

PLAYING FIELDS POLICY AND GUIDANCE

This document presents Sport England's policy, and associated guidance, on planning applications affecting playing fields.

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THE PLAYING FIELDS POLICY

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.

THE FIVE EXCEPTIONS

Exception 1

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.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of playing pitches or adversely affect their use.

Exception 3

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 markings (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.

Exception 4

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 or fields:

- 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.

Exception 5

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.

PLAYING FIELDS POLICY GUIDANCE

SECTION 1: INTRODUCTION & THE REQUIREMENT TO CONSULT SPORT ENGLAND

Why does Sport England have a Playing Fields Policy?

1. Local planning authorities are required by law to consult Sport England (the brand name for the English Sports Council) when they receive planning applications for development affecting playing fields. Sport England has a Playing Fields Policy in place to help it assess such applications.

Why does Sport England provide guidance alongside its Playing Fields Policy?

2. The guidance seeks to provide clarity and advice to external parties on Sport England's engagement with assessment of planning applications affecting playing fields. It provides detail on how Sport England applies its Playing Fields Policy and the five exceptions, along with presenting definitions of key terms and how Sport England interprets them. The guidance also highlights the relationship between the Playing Fields Policy, Government strategy, policy and guidance, and Sport England's wider strategy and aims and objectives in the planning system.

Why does the requirement to consult Sport England relate to playing fields?

3. Playing fields are one of the most important resources for sport in England. They provide the space for team sports on outdoor pitches and form part of a network of open spaces and wider green infrastructure in an area. It was due to growing concerns over the loss of playing fields in the 1980's and 1990's that led the Government in 1996 to introduce the requirement to consult Sport England. The requirement has remained in place ever since and the Government's 2015 sports strategy, 'Sporting Future: A New Strategy for an Active Nation', states that Sport England will retain this statutory planning role. Playing fields today remain vulnerable to a range of development pressures. By implementing its Playing Fields Policy, Sport England seeks to protect playing fields from development unless a planning application meets with one of the five specific exceptions.

What playing fields related applications are local planning authorities required to consult Sport England on?

4. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that a local planning authority shall consult Sport England on "development which:

- (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
- (ii) is on land which has been—
 - (aa) Used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or
 - (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface."

Note: Definitions for the key terms underlined above (and other relevant terms underlined in the definitions) and how Sport England interprets them are provided in the following paragraphs 5 to 16.

What is a 'playing field'?

5. The 2015 Order defines a playing field as 'the whole of a site which encompasses at least one playing pitch'.

6. This definition of a playing field is also provided within the glossary to the Government's National Planning Policy Framework. The definition refers to the whole of a site and does not differentiate between different types of ownership or use. In line with the definition, and therefore the requirements of the 2015 Order and the National Planning Policy Framework, Sport England applies its Playing Fields Policy to:

- i. all parts of a playing field, not just those which happen to be laid out as pitches for the time being. This is because those other parts of a playing field are a resource which may be needed, now or in the future, and it is important that they are afforded the same protection;
- ii. all playing fields regardless of whether they are in public, private or educational ownership and regardless of the nature and level of use.

What is a 'playing pitch'?

7. The 2015 Order defines a playing pitch as 'a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.'

8. The definition of a playing pitch was amended by the Government in 2009 to reduce the pitch size included to 0.2ha from the 0.4ha which had been included since 1996. This extended the protection afforded to playing fields by recognising the importance of smaller pitches and sites to the development of sport for younger age groups.

9. A playing pitch may have a natural or artificial grass surface. While other sports facilities, such as tennis courts and bowling greens, are not included in the definition of a playing pitch Sport England considers that they will be included in an area defined as a playing field if, in physical or functional terms, they form part of an overall playing field site. Even where wider sports facilities fall outside the definition of a playing field, they are afforded protection through the planning system under the provisions of paragraph 74 of the Government's National Planning Policy Framework.

What is 'a delineated area'?

10. The 2015 Order does not provide a definition. Sport England considers the term to mean any marked out area of 0.2 hectares or more (including recommended run-off areas) for the use of any of the sports listed in the definition of a playing pitch.

11. Along with painted lines, an area may be marked out, and therefore delineated, by other means such as cones, ropes or the existence of a pair of permanent or temporary goalposts. An appropriate outfield should be included in this area where it may not be formally marked out but is required to support the use of a pitch, e.g. the outfield for a rounders pitch.

What is meant by 'prejudice the use'?

12. The 2015 Order does not provide a definition. Sport England considers the term to mean any development which will adversely affect the use of any part of a playing field and any of its playing pitches. This may include development on the site itself or on adjacent or nearby land.

13. If a local planning authority is in any doubt as to whether a proposed development will prejudice the use of any part of a playing field it should consult Sport England. This will allow Sport England, in discussion with national governing bodies of the playing pitch sports, to take an informed view of the potential impact of the proposal. Examples which are likely to prejudice the use of a playing field, or part of, include:

- development directly on the playing field;
- development affecting ancillary provision on a playing field such as changing rooms;
- structures on a playing field or on nearby land which may affect the use of part of the playing field, e.g. light or shadow flicker from wind turbines;
- development in close proximity to the boundary of a playing field which may hinder the use of any playing pitch (including recommended run off areas);
- development on a nearby site affecting access to a playing field such as the loss of an access route;
- development affecting off-site facilities which support the use of the playing field, e.g. off-site changing or parking facilities.

