

**Bath & North East
Somerset Council**

Improving People's Lives

Local Plan
Publication Stage Representation
Form

Ref:

**(For
official
use only)**

**Name of the Local Plan to which
this representation relates:**

BATH AND NORTH EAST SOMERSET
COUNCIL Local Plan (Core Strategy and
Placemaking Plan) Partial Update Proposed
submission draft Regulation 19 of the Town
and Country (Local Plan) Regulations 2012
August 2021

Bath and North East Somerset Council

**Please return to Bath and North East Somerset Council BY 23:59 on the 8th
October 2021**

Please note that while anyone can comment on consultations on local Planning Policy documents; we cannot accept confidential or anonymous comments and your name (but not any other details) may be published alongside the comments. For more information on what Planning does with personal information please see the [Council's privacy policy](#) and the [Planning specific privacy policy](#).

**Please send completed forms to post to: Planning Policy Team, Lewis House,
Manvers Street, Bath BA1 1JG**

This form can also be [completed online](#):

<https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/>.

Users who complete the form online will receive a receipt and a link to a PDF copy of the response upon submission. There is also a 'save and return' feature which allows respondents to come back to their incomplete survey response at a later date without losing the information they've already entered as part of their response.

Please note that you must have cookies enabled in your web browser to use this feature, and the feature is not available for responses that have already been completed and submitted.

If you are having difficulty in submitting representations please contact planning_policy@bathnes.gov.uk or call 01225 39 40 41 (Option 6)

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Gary"/>	<input type="text"/>
Last Name	<input type="text" value="Parsons"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Planning Manager"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Sport England"/>	<input type="text"/>
Address Line 1	<input type="text" value="21 Bloomsbury Street"/>	<input type="text"/>
Line 2	<input type="text" value="London"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text" value="WC1B 3HF"/>	<input type="text"/>
Telephone Number	<input type="text" value="07711 086487"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value="planning.south@sportengland.org"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation: **Sport England** (Gary Parsons)

3. To which part of the Local Plan does this representation relate?

Paragraph
246 c
246 d

Policy

Policies Map

4. Do you consider the Local Plan is :

4 (1) Legally compliant

Yes No

4 (2) Sound

Yes No

4 (3) Complies with the
Duty to co-operate

Yes No

Please indicate as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Given the non compliance regarding the proposed loss of playing field land without adequate replacement with the NPPF (para 99), Sport England Playing Fields Policy (www.sportengland.org/playingfieldspolicy) and conflict with the Council's own policies on protecting playing fields (LCR5) and the evidence base for playing pitches in an adopted Council strategy, this allocation and descriptive text regarding sport and playing fields is unsound and misleading.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The University of Bath site contains playing fields containing playing pitches that are protected from future development by the NPPF (para 99), the Sport England Playing Fields Policy (www.sportengland.org/playingfieldspolicy), the local plan policy LCR5 and the adopted BaNES Council Playing Pitch Strategy.

Phase 2 Proposed development on the Eastern Playing Fields

Eastern Playing Fields (source: Google Earth):

- Loss of 3x football pitches to development without replacement
- New AGP on land used as a rugby pitch (bottom SE corner)



1. The loss of a natural grass pitch for rugby (rugby pitch #1 in the SE corner) to an artificial grass pitch (AGP) has the potential to meet one of the five exceptions to the Playing Fields Policy www.sportengland.org/playingfieldspolicy (e.5) which states: "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." This

has considerable synergy with the last point of para 99 of the NPPF – “*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*” However, the proposed AGP would need to be a World Rugby 22 specification to allow for rugby union match play and full training, including regular testing for match play. It will also need sports lighting to substantiate the business case for the large capital investment into the project. Alongside community access to the AGP.

Thatsaid, this allocation and supporting text is very light on details to prove the case for meeting the NPPF (para 99) and Sport England playing fields policy (e.5).

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.

Further details would be needed to prove this case including:

- meets an identified local or strategic need, e.g. as set out in a local authority and/or a sports national governing body 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 national governing bodies of sport design guidance;
- improves the delivery of sport and physical education on school sites;
- is accessible by alternative transport modes to the car;
- Business Plan for the AGP.

Sport England will normally expect community use of any sports facility as part of the benefits that may enable it to meet with e.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.

2. The allocation and supporting text also propose a loss of 3x natural turf playing pitches (football) to future university buildings as shown as ‘Area 2’ without mitigation or replacement. This clearly is not in compliance with the NPPF (para 99), the Sport England Playing Fields Policy, the local plan policy LCR5 and the adopted BaNES Playing Pitch Strategy. The original masterplan consultation by the University in 2018 showed a single football pitch in this locality to be lost in future development proposals. A greater loss is now proposed on the Eastern Playing Fields. For the record, Sport England did not support the proposed masterplan given the loss of playing fields. It is disappointing that Sport England comments were not taken on board to avoid this allocation of development on playing fields against national and local planning policy.

Sport England does not support the loss of 4x grass pitches with provision of 1x AGP. Four playing pitches would need to be replaced by 4 or more playing pitches of equivalent quantity and quality, not less, in line with Sport England policy and the NPPF. As recognised by Sport England and NGBs, at peak time, only one match can take place at that time on a playing pitch. This is acknowledged in the Council’s adopted Playing Pitch Strategy.

A future planning application would lead to a consultation with Sport England as a statutory requirement as it is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

Sport England would therefore request that the local planning authority give due weight to the concerns raised in this representation by Sport England with regard to this proposal, given our future status as a statutory consultee.

3. Lastly the statement regarding the Sulis Club Outdoor Sports area is vague and open to various interpretation. The playing fields should be retained and protected from development in compliance with the NPPF (para 99), the Sport England Playing Fields Policy, the local plan policy LCR5 and the adopted BaNES Playing Pitch Strategy.

Amendments sought:

1. More details are provided to justify the loss of a natural grass pitch marked out for rugby to the provision of a match play and tested World Rugby 22 compliant artificial grass pitch (AGP) with community access.
2. Removal of proposed development in Phase 2 on the Eastern Playing Fields. The playing fields to be retained and protected from development in compliance with the NPPF (para 99), the Sport England Playing Fields Policy, the local plan policy LCR5 and the adopted BaNES Playing Pitch Strategy. Alternatively three new playing pitches are created within the locality as mitigation in line with the NPPF para 99 and e.4 of Sport England's Playing Fields Policy – in terms of quantity and quality. E.4 in full states "*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:*
 - *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.*
3. Clarity re Sulis Club Outdoor Sports area and its retention as playing fields and protection from development in line with the NPPF (para 99), Sport England Playing Fields Policy (www.sportengland.org/playingfieldspolicy) the Council's own policies on protecting playing fields (LCR5) and the evidence base for playing pitches in an adopted Council strategy.

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Given the non compliance regarding the proposed loss of playing field land without adequate replacement with the NPPF (para 99), Sport England Playing Fields Policy (www.sportengland.org/playingfieldspolicy) and conflict with the Council's own policies on protecting playing fields (LCR5) and the evidence base for playing pitches in an adopted Council strategy, this allocation and descriptive text is unsound and misleading.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.