

Facilities in the Countryside

Planning Bulletin 19 | September 2007



01	Introduction
02	1.0 Environment Agency – A Better Place to Play: Strategy for water-related sport and recreation
	1.1 Hurley Lock Island Canoe Centre
	1.2 Penton Hook Disabled Angling Platform
	1.3 Thames Path Walks for All
05	2.0 DEFRA – Managing Coastal Activities: A guide for local authorities
06	3.0 Natural England: Outdoor Recreation Strategy
	3.1 Supply of places for outdoor recreation
	3.2 Planning for outdoor recreation
08	4.0 Single System for Sport/Planning Across Boundaries
	4.1 Local Planning Policies
	4.2 Bedford Core Strategy and Rural Issues Plan – Submission Version (July 2006)
11	5.0 Planning Appeals Database
12	6.0 Recent Decisions
	6.1 Residential Development on Playing Fields Site in Grangetown, Sunderland
	6.2 Residential Development, Health Centre, Sports Pitches and Public Open Space on land at Cippenham, Slough
	6.3 Sports Hall and Parking on land in Slough
	6.4 Erection of Indoor Manege/Riding Facility at Whitworth, Lancashire
16	7.0 Further Information
	7.1 Author
	7.2 Further Reading
	7.3 Websites
	7.4 Addresses
	7.5 Companion Titles in the Planning Bulletin Series

Planning Bulletin 17 (Improving Access to the Countryside) explored issues surrounding access rights to the countryside which have been significantly improved by the Countryside and Rights of Way Act 2000 (CROW). It also looked at access to water and the work being undertaken by the Environment Agency to improve that access.

At the time of publication of Bulletin 17, the formation of Natural England was imminent and the Natural Environment and Rural Communities Bill was about to be enacted. Natural England is now in place and the Natural Environment and Rural Communities Act 2006 is on the statute books.

This bulletin brings together a number of more recent developments in planning for sport and recreation in the countryside and focuses on the provision of facilities in countryside areas. In particular, it will look at the Environment Agency’s strategy for water-related sport and recreation (2006–2011) and Natural England’s research papers on outdoor recreation which will guide the development of their Outdoor Recreation Strategy. Sport England’s own emerging Single System for Sport will also be introduced, together with a new Planning Across Boundaries website, which is intended to replace the 1999 document of the same name and to provide guidance on strategy formulation and implementation to develop sport in local communities.

At a more local level, much good work is being done by local planning authorities as they prepare development plan documents and supplementary planning documents as part of their Local Development Frameworks (LDFs). An example of an emerging LDF document from Bedford is included within this bulletin.

Finally, the bulletin will introduce the re-launched Planning Appeals Database and provide an example of a planning appeal decision relevant to outdoor recreation issues, plus some other recent cases of more general interest.

1.0 Environment Agency – A Better Place to Play: Strategy for water-related sport and recreation

The strategy seeks to create recreation opportunities on or next to water, leading to economic, health and social benefits for the nation. This will be done by creating and encouraging partnerships with local bodies and by the use of the sites owned by the Environment Agency for recreation and access. Under an over-arching objective of planning and promoting water-related sport to achieve the maximum economic, social and environmental benefits, the strategy has the following four main areas of focus:

- Creating a better place to play by improving the environment
- Improving access for all
- Making recreation sustainable
- Promoting the outdoors

One of the issues which the Environment Agency is trying to address in urban areas is creating or improving access to waterside areas. Due to health and safety concerns and the loss of fisheries and boatyards, the needs of the urban dweller can often not be adequately met.

The Environment Agency compares the need to provide access to new waters to the needs of local communities for playing fields and sports centres. It is working to improve such access through its Angling in 2015 plan and its navigation strategy, Your Rivers for Life. At a local level, these plans and strategies are being developed on the Thames, in the Fens and on the Wye through individual action plans.

The strategy notes that in the 2004 Olympics, 12 of Great Britain's 30 medals were from watersports. The 2012 Olympics in London will raise the profile of watersports further and there is therefore a need to increase access to water and related facilities.

In order to promote good practice, the Environment Agency has published a number of projects which seek to demonstrate how watersports and related activities can be developed. Three of these, all on the River Thames, are summarised below.