What is meant by 'land which has been used as a playing field'?

14. The 2015 Order does not provide a definition. Sport England considers the term to mean land which is not currently but has been used as a playing field and remains undeveloped, including land where a decision may have been taken to no longer mark out any playing pitch or pitches.

15. A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. In line with the requirements of the 2015 Order, if such land was used as a playing field at any time in the 5 years before the making of a relevant planning application, then Sport England should be consulted as a statutory consultee. If its use as a playing field was over 5 years ago Sport England would still expect to be consulted, albeit as a non-statutory consultee, and would apply its Playing Fields Policy accordingly. The 5 year reference in the 2015 Order only relates to the timescale for which Sport England should be consulted as a statutory consultee.

What is meant by 'land which has been allocated as a playing field'?

16. The 2015 Order does not provide a definition. Sport England considers the term to mean any non-playing field land that is set aside for future use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

SECTION 2: GOVERNMENT STRATEGY, POLICY & GUIDANCE

What protection are playing fields afforded by the Government's planning policy and guidance?

17. The Government's National Planning Policy Framework is clear that playing fields should be protected unless one of three criteria are met. Paragraph 74 of the Framework 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 shown 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 needs for which clearly outweigh the loss.

18. The 'Consultation and pre-decision matters' section of the Government's accompanying Planning Practice Guidance presents Sport England's role as a statutory consultee on planning applications affecting playing fields and refers to the 2015 Order.

19. The protection afforded to playing fields by the Government by way of paragraph 74 of the Framework falls within section 8 of the Framework which:

- promotes the important role of the planning system in facilitating social interaction and creating healthy, inclusive communities (paragraph 69);
- highlights that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of community facilities such as sports venues, and guard against the unnecessary loss of valued facilities and services (paragraph 70); and
- recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (paragraph 73).

20. The Framework also indicates, as one of the 12 core planning principles, that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

How does Sport England's Playing Fields Policy relate to paragraph 74 of the National Planning Policy Framework?

21. The Playing Fields Policy is in line with the Government's commitment to the protection of playing fields set out in paragraph 74 of the Framework. Sport England considers that its policy and supporting guidance provides helpful clarification and additional guidance to assist all with assessing planning applications affecting playing fields. Exceptions 1, 4 and 5 to Sport England's Playing Fields Policy relate to the three criteria within paragraph 74 of the Framework. Exceptions 2 and 3 provide additional reasons why Sport England, in its response to a local planning authority on a planning application, may not raise an objection to a proposed development. Prior to the National Planning Policy Framework, Sport

England's Playing Fields Policy and the exceptions were enshrined into the Government's Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation.

What does the Government's sports strategy say about the protection of playing fields?

22. The Government's sports strategy 'Sporting Future: a New Strategy for an Active Nation' highlights the protection afforded by paragraph 74 of the National Planning Policy Framework (page 59). The strategy also states that playing fields are a vital part of sporting infrastructure up and down the country and will always remain so, and that Sport England will retain their statutory planning role in respect of their protection from development (page 61).

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SECTION 3: SPORT ENGLAND'S PLANNING AIM & OBJECTIVES

What does Sport England seek to achieve through its engagement in the planning system?

23. Building on its strategy 'Towards an Active Nation', Sport England's aim in working with the planning system is to provide places that maximise opportunities for sport and physical activity for all, enabling the already active to be more so and the inactive start being active.

This aim is supported by three objectives:

- **Protect** To seek to protect the right opportunities in the right places.
- **Enhance** To enhance opportunities to be active through better use of existing provision.
- **Provide** To provide new opportunities to meet the needs of current and future generations.

[Note: The above aim and objectives are set out in Sport England's current consultation draft Aims and Objectives Guide – see www.sportengland.org/planningconsultation]

How does Sport England work with the planning system to achieve its aim and the objectives?

24. Sport England works to achieve its aim and objectives by engaging with both the forward planning and development management aspects of the planning system. This engagement 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 (e.g. developing Playing Pitch and Built Facility Strategies) and secure developer contributions to meet the demand generated by new development (by way of provision and/or financial contributions).

25. Sport England also acts more generally as an advocacy and voice for sport and physical activity in the planning system, engaging with a range of parties including Government, local authorities, national governing bodies of sport, developers, planning and leisure consultancies, along with professional and representative bodies.

26. To support its work, and that of others in the planning system, Sport England provides guidance and tools on a number of areas from the development of planning policy, assessing the need for provision, and the design and masterplanning of new development, through to template planning application conditions, community use agreements and facility design and cost advice (see Annex A).

What role does Sport England's Playing Fields Policy play in meeting its aim and the objectives?

27. Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for people to take part in sport and be active. Government and Sport England recognise the wider importance of sport and physical activity to the health, social and economic well-being of society. Sport England's Playing Fields Policy therefore seeks to safeguard the interests of sport and this will inform its assessment of any related planning application. The Playing Fields Policy is particularly focussed on protecting and improving the opportunities playing fields provide for the playing of pitch based sports. This focus is due

to the definition of a playing field being focussed on the presence of a playing pitch, and the vital role playing fields play in maintaining and increasing participation in pitch based sports.

28. Sport England recognises and welcomes the wider role playing fields have to play in providing opportunities for people to play a variety of sports and be active. As set out in paragraphs 24 to 26, Sport England's overall engagement in the planning system aims to enable the already active to be more so and the inactive start being active. Proposals on playing field land for non-sporting but wider physical activity related development requiring planning permission may have the potential to meet one or more of the exceptions to the Playing Fields Policy e.g. Exception 3. However, while wider physical activity use of playing fields is to be welcomed Sport England, in applying its Playing Fields Policy, will seek to ensure that it is not at the expense of the provision of playing pitches.

How else does Sport England seek to protect, enhance and provide playing fields through the planning system?

29. Alongside its consultee role on planning applications, Sport England recognises the importance of having planning policies to protect, enhance and provide playing fields in local planning authorities development plan documents (e.g. in a Local Plan). Sport England seeks their inclusion by providing guidance, good practice and responding to development plan consultations. Sport England believes the best way to help protect, enhance and provide playing field provision is for local planning authorities to ensure such policies are based on a robust and up to date assessment of the needs and opportunities for playing pitches in their area. This accords with Government policy as presented within paragraph 73 of the National Planning Policy Framework. Sport England's Forward Planning Guide provides guidance on developing positive planning policies for sport and physical activity (see Annex A).

30. Sport England recommends that an assessment of need should be developed into a playing pitch strategy. Based on an audit and assessment of the supply and demand for existing and future playing pitches (in consultation with local clubs, national governing bodies of sport and other users and providers), a playing pitch strategy should provide clear recommendations and a prioritised action plan for addressing issues regarding the quantity, quality and accessibility of playing pitches and ancillary facilities. A playing pitch strategy should be kept up to date and ideally monitored annually through the development plan process. It should also indicate how the provision of playing pitches relate to wider policies and strategies e.g. health and wellbeing, open space, green infrastructure and sports facilities.

31. Sport England provides a recommended approach to developing and delivering a playing pitch strategy within its Playing Pitch Strategy Guidance (see Annex A). It also provides direct support and advice to a number of local authorities each year as they develop and/or update their assessments of need and playing pitch strategies.

SECTION 4: CONSULTING SPORT ENGLAND

How should Sport England be consulted on a planning application?

32. Consultations should be sent by email to Sport England's planning administration team. The email address depends on the location of the site - planning.north@sportengland.org, planning.central@sportengland.org or planning.south@sportengland.org (see Annex C for which local authority areas fall within the north, central and south areas). All consultations are registered by the administration team who then pass the consultations on to one of our Planning Managers to provide a response. Sport England is also able to accept consultations from Local Planning Authorities via IDOX consultee cloud. If you have any queries regarding consulting Sport England the administration team can also be contacted by phone on 020 7273 1777.

What information should be provided to Sport England with a consultation?

33. A checklist of recommended information requirements is provided in Annex B to this guidance.

Does Sport England welcome pre-application consultations?

34. Sport England is committed to providing early advice on relevant development proposals. If there is a proposal to develop on or near to 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, Sport England would like to be informed, even if a planning application has not yet been made.

35. For more complex or major proposals, applicants are advised to consult Sport England in advance of submitting a planning application or embarking on wider consultations. This is so Sport England can provide advice as early as possible in the planning process, and because additional information may be required about the impact of the proposal on a playing field, or for example about proposed replacement provision. Alongside reading the Playing Fields Policy and this supporting guidance, applicants should look at the additional guidance and resources on Sport England's Planning for Sport website page which may help with developing an application and/or understanding Sport England's likely response.

Should Sport England be consulted on any other planning applications?

36. Alongside its statutory consultee status regarding planning applications affecting playing fields, the Government, within their Planning Practice Guidance, also advise Local Planning Authorities to consult Sport England in cases where development might lead to:

- loss of, or loss of use for sport, of any major sports facility;
- proposals which lead to the loss of use for sport of a major body of water
- creation of a major sports facility or creation of a site for one or more playing pitches;
- development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);
- artificial lighting of a major outdoor sports facility;
- a residential development of 300 dwellings or more.

Sport England responds to such applications, as a non-statutory consultee, in line with its planning aims and objectives and paragraph 74 of the Government's National Planning Policy Framework.

SECTION 5: HOW SPORT ENGLAND RESPONDS

How does Sport England respond to a planning application consultation?

