social and economic benefits? It could be read as provided an assessment is carried out that concludes (for example) a new shopping centre will bring social and economic benefits, the redevelopment of a playing field is acceptable provided a local park is upgraded. When perhaps the playing fields should be replaced like for like or better because they are still needed for sport.

The NPPF is much clearer on this matter and arguably does not need this replication that may add confusion. Where the DPD could add value is to ensure that should one open space use be found to be surplus to requirements by robust assessment, other open space uses (playing fields, allotments, children's' play areas etc.) should be considered first, before a site is disposed of for other non-sporting or recreational uses.

If this paragraph is to be retained then, we recommend the use of the term '*like for like or better'* after '…suitable replacement facilities are provided' in the fourth line. This would address the requirement set out in NPPF para 74, second bullet point. Consideration also needs to be had for surpluses, first bullet point para 74, and the development for alternative sport, open space or recreation facilities that may outweigh the loss, third bullet point. How do would these aspects fit in to the policy as drafted?

In the supporting text to this policy and the following monitoring section it would be very helpful to specifically link to the council's evidence base on the open space, sport and recreation. In particular whether this at present forms a robust and up to date assessment currently as set out in this policy. Such assessments should be continually monitored to ensure the policies are having the desired effect, the supply and demand for playing pitches changes with frequent regularity, often season to season and sometimes within a season.

Ribble Valley Evidence Base

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The first document is a useful starter but has clear limitations. Whilst the document is based on Sport England's own Active Places Power website and data, it is purely a desk-based analysis and does not represent and examine true empirical supply and demand level research. It is not possible to tell really precisely whether Ribble Valley has enough sports facilities to meet its current and future needs, and whether the quality of the facilities is sufficient to sustain current and future levels of play. Sport England could not say this is a fully robust assessment and sufficient to fully execute the requirements of proposed policy OS1 for instance. Disappointingly despite using Sport England's own data we were not consulted on the draft of this document.

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Sport England was involved in the drafting of this guide during its evolution in 2013 and it makes explicit reference to our own guidance on assessing the needs for sport and recreation facilities. It is disappointing the topic paper makes no reference to Sport England's own methodologies for assessing playing pitches and indoor facilities or our role, despite the topic paper being produced only last year.

In the section 3.5.1, the topic paper cross references with the LSP facilities review and makes reference to a forthcoming playing pitch strategy (PPS). Such research in a PPS could help fill the evidence base gap when produced. It would be useful to include an anticipated date of when it will be complete and draw out some early trends if appropriate prior to submission of the H&ED DPD. Is this the same as the playing pitch audit mentioned in section 3.6 however? The audit dates from 2015, so it is now coming up to 2 years old. We would again point out how regularly data on pitches and teams can become out of data and question to slow production of the strategy element of this. Indeed why has the audit not been made available in the same way in the evidence base?

I reiterate the same short comings of section 3.11 on indoor sports facilities, the LSP report is purely a desk based assessment using Sport England tools. Although I note some elements of the LSP report may benefit for council held and collected data, perhaps even including site specifics or site visits, but it does not appear to have taken a fully holistic approach in this method to make the research fully robust.

Sport England would find the evidence base weak and lacking for these reasons should the council continue to submit the plan without fully completing the PPS and rectifying the research on indoor sport facilities; and would be likely to object to the plan on soundness of the evidence base. We would question how the council could fully implement the proposed policy OS1 without a more robust evidence base.

For information our own guidance for under taking research on sport can be found here: https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/

Thank you for giving Sport England chance to make comments. Please get in touch to discuss the comments made here should you find it helpful.

Yours sincerely,

Helen Ledger
Principal Planning Manager

Appendix 2: National Planning Policy Guidance – Extract

Open space, sports and recreation facilities

How should open space be taken into account in planning?

Open space should be taken into account in planning for new development and considering proposals that may affect existing open space (see National Planning Policy Framework paragraphs 73-74). Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 114), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Planning Policy Framework paragraphs 6-10).

It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area. See guidance on Local Green Space designation, which may form part of the overall open space network within an area.

Related policy:

- paragraph 70
- paragraphs 73-74
- paragraphs 156-157
- paragraph 162
- paragraph 171

Paragraph: 001 Reference ID: 37-001-20140306

Revision date: 06 03 2014

How do local planning authorities and developers assess the needs for sports and recreation facilities?

Authorities and developers may refer to Sport England's guidance on how to assess the need for sports and recreation facilities.

Paragraph: 002 Reference ID: 37-002-20140306

Revision date: 06 03 2014