

Legislation Committee No 1

LC1(3)-02-09(p.1): 29 January 2009

Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure

Written evidence from The Sports Council for Wales

Proposed measures - SCW response January 2008

The Sports Council for Wales (SCW) responded to the initial consultation in June 2008 and agreed in principle with the proposed measure. Our additional comments following the changes made to the proposed measure are included below.

1. Is there a need for an Assembly measure in relation to community involvement in decisions by local authorities whether to dispose of playing fields?

SCW supports the principle of a measure that would give more consideration to the protection of playing fields. SCW currently has on record four applications that may involve the disposal of a playing field (Flintshire, Cardiff, Ceredigion, and Monmouthshire) and is aware of one other forthcoming. It is important that there is community involvement in these decisions but this may be achieved by strengthening the existing planning process and observing the recommendations set out in the Draft Technical Advice Note (TAN) 16.

2. What are your views on the key provisions set out in the proposed Measure i.e?

- a) the duty on local authorities to consider the impact that selling off playing fields would have on local communities before deciding whether to dispose;
- b) the principle definitions (Section 2);
- c) the duty on local authorities to prepare and consult on impact statements before deciding whether to dispose (in particular, the method and scale of consultation, and content of impact statements (Section 3);
- d) the duty on local authorities to prepare a decision statement, including its content, and the arrangements for making known its decision (Section 6);
- e) the statutory consultees as set out in the Schedule to the proposed Measure; and
- f) powers of Welsh Ministers to issue stop and remedial directions to local authorities (Section 7).

2 (a) This point is very important and is something that local authorities should be considering as a matter of course through the existing planning process.

2 (b) SCW agrees with the principle definitions (Section 2) and is pleased to see that athletics and golf have been added to 2 (e) (ii).

2 (c) SCW still considers that this Measure would create an overlap in work between undertaking an impact assessment and an Open Space Assessment (OSA) as outlined in the Draft TAN 16. The OSA would review local needs and require consultation with the local community and relevant stakeholders. As the note is only advisory, it could be assumed that there is no responsibility on the local authority to produce an OSA or to reconsider it whenever a playing field may be disposed of, and this is where the Measure itself is important. However, in the Explanatory Memorandum, paragraph 8.9 states that producing an OSA will be a requirement for the Local Development Plan (LDP). If this is the case, there may not be a need for the measure although difficulties may arise if the LDP is not due to be updated or the process of writing the document has only recently begun.

The principle of consulting on impact statements with the local community is positive but the means suggested would be extremely costly in terms of printing, translation and postage. For example, an application affecting a playing field in Cardiff could mean contacting over 11,000 households from just one local government electoral division, not considering others on the boundary. Further costs would be incurred by local authorities when the decision statement also had to be sent. Other means could be sought to make households aware of where and when they can view the statements and sufficient time made available for residents to make comments.

SCW is happy with the content of the impact statement as set out in Section 3 but would like to reiterate concerns over how LAs could demonstrate the impact of a disposal on "the health and well-being of residents of the locality generally and of children and young persons in particular" (Section 3). There would need to be clear definitions regarding 'health and well being' and identified measures that could be used to assess the impact.

2 (d) SCW agrees with the requirement to prepare a decision statement but suggests this should only be circulated to original statutory consultees and those who made comments on an application to dispose of a field, rather than all those it was required to send an impact statement to (which would include all local households in the relevant electoral division).

2 (e) and (f) SCW has no concerns regarding these two points.

3. What are the practical and financial implications of putting these provisions in place?

As outlined above there could be considerable financial implications for local authorities having to send impact statements and decision statements to local households.

Given the current number of planning applications received from local authorities, SCW considers that 21 additional days of staff time would be required each year to consider impact statements.

4. Will the proposed Measure achieve its overall aim and purpose?

The SCW considers that the Measure would achieve its purpose of imposing a duty to prepare and consult on impact statements when they propose to dispose of playing fields.