1.1 Hurley Lock Island Canoe Centre

Hurley Lock Island is on the River Thames between Henley and Maidenhead and attracts over 160,000 visitors every year. The flow of water at the lock gates at Hurley is managed to create optimum flows for canoeists to enjoy white water freestyle paddling at the main weir, with calmer water below the weir for novice paddlers.

The new canoe centre, which was opened in August 2006, provides modern toilets, changing rooms, showers and a staff room. The centre is used by two local authorities as part of an outdoor education project designed to introduce young people to the countryside, promoting a healthy and active lifestyle.

1.2 Penton Hook Disabled Angling Platform

Penton Hook Lock Island is on the River Thames near Staines, to the west of London and is a popular recreation area. Until the new disabled angling platform was installed in 2006, access to the area was not provided for disabled anglers. The new facility also provides safe fishing for junior anglers.

1.3 Thames Path Walks for All

12 accessible paths along the Thames Path National Trail were provided between 2005 and 2006, offering a variety of experiences between the Cotswolds and Hampton Court, on the edge of London. The paths are now accessible to wheelchair users and young families with pushchairs.

Leaflets for each of the walks are available on the National Trails website: www.nationaltrail.co.uk

The scheme was co-funded by the Environment Agency, local authorities, the Thames Path National Trail and the Cotswold Water Park Group.

More recently, the Environment Agency has announced a new study aimed at putting the environment at the heart of future plans to develop water-related sport and recreation in England & Wales.

Two twelve month projects have been planned in England and one in Wales to assess and plan future water-related sport and recreational needs. The English projects will involve a range of public partners (including Sport England) and will be based in the South West and Anglian regions. Both regions contain both coastal and inland waters and have water-based leisure and tourism as a key contributor to the local economy.

The projects will involve audits of water-related recreational facilities and use, examination of the likely effects of climate change on water recreation, plus consultation with local sports and conservation groups, to assess their views and possible contributions.





2.0 DEFRA: Managing Coastal Activities: A guide for local authorities

This 2004 report explores a number of options for managing activities and minimising conflicts between various users in the coastal zone. Of most relevance to this bulletin is the advice in the report on designing a management scheme to manage what may be a variety of activities in a particular location. A stepped approach is advocated, as summarised below:

Step 1

Understanding the issues:

- identify the issues/problems
- nature of activity
- levels of participation (increasing/decreasing/static)
- nature of participants (club/casual)
- impacts of activity

Step 2

Review experience and options:

- identify other local authorities/agencies with experience of the same issues/problems
- what management approaches have they taken?
- have these approaches been successful?

Step 3

Identify appropriate management options:

- are the options practical?
- will they have local support?
- what are the associated costs?

Step 4

Develop a management scheme:

- develop with stakeholders and other groups
- determine codes/rules etc
- determine enforcement and monitoring procedures

Step 5

Implementation:

- widely publicise the scheme

Step 6

Monitoring:

- to be undertaken at appropriate times
- to involve all interested parties

Step 7

Review:

- taking into account the nature of the activity, results of monitoring and any new legislation or guidance

3.0 Natural England: Outdoor Recreation Strategy

The Government's new voice for the natural environment, Natural England, (made up of the former English Nature and parts of the Countryside Agency and the Rural Development Service) has started work on the preparation of an outdoor recreation strategy. A consultation paper is intended to be launched in 2007.

In preparing the strategy, Natural England has commissioned the Henley Centre to undertake research which looks at the factors which will influence the future of outdoor recreation. This research has now been published in an introductory paper and five discussion papers, all of which are available on Natural England's website: www.naturalengland.org.uk

Two of the discussion papers are particularly relevant to this bulletin: firstly, "Supply of places for outdoor recreation" looks at how people's changing leisure demands may impact on places and infrastructure for outdoor recreation. Secondly, "Planning for outdoor recreation" examines the changing structures of spatial and other forms of planning, changing urban structures and the sustainable communities agenda. The key points from these papers are summarised below.

3.1 Supply of places for outdoor recreation

Using interviews and workshops, the Henley Centre examined key drivers of change, critical uncertainties surrounding outdoor recreation and the crucial questions facing the supply of places for outdoor recreation. As a result of this process, two main areas of focus emerged, as follows:

- Entitlement – defined as the public's growing interest in understanding and exercising their rights (Human Rights Act and Freedom of Information Act) and their rights of physical access to land and buildings. Both of these will result in increased pressure on existing outdoor recreation destinations and future destinations which may not yet be available.

