

Kirklees Local Plan Examination

Stage 4

Matter 30 – Huddersfield Housing Allocations: Green Belt Releases

Council's response to Sport England and Inspector correspondence in relation to Paragraph 74 of the NPPF - (H1747 - Bradley Road, Huddersfield)

This note provides the council's response to the Inspector's request for comments on the dialogue between the Planning Inspector and Sport England, in particular the Sport England response received 17 April 2018. In summary, the council is pleased that Sport England have re-iterated their position as set out in the statement of common ground (signed by the Council and Sport England) which confirms that paragraph 74 of the NPPF is substantially met.

The response from Sport England relates to their interpretation of paragraph 74 of the National Planning Policy Framework which states:

"74. 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*
- 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*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

Partly in relation to these points, the council notes that there are a number of outstanding actions for the council to follow up following the hearings and this information will be provided by Friday 11th May 2018. Notwithstanding the council's clear and robust evidence on these points the council has the following detailed comments to make on Sport England's response:

Sport England's observations relating to bullet point 1 of Paragraph 74

Paragraph 4

- The council clearly takes a different view to Sport England as set out in the council's written and oral evidence. Sport England's response sets out their interpretation of some of the council's evidence but does not confirm how this test could be met in relation to the golf course and its facilities. The council is aware of various cases which have considered similar approaches to that set out in the council's evidence.
- The council is concerned that Sport England appear to be proposing comparison with national and regional golf participation averages as the necessary benchmark to meet this bullet point. The Council does not rely on this argument as this basic assessment is less credible and robust than the more detailed assessment carried out by the Council in 2015 which is in accordance with Sport England's own guidelines.

- The council is also concerned that Sport England appear to be proposing additional tests regarding how ‘popular’ and ‘profitable’ the golf course is. It is the council’s opinion that such arbitrary tests (viability and popularity) cannot be measures of whether the facilities are surplus to requirements. These two points are not set out anywhere within paragraphs 73 and 74 of the NPPF. The council’s 2015 report takes into account the advice set out in paragraph 73 of the NPPF. The 2015 report clearly stated that if a facility was lost then needs (both qualitative and quantitative) could be met over the Plan period, supplemented by the council’s correspondence with golf clubs in the locality.

Sport England’s observations relating to bullet point 2 of Paragraph 74

Paragraphs 5 and 6

- The Sport England response refers to proposals affecting playing fields in the light of the National Planning Policy Framework (NPPF) (in particular Para. 74), and its Playing Fields Policy: ‘A Sporting Future for the Playing Fields of England’. It is noted that the policy statement is not adopted planning policy and as such, the weight it holds within the overall planning balance is significantly reduced. This guidance note from Sport England relates to playing fields only and not golf courses. In the absence of specific guidance from Sport England in relation to golf course redevelopment the council considers that the assessment carried out by the council in its submitted evidence should be given significant weight as the starting point in whether this bullet point has been met.
- Sport England’s analysis of the council’s masterplan proposals does not fully reflect the emerging masterplan to provide 9 hole golf course facilities, retention and enhancement of golf driving range facilities, the provision of 3G football pitches to meet the identified needs of the Playing Pitch Strategy for needs well beyond the development site, and extensive open space, walking and cycling facilities. The council notes that the Tamworth Local Plan Inspector’s Report sets out that open space access to the wider public should be a factor when meeting paragraph 74.
- Bullet point 2 of the NPPF does not refer to the existing use of sport facilities on the site being replaced by other facilities of the *same* sport. Instead the council’s interpretation of bullet point 2 is wider. The assessment of whether the proposed mix of sporting facilities is better provision in terms of quantity and quality in a suitable location is set out in the council’s submitted evidence.
- The council’s interpretation of the Sport England response (as corroborated through the council’s discussions with Sport England and England Golf and the signed statement of common ground) is that this allocation is sound, subject to the council’s suggested modifications. By confirming this point, it is our view that the bullet point 2 test can be met. Sport England’s response references the views of England Golf who not only consider that participation in golf would be preserved if a 9 hole golf course was secured, but who have also confirmed that such a facility would be viable.

Sport England's observations relating to bullet point 3 of Paragraph 74

Paragraph 7

- The council do not agree with Sport England's interpretation of the third bullet point of the NPPF. The council considers that this interpretation of the NPPF is too narrow and as set out in the council's main case and evidence we consider that bullet point 3 can allow for mixed use developments as long as the development makes provision for alternative sports and recreational provision, the needs for which clearly outweigh the loss. The NPPF does not prevent additional forms of development, alongside this main requirement, from being provided.
- The council is concerned that this narrow interpretation seems particularly onerous when taken in the context of a golf course covering several hectares being replaced by a smaller sports facility (which meets this test), with the remaining parts of the land being sterilised from any further use. The council do not consider that this is the intended purpose of this part of the NPPF and would not assist with the promotion of sustainable development.

Paragraph 8

- Same comment as set out for paragraph 5.

Paragraph 9

- The council disagrees with Sport England's assessment and policy requirements as set out in this paragraph. The requirement for new sport facilities to be provided for developments over 300 dwellings is neither a national planning policy requirement nor a Kirklees Local Plan one. It is not a requirement of any of the other large housing allocations in the Local Plan over 300 dwellings and Sport England have not asked for this provision on any of those other allocations.
- The provision of sports facilities is dealt with through the implementation of the Playing Pitch Strategy and the Built Leisure and Sports Facilities Strategic Framework. The council have prepared both these strategies in collaboration with Sport England and in accordance with their guidance. These documents take into account the Local Plan growth and therefore the sporting needs arising out of all the allocations in the district are considered and within the different needs for sport across Kirklees. Taking the advice from Sport England here would result in over provision because the need for facilities is being considered twice; once through plan making and once through the specific site development/planning application.
- The proposed range of sport/recreation uses in the council's masterplan provides for 9 hole golf course facilities, retention and enhancement of golf driving range facilities, the provision of 3G football pitches (to meet the identified needs of the Playing Pitch Strategy for needs well beyond the development site) and extensive open space, walking and cycling facilities. This seeks to provide opportunities to meet the needs of Kirklees residents who can access them and not just the new residents of the development. The council's evidence shows the need for these proposed facilities clearly outweighs the loss.