37. One of Sport England's qualified town planners (Planning Managers) will assess the application against the Playing Fields Policy and its five exceptions and respond accordingly to the local planning authority. Where there is likely to be an impact on one or more of the playing pitch based sports the Planning Manager may seek the views of representatives from the national governing bodies of the pitch based sports prior to responding. Sport England also sends a weekly list of all planning consultations to a range of parties (e.g. national governing bodies and county sports partnerships) providing them the opportunity to contact Sport England on any consultation prior to Sport England submitting its response.

How quickly does Sport England respond to a planning application consultation?

38. Sport England, as a statutory consultee, has a duty to provide a substantive response to the local planning authority on the development proposed by a planning application within 21 days of receiving the consultation. In line with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the response period of 21 days does not begin until Sport England has such information as will enable it to provide a substantive response. Therefore, to avoid any unnecessary delays in the planning process, and enable Sport England to provide a timely and substantive response, a checklist of information requirements is provided in Annex B to this guidance.

SECTION 6: APPLYING THE POLICY & THE FIVE EXCEPTIONS

THE PLAYING FIELDS POLICY

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.

39. This section provides details on how Sport England applies its Playing Fields Policy (presented on page 1 and above) and the five exceptions (presented on page 1 and later in this section). As stated in paragraphs 5 and 6, in line with the definition of a playing field and therefore the requirements of the 2015 Order and the National Planning Policy Framework, Sport England applies its Playing Fields Policy to:

- i. all parts of a playing field, not just those which happen to be laid out as pitches for the time being. This is because those other parts of a playing field are a resource which may be needed, now or in the future, and it is important that they are afforded the same protection;
- ii. all playing fields regardless of whether they are in public, private or educational ownership and regardless of the nature and level of use.

What weight should be given to Sport England's response in determining an application?

40. Sport England cannot prevent development proposals being prepared and does not determine planning applications. However, Sport England uses its status as a statutory consultee to try to protect and enhance playing fields by seeking information, offering advice, assessing the impact of proposals against its Playing Fields Policy and making its views known to the local planning authority at the appropriate time.

41. As a statutory consultee, and an expert in planning for sport, Sport England expects significant weight to be given to its response in the determination of any planning application. This expectation is in line with decisions in the High Court regarding the weight to be afforded to the views of statutory consultees. For example, in quashing planning permission in the *East Meon CC v East Hants DC* [2014] case the judgement stated that the views of Sport England, as a statutory consultee, should be given considerable weight and only departed from for good reason.

When applying its Playing Fields Policy does Sport England propose planning conditions, or that measures should be dealt with by legal agreement?

42. To ensure an application can meet with one or more of the exceptions to its Playing Fields Policy, and overcome a potential objection, it is often necessary for Sport England to request measures are secured by way of planning conditions and/or legal agreement. The measures may range from securing the nature and delivery of replacement playing field provision to the design and community use of a playing field or wider sports facility.

43. In its response to an application Sport England will suggest the conditions that should be attached to any forthcoming planning permission and/or measures that should be secured by legal agreement. Sport England has a suite of model conditions which it recommends are used (see Annex A). The model conditions have been reviewed by Sport England's lawyers and meet the 6 tests of planning conditions set out in the National Planning Policy Framework (paragraph 206).

SECTION 6.1 - EXCEPTION 1

EXCEPTION 1

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.

How should an assessment be undertaken?

44. An assessment should follow Sport England's latest Playing Pitch Strategy guidance or an alternative methodology acceptable to Sport England. It should provide a robust and carefully documented assessment of the supply of, and current and future demand for, playing pitches in the catchment area taking into account the quantity, quality and accessibility of provision. The geographical extent of an assessment should ideally reflect the scale and coverage of the supply of, and demand for, playing pitches in the area. A district/borough wide assessment may be appropriate so long as it takes into account demand that is likely to cross local authority boundaries.

45. In the first instance an applicant should refer to any up to date assessment developed and adopted by the relevant local authority, e.g. as part of a local authority playing pitch strategy. Where such an assessment does not already exist an applicant will need to undertake their own.

Do assessments relating to Section 77 of the School Standards and Framework Act (or its replacement) provide adequate assessments to meet Exception 1?

46. No. School plans and assessments showing an excess of playing field provision for the purposes of Section 77 of the School Standards and Framework Act (or its replacement), and with regard to the Department for Education's Advice on the disposal or change of use of playing field and school land, do not meet the requirements of this exception. This is because such documents do not assess the wider sporting and community need for playing fields.

How should 'catchment' be defined?

47. The population of individuals and/or teams for which a particular playing field would be considered convenient. This should include taking into account the nature and quality of the playing pitches which are, or might be, provided on the playing field.

48. Catchment is not a simple geographical measure. For example, it must be judged by sport, level and age group, such as the provision of mini soccer, as well as by location. The catchment of a particular playing field will vary depending on what it can be used for, how much use it can sustain and how users might reach it. It will also be independent of local authority boundaries. In assessing whether there is sufficient provision, the concept of catchment must be applied in this wide sense. For example, a playing field which is the only one on which a playing pitch for a particular sport could be laid out, would reasonably be judged as having a much greater catchment than one used for pitches which could also be found in many other places.

