

Planning for Open Space

Introduction

Open space is a vital resource for all communities, providing opportunities for recreation, rejuvenation and contemplation. Some of the earliest and finest examples of public parks are to be found in England and these have inspired the development of new parks and open spaces in other parts of the world. For example, Birkenhead Park in Merseyside provided the inspiration for Central Park in New York and is now a conservation area and one of English Heritage's Grade I listed landscapes.

Despite this rich heritage, the past two decades have seen a decline in the quality and sometimes the quantity of our open spaces. This decline can be attributed to a number of factors, including pressures on local government budgets, CCT, broader social changes and industrial restructuring leading to the loss of works sports grounds.

The 1990s saw increased pressure on existing open spaces and stronger planning policies to protect them. Planning Policy Guidance (PPG) 17 *Sport and Recreation* was first published in October 1991 and has led to the creation of generally stronger development plan policies

which seek to resist the loss of open spaces, particularly those with sporting value. The enhanced role of Sport England, which in 1996 became a statutory consultee for planning applications involving the potential loss of playing fields, has helped to defend the value of recreational playing spaces.

The publication of the revised PPG17 in July 2002 has once again brought planning for sport back into the minds of planning and leisure professionals and all those who can be regarded as stakeholders in open space matters. The title of the revised PPG17, *Planning for Open Space, Sport and Recreation*, demonstrates the enhanced significance that the new guidance gives to open space.

This bulletin draws together the large body of research and good practice on the subject of open space, including international examples and some from closer to home. It will then focus on the revised PPG17 and its companion guide *Assessing Needs and Opportunities*. Some approaches to planning for open space at a local level will then be examined, before finally looking at a number of planning appeal decisions that address the open space issue.

The British experience

Planning and developing open spaces and parks is not a recent phenomenon. Many of Britain's most familiar parks were created in the 19th and early 20th centuries 'to provide a public amenity in rapidly expanding towns and cities. Right from the start, public parks were seen as having social, economic and environmental benefits. They provided much needed green space in the most heavily built up and deprived areas. They improved public health by providing the opportunities for fresh air and exercise, and they provided both mental and visual stimulus, and education, through the carefully planned planting of trees, shrubs and flowers.'

(From the Victorian Society Memorandum, as noted in the report of the Greater London Authority Green Spaces Investigative Committee.)

Urban White Paper

After a period of decline, the value of open space as a tool for regeneration and as a component of high-quality sustainable urban and rural environments, is again being recognised in Britain and internationally. The Urban White Paper, published in November 2000, took on board the earlier findings of the Urban Task Force and the House of Commons Environment, Transport and Regional Affairs Select Committee on public parks. It undertook not just to halt the decline of public open spaces but also to improve their quality. The White Paper pledged to lead and develop a shared vision for the future of parks, play areas and open spaces, to improve information on their quality and quantity and to improve the way in which existing and new open spaces are planned, managed and maintained.

Urban Parks Forum

In 1999 the Department of Transport, Local Government and the Regions (DTLR), with additional funding from the Heritage Lottery Fund and the Esmée Fairburn Foundation, established the Urban Parks Forum to foster better planning of open spaces. The Forum is now heavily involved in promoting best practice, providing an information exchange for interested parties and nurturing the sustainable future of public parks and open spaces.

Local Government Association

The Local Government Association (LGA) has assisted in the debate by publishing a series of research briefing papers (produced by the Centre for Leisure Research at Edinburgh University) under the heading *Realising the Potential of Cultural Services*. Of most relevance to this bulletin is Research Briefing 12 Point Five: *The Case for Urban Parks, Open Spaces and the Countryside*, published in November 2001. Key findings include the following benefits of urban parks, open spaces and the countryside:

- social cohesion – providing a sense of continuity and local identity
- physical and environmental – including amenity, psychological and ecological values
- health and well-being – an antidote to stress and an opportunity for a variety of 'health-oriented' experiences



- economic – possibly limited for smaller, local urban parks but significant for larger urban parks and for countryside areas
- educational – open spaces can be used as an educational resource for a wide range of subjects.