- Increased access and transport – following from entitlement, this involves increasing the supply of places and making it easier to use existing places for outdoor recreation.

The paper goes on to identify opportunities for increased provision of outdoor recreation places, including diversification initiatives which may increase the number of places, improve their quality and lessen perceived hostility from the land owning communities towards rural tourism/ recreation. However, those supplying the outdoor recreation opportunities will need to have a better understanding of consumer needs, which requires bodies such as Sport England and Natural England to provide good quality guidance and information to these suppliers.

3.2 Planning for outdoor recreation

Following the same processes identified above, the Henley Centre identified a number of questions relating to planning for outdoor recreation, including:

- Are outdoor recreation arguments fully understood in relation to national, regional and local planning structures?
- Can outdoor recreation be made more convenient through integration into future planning frameworks?
- How can demand for high value/honey pot sites be better managed within future spatial and planning frameworks?

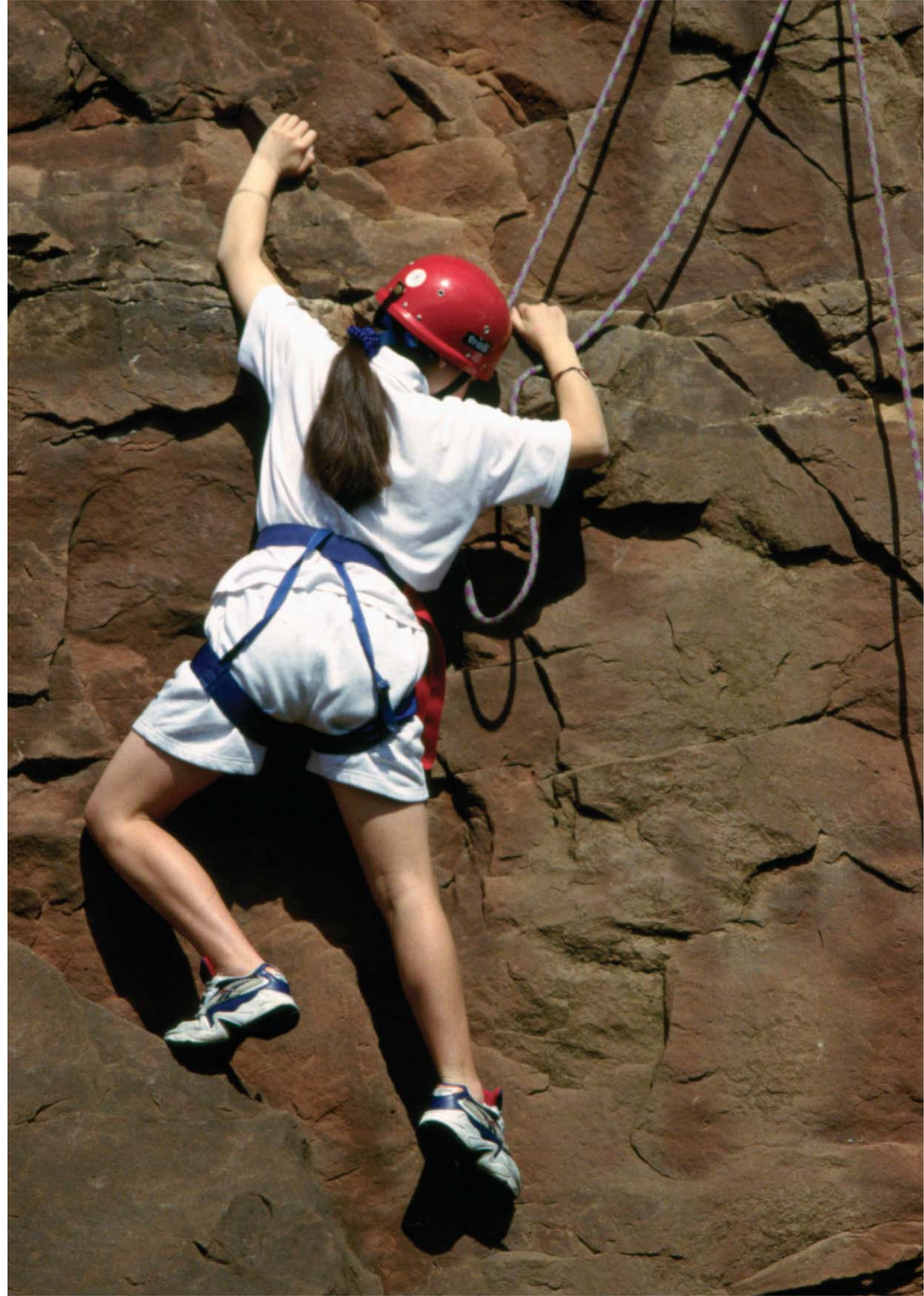
The paper recognises the important role of planning (in its widest sense) in managing the supply and demand for outdoor recreation. Therefore the current debate on local government reform, including the size and powers of local authorities plus the possible devolution of planning powers to a regional and local level, is seen to be a major potential influence on outdoor recreation in the future.