How does Sport England apply Exception 1 where an excess of provision in terms of quantity can be demonstrated but there are deficiencies in the quality and/or accessibility of provision?

49. There may be circumstances where an acceptable assessment has demonstrated that there is an overall excess of playing field provision in the area in terms of quantity, which will be maintained after the proposed development, but deficiencies exist in the quality and/or accessibility of playing pitches, which may discourage their use (e.g. poor drainage or inadequate changing facilities). In such circumstances Sport England will require improvements to the quality and/or accessibility of appropriate pitches before it can apply Exception 1. A financial contribution should be secured through a legal agreement for the qualitative and/or access improvements, reflecting priorities identified in the assessment or the local authority's playing pitch strategy.

Would Sport England apply Exception 1 to land allocated as a playing field?

50. Sport England would only consider applying Exception 1 to land allocated as a playing field in a development plan, or in proposals for such a plan or its alteration or replacement, where an up to date assessment, as detailed above, clearly demonstrates that the allocation is no longer required.

Are there circumstances where Sport England may still object to an application even if an excess of provision has been demonstrated?

51. Yes. Sport England may still object if the area of playing field has special significance to sport, for example:

- it is of exceptional quality;
- it is of historic value to one of more sports;
- it is particularly important to the current play and/or development of one or more sports and to one or more sport National Governing Body;
- it meets a specific national, regional or local need or requirement which cannot be easily replicated.

If an excess of provision has been adequately demonstrated and the site has no special significance then Sport England would consider that Exception 1 has been met. It is for the local planning authority to consider whether the playing field land should be protected for wider open space activities, in accordance with any local open space strategy or green infrastructure plan.

SECTION 6.2 - EXCEPTION 2

EXCEPTION 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of playing pitches or adversely affect their use.

What type of ancillary facilities would meet with Exception 2?

52. Sport England generally supports the provision of new or improved ancillary facilities, particularly where they will improve the use and viability of the playing field for sport, along with enhancing the experience for the users of the playing field. Examples include pavilions, changing accommodation and related facilities, floodlighting and improved access, particularly where alternative modes of transport to the car are encouraged. Facilities should be of an appropriate scale, comply with relevant Sport England and national governing bodies of sport design guidance, and have no significant detrimental impact on the principal use of the site as a playing field and its ability to accommodate playing pitches.

Can car parking meet with Exception 2?

53. Yes, provided it is clearly demonstrated as being necessary for improving access to the playing field for sporting use rather than for other non-sporting uses e.g. wider school use.

SECTION 6.3 - EXCEPTION 3

EXCEPTION 3

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 markings (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 part of a playing field and any of its playing pitches.

Does Sport England take into account wider sporting provision when applying Exception 3?

54. The development of minor parts of a site (e.g. frontage land or steep slopes unsuitable for playing pitches) can sometimes provide a way to enhance its sporting use. However, Sport England will also consider whether such development represents a reduction in other sporting provision. If it does, Sport England may consider this reduction should be mitigated by appropriate reinvestment in the remaining area of playing field, or in other identified sports facilities.

Does Sport England take into account incremental loss when applying Exception E3?

55. Yes. In order to assess any incremental loss of playing field, Sport England may take into account information from previous planning applications on the site and within the area, along with aerial photography and details from its Active Places database, to inform its response.

Can developments on non-playing field land, which will prejudice the use of a playing field, meet Exception 3 if appropriate mitigation is provided?

56. As set out in paragraph 13, there may be developments proposed on non-playing field land which will prejudice the use of a playing field (e.g. development in close proximity to the boundary of a playing field at risk of ball strike). In line with the requirements of the 2015 Order Sport England should be consulted on such developments. If suitable mitigation measures are included in the application, which can be secured and delivered through a planning permission (e.g. ball stop fencing), then such developments could meet with Exception 3. Any proposed mitigation measures should be discussed at an early pre-application stage with the sporting users of the playing field, the respective national governing bodies of the sports that may be affected and Sport England.

SECTION 6.4 - EXCEPTION 4

EXCEPTION 4

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 or fields:

- of equivalent or better quality, and
- of equivalent of greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

What details would Sport England expect an application to provide in order to meet with Exception 4?

57. Where a replacement area of playing field and associated facilities can be provided which are equivalent or better than the existing area of playing field and its facilities, it may be beneficial to sport to take this opportunity. Along with presenting the quantity (area) of the proposed replacement provision, Sport England will expect details to be submitted which clearly demonstrate that any proposed replacement area of playing field and ancillary facilities can be delivered (including to what timescale), and how equivalent or better quality will be achieved and maintained.

What is meant by 'equivalent quality'?

58. A new area of playing field being laid out, drained, maintained and provided with the necessary ancillary facilities so as to have the same capability, functionality and flexibility as the existing area of playing field to accommodate playing pitches, matches, training sessions and other sporting activities.