Greater London Authority

In London, the Greater London Authority (GLA) has created the Green Spaces Investigative Committee whose report feeds into the draft Spatial Development Strategy for the capital, the London Plan.

The report is one of a number that the GLA is producing to inform the draft London Plan and which will guide the review of the unitary development plans of each of the 32 London boroughs. Three of the main themes to emerge from the Green Spaces report are relevant to the national picture:

- the lack of reliable information on the quantity and condition of open space in London
- the overall decline in the quality of open space in the capital
- the lack of strategic vision for open space across London.

- **Information deficit:** Despite the production of several reports on the issue of open space by the London Planning Advisory Committee (LPAC – now subsumed within the GLA), there is no up-to-date record of open space in London. In his evidence to the committee, Richard Rogers, Chair of the Government’s Urban Task Force, suggested that maps of green spaces should be in the public domain to assist in the planning and creation of open space. Such a resource would be comparable with the New York City Open Accessible Space Information System (OASIS) model described elsewhere in this bulletin. The committee recommends that a database of open space information is established and maintained and made available to the general public.
- **Quality decline:** Although there has been considerable newspaper coverage of the quantitative decline in open space and particularly playing fields in recent years, a parallel and more insidious qualitative decline is also apparent. The committee noted that the loss of open space is frequently preceded by a deterioration in its quality, particularly with playing fields and predominantly with privately owned playing fields. To address this issue, the committee recommends that the Spatial Development Strategy should presume against granting planning permission where there has been intentional neglect of open space, although how this will be implemented in practice is yet to be determined.
- **Lack of strategic vision:** The committee found a number of individual examples of good practice in terms of providing and protecting open spaces. However, it also saw a lack of a coordinated strategic vision for open space across the capital, with individual boroughs often not looking outwardly to liaise and work in partnership with their neighbours. To overcome this problem, the Committee recommends the establishment of a London Parks Forum and the provision of a strategic vision for the protection and renewal of open space in the Spatial Development Strategy.



Urban Green Spaces Taskforce

Many of these issues, and more, were featured in the final report of the Urban Green Spaces Taskforce *Green Spaces, Better Places*, published in May 2002 by the DTLR. The report was the culmination of over 12 months' work by the Taskforce, which consisted of representatives of a number of interested parties, including the Institute of Leisure Amenity Management, Sport England and government departments.

The report was supported by six further reports by Taskforce working groups, which considered such issues as good practice for improving urban green spaces and the planning, design, management and maintenance of open spaces. The main messages to emerge from *Green Spaces, Better Places* are:

- Urban parks and open spaces remain popular, despite a decline in the quality of many of them.
- Urban parks and open spaces make an important contribution to the quality of life in urban areas and help in delivering long-term social, economic and environmental benefits.
- Planners and planning mechanisms need to take better account of the need for parks and open spaces, including their ongoing maintenance requirements.
- Parks and open spaces should be at the heart of a vision of sustainable modern towns and cities that are pleasant places to live.



The report makes a series of recommendations, the most fundamental of which is that more investment is needed to create the envisaged networks of green spaces. A benchmark of £100 million of capital funding for each of the next five years is put forward.

A further recommendation is that the Government adopt and promote the use of a typology of open and green spaces. A slightly amended version of the typology appears in the Annex to the revised PPG17 and in the companion guide to the PPG. The Government has now responded formally to the Taskforce, with a commitment to publish, in the autumn, a strategy and action plan for improving all open spaces.

In May 2002 the DTLR produced a linked research report, *Improving Urban Parks, Play Areas and Green Spaces*, to inform the Urban Green Spaces Taskforce. The research was undertaken by the Department of Landscape at the University of Sheffield. In addition to defining what is meant by the terms 'green space' and 'open space', the

report looked at patterns of use and benefits of open space, barriers to the use of open space and the role of open space in urban regeneration. In producing the report, its authors looked at 15 case study local authorities, providing a fascinating cross-section of initiatives, issues and examples of good practice. Full publication details can be found in the Further reading section at the end of this bulletin.

