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PLANNING FOR SPORT PRINCIPLE 4: PROTECT EXISTING SPORT AND PHYSICAL ACTIVITY PROVISION AND ENSURE NEW DEVELOPMENT DOES NOT PREJUDICE ITS USE.

National Planning Policy Framework

[Paragraph 97]:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) 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 c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

National Planning Policy Framework

[Paragraph 182]:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

The Government is clear that existing sport and recreational provision should be protected unless one of three specific circumstances are met. This protection is afforded to all provision irrespective of whether it is in public, private or educational ownership and regardless of the nature and level of use. It also relates to ancillary facilities including clubhouses, changing rooms and parking facilities. In relation to the first circumstance set out in paragraph 97 of the NPPF, it should be noted that:

- i. a lack of use of sport and recreational provision should not be taken as necessarily indicating an absence of need in an area; and that
- ii. school plans and assessments showing an excess of playing field provision for the purposes of Section 77 of the School Standards and Framework Act 1998 or Schedule 1 of the Academies Act 2010 (or their replacements), do not provide an adequate assessment as they do not assess the wider sporting and community need for provision.

Sport England is a statutory consultee on planning applications for development affecting playing fields. Sport England's playing fields policy and how it assesses such applications is set out in its Playing Fields Policy and Guidance document²⁹. The policy and supporting guidance are in line with the Government's commitment in the NPPF to the protection of sport and recreational provision. The document also provides helpful clarification and additional guidance to assist all with assessing related planning applications and protecting provision.

Existing sport and physical activity provision may give rise to effects that could be deemed a statutory nuisance to proposed development planned in close proximity to it. These effects could prejudice the use of the existing provision, for example due to the risk of a cricket ball being hit into a development proposed adjacent to an existing cricket ground, or noise generated from an existing nearby Artificial Grass Pitch which due to having sports lighting is used regularly late into the evenings. However, the Government is clear in the NPPF³⁰ that in such circumstances the existing facilities should not have unreasonable restrictions placed upon them and it is for the applicant of the new development to secure suitable mitigation.

²⁹ See the 'How Sport England works with the planning system' section of this document (page 8). Web link to Sport England's Playing Fields Policy and Guidance document (2018).

³⁰ Web link to the Government's NPPF (2018) - see paragraph 182.

³¹ Web link to the Government's NPPF (2018) - see paragraphs 99 to 101.

³² Web link to Sport England's Playing Fields Policy and Guidance document (2018).

HOW PRINCIPLE 4 CAN BE APPLIED

PLANNING POLICY ACTIONS

PM DT A CS



Ensure planning policy;

- Protects existing sport and recreational provision in line with the NPPF (paragraph 97) and Sport England's Playing Fields Policy;
- Is proactive in ensuring that new development will not prejudice the use or place unreasonable restrictions on the use of existing sport and physical activity provision;
- Is clear that where existing sport and physical activity provision may give rise to a statutory nuisance in light of new development it is for the applicant to secure appropriate, deliverable and enforceable mitigation.



Take into account the need to protect existing sport and physical activity provision, and maintain adequate safety margins, when assessing the suitability of new land allocations.



Where appropriate, use local designations to identify and add to the protection afforded to specific provision for sport and physical activity, such as through Local Green Space³¹ or other bespoke designations.

DEVELOPMENT MANAGEMENT ACTIONS

PM DT A CS



Protect existing sport and recreational provision through the application of paragraph 97 of the NPPF and Sport England's Playing Fields Policy and Guidance³².



Where existing sport and physical activity provision may be affected by a proposed development engage with relevant parties who may be impacted (e.g. sports clubs), and those who would need to be consulted on a related planning application (e.g. Sport England), at an early pre-application stage.



Give significant weight to the protection of existing provision in all relevant pre-application and application discussions.



Applicants should demonstrate that the potential impacts of a proposed development on existing sport and physical activity provision are considered within planning application documents (e.g. Design and Access Statements) in accordance with Paragraph 97 of the NPPF.



Where use of existing sport and physical activity provision may be prejudiced by new development (e.g. due to risks of ball strike from an existing cricket pitch), submit mitigation measures to protect the existing provision with the application for the new development, rather than leaving them to be dealt with by condition. Ensure the measures are appropriate, deliverable and enforceable based on an appropriate assessment and discussion with key parties (e.g. sports clubs and national sports governing bodies).



Respond to pre-application and application consultations affecting existing sport and physical activity provision in line with paragraph 97 of the NPPF and Sport England's Playing Fields Policy and Guidance Document. When responding provide information on the previous, current and potential future use of the provision for sport and physical activity.



Give significant weight to Sport England's pre-application advice and response to an application, especially regarding its statutory consultee status.



Plan makers (PM)



Decision takers (DT)



Applicants (A)



Consultees/ (C/S) Stakeholder