59. The new area of playing field should be capable of providing playing pitches and producing playing characteristics, supported by all necessary ancillary facilities to the relevant standards, to allow the same level of competitive play to take place without requiring any additional maintenance input. For example, if a playing field includes a pitch which is used by a senior county league club, then to achieve the equivalent quality the replacement playing field must be capable of providing for this standard of play without any additional costs being incurred by users, when compared to use of the existing site. This requirement applies equally to the provision of ancillary facilities, such as changing rooms, car parking, fencing and floodlighting.

How should equivalent quality be secured?

60. Details should be submitted for any application proposing replacement provision which include an assessment of the performance of the existing area of playing field, the programme of works (including pitch construction) for the creation of the proposed replacement area of playing field (to ensure it is developed to the required quality), along with a management and monitoring plan. All of the above details

should be undertaken and developed by a suitably qualified and experienced sports turf consultant. Replacement playing field and facilities should satisfy appropriate Sport England and national governing body of sport design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note (See Annex A), especially where the replacement playing field land is being provided on the footprint of previous buildings as is the case in many school redevelopments.

How should replacement playing field land be secured and when should it be available for use?

61. The delivery of a replacement area of playing field will need to be secured by means of a legal agreement between the applicant and the Local Planning Authority, or by way of a Grampian condition. The replacement area of playing field and associated facilities should be available for use prior to the implementation of any development affecting the existing area of playing field, or the loss of any sporting use of the existing area of playing field, in order to secure continuity of use and certainty of re-provision.

62. There may be exceptional circumstances, such as site constraints, which prevent a replacement area of playing field being provided in advance of the development on, or loss of sporting use of, the existing area of playing field (e.g. in educational renewal and rationalisation programmes). Where exceptional circumstances exist, Sport England will expect all reasonable steps to be taken to secure suitable transitional arrangements for, and which are acceptable to, the displaced users to enable continuity of sporting activity.

What is a 'Grampian condition'?

63. A condition which prohibits development authorised by a planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure).

Why are equivalent or better accessibility and management arrangements required?

64. Equivalent or better accessibility and management arrangements are required to minimise any detrimental impact on the users of an existing area of playing field from relocation to a new area of playing field. For example, if an existing area of playing field is available to the local community through a formal community use agreement, then an agreement securing equivalent or better community use of the new area of playing field will be required.

What is meant by 'management arrangements'?

65. All aspects that govern the running of a playing field including: ownership arrangements, rental and maintenance costs, management charges, opening hours, community access, staffing levels, and any restrictive covenants. They also include revenue generating activities that support the running of a playing field such as clubhouse social facilities, bars, catering and advertising.

What is a 'suitable location'?

66. A place to which current or former regular users of a playing field, or those who may want to use the playing field now or in the future, can conveniently gain access by a variety of transport modes.

67. The location of playing fields relative to those who use them, or who may wish to do so, is an important consideration in determining whether there is sufficient supply. A simple geographical spread is not the appropriate test to apply in this context. For example, it is more important to understand how convenient the location of a playing field is for its regular users (e.g. 'home' sports teams or schools). This can vary, for example if the users are predominantly juniors, or associated with an organisation with nearby headquarters, then only a playing field very close by is likely to be in a suitable location. To the members of a major sports club, who travel from a wider area, a change of location of a greater distance may be acceptable.

68. Access by public transport, cycling and walking may also be relevant considerations. Sport England will assess what it considers to be a suitable location in each case, taking into account the convenience of the location to current, appropriate former, and potential users of a playing field, including for example their competitive play, training and practice needs.

Can providing replacement provision on an existing playing field meet with Exception 4?

69. Intensification or increasing the use made of existing areas of playing field on the application site or off site, including marking out playing pitches on areas of a playing field not currently marked out for playing pitches, does not meet the requirements of this Exception 4. This is because it does not provide a new area of playing field (quantity) and may also cause deterioration in the quality of existing playing fields.

Can an existing area of playing field with a natural grass surface be replaced elsewhere by an area of playing field with an artificial surface?

70. There may be occasions where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface. For example, a natural grass playing pitch being replaced by a new artificial grass playing pitch on a non-playing field area of the same site, or at a different site. Sport England may not raise an objection to such a proposal if it is satisfied that the benefit to sport of providing the artificial surface, as replacement, is clearly demonstrated and outweighs any detriment to sport resulting from the loss of the natural grass surface.

71. Along with the requirements set out under Exception 4, Sport England would assess the potential benefits and detriment to sport of such a proposal in line with the guidance provided under Exception 5 (notably paragraphs 74 to 77). A proposal for a new artificial grass pitch on an existing area of playing field which forms part of, or is capable of forming part of, a playing pitch would not meet with Exception 4 and would be assessed under Exception 5.

Does the need for replacement provision relate to land which may be allocated, but is not yet in use, as playing field?

72. Yes. one of the requirements of the 2015 Order is for local planning authorities to consult Sport England on development which is on land allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. Sport England will apply the relevant requirements of this exception when assessing and commenting upon related planning applications that affect areas allocated as playing field.

SECTION 6.5 - EXCEPTION 5

EXCEPTION 5

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.

Can the benefits of an alternative sports facility on a playing field outweigh the loss of playing field land?