The international dimension

In the United States, the New York City Open Accessible Space Information System (OASIS) is creating an interactive mapping and data analysis application that is available to all via the Internet 'to enhance the stewardship of open space for the benefit of New York City residents'. And in Japan, one of the most densely populated nations in the world, open space is now being seen as 'a cornerstone of building a sustainable society'.

The New York City OASIS will enable city residents to:

- create maps of open space by borough, postcode or neighbourhood
- identify key open space resources
- calculate statistics related to open space
- undertake 'what if' scenarios
- use other mapping and data analysis tools.

Although OASIS is not yet fully functional, it does offer a glimpse of what is achievable in the way of making information available to the general public. Perhaps one of the most valuable aspects of the project is the ability to use information from the 1990 and 2000 censuses to compare open space distribution across the city and to assess the effect of social and demographic factors on this distribution. Equally valuable, in terms of public accountability, will be the ability to find out which city council member represents each park.



The importance of open space to the New York community is demonstrated by the central role it will play in rebuilding Lower Manhattan following the September 11 attack. The Lower Manhattan Development Corporation, which was formed to oversee the revitalisation of the area, has set down 11 principles for action, one of which is to expand and enhance public and open spaces.

These principles for action are expanded within a Preliminary Blueprint for Renewal, which includes a section on creating an accessible, attractive and comprehensive park and open space system for Lower Manhattan. The blueprint includes the following statement:

‘Open spaces are essential to the quality of life downtown, providing alternatives to steel and glass skyscrapers and, perhaps more importantly, a physical and psychological centre around which the city can grow. Public open spaces stimulate and promote private and human development.’

Given the generally high density of development in urban Japan, it is perhaps slightly surprising that some good examples of planning for open space are to be found there. The National Strategy of Japan on Biological Diversity is one of a number of government programmes that manifest the Government’s increased environmental awareness and highlight ‘the importance of biological diversity as one of the significant elements for prosperity.’

The revision of Japan’s Urban Green Spaces Conservation Law in 1994 enabled municipalities to draw up master plans for parks and open spaces. Within cities, urban parks are being extended with the aim of providing 20m² of urban parks for every resident. Although the urban parks and open spaces are primarily maintained for nature conservation reasons, rather than formal recreational purposes, thus allowing residents to ‘commune with nature’, these open spaces do have potential recreational benefits and uses.



PPG17 *Planning for Open Space, Sport and Recreation*

The long awaited and (for some) eagerly anticipated revision to PPG17 was finally published on 24 July 2002. The PPG is the first to be published by the Office of the Deputy Prime Minister, which took responsibility for planning matters from the now defunct DTLR in May 2002. Both in terms of its title and the proportion of paragraphs devoted to it, open space features more prominently in the new statement of government policy than in its predecessor. Of the 33 paragraphs, 22 now deal partly or exclusively with the subject, compared to 23 of the 59 paragraphs in the old PPG.

In paragraph 1 of the Annex to the revised PPG, open space is defined as 'all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as

a visual amenity'. The scope of the revised PPG is thus wider than its predecessor and the open space typology that is included in paragraph 2 of the Annex 'illustrates the broad range of open spaces that may be of public value.'

The typology ranges from 'cradle' (children's play areas) to 'grave' (cemeteries and churchyards) and from formal sports facilities to areas of accessible countryside.

Unlike earlier PPGs, the revised PPG17 initially sets out how good policies for open space, sport and recreation can deliver the Government's broader objectives of urban renaissance, rural renewal, social and community inclusion, health and well-being and sustainable development. This pattern may well provide a clue to the format of the next generation of planning policy statements which were proposed in the Planning Green Paper.



The very first paragraph of the revised PPG17 reveals a more determined approach by the Government to the issue of planning for open space at a local level. Whereas the original PPG considered it 'helpful if local planning authorities draw up their own standards of provision for formal and informal sport and recreation, based on their own assessment of need', the new PPG is more forthright: '...it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities.'

Local authorities are also advised to undertake audits of existing open space, sport and recreation facilities, including a quantitative and a qualitative element. Such audits and assessments would then form a starting point for an effective strategy for open space, sport and recreation at a local level, linking into the Community Strategy and the development plan (local plan, unitary development plan or the new local development frameworks).