Some of the consultees spoken to by the Henley Centre saw the increasing number of households and the consequent need for additional

dwelling, particularly in the South East, as a threat to existing outdoor recreation areas. Conversely, other consultees thought that the sustainability agenda was likely to place a greater emphasis on developing balanced communities, including social infrastructure such as public spaces.

Again, this points to a need for Natural England and Sport England to provide adequate guidance to local planning authorities and developers on the provision of open spaces. Furthermore, it emphasises the need to resist the loss of strategically or locally important open spaces/recreation sites, both by local planning authorities and by Sport England in its role as a statutory consultee in the planning process.

Although the area of focus for Natural England is slightly different than Sport England's, there are, nevertheless, many areas of common concern and purpose. Therefore, the forthcoming consultation on Natural England's Outdoor Recreation Strategy should be of more than passing interest to all readers of this bulletin.



4.0 Single System for Sport/ Planning Across Boundaries



Sport England is committed to simplifying and modernising the way in which sport is administered and funded in England. The Single System for Sport has been created to achieve this and operates at a national, regional and local level.

At the national level a target of achieving an increase in participation in sport and recreation of 1% per year has been set by the Government, while at a regional level, 9 Regional Sports Boards, each with a Regional Plan, are playing a co-ordinating role.

At the sub-regional and local level, County Sports Partnerships and Community Sports Networks will help to co-ordinate and deliver sport and recreation opportunities and drive forward the 1% target. The Sport England website contains a large volume of practical advice and guidance in this area.

Sport England's website contains a dedicated section dealing with Planning Across Boundaries:
www.sportengland.org/pab

The site is designed to help those involved in developing sport in their local community, including local authority officers and other stakeholders. In particular, it is intended to act as a route map through the wide range of local, county, regional and national strategies which can influence the delivery of sport at a local level. It is also aimed at encouraging greater 'spatial' planning locally, by encouraging local authorities to work together, for example in seeking to best utilise opportunities that 'cross boundaries' such as rivers, stretches of coast, AONB's etc.

Planning Across Boundaries provides 6 indicative Key Actions for integrating sport into LDFs. These are:

01. Make sure that you are engaged at all stages of the process, from regional spatial planning to developing SPDs.

02. Identify champions for sport within the planning process, talk to your Forward Planners and get them on board.

03. Make sure that sport is represented in the key documents that will influence decision making.

04. Identify the priorities in each of the local Planning Documents and demonstrate how sport can contribute.

05. Agree the standards of provision using information from your PPG 17 assessment, and Design Standards within the relevant supplementary planning documents.

06. Establish standard of provision for sport & leisure per person for your area and calculate the cost of these as a basis for section 106 contributions.

The role of sport should be central to the work of Local Strategic Partnerships (LSPs) and the LSP sub-groups which exist in each area.



4.1 Local Planning Policies

All English local planning authorities are now well into the process of preparing local development framework (LDF) documents. In order to ensure that sport and recreation themes are well represented in the emerging documents, Sport England has produced its own suite of advisory documents and tools, which are detailed at the end of this bulletin.