73. There may be occasions when the development of a new or extended indoor or outdoor facility for sport, which is to be fully or partly located on an area of playing field, can be judged to be sufficiently beneficial to the development of sport in the local area as to outweigh the detriment caused by the loss of the area playing field, or the impact on the use of the remaining playing field or pitches. However, such proposals require a careful assessment of the benefits they may secure against any detriment they may cause.

What does Sport England look for when assessing the 'benefit to sport' of a proposal?

74. Sport England will assess the potential benefit of any new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need, e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

In what circumstances may the loss of an area of playing field to an alternative sports facility be unacceptable?

75. Alongside the benefit to sport, proposals will need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site.

For example, it is unlikely that a loss would be acceptable if:

- the proposed facility does not clearly meet an identified local or strategic need;
- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and playing pitches; or
- the area of playing field is significant in meeting local or strategic sporting needs.

Do proposals for artificial grass pitches and multi-use games area meet with Exception 5?

76. Artificial grass pitches or multi-use games areas may be able to sustain more intensive use than natural grass playing pitches. However, they will not be preferred in relation to Exception 5 purely for this reason. This is because a proposed artificial grass pitch or multi-use games area may be unsuitable to accommodate some grass pitch sports or the standards of play or grades of competition required for some sports. Also, they may not be sufficiently flexible to readily accommodate changes in demand for playing pitch types and sizes compared to the current area of playing field.

77. Sport England will therefore assess the benefit to sport of a proposal, alongside the impact on those sports that need natural grass pitches, when assessing whether artificial grass pitches or multi-use games areas can be supported under this exception. This assessment will include reviewing local information and advice provided by the national governing bodies of sport.

How should community use be secured?

78. Sport England will normally expect community use of any sports facility as part of the benefits that may enable it to meet with Exception 5. Any community use should be realised through a community use agreement, or equivalent arrangement and be secured by an appropriate planning condition or legal agreement. To help secure such use Sport England has developed a template community use agreement (see Annex A).

Can proposals for sports facilities on an area of playing field, to replace existing sports facilities displaced by other development, meet with Exception 5?

79. No, proposals of this nature will not meet with Exception 5.

Can non-sporting development meet with Exception 5 where it constitutes 'enabling development' i.e. to raise capital to fund new sports facilities on another part of the site?

80. No, as no development other than sporting provision can meet Exception 5.

SECTION 6.6 - OBJECTION

What happens when Sport England objects to an application?

81. As set out in paragraphs 39 and 40 of this guidance Sport England does not determine planning applications. However, it expects significant weight to be given to its response by the local planning authority for the area when it determines an application, or by a Planning Inspector or the Secretary of State in the case of appeals or 'called in' applications.

Are there any circumstances when the Government may 'call in' an application for his or her determination due to a Sport England objection?

82. Yes. The Town and Country Planning (Consultation) (England) Direction ("the Direction"), which replaced the Playing Fields Direction of 1998, came into force on 20 April 2009. The Direction requires a local planning authority to refer certain planning applications to the Secretary of State for Communities and Local Government where they are minded to grant planning permission despite an objection from

Sport England. This referral must take place prior to a local planning authority granting any planning permission. The applications subject to this referral process are those on a playing field owned by a local authority, or used by an educational institution as a playing field at any time in the five years before the making of the application.

83. These application should be referred to the Secretary of State via the Department for Communities and Local Government's National Planning Casework Unit. The local planning authority will then be advised whether the application is to be called in for the Secretary of State to determine. If it is called in then a public inquiry will normally be needed for a planning inspector to hear the detailed arguments. The requirements of the Direction are highlighted in the Government's Planning Practice Guidance.

Are there any non-sporting reasons for Sport England to object to a planning application?

84. No. It will be for the local planning authority to carefully consider wider non-sporting issues such as the landscape value of the playing field land, its contribution to the openness of an area and its use as an open space for other community activities.

85. Other organisations, such as Fields in Trust, have wider interests and may be able to provide information and advice about broader open space and recreational provision e.g. children's play space. Further information on additional ways to protect playing fields is available from Fields in Trust (e.g. deeds of dedication) and within Sport England's Community Assets Guidance (see Annex A).

ANNEX A: KEY DOCUMENTS & RESOURCES

Government

The Town and Country Planning (Development Management Procedure) (England) Order
www.legislation.gov.uk/ukxi/2015/595/contents/made

The Town and Country Planning (Consultation) (England) Direction
www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2009-circular-02-2009

DCLG National Planning Policy Framework
<http://planningguidance.planningportal.gov.uk/>

- In particular Section 8 'Promoting healthy communities'
<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/8-promoting-healthy-communities/>

DCLG Planning Practice Guidance
<http://planningguidance.planningportal.gov.uk/>

- In particular:
 - o Consultation and pre-decision matters (Statutory consultees)
<http://planningguidance.communities.gov.uk/blog/guidance/consultation-and-pre-decision-matters/statutory-consultees/>
 - o Open space, sports and recreation facilities
<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>
 - o Making an application – Validation requirements
<http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation-requirements/national-information-requirements/>