Advice on the production of such audits and assessments is to be found in the PPG's companion document *Assessing Needs and Opportunities*. Local planners are advised to work with their colleagues responsible for management of open space, sport and recreation facilities in compiling audits and assessments. Disappointingly, no timescale is put on the production of the audits and assessments and there is, therefore, a danger that local planning authorities may not have the resources or the incentive to undertake the work as a priority.



At present, around 160 local authorities have undertaken some form of open space or playing pitch assessment, although the methodology and quality of these is variable. With the publication of the companion guide to PPG17, the methodology adopted for future audits and assessments should, at least, be more consistent.

When the audits and assessments are complete, the local planning authorities are then advised that they should set local standards for the provision of open space, sport and recreation facilities, including quantitative and qualitative elements and an accessibility component. No reference is now made to the National Playing Fields Association (NPFA) Six Acre Standard and the guidance specifically advises against the adoption of national standards.

A further change in the Government's approach to open space planning and protection can be seen in paragraph 10 of the revised PPG. Previously, a proposal for the loss of a playing field would be acceptable (in terms of PPG17) if it could be demonstrated that a local area had an excess of sports pitch provision and public open space. The revised guidance now requires the decision maker to consider 'all the functions that open space can perform.'

Consequently, when a planning application is now submitted that involves the loss of a playing field, it will be necessary to show not only that the area has a surplus of playing fields but also a surplus of all other types of

open space. If the area has a shortfall of, for example, children's play areas, the local authority can legitimately seek to use conditions or a planning obligation to secure part of the site for the provision of that type of facility.

Perhaps a more fundamental shift in emphasis on this issue is shown by one sentence, also in paragraph 10 of the revised guidance. If a local planning authority has not carried out a robust and up-to-date assessment of open space or sport and recreation facilities, an independent assessment may be submitted by the applicant to demonstrate that the land or buildings are surplus to requirements. This mirrors the original advice. However, the revised guidance then goes on to require the developer to 'consult the local community and demonstrate that their proposals are widely supported by them.'

Given the value that local communities quite rightly attach to local areas of open space, it appears highly unlikely that any local communities will support proposals for the loss of such areas. This sentence therefore appears to give local communities what amounts to a power of veto to prevent any development on open spaces, even where community benefits can be demonstrated. It is unclear if a local planning authority or a planning inspector would refuse to grant planning permission or to allow an appeal purely on the basis of the opposition of local communities to the loss of an open space, or if wider benefits would outweigh local concerns. Future appeal decisions involving this issue will be reported in later bulletins in this series.





Confirming the advice given in Annex C of PPG3 *Housing*, the revised PPG17 notes that parks, recreation grounds, playing fields and allotments must not be regarded as 'previously developed land'. Even land that does fall within that definition must be assessed for its existing and potential value for recreation before its development for other purposes is considered.

Sport England's policy on planning applications for development on playing fields, *A Sporting Future for the Playing Fields of England*, provides five exceptions to its normal stance of opposing any loss of all or part of such facilities. These five exceptions are now reflected in paragraphs 10 and 15 of the revised PPG17. Although the wording of the PPG is not identical to Sport England's policy in every case, the

two documents are now in closer accord than was the case with the original PPG, which contained only three exceptions.

At present, Sport England must be consulted on development proposals affecting playing fields or land that has been used as playing fields at any time in the previous five years or is identified as a playing field in a development plan. The size threshold for this is currently 0.4ha (approximately the size of a senior football pitch). This threshold will now be lowered to 0.2ha, thus bringing small-sided pitches within the ambit of the consultation process. The legislation to bring this about will shortly be introduced. In view of the major growth in small-sided football and rugby in recent years, this change will be of immense value.

Paragraph 21 provides advice on mixed use sites which accommodate sporting, retail and leisure uses, attracting a large number of visits throughout the day and night. Such mixed uses should continue to be sited in highly accessible locations, in or adjacent to town centres, or in district or neighbourhood centres. Although it is not entirely clear, it appears that sports-only developments such as health and fitness centres and indoor tennis centres do not need to satisfy the sequential tests set out in PPG6 *Town Centres and Retail Development*. The guidance therefore does not differ from the view expressed by the Inspector in the Hertford case study included in Planning Bulletin 11 *Commercial Sports Provision*.

