

Statement of Common Ground between Braintree District Council and Sport England on the Braintree District Council section 2 Local Plan.

May 2021

Introduction

This Statement of Common Ground identifies the areas of agreement and disagreement between Sport England (ID 443104) and Braintree District Council on matters relating to the Section 2 Local Plan. This Statement addresses key issues raised by Sport England in representations submitted to the section 2 Braintree Local Plan during the Publication Draft Local Plan consultation period in 2017, and subsequent updates in relation to the statutory consultation responses received from Sport England.

Background

Sport England is a statutory consultee in Local Plan making. Their statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Responses have been received to the section 2 Local Plan from Sport England which were given the following reference numbers 1066, 1067, 1068, 1069, 1070, 1071, 1072,1073, 1074

Areas of Agreement

That the Braintree District Council section 2 Local Plan is legally compliant and represents a sound basis on which to plan for development within the Council area.

The parties agree that the revised housing completion trajectory which has been sent to the Planning Inspectorate (extract attached as appendix 1) sets out a realistic estimation of the houses which are to be delivered from this site, during the Local Plan period (up to 2033).

The parties will work together to ensure that this delivery takes place.

Rep	Local Plan Section/Policy	Summary of Representation	BDC agreed response with Sport England
1066	4.1	<u>Vision and Key Objectives</u> The reference for new developments to make contributions to existing facilities or provide land and contributions for new social infrastructure facilities within the Social Infrastructure key objective is also welcomed.	Agreed.
1067	Policy LPP 53	<u>Protection and Provision of Open Space, Sport and Recreation.</u> Does not reflect NPPF para 74	“Existing open space, and sports and recreational <u>land and buildings facilities</u> that are identified as needed in the

		<ul style="list-style-type: none"> • Caveat for poor facilities, - that are open space study • Based on an robust evidence base, • Development of ancillary facilities, • No loss to community facilities (if not used for sports), disagree • No definition for 'recreation' in glossary, - not needed, change to rec facilities • Add reference to Sport England's policy on playing fields 	<p>Council's Open Space Study and/or are of high quality, of particular value to a local community, will be recognised and given protected by the Council."</p> <p>"Existing open space, sports and recreational land and buildings and land shall not be lost or built on unless an a robust and up to date assessment has been undertaken which has clearly demonstrated that the open space or the buildings and land to be <u>they are surplus to requirements or the proposed development is for ancillary facilities supporting the use of a playing field otherwise compliant with this policy as a whole.</u>"</p> <p>"Where the Council has identified, <u>in an up-to-date and robust evidence base and strategy,</u> a surplus in one type of open space or sports and recreational facility but a deficit <u>or qualitative issues</u> in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit <u>or needs quality improvements to increase capacity.</u>"</p> <p>"The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. <u>Such replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location.</u>"</p> <p>Both parties agree that a glossary entry is no longer required.</p> <p>Add to supporting text after paragraph 7.21</p> <p><u>"Sport England will be consulted on applications which are likely to prejudice or lead to the loss of playing fields. The Playing Fields Policy and Guidance Document sets out Sport England's policy and exceptions."</u></p> <p>Add to beginning of paragraph 7.18</p>
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1068	Policy LPP 54	<p><u>Equestrian Facilities</u> Object to criteria (b) of LPP54 due to conflict with practical need for access works.</p>	<p>BDC have agreed with Sport England and have negotiated with ECC to adopt the suggestion submitted with the representation, plus a minor addition to improve effectiveness.</p> <p>Amend LPP54 as follows: <u>“b. No alterations to vehicular highway in the area are requiredThe vehicle movements generated by any new building should be able to be safely and efficiently accommodated on the existing road network without detriment to the character of local area.”</u></p>
1069	Policy LPP 72	<u>Countryside development</u>	Formal and informal recreational uses, as defined in the glossary, are

