

London Plan Written Representation

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| Ministry of Housing Communities and Local Government (MHCLG) | Reference ID 2631 |
| Matter Title – Play and Informal Recreation | Matter no. 54 |
| Matter Question (s) M54. Would Policy S5 provide an effective and justified strategic framework for the preparation of local plans and neighbourhood plans in relation to sports and recreation facilities? In particular: a) Would it provide appropriate strategic guidance on development management matters? b) Should it make specific reference to elite sports, stadium and playing fields? c) Would it strike the right balance between provision of good quality sports and recreational facilities and protection of green spaces? d) Would it be effective in protecting existing sports and recreation facilities? | |

Introduction

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of the draft London Plan. The DfE contributed to the Government's formal representation on the draft London Plan, dated 2nd March 2018. We highlighted that *"London faces specific challenges on the number of available sites for new schools. We have some concern that your draft Plan, in restricting development opportunities beyond national policy, would not help tackle this. We would ask you to consider whether there are further flexibilities that could be introduced in London to facilitate delivering new schools in specific circumstances."*
2. The DfE accepts the GLA's proposed amendments to Policy S5 and the supporting text. However, we request amendments to ensure that the plan is consistent with national policy and provides an effective and justified strategic framework for the preparation of local plans in relation to good quality education and appropriate guidance on suitable sites for new schools.

The Mayor's proposed Minor Modifications (MM) and response to the Preliminary Questions

3. Taking into account the above context, and the DfE's role working closely with local authority education departments and planning authorities to deliver new schools, we suggest further amendments to Policy S5 with the aim of aiding and improving the plan. The DfE accepts the GLA's proposed amendments to Policy S5 (GLA edits are in **bold** font below). We also understand that Sport England have suggested further amending the text of Policy S5 B) by separating it into 2 parts with S5 B4) separated from Policy S5 B1-3) to form a new part D) of Policy S5. The wording of the new part D would be revised to more closely align with 2018 NPPF paragraph 97. The DfE are supportive of such a change and understand that GLA are considering such an amendment ahead of the Examination Hearing session on this Matter. However, this is yet to be confirmed. In the absence of this, we suggest the new part D) could read as follows (DfE amendments in **bold underlined** font):

D) **Development affecting sports and recreation facilities should ensure that there is no net loss of facilities, unless the development is in accordance with one or more of the tests in NPPF (2018) paragraph 97. ~~it can be demonstrated that there is no ongoing or future demand.~~**

4. Where published, a borough's assessment of the need for sports and recreation facilities should be used to identify ongoing or future demand.

Justification

5. London represents a special case in terms of lack of suitable available sites for new schools to meet need, including the significant projected need for additional secondary school places over the next five years. The DfE has extensive experience of searching for school sites in London and we have found that suitable, available sites are in very short supply. We therefore wish to avoid ambiguities in policy that could have the unintended effect of further constraining the supply of suitable sites for schools, undermining the ability of local education authorities to meet their statutory duty to provide sufficient school places to meet need within their areas. This amendment would ensure that the plan is positively prepared and effective in terms of meeting objectively assessed needs for school places.
6. As currently worded the policy is inflexible. It can be interpreted as indicating that there should be no net loss of a wide range of facilities, including playing fields, under any circumstances except where "*it can be demonstrated that there is no ongoing or future demand*". Thus the policy excludes, and is inconsistent with, the caveats in NPPF (2018) paragraph 97 regarding building on playing fields (we appreciate that the draft London Plan is being examined against the 2012 NPPF but planning applications and future borough local plans will be examined against the 2018 NPPF).

Paragraph 97 of the NPPF (2018) states 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.*
7. The policy as currently worded would also rule out Sport England's exceptions to its playing fields policy¹, particularly Exception 5 which is particularly relevant to the

¹ <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>

development of new schools. It 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.”*

8. It is important that the London Plan allows flexibility where there is a clear overall benefit in terms of enhanced facilities provision (taking into account local needs), despite a limited loss in the quantity of existing facilities, such as a new school providing indoor and outdoor facilities for sport of significantly improved quality, accessibility and availability for shared use by the local community (secured through a community use agreement if appropriate). This flexibility will enable greater benefits to health and wellbeing and facilitate the provision of new schools where required to meet growing need. It should also be recognised that schools provide considerable longevity of use for playing fields and facilities, including reliable stewardship and investment over time. They can also provide sports specialisms which vary from one school to another, impacting greatly on the futures of the children who attend.

9. For these reasons the above amendment is recommended. For the same reasons some minor amendments to policy S3 are also suggested (referenced in our Written Representation on Matter 53): the deletion of part B10 of Policy S3 which involves similar inflexible wording to policy S5 B10; and the insertion of supporting text following Policy S3 to highlight the link between the two policies: *“Development proposals for education and childcare facilities affecting existing playing field and sports facilities should be considered against Policy S5.”*

Word Count (excluding Question and title/references) = 1054 words.