The final paragraph in the revised PPG17 provides guidance on the use of planning obligations as a means of remedying local deficiencies in the quantity or quality of open space, sport and recreation provision. Obligations should not be used and are not justified unless the local authority has carried out assessment of needs and an audit of provision, as discussed elsewhere in the PPG.



Assessing Needs and Opportunities

Published some weeks after the revised PPG17, the companion guide is a comprehensive and valuable 'handbook' that elaborates upon the task of undertaking local assessments of need and audits of provision for open space and sport and recreation facilities.

Crucially, the guide emphasises the need for assessments and audits to be undertaken by cross-departmental working within local authorities, thus linking the town planning process with the Community Strategy and the Best Value process. External stakeholders, too, are to be an integral part of the framework that delivers local assessments and audits. At the heart of the guide is a five-step process for undertaking a local assessment:

- Step 1: Identify local needs.
- Step 2: Audit local provision.
- Step 3: Determine provision standards.
- Step 4: Apply the provision standards.
- Step 5: Draft policies.

Other approaches to the process may be possible, although they would need to demonstrate that they are as comprehensive and inclusive as the five-step approach and that they accord with the policy requirements of PPG17.

Throughout the guide, worked examples and examples of good practice from local authorities are included and provide practical approaches to various aspects of the process.

Local approaches to planning for open space

The DTLR report *Improving Urban Parks, Play Areas and Green Spaces* noted that three-quarters of the 50 local authorities its research team had contacted had some form of green space strategy. Many of those authorities were now looking at taking a more holistic view of the place of parks in the wider network of green spaces, developing green space categorisation systems and typologies and looking to incorporate community needs into the mix.

The typology of open spaces, which is included in the Annex to the revised PPG17 and considered in depth in the companion guide, was first developed in the Scottish Executive Paper *Rethinking Open Space: Open Space Provision and Management: A Way Forward*, published in 2001. Although mainly written in a Scottish context, the paper provides many useful points which English planners, leisure managers and those involved in planning for open space will find extremely valuable.

At present most English development plans use the NPFA Six Acre Standard as their basic tool for recreational open space planning. Although the standard has been revisited a number of times by the NPFA, most recently in 2000/2001, the concept was first put forward in the 1920s. As Kit Campbell, the author of the Scottish Executive Paper notes: 'Sport and recreation, not to mention children's play, have changed significantly since the nineteen twenties. It is therefore very doubtful whether a standard which is essentially around 75 years old is still valid – if it ever was. Moreover, it beggars belief



that the same basic standard is equally appropriate in the Western Isles, Glasgow and the south of England.'

It is significant that the revised PPG17 does not mention the NPFA Six Acre Standard in any way, not even as illustrative material to assist local authorities in formulating their own local standards. Although many local authorities have been reluctant to divest themselves of the comfort of a nationally recognised standard of provision, it is clearly time for this to happen.

With guidance from, among others, Sport England, English Nature, the Environment Agency and the Countryside Agency, all local planning authorities should now be looking to undertake their own open space

assessments and audits and then formulate a local standard of provision. Funding from the New Opportunities Fund, through the Playing Fields and Community Green Spaces programme may be available (distributed via Sport England) to assist projects that help communities gain access to playing fields, green spaces, school playgrounds and community play areas.

In undertaking a playing pitch assessment as part of an overall open space assessment, local authorities will be able to consider the revised advice contained in *Towards a Level Playing Field: A Manual for the Production of Playing Pitch Strategies* and available on the Sport England website. The document replaces the original 1991 *Playing Pitch Strategy* that, like the new document, was jointly published by Sport England with the NPFA and the Central Council of Physical Recreation. Available with the new document is a downloadable electronic toolkit, which provides a template for data collection.

In view of the advice contained in the revised PPG17, it is highly likely that Planning Inspectors will no longer accept a Six Acre Standard approach in emerging development plans and local authorities should therefore identify appropriate resources to undertake this work.