		<p>Policy LPP 72 recognises informal recreation as an appropriate use in Green Buffers - clarification needed on what would fall within 'uses appropriate to the countryside' stated in Policy LPP 1.</p>	<p>appropriate for a broad range of open space, sports and recreational land and buildings in areas designated as green buffers.</p> <p>These uses could be also considered appropriate for the Countryside however BDC wish to take a flexible approach towards development in all locations - to specify uses which are appropriate to countryside would be unduly restrictive.</p> <p>The main priority is for policy not to exclude some sports uses from the countryside given many activities need wide open spaces (e.g. golf courses, playing fields etc.) and also need to be accessible. Flexibility is acceptable as long as it extends to sport and recreation in the countryside, green buffers and the green belt.</p>
1070	Policy LPP 24	<p><u>Strategic Growth Locations & Housing Allocations - LPP18-24</u></p> <ul style="list-style-type: none"> • Allocations in LPP 18-24 don't specify the open space to be provided • Object to site BCBG550 • Object to LPP20 Towerlands site due to loss of equestrian and golf 	<p>Modifications to policy: <u>"Public open space in accordance with the Open Space Study, and informal and formal recreation in accordance with the playing pitch strategy."</u></p> <p>BDC can that formal recreation will be in accordance with the Playing Pitch Strategy while indoor sports facilities will be in accordance with the <u>Built Sports and Recreation Facilities Study</u>. Informal recreation will be in accordance with the Open Space Study.</p> <p>Towerlands has gained planning permission and the loss of equestrian and golf facilities is no longer a consideration for the Local Plan.</p> <p>BDBG550: The Council have decided to deallocate the Tennis Club and adjacent field.</p>
1071	Policy LPP 52	<p><u>Active design</u> Wording of LPP52 should incorporate Active Design, Active Design principles and Active Design checklist.</p>	<p><u>"The Essex Design Guide encourages the creation of residential environments which provide the opportunity for people to be active. The advice in the Guide should be used as a starting point for considering how to encourage physical activity in the design and layout of developments. This should be supplemented by consideration of Sport England's Active Design guidance which provides further detail. Assessing</u></p>

			<u>proposals against the 10 Active Design principles and the checklist in the guidance will help demonstrate that opportunities for encouraging physical activity have been fully considered as well as a high standard of design and layout in a development.”</u>
1072	Policy LPP 64	<u>School development</u> Wording of LPP64 should secure leisure use of schools through community use agreements.	While the Council agrees that new schools provides good opportunities for jointly provided leisure facilities, not all schools should have a Community Use Agreement. Both parties have agreed that encouraging joint use and shared facilities on school sites would be a sufficient modification. Insert after first sentence of paragraph 7.51: <u>“The co-location of sports and recreational facilities will be encouraged on new and existing school sites.”</u>
1074	Policy LPP 44	<u>Sustainable transport</u> Welcomes support for walking and cycling	Agreed

Areas of disagreement

1073	Policy LPP 3	<u>Employment Policy Areas</u> LPP3 is too restrictive for leisure use on employment areas	The ELNA has identified positive agglomeration effects of co-locating employment land in close proximity and there would be less negative externalities for placing similar uses together from a planning point of view. For existing employment uses, Class E as introduced in September 2020 will allow for interchange to from previous classes B1, A1, A2 and A3 to D1 without planning application, in principle, allowing more flexibility for recreational uses on employment sites could undermine the purpose of their allocation and shift employment need which would have to be found elsewhere. Brownfield land and opportunities for purpose built recreational buildings are available at proposed Local Centres. Sport England have suggested the following additional bullet:
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Signed

Emma Goodings

Head of Planning and Economic Growth

Signed on behalf of Braintree District Council

Roy Warren

Planning Manager

Signed on behalf of Sport England

Annex 1 Revised layout and text for policy LPP53

All developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document.

Existing open space, sports and recreational land and buildings that are identified as needed in the Council's Open Space Study and/or are of particular value to a local community, will be protected.

Where the Council has identified, in an up-to-date and robust evidence base and strategy, a surplus in one type of open space or sports and recreational facility but a clear deficit or qualitative issues in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit or needs quality improvements to increase capacity. The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. Such replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location.

For small sites where on site provision is impractical, consideration will be given opportunities for off-site provision or improvements within the ward or adjacent ward.

Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, will be recognised and given protection by the Council. Areas of particular quality may include;

- Small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities
- Areas of open space that provide a community resource and can be used for informal or formal events such as community religious and cultural festivals
- Areas of open space that particularly benefit wildlife and biodiversity
- Areas identified as visually important on the proposals map
- Play areas, and sport and recreation grounds and associated facilities

Existing open space, sports and recreational buildings land and buildings shall not be lost or built on unless a robust and up-to-date assessment has been undertaken which has clearly demonstrated that they are surplus to requirements or the proposed development is otherwise compliant with this policy as a whole. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.

In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. The Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of;

- Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces
- Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment

- Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside
- Mitigating the impact of any development on biodiversity and nature conservation