One of the key themes within "Spatial Planning for Sport and Active Recreation" is Environmental Sustainability. Within this Sport England advocates policies which seek provide for new sites for sport and recreation, including access to natural resources for countryside activities. In addition policies should seek to maintain the quality of the environment in which leisure takes place and which prevent the irreversible loss of protected areas such as SSSIs. This includes the promotion of management solutions to resolving conflicts of interest between users.

A demonstration of this is the number of examples of "green infrastructure" policies which are coming into existence, as part of the process of developing LDFs. One example of these is provided below.

4.2 Bedford Core Strategy and Rural Issues Plan – Submission Version (July 2006)

Policy CP 23 of the submission version of the Bedford Core Strategy and Rural Issues Plan concerns Green Infrastructure and relates to formal recreation and sports facilities plus more informal pathways and routes, canals and water-spaces and areas of accessible countryside. The policy is shown below:

"Existing green infrastructure of both local and strategic importance will be protected from development.

Where appropriate, development will provide green infrastructure in accordance with adopted local standards. Where provision on-site is not possible or preferred, a contribution towards off-site provision or where appropriate, enhancement will be required.

Both on-site and off-site provision/enhancement will be made with regard to the priorities identified in the Council's greenspace strategy.

As a contribution to the greenspace network, tourism and the vitality of the town centre, the creation of the Bedford to Milton Keynes canal will be supported.

Where necessary and appropriate the Council will seek the use of planning obligations to secure a contribution towards the cost of future management and maintenance of green infrastructure."

The type and scale of provision (on-site and off-site) is not detailed in the policy, but is presently contained in saved local plan policies. In future, the standards will be informed by a fully PPG 17-compliant assessment. The policy is also informed by the Bedfordshire and Luton Strategic Green Infrastructure Plan, which provides a spatial context and evidence base for more local green infrastructure policy documents.



5.0 Planning Appeals Database

The Planning Appeals Database has been in existence since 1993 and contains decisions relating to appeals and called in planning applications from 1990 to the present day. It now contains well over 3,500 decision letters, ranging from small-scale equestrian uses to major stadium facilities.

Over the past few months, Sport England has been working to update and simplify the database, with a view to making both the database itself and individual decision letters and Inspector's reports available online. That process is now complete and the database can be viewed and interrogated at the Sport England website (see Appendices for full address). Each record on the database contains a link to the relevant decision letter or report which can be downloaded and printed.

The new version of the database provides a valuable tool for planners, sports development officers and others with an interest in sports related planning decisions. It will be continually updated by Sport England but if any readers are aware of important decisions which do not presently appear on the database, please contact:
planningforsport@sportengland.org

6.0 Recent Decisions

6.1 Residential Development on Playing Fields Site in Grangetown, Sunderland

Sunderland City Council

Reference: APP/J4525/A/06/Z033334
March 2007

Decision: Appeal Allowed and Planning Permission Granted

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The appellant's intended to build 19 "high value" dwellings on a small playing field site which had not been used for organised sport in recent seasons but which were still recognisable as such. Planning permission had been granted for replacement playing fields on a nearby site, which were in the same ownership as the appeal site. No legal agreement or undertaking had been submitted to require the provision of the replacement facilities. However, the local planning authority had indicated that, should the appeal be allowed, a Grampian-type condition would be appropriate and sufficient to ensure replacement facilities would be provided.

The Inspector considered the proposed replacement facilities to be acceptable in terms of their location, although his letter does not specifically address the issues of quality and size of the new facilities, referring only to the reference number of the outline planning permission for the replacement facilities. His condition 2 required that the housing development should not commence until replacement playing fields and associated facilities at least equivalent to those formerly used on the appeal site had been constructed and brought into use, in accordance with the outline permission granted.

A separate condition required the submission of a scheme for the provision of off-site open space to serve the development, before development commenced. The scheme was to be carried out in accordance with the approved details.

The Inspector appeared to be happy with the principle of providing "at least equivalent" quality playing fields to replace the existing facilities, purely on the basis of an outline planning permission. There is no reference in the decision letter to any reserved matters application providing details of the new facilities, although it is probable that the outline application contained sufficient detail to satisfy the Inspector on this point.