Planning appeals database

The two playing pitch examples drawn from the planning appeals database will demonstrate how Inspectors and the Secretary of State have dealt with recreational open space issues under the old PPG17 regime. Two other case studies will look at proposals for new stadium facilities to serve clubs from rugby union and rugby league: Newcastle Falcons and Warrington Wolves.

Residential development on former playing fields – land at Kendal Way, Anlaby, Hull

Kingston upon Hull City Council and East Riding of Yorkshire Council – March 2002

Reference: APP/V2004/A/01/1074180 and APP/E2001/A/01/1074213

Decision: Appeal dismissed

This site featured in an earlier appeal decision, which was reported in the first Planning Bulletin in May 1997. The former sports ground had not been used for formal sport since 1993, with all buildings having been removed, the tennis courts reverting to woodland and the playing field being unmanaged.

The appellant, a housebuilder, argued that, as the site had not been used for more than five years, it should no longer be regarded as a playing field. The Inspector rejected this argument, despite the time limit on referrals to Sport England being five years in the Town and Country Planning (General Development Procedure) Order 1995 (the GDPO). He regarded the provisions of the GDPO as 'providing an emphasis, with regard to consultation, on currently used or recently used playing fields or those allocated in local plans'. The fact that a site had not been used during the last five years should not overrule the main issue – that Hull had an under-provision of playing fields. There was good reason to have regard to any representations made by Sport England and 'no compelling case to disregard facilities that have become disused but remain capable of re-use.'

The appellant had put forward a package of measures that could be viewed as meeting requirements arising

from the local plan or elsewhere. These involved the upgrading or improving of existing sports pitches to allow increased usage, plus a financial contribution to provide new or improved facilities at a nearby park. Finally, the owner of the site would reinvest the receipts from the sale of the site to provide additional sport and recreation facilities elsewhere in the city.

A council survey carried out in 1994 had concluded that there was a shortfall of sport and recreation facilities in the Hull area. No evidence was submitted to demonstrate that this situation had changed in the intervening years. As a consequence, the proposal was contrary to the adopted Hull City Plan.

After considering a number of other issues, the Inspector concluded that the appeal should be dismissed. The issue of local levels of sport and recreation facility provision was clearly fundamental to this case. It appears that the appellant did not attempt to argue that the 1994 council survey was outdated or factually incorrect, relying rather on a package of compensatory measures and the site's long period of disuse.

The Inspector's views concerning the need to take into account the potential for re-use of the sports ground, and not to disregard that potential merely because the site had not been in active use for more than five years, are of particular interest.



**New link road and residential development – land off Grange Lane, Wolstanton, Newcastle-under-Lyme
Newcastle-under-Lyme Borough Council – October 2001**

Reference: APP/P3420/A/00/1053697

Decision: Appeal allowed

The site was part of the former Wolstanton Colliery and consisted of a detached primary school playing field and a former cricket pitch (last used in 1973). It had been allocated for residential development in the adopted local plan, although the school playing field was to be retained.

The application had been refused on the ground that replacement sports facilities were inadequate and therefore the proposal was contrary to local plan policy

and PPG17. However, the council latterly resolved not to defend this reason at the inquiry and presented no written or verbal evidence to the inquiry. Sport England objected to the loss of the former cricket pitch and also objected to the replacement school playing field, which was considered to be inadequate.

This case provides a marked contrast with the Hull case, in terms of the Inspector's consideration of the issue of currently unused sports facilities. With respect to the former cricket pitch, this Inspector noted the lengthy period of disuse, the lack of public access to the site and its residential allocation in the local plan. He then commented: 'If a proposal for a particular land use is to be refused in order to secure another, desired land use on a site, there must be at least a balance of probability that the desired land use



will, in fact, come about. In this case there is no indication that, if planning permission were withheld for housing, a sport-related use would be established.' The appellants had cited the case of *Westminster City Council v British Waterways Board* (1984) in support of this contention.

What distinguishes this case from the Hull case is the existence of a playing pitch assessment showing a shortfall of playing pitches in Hull, but not in Newcastle-under-Lyme. Although the Hull assessment was fairly dated, in the absence of any contradictory evidence put forward by the appellant the Inspector gave it some weight.