DCMS Strategy for Sport and Physical Activity – Sporting Future: A New Strategy for an Active Nation
www.gov.uk/government/publications/sporting-future-a-new-strategy-for-an-active-nation

DfE Disposal or change of use of playing fields and school land
www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice
(includes details on Section 77 of the School Standards and Framework Act, along with area guidelines for playing field land at existing schools and academies)

Sport England

Planning for Sport Guides (Aims and Objectives, Forward Planning, Development Management)
www.sportengland.org/planningforsport

Playing Pitch Strategy Guidance
www.sportengland.org/planningtoolsandguidance

Planning Applications Guidance and Model Conditions
www.sportengland.org/planningapplications

Wider Planning Guidance and Tools
www.sportengland.org/planningtooslandguidance

Equivalent Quality Assessment for Natural Turf Playing Fields
www.sportengland.org/playingfieldspolicy

Template Community Use Agreement - www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/

Community Assets Guidance
www.sportengland.org/facilities-planning/further-guidance/community-assets-guidance/

Sport England and NGB Design and Cost Guidance
www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/

Other Organisations

Fields in Trust
www.fieldsintrust.org/

ANNEX B: INFORMATION REQUIREMENTS

In addition to the national validation requirements (see the Government’s Planning Practice Guidance), Sport England recommends planning applications affecting playing fields should provide specific information in line with the below checklist. This will enable Sport England to provide a substantive response to application consultations. It will also aid a Local Planning Authority to assess an application against paragraph 74 of the National Planning Policy Framework and relevant Local Plan policies.

Document	Presenting details on.....	
Required for all applications		
Consultation Notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing facilities for sport (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) ¹ .	
	6. Existing levels across the site ¹ .	
Proposed site plan	7. Location and nature of the proposed development.	
	8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).	
	9. Location and nature of all existing facilities for sport (clearly showing any revised locations from the existing plan).	
	10. Any changes to existing features and levels ¹ .	
Supporting Statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor facilities for sport on the site (including ancillary facilities).	
Required in relation to specific policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced facilities for sport (including relevant ancillary facilities) ¹ .	2, 4 & 5
Supporting Statements	15. Current and recent users of the playing field and the nature and extent of their use.	1,4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ¹ ² .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights ¹ .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including ³ : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

¹. Level of detail proportionate to the nature of the development and its impact on the playing field.

². Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.

³. Details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and National Governing Bodies of sport design guidance, and have regard to Sport England’s ‘Equivalent Quality Assessment of Natural Turf Playing Fields’ briefing note.

Note: As set out within the Government’s Planning Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions.

ANNEX C: CONTACT DETAILS

For planning application consultations, pre-application advice and enquiries relating to existing planning applications or proposals please email the relevant address below.

planning.north@sportengland.org

North East: Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, North Tyneside, Northumberland, Redcar & Cleveland, South Tyneside, Stockton-on-Tees, Sunderland.

North West: Blackpool, Blackburn with Darwen, Bolton, Bury, Cheshire, Cumbria, Halton, Knowsley, Lancashire, Liverpool, Manchester, Oldham, Rochdale, St Helens, Salford, Sefton, Stockport, Tameside, Trafford, Warrington, Wigan, Wirral.

Yorkshire: Barnsley, Bradford, Calderdale, Doncaster, East Riding of Yorkshire, Kingston-upon-Hull, Kirklees, Leeds, North Lincolnshire, North East Lincolnshire, North Yorkshire, Rotherham, Sheffield, Wakefield, York

planning.central@sportengland.org

East: Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend-on-Sea, Suffolk, Thurrock.

East Midlands: Derbyshire, Derby City, Leicestershire, Leicester City, Lincolnshire, Northamptonshire, Nottingham City, Nottinghamshire, Rutland.

West Midlands: Birmingham, Coventry, Dudley, Herefordshire, Sandwell, Shropshire, Solihull, Staffordshire, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwickshire, Wolverhampton, Worcester.

planning.south@sportengland.org

South West: Bath & North East Somerset, Bournemouth, Bristol, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, North Somerset, Plymouth, Poole, Somerset, South Gloucestershire, Swindon, Torbay, Wiltshire.

South East: Berkshire, Bracknell Forest, Brighton & Hove, Buckinghamshire, Hampshire, Isle of Wight, Kent, Medway, Milton Keynes, Oxfordshire, Slough, Windsor & Maidenhead, Portsmouth, Reading, Southampton, East Sussex, West Sussex, Surrey, West Berkshire, Wokingham.

London: Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, City of London, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington and Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth, Westminster.

If you have any queries regarding consulting Sport England, the Planning Administration Team can also be contacted directly by phone on 020 7273 1777 or by post at Sportpark, Oakwood Drive, Loughborough, LE11 3QF.

For enquiries relating to Sport England's planning policy, guidance and tools please email:

planningforsport@sportengland.org

Alternative languages and formats

This document can be provided in alternative languages, or alternative formats such as large print, Braille, tape and on disk upon request.

Call the Sport England switchboard on 03458 508 508 for more details.



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