The last three editions of the Planning Bulletins have not contained any decisions from the appeals database, so this edition provides a few interesting cases which demonstrate the way in which Inspectors and the Secretary of State are now interpreting planning policy in sports planning matters. One of the decisions follows the theme of this bulletin, whilst the others are of more general interest.

6.2 Residential Development, Health Centre, Sports Pitches and Public Open Space on land at Cippenham, Slough

Slough Borough Council

Reference: APP/J0350/V/05/1185598
August 2006

Decision: Planning Permission Granted

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This was a planning application called in by the Secretary of State for determination following a public inquiry and involved a 26.77 ha site adjacent to the M4 motorway to the south and existing residential development on all other sides. The site was described as undeveloped land by the Inspector although it had been identified as accommodating an open space scheme (including four football pitches plus amenity space) to serve an earlier residential development approved in 1996. The site also accommodated a noise bund adjacent to the motorway.

One of the main issues identified by the Inspector was the acceptability of the proposals in terms of PPG 17, particularly assessing the quantitative and qualitative aspects of the proposed scheme.

The proposed development included 11.47 ha of land for publicly accessible formal and informal recreation, leased for 999 years to the Borough Council, with a commuted sum for maintenance. This provision included the four football pitches previously approved, plus one additional pitch, changing rooms, children's play areas and amenity open space. Crucially, the 1996 permission only required 4.3 ha of land to be made accessible to the public for a maximum of 21 years, with no sum for maintenance and little prospect of changing facilities being provided by the Council. At the end of the 21 year period the land would revert to the landowner, with no obligation to maintain public access.

A recent PPG 17 assessment had identified a deficit of senior and junior football pitches, most of which would be made up by the application proposals. The local planning authority supported the scheme, even though it would result in the reduction of a green wedge of open land between the proposed development and an existing residential area.

The Inspector concluded that, in terms of provision for sport and recreation, "the proposal would represent a real net gain." However, he also considered that the reduction in size of the green wedge was not acceptable. On balance, he decided that the qualitative gains would not, by a small margin, outweigh the quantitative loss of open space and therefore the proposals did not comply with PPG 17. After considering all other matters he recommended that planning permission should be refused.

The Secretary of State agreed with the Inspector's conclusions in respect of the balance between qualitative gains and quantitative losses. However, she considered that planning permission should nevertheless be granted due to a compelling need for affordable housing which the scheme would provide.

Of most interest in this case is the balancing exercise undertaken by the Inspector and the Secretary of State to determine whether the raft of additional formal facilities on offer (including guaranteed long term access to the community and a reduced burden on the local authority in terms of maintenance) would off-set the loss of open space, albeit open space with no long term access by the public.

6.0 Recent Decisions (cont.)

6.3 Sports Hall and Parking on land in Slough

Slough Borough Council

Reference: APP/J0350/V/04/1151731
September 2005

Decision: Planning Permission Granted

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This is another case, also from Slough, in which the Secretary of State disagreed with an Inspector's recommendation to refuse planning permission and instead granted permission for a called in application. The proposed sports hall was to be built on Council-owned land in the Green Belt immediately to the north of the built up area of Slough. Planning permission had been granted for the development of outdoor sports facilities on the site to the east, for the same applicants, who are a community organisation providing facilities for the Sikh community in Slough.

The applicants had argued that there was an unmet need for indoor sports facilities to serve the Sikh community, which made up 9.1% of the population of Slough. In particular there was a stated need to serve Sikh women, who "prefer to participate in women-only groups in familiar surroundings." The facilities would, however, be available for use by the entire local community.

The Sikh community in Slough had been searching for land to provide for its sporting needs for over 20 years and details of the alternative sites were submitted to the Inquiry. The proposed building was to be located immediately adjacent to the existing built up area and would occupy 6.5% of the application site. It had been designed to reduce its visual bulk, whilst still providing the required facilities. Sport England's requirements and recommendations had been included in the submitted scheme.

The local planning authority did not object to the proposals, subject to conditions and a Section 106 agreement to limit non-sporting use of the building and other matters.

In her conclusions, the Inspector found that some elements of the sports hall building would be defined as essential facilities for sport and recreation in a Green Belt. These included the changing rooms and the storage rooms which would be used in association with an adjacent archery ground. However, as these would form only a small

proportion of the overall floor area, she considered the building as a whole to be inappropriate development. She also found the car parking area which served the building to be inappropriate and harmful to the Green Belt.