In this case Sport England noted that the borough and county councils had not undertaken any assessment of playing fields and thus Sport England found it difficult to assess the proposals.

In his conclusions, the Inspector noted that the replacement school playing field entailed an additional pitch of higher quality than the existing one. Community use would be ensured by way of a planning condition. Although the replacement facilities would not be suitable for adult use, there was no requirement for such in the local plan policy.

The Secretary of State agreed with his Inspector's reasoning and conclusions and allowed the appeal.

This case demonstrates the need for local authorities to undertake comprehensive playing pitch and other open space assessments, not only to support planning applications and appeals but also to inform the local plan preparation process. Without such support, cases of this type cannot be defended.

Newcastle Rugby Football Club – erection of stadium, training barn, new pitches on land at Kingston Park and Bullocksteads Sports Ground, Newcastle upon Tyne – March 2002

Reference: GONE/P/M4510/220/01/2

Decision: Application approved

This outline planning application was called in by the Secretary of State and was the subject of a public inquiry in December 2001. The application was supported by the local planning authority, subject to the completion of a Section 106 Agreement relating to highway works, travel and landscape management plans, additional bus services, match day off-site car parking and the development of further community use of the sports facilities on the site. The application was supported by an Environmental Statement.

The application site extended to some 30ha and incorporated the existing Newcastle Falcons Rugby Club ground, Kingston Park and the adjacent University of Northumbria sports ground, Bullocksteads. The site is to the north of a large residential area and a modern retail park, close to Newcastle International Airport.

The main facilities to be provided were:

- 10,000-capacity rugby stadium (4,000 seated)
- training barn and teaching academy as an adjunct to the new north stand
- new sports pitches, including one 'all-weather' pitch
- extension to the university's changing room building
- reconfiguration and improvement of existing pitches.

The main users of the new and enhanced facilities would be the Newcastle Falcons Rugby Club, the university and the Northumberland Rugby Union. However, other rugby and football clubs (including the Newcastle United FC reserve team) would also use some of the facilities on a regular basis.

The Inspector considered the main issue to be the location of the site in the Green Belt and therefore the impact of the proposal on the purposes of the Green Belt and its openness. All parties agreed that the various elements of built development would be inappropriate in terms of Green Belt policy and would thus require justification on the basis of very special circumstances. However, much of the site would remain open in the form of playing fields and would therefore be appropriate in the Green Belt.



In considering the impact of the development on the openness of the Green Belt, the Inspector based his judgement upon 'the effect over and above the impact of existing buildings'. Although the stadium and training barn would have a greater impact than the existing buildings on the site, their design had been carefully considered to reduce their impact. The stadium's design had rejected an 'enclosed bowl' solution and would, instead, be an 'open, visually permeable structure allowing views through the ground at all four corners and through the structure of the stands themselves'. The barn would be linked to the stadium and would have an organic shape and a maximum height at or below the level of the existing clubhouse.

In summarising the appearance of the various buildings, the Inspector noted the applicant's assertion that 'the overall design seeks to provide a solution for Kingston Park, not a generic building type imposed on this site'. He also noted that 89% of the overall site would remain unbuilt, as pitches and club grounds. The effect of the new buildings would be, the applicants claimed 'to contain much of the present clutter within a coherent group of designed buildings. The new composition of the buildings would be more attractive than the present disparate complex'.

The Inspector concluded that the harm caused to the Green Belt would be limited in scale and capable of mitigation. He went on to conclude that any harm would be 'comprehensively' outweighed by the very special circumstances put forward by the applicants.

The very special circumstances related to the need of the Newcastle Falcons Rugby Club to meet the requirements of the new framework for Premier League rugby in England. This requires that 12 franchises be established,

based on professional rugby clubs with 10,000-capacity stadia and training academies. The existing facilities at Kingston Park would not meet these standards and no alternative sites had been identified, despite an extensive and comprehensive exercise that included 68 other sites.

If planning permission for the proposals had been refused, the club would almost certainly have folded in its present form. Its excellent sports development work in the community would have been lost, as would the links with the Northumberland Rugby Union.

