**Matter 7 – Heritage and the Natural Environment**

**7.3 *Has Policy EV5 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees regarding the loss of sporting facilities and its protection from flooding?***

**Policy EV5 is problematic in the exception sections with regard to loss of sporting facilities.**

*5.106 Existing green spaces and recreational facilities, including playing fields, should not be built on unless an assessment has been undertaken which clearly shows that the green space is surplus to requirement.*

This statement does not go far enough. According to Sport England Playing Fields Policy and Ashfield Playing Pitch Strategy (2023) the lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality and highlights that such land can retain the potential to provide playing pitches to meet current **or future needs**.

*5.107 In some circumstances the loss of an area may be acceptable where a replacement facility is provided in the immediate locality serving the same local resident population. This may include, for instance, cases where a site is required to enable the comprehensive development of an area. Where replacement formal sports facilities such as football pitches are to be provided these should be available for use prior to loss of the ground or pitch to be replaced. This will be negotiated and secured through a Section 106 Planning Agreement.*

According to Except 4 of Sport England’s Playing Field Policy, a replacement facility must provide an area of playing field of **before** the development begins. However, Section 106 payments are typically made in instalments tied to the construction and occupation stages of the development. How, then, will the replacement sporting facility be ready for use before the recreational land is lost?

For the requirements of paragraph 99 of the NPPF, to be met the playing field must be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location. The development cannot be for alternative sports and recreational provision. It must be a **new** playing field. Paragraph 69 of Sport England’s Playing Fields Policy states that the intensification or increasing the use of existing areas of playing field does not mitigate against the requirements of Exception 4.

*5.108 Exceptionally, the loss of green space may also be acceptable where it is proposed to make a significant improvement in the type, quality and general availability of green space in the locality. This may include the loss of an area with restricted public access, or an area with no formal play provision and the subsequent improvement of an existing nearby area through the provision of formal sports facilities that are much needed in the locality and where general public access will be allowed. The loss of an existing area and subsequent provision of an off-site replacement or improvement of facilities will need to be negotiated with the Local Planning Authority and will be secured by a planning condition or developer contribution as appropriate.*

**According to Sport England policy, any land last used as a playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing field in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.**

 **Kerry Thornton 7.12.24**