The Inspector went on to consider whether very special circumstances had been shown to overcome the presumption against inappropriate development in the Green Belt. She found that the Sikh community's need for the facilities had been demonstrated, as had numerous health and other benefits which would flow from the development. However, she concluded that these considerations were insufficient to overcome the normal presumption against inappropriate development in a Green Belt.

The Secretary of State disagreed with the Inspector's conclusions and recommendation. Whilst agreeing with much of the individual elements of the Inspector's conclusions, the Secretary of State found that the special circumstances of the case, particularly the needs of the Sikh community and the lengthy search for alternative sites, were sufficient to outweigh any identified harm and subsequently granted planning permission.

This case will be of interest to local planning authorities and others as it establishes a benchmark for considering sports buildings in the Green Belt. The applicants had been searching for a suitable site for over twenty years, had reduced the height of the building to that of a normal two storey house and had located it immediately adjacent to the urban area. Even then, the balance was only just in favour of granting planning permission.

6.4 Erection of Indoor Manege/ Riding Facility at Whitworth, Lancashire

Rossendale Borough Council

Reference: APP/B2355/V/04/1166576
March 2006

Decision: Application Refused

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This was an outline planning application called in by the Secretary of State for determination and involving a 37m x 31m indoor manege with a ridge height of 7m. The site is located in the Green Belt, in an elevated position, although within a former quarry and almost totally enclosed by high banks and rock faces.

Neither the applicant nor the local planning authority had produced proofs of evidence for the inquiry and one of the local Councillors spoke on behalf to the applicants. The local planning authority considered that although the proposal was inappropriate in the Green Belt, there were very special circumstances which outweighed any harm resulting from such inappropriateness. These circumstances were that the facility was intended for use by the applicant's daughter, who was a talented rider and had Olympic ambitions.

The Inspector found that the building would be largely hidden from view but would nevertheless be inappropriate in the Green Belt and would reduce its openness. In terms of PPG 17, she concluded that although the countryside can provide opportunities for recreation, developments in rural areas require special justification if they are in open countryside.

The Inspector did not feel that the individual aspirations of the applicant's daughter amounted to very special circumstances, as they could too often be used in similar circumstances. Although the site would be well screened by existing landform, the absence of harm in this respect should not be considered a very special circumstance, the Inspector found.

In this case the Secretary of State agreed with the Inspector's recommendation and refused planning permission. The case shows that a building can still be considered to reduce the openness of the Green Belt, even if it is well screened and only visible from restricted and elevated mid to long distance public vantage points.

7.0 Further Information

7.1 Author

Richard Percy

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7.2 Further Reading

Environment Agency

A Better Place to Play: Our Strategy for water-related sport and recreation (2006–2011)

Bristol: EA; 2006

DEFRA

Managing Coastal Activities: A Guide for Local Authorities

London: DEFRA 2004

7.3 Websites

Sport England

www.sportengland.org

Planning Across Boundaries

www.sportengland.org/pab

County Sports Partnerships

www.sportengland.org/index/get_resources_county_sports_partnerships.htm

Planning for Sport

www.sportengland.org/spatialplanning

Sports Appeals Database

www.sportengland.org/sportappeal

Communities & Local Government

www.communities.gov.uk

Natural England

www.naturalengland.org.uk

Environment Agency

www.environment-agency.gov.uk

Department for Environment Food and Rural Affairs

www.defra.gov.uk

7.4 Addresses

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7.5 Companion Titles in the Planning Bulletin Series:

01. Playing Fields

02. Strategic Planning for Sport

03. Intensive-use Sports Facilities

04. Planning Obligations for Sport

05. Sport in the Urban Fringe

06. Land-based Motor Sports

07. Stadia, Football Academies and Centres of Excellence

08. Playing Fields for Sport Revisited

09. Planning for Water Sports

10. Sport and Regeneration

11. Commercial Sports Provision

12. Planning for Open Space

13. Sport in the Green Belt

14. Intensive Use Sports Facilities Revisited

15. Strategic Planning for Sport Revisited

16. School Sites and Community Provision

17. Improving Access to the Countryside

18. Sports Clubs and Club Development

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