

Alun G. Davies

Interim Director of Education & Children's Services, & Recreation
Cyfarwyddwr Dros Dro Addysg a Gwasanaethau Plant, a Hamdden



Ruth Hatton
Deputy Committee Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your Ref/Eich Cyf

Our Ref/Ein Cyf R / 1

Date/Dyddiad 09 June 2008

Ask for/Gofynner am Mike Hornby

Direct Dial/Rhif Union 01352 702452

Fax/Ffacs

Dear Mrs. Hatton,

Consultation – Proposals for Proposed Playing Fields Measure

I refer to the circular letter dated 9 May 2008 advising of the consultation period and the more recent forwarding by e-mail of the actual documents. I am pleased to attach my comments on the proposals. These comments follow the questions outlined in Annex 2 to the consultation document.

1. I do not agree that the proposed measure is necessary or required. The revision of TAN 16 which is long-awaited and has been the subject of widespread consultation is expected to provide for full and detailed Open Space Assessments (as defined in the draft document) to be embedded in the local development planning process. This embraces a much broader definition of public open space and amongst other things would avoid some confusion arising out of the use of "playing fields" as a description. Within the proposed measure there is some confusion as to whether "playing fields" refers solely to land on school premises; or indeed to a wider community recreation basis. I consider that the proposals within the revised TAN 16 would be a much more appropriate means of ensuring the safeguarding of community recreation grounds including provision on school premises. This would ensure that the existing planning process is better informed that perhaps it is currently and would avoid unnecessary and time-consuming impact statements as proposed.
2. The definitions proposed in section 2 of the Proposed Measure relating to "playing pitch" are understood but make no practical sense. The current arrangement under Planning regulations whereby statutory consultees must be notified for applications affecting playing fields / recreation grounds of

County Hall, Mold. CH7 6ND
Tel 01352 752121 Fax 01352 754202
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6ND
Ffôn 01352 752121 Ffacs 01352 754202

greater than 0.4 hectares in size, is a reasonable and adequate level of protection. Anything less than this in area is certainly not big enough to sustain such team sports as football, rugby, cricket, hockey etc, even at junior level. A pitch area of 80 x 50 metres including run-offs would be the minimum level for a pitch and equates to 0.4 hectare. A size of 0.2 hectares is too small to accommodate pitch based team sports; a bowling green at a minimum size of 36 x 36 metres including surround footpaths etc equates to almost 1300 sq metres or 0.13 hectare. Finally to suggest that the proposed measure should apply to areas equating to 600 square metres (for tennis) is both unreasonable and impractical. If the proposed measure is to proceed then the minimum size to be applied to a "playing pitch" definition should be 0.4 hectare.

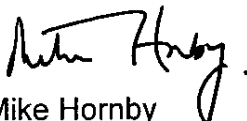
3. I do not consider the impact statements to be necessary on the basis that the revised TAN 16 when issued will require Open Space Assessments to be undertaken as part of the development planning process. These would give fuller and more considered protection to public open space than the current proposed measure. What we should be seeking is the issue of the revised TAN 16 at as early a date as possible.
4. In line with the above if the Open Space Assessment procedure is introduced then the existing planning process provides more than sufficient safeguards to ensure proper consultations with due promotional work and processes to cover consideration of representations / comments made. There should be no need to duplicate and complicate an existing process: there is already sufficient bureaucratic process.
5. If the definition of "playing pitch" is defined to be more in line with a team sports pitch area as explained above, then the list of statutory consultees would need to be revisited perhaps; especially in relation to numbers 5 and 6 in the Schedule of Consultees attached to the draft Measure.
6. I consider there is a further potential problem with the definition of disposal which as currently drafted would include any agreement to lease or licence a "playing field" for a period of 7 years or more. There will be many playing fields / recreation grounds leased to local voluntary sports clubs for periods well in excess of 7 years; the period of the Agreement in many cases being determined such that the tenant could seek grant aid from other parties whether Central Government or Lottery Distributors. It seems to me entirely inappropriate that such transactions should be classified as disposals under this proposed Measure.

7. The process of direction suggested in the proposed Measure appear out of line with the principle of local determination of local matters. If the circumstances were such that the significance was of wider than local impact, then the power to "call-in" already exists and no doubt would be applied. It does not appear that additional powers to Welsh Ministers on local matters is justified.
8. There would undoubtedly be cost implications to local authorities in meeting the terms of the proposed Measure; and potentially in relation to areas of land as small as 600 square metres or 0.06 hectare (a single tennis court). What would be more appropriate and offer wider benefit, would be for the TAN 16 revisions to be published and then implemented. I acknowledge there would be cost implications in undertaking the Open Space Assessments but these would be broader based local assessments of need undertaken within the context of existing planning procedures; and ultimately provide greater control and protection.

Finally, I have to state that I do not consider the potential for disposal to be the main issue concerning our public open spaces and recreation grounds in particular. I note the reference to FIT Cymru suggesting that some 17 playing fields around Wales are currently at risk of being sold off. I have had a number of discussions with FIT Cymru regarding a specific recreation ground in this County which is probably listed amongst the 17. What has to be considered (and is provided for under National Planning guidance) is that there will be occasions when the disposal of part of a recreation ground generates the potential through capital receipts or mitigating actions defined in a Section 106 Agreement, to realise significant community benefits through the provision of new recreation facilities / improvements to existing pitches or children's equipped play spaces. This kind of flexibility and resourcefulness has to be retained locally and even more so in the light of continuing reductions in both revenue and capital budgets. By far the biggest problem facing our recreation grounds in the public arena is the lack of regular and on-going maintenance work. The consequence of what has become essentially a grass-cutting regime as opposed to a fuller grounds maintenance regime is that our school playing fields and community recreation grounds are so poorly drained and have playing surfaces with poor and undulating cover; such that they are regularly unavailable for use over many weeks between November – March. Attention is often paid to the necessity for major capital investment into our Leisure / Sports buildings; but the outdoor environments are often entirely overlooked. Appropriate disposals to generate receipts are often the only means of generating the investments needed to ensure continued availability for use and improvements. This is the area of greater policy concern with regard to playing fields generally.

I advise that I will forward a copy of this response to both Assembly Members in Flintshire: Mrs. Sandy Mewies and Mr. Carl Sargeant.

Yours sincerely


Mike Hornby
Head of Leisure Services