Other factors, such as public transport arrangements, residential amenity, traffic and car parking, were also considered to be acceptable by the Inspector, who recommended that planning permission be granted. The Secretary of State agreed with his Inspector.

Rugby league stadium, retail unit and petrol filling station at Winwick Road, Warrington
Warrington Borough Council – December 2001
Reference: PNW/5150/219/24
Decision: Planning permission granted

Like the Newcastle case, this was an outline application called in by the Secretary of State and subject to a public inquiry. Perhaps understandably, although coincidentally, the same Inspector dealt with both inquiries.

The proposed development was supported by the local planning authority, subject to a Section 106 Agreement covering a bus service between the site and the town centre, highway works and the construction of the stadium to Super League standards, prior to the opening of the foodstore.

The proposed stadium would become the new home ground for the Warrington Wolves Rugby League Club who presently play at Wilderspool, a ground that was described during the inquiry as rundown and lamentable. The club did not have the resources to provide its new stadium without external assistance. Without the new stadium, the club would be unlikely to continue to survive at Super League standard.

The applicants made considerable efforts to emphasise the importance of Warrington Wolves to the Warrington community. They noted that Warrington is the largest town in Europe without a professional football team and thus relies greatly on the Wolves to promote a positive image of the town. The club had an excellent community programme, which would also be likely to disappear if the new stadium did not materialise.

The club had been trading at a loss for a number of years and had only survived through the sale of its ground to the council and the goodwill of its shareholders. The Inspector accepted that the scheme before him, which involved a new Tesco foodstore that would effectively fund a substantial part of the development costs of the new stadium, was the only way forward for the club.

In addition to the need for the stadium and the importance of the club to the community, the Inspector also noted that the new stadium would be more conveniently located for a larger proportion of the club's supporters than the existing ground. (Of the club's season ticket holders, 60% live in the area surrounding the new stadium, as opposed to 28% from south of the River Mersey, where the existing stadium is located.)

The council and the club considered six alternative sites, all within the Warrington area. Although the identification of alternative sites was not as comprehensive as in the Newcastle case, the Inspector agreed that the application site was the best option, from the point of view of planning policy, accessibility, location, physical characteristics and commercial suitability.

The retail element of the proposals had fundamental planning policy problems:

- it was in an out-of-centre location serving predominantly car-borne customers
- it would have a considerable impact on the existing town centre
- it would not meet an identified qualitative need.

If the application had been for the foodstore only, the Inspector would have had 'no hesitation in recommending that permission be refused'.

In the balancing exercise to determine his final recommendation, the Inspector judged the following factors against the retail policy objections to the scheme:

- scope for development of the cleared brownfield site to act as a catalyst for the regeneration of the surrounding area
- the opportunity for the site of the present rundown stadium to come forward for redevelopment
- the need for a new stadium to serve the club and the community
- the role of the retail element as an enabling package to bring forward the new stadium.

In the final analysis, the Inspector concluded, 'I consider that the positive benefits to the local community tip the balance in favour of the development proceeding, and I recommend accordingly'. The Secretary of State agreed with the recommendation.

Taken together, the Newcastle and Warrington decisions represent a significant and positive statement by the Government. Both cases had to overcome major policy objections, Green Belt in the case of Newcastle and retail in the case of Warrington. Both cases involved rugby clubs with poor existing facilities, which would probably not retain their senior status without the proposed new stadium. Both cases involved clubs with excellent community sports development programmes and a central place in the local community.

Author

Richard Percy, Steven Abbott Associates

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Office of the Deputy Prime Minister –

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Sport England –

www.sportengland.org

Urban Parks Forum –

www.urbanparksforum.co.uk

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Addresses

Sport England

More Places Team

16 Upper Woburn Place

London WC1H 0QP

Tel: 020 7273 1578

Fax: 020 7383 5740

www.sportengland.org

Steven Abbott Associates

Chartered Town Planners

North Quarry Office

North Quarry Business Park

Appley Bridge

Wigan WN6 9DB

Tel: 01257 251177

Fax: 01257 251555

E-mail: administrator@abbott-associates.co.uk

www.abbott-associates.co.uk

Planning Inspectorate

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

Tel: 0117 372 6372

Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

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