

KIRKLEES LOCAL PLAN EXAMINATION - Stage 3

Hearing Statement re. matter 22 - Health & supporting communities.

Does the Plan set out positively prepared policies for promoting health and supporting communities, which are justified, effective and consistent with national policy?

This Statement has been prepared and submitted by Nicholas Howe, member of Bradley Park Golf Club and formerly secretary of the Club and relates to Policy PLP50 (Sport and physical activity) in the Local Plan.

1. Policy PLP50 relating to sports and leisure facilities is essentially a reworded version mirroring paragraph 74 of the National Planning Policy Framework (NPPF). However, in my opinion, the proposed policy fails to retain the clarity of NPPF, paragraph 74 and in some ways could be considered to undermine it.
2. Firstly, the second paragraph of policy PLP50 opens with the words: "The loss of sport and leisure facilities will only be allowed where...". This wording fails to refer to existing open space, which NPPF paragraph 74 does consistently throughout.
3. Secondly, the use of the phrase "no longer required to meet identified need" in sub-paragraph (a) of the policy introduces an unnecessarily vague and potentially contentious element into the requirement. The simpler wording of the first bullet-point of NPPF paragraph 74 that the assessment must clearly show the facility to be surplus to requirements is to be preferred. If the "no longer required to meet identified need" wording is retained, the question necessarily arises: identified by whom? It would not be right for the Council to itself stipulate what the so-called "identified need" is and then to seek an assessment showing that its own self-appointed "identified need" is not being met. This, however, is the risk. The wording of the first bullet-point of NPPF, paragraph 74 is greatly to be preferred as it leaves the consideration, assessment and declaration of whether or not a facility is surplus to requirements in the hands of the assessor, not the Council. The NPPF's wording should be introduced into sub-paragraph (a) of policy PLP50 in place of the present proposed wording.
4. There is a seemingly innocuous, but I believe dangerous, variation from NPPF paragraph 74 in sub-paragraph (c) of Policy PLP50. I refer to the unnecessary introduction of the word "an" in the opening phrase "the proposal is for an alternative sport, leisure or open space use...". There is, in my view, a risk that this could be interpreted as meaning that as long as the proposal includes some alternative sport, leisure or open space then, providing it can be shown to clearly outweigh the loss, the development can go ahead. This would be a dangerous watering-down of the protection provided by the equivalent NPPF provision as contained in the third bullet-point of paragraph 74. That provides that the proposed development must actually be for alternative sports and recreational provision - i.e. a complete replacement across the site of one sport by another one – not merely the incorporation of some alternative sport provision perceived as being needed to help address "identified deficiencies".

5. Furthermore, the use of the words “identified deficiencies” in the proposed wording of subparagraph (c) again begs the question “identified by whom?” and is open to the same criticism as put forward in paragraph 3 above regarding the similar terminology used in subparagraph (a).
6. To summarise, the proposed wording of this policy is deficient in providing the protection of existing open space, sports and recreational buildings and land given by NPPF, paragraph 74. To rectify this, the wording of the second paragraph of the policy should be amended to read:

“Sport and leisure facilities will be protected where they are **shown** to meet current and future demands. The loss of **existing open space**, sport and leisure facilities will only be allowed where:

 - a. an assessment clearly shows **the open space, buildings or land to be surplus to requirements**;
 - b. equivalent or better facilities are provided **to replace** those lost as a result of the **proposed** development and these are within an easily accessible location for existing and potential new users;
 - c. the proposal is for **development for alternative sport and recreational provision, the needs for which clearly outweigh the loss.**”

Nicholas Howe.

Date: 16th November 2017.