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Ashfield District Council Local Plan 2023 to 2040

Hearing Statement Prepared by Sport England (Respondent Id 698)

Matter 8 – Design, developer contributions and other place-making policies.

Question 8.1 – Has Policy S5 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees to ensure its consistency with National Policy?

Question 8.6 – Has Policy SD13 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in seeking to retain existing sporting facilities within the District?

Question 8.7 – Is Policy SD13 consistent with Section 11 of the National Planning Policy Framework in seeking to protect the loss commercial community facilities?

Question 8.8 – Do Policies SD1 – SD13 serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy?

Question 8.9 – Do Policies SD1 – SD13 provide clear direction as to how a decision maker should react to a development proposal?

1. Sport England raised an objection to Local Plan Policy SD5 on the grounds that it does not meet the requirements of paragraph 102 of the NPPF (2023) which requires an up-to-date assessment of need for sports and recreation facilities to be used to determine what sports and recreation provision is needed and for planning policies to be based on this assessment and to seek to accommodate this need.
2. New residential development will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. Sport England therefore considers that it is important to

ensure that the Local Plan provides a clear and robust approach to securing investment into indoor and outdoor sports provision. Sport England's [CIL and Planning Obligations Advice Note](#) provides advice on meeting the need for sporting provision generated from new development.

3. Sport England welcomes the inclusion within Policy SD5 of the requirement for developments to make provision of sports and recreation facilities. However, we do not consider that the policy is supported by an up-to-date evidence base in respect of built sports facilities. While the Council has an up to date Playing Pitch Strategy, it does not have an up-to-date sports/ build facilities strategy.
4. Policies H5 and SD13 provide further information on securing the delivery of sports facilities. Policy H5 sets out the approach to securing public open space, including outdoor sports facilities. Our Matter 2 Hearing Statement outlines our concerns with this policy. Policy SD13 sets out the Council's approach to securing health and community facilities, which includes sport and leisure facilities.
5. Sport England raised an objection to Local Plan Policy SD13 on the grounds that it is not consistent with paragraphs 102 or 103 of the NPPF.
6. Part 2 of Policy SD13 requires the provision of new community facilities on site or contributions to the expansion of new or existing provision where additional facilities are needed as a result of the proposal. Paragraph 9.126 of the Local Plan outlines that the Council will expect schemes which create additional demand for health and community facilities to make an appropriate contribution to meeting this need either through on-site provision or a contribution towards improving existing facilities. When assessing the impact of new development paragraph 9.126 outlines matters the Council will consider. This includes the capacity of existing facilities.
7. Paragraph 102 of the NPPF requires planning policies to be based on an up-to-date assessment of the need for sport and recreation facilities. Our comments submitted on the supporting evidence base section of the plan highlighted that the Council does not have an up-to-date evidence base in respect of built sports facilities. There is therefore not an up-to-date assessment of the sporting needs and evidence base for sports halls, swimming pools, health and fitness centres, indoor bowls etc. It is therefore considered that Policies SD5 and SD13 are not based on an up-to-date and robust evidence base of sporting need.
8. Sport England requests that the Council commit to carrying out the necessary sport/ built facilities strategy work in line with our guidance on [Assessing Needs and Opportunities for Indoor and Outdoor Sports Facilities](#).

9. The Sports/ Built Facilities Strategy can then be used alongside Sport England's Sports Facilities Calculator to determine what is required in terms of new provision and/ or contributions towards existing provision. We recommend that the use of the Sports Facilities Calculator alongside an up-to-date evidence base is referenced within Policy SD13 to provide clear direction on how investment into sports facilities will be secured.
10. Part 3 of Policy SD13 seeks to protect health and community facilities from development for alternative uses unless the criteria set out are met. Sport England objected to this section of the policy because the criteria are not consistent with the requirements of paragraph 103 of the NPPF for sports and recreational buildings and land.
11. Paragraph 103 of the NPPF requires that 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.
12. The wording of Part 3 of Policy SD13 is not consistent with the NPPF in respect of sports and recreational buildings and land. Paragraph 103 makes no distinction between commercial and other types of sport and recreational facility and does not provide any exceptions related to viability, part c) is therefore not consistent with paragraph 103. In addition, part a) provides no guidance on how the adequacy of replacement provision would be assessed and part b) does not require an assessment to be undertaken to demonstrate that the building or land would be surplus to requirements.
13. As currently worded the policy could result in the loss of sports and recreation facilities in a wider range of circumstances than outlined in paragraph 103. Sport England requests that a separate criterion is added to policy SD13 which applies to sport and recreational facilities and reflects the requirements of paragraph 103 to ensure that Policy SD13 is consistent with national policy.

Conclusion

1. Sport England does not consider that Policies SD5 and SD13 currently set out a clear and justified approach to securing investment into sports facilities to address demand arising from new development or that these policies are based on an up-to-date and robust evidence base of sporting need in respect of build sports facilities. In addition, Part 3 of Policy SD13 is not consistent with paragraph 103 of the NPPF in respect of sports and recreation facilities.
2. Sport England would be happy to work with the Council to agree potential modifications to the Plan to address our concerns and to ensure that the plan provides a clear and robust approach to securing provision for sports facilities and to ensure the protection afforded to sport and recreation facilities through Policy SD13 is consistent with paragraph 103 of the NPPF.

Please note that the NPPF references to paragraphs 102 and 103 in this statement refer to the 2023 version of the NPPF to provide consistency with our comments made at Regulation 19 stage. In the December 2024 version of the NPPF these are paragraphs 103 and 104.