

# Stockton on Tees Borough Local Plan, Statement of Common Ground

## Local Plan Policies and Playing Fields

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This is a Statement of Common Ground produced and agreed by the following parties:

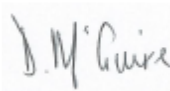
Sport England

Stockton on Tees Borough Council

This statement has been signed on behalf of the above parties by the following representatives:

**Dave McGuire – Planning Manager (Sport England)**

Signature:



Date: 18<sup>th</sup> May 2018

**Richard McGuckin – Director of Economic Growth and Development (Stockton on Tees Borough  
Council)**

Signature:



Date: 21 May 2018

# 1 Introduction

## Purpose of the Statement of Common Ground

- 1.1 This Statement of Common Ground has been produced and agreed by Sport England and Stockton-on-Tees Borough Council.
- 1.2 It is intended that this statement will assist all parties during the examination of the Stockton on Tees Local Plan as it provides a simple statement regarding both parties positions in relation to matters raised within the Sport England representation to the Publication Draft Local Plan (Regulation 19).

## Background

- 1.3 Stockton on Tees Borough Council has a long history of joint working and positive engagement with Sport England. This has seen numerous schemes and projects within the borough delivered for the benefit of local residents. The Council are committed to ensuring that growth in facilities happens in tandem with the growth in housing and population to ensure the needs of the physical activity agenda are met in line with Sport England's ambitions and requirements.
- 1.4 Sport England have been engaged in the preparation of relevant parts of the Local Plan evidence base and have been consulted at each stage of Local Plan preparation.
- 1.5 In response to the Publication Draft Local Plan (Regulation 19) Sport England maintained objections to elements to the Local Plan. Subsequent to this representation dialogue between the parties has been on-going which has resulted in this SOCG.

## Key Issues Summary

- 1.6 The Council consulted Sport England throughout the production of the Submitted Local Plan. The following is a summarised list of the key issues raised during the Regulation 19 consultation and subject to further dialogue through the production of this statement:
  - Evidence base
  - Housing allocations on playing field sites.
  - Omitted playing fields from the Local Plan Policies Map
- 1.7 The remaining sections of this document discuss the above points in detail before concluding whether there is agreement or disagreement on these matters.

## 2 Evidence Base

### The Issue

- 2.1 The NPPF explains that Local Planning Authorities should set out the strategic priorities for the area, including strategic policies to deliver “... *the provision of health, security, community and cultural infrastructure and other local facilities...*”
- 2.2 Paragraph 171 falls within the section of the NPPF that sets out advice on the evidence base that Plans need, and deals with Health and Well-Being. It advises;
- “Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation, and places of worship), including expected future changes and any information about relevant barriers to improving health and well-being.”*
- 2.3 This advice is amplified in the section of the NPPF that deals with promoting healthy communities. Paragraph 73 states;
- “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”*
- 2.4 In light of the above, it is Sport England’s policy to challenge the soundness of Local Plans which are not justified by:
- an up to date playing pitch strategy (carried out in accordance with a methodology approved by Sport England)
  - an up to date built sports facilities strategy (carried out in accordance with a methodology approved by Sport England).
- 2.5 Sport England consider evidence base documents up-to-date where Playing Pitch Strategies have been undertaken within the last 3 years, and Built Facilities Strategies have been undertaken within the last 5 years.
- 2.6 Stockton’s Playing Pitch Strategy was adopted by the Council in November 2015 and the Indoor, Built and Specialist [Sports] Facilities Assessment was adopted in December 2016. Accordingly both elements of the evidence base are considered up-to-date by both parties.

### Common Ground

- 2.7 The Council’s evidence base required by Sport England is up-to-date.

### 3 Housing allocations on playing field sites

#### The Issue

- 3.1 Four housing allocations within the Publication Draft Local Plan are on land identified within the same document as playing fields. These sites are:
- South of Junction Road H1 (3.8)
  - Former Billingham Campus School H1 (3.10)
  - Yarm Road H1 (3.7)
  - Darlington Back Lane H1 (3.9)
- 3.2 A Sport England objection to the above sites was made in response to the Publication Draft Local Plan (Regulation 19). The objection was raised by Sport England as the Local Plan does not justify these proposed housing allocations against Policy TI2 (a policy which provides a presumption against the loss of playing fields to development which mirrors Sport England's playing field policy and paragraph 74 of the NPPF).
- 3.3 Sport England and the Football Association have developed the Parklife programme. The aim of the programme is to create a sustainable model for football facilities based around artificial grass pitches on hub sites. Parklife Football Hubs are designed to;
- Be strategically planned and programmed
  - Be financially sustainable and based on strong business plans, with sites capable of income generation helping sustain a portfolio approach and reduce reliance on public subsidy
  - Be designed collaboratively with local partners including the FA, County FA, local professional club(s), the local football community and local authorities
  - Encourage people to play more regularly, or to become active and in doing so, achieve wider social outcomes
  - Be affordable, open and accessible to all
  - Be flexible – catering for football activity, other sports and also other programmes such as education, health and wider community development initiatives as appropriate
  - Offer a high-quality customer experience and provide a safe and welcoming environment for football-led and other demand-led local programmes to flourish
  - Provide a new management and operational approach to grassroots football facilities.
- 3.4 Should Parklife prove to be successful then it is likely that a considerable amount of competitive play and training that currently takes place on grass playing pitches will migrate across to the AGPs at the Hub sites. As a result of this some grass playing pitches and indeed some playing fields may become surplus to sporting needs. Local Authorities which gain entry to Parklife are required to undertake a Playing Pitch Strategy (or refresh) as a benchmark before Hub site development commences. The PPS is then refreshed again two years after the opening of the final Parklife Hub in that area so that the full impact of the new AGP provision can be understood.

- 3.5 Stockton did not apply to become a Parklife local authority. Notwithstanding this, the building block of the Stockton-on-Tees Playing Pitch Strategy is a migration to artificial grass pitches (AGPs). As part of the Playing Pitch Strategy consultants undertook work to demonstrate how AGPs could provide for junior football and this demonstrated that AGPs would create a supply that is significantly greater than demand. It is through migration to AGPs that sites allocated for housing within the Local Plan which are currently identified as playing fields would become surplus to requirements as playing fields.
- 3.6 The Sport England response to the Publication Draft Local Plan (Regulation 19) highlighted optimism that the use of AGPs would ensure existing playing fields could be lost to development without being replaced. This is because unlike the Parklife programme, the Council has limited control over the availability, and cost [to teams] of the area's existing AGPs. Additionally, football matches would need to be programmed differently over peak periods if the AGP stock were to be able to fulfil its capacity potential. In common with Parklife authorities, Sport England operates its playing field policy so that sites could only be considered surplus once migration has occurred with the implication of this being that it is necessary for the Local Plan (in demonstrating their deliverability) to show how they would be replaced in accordance with playing field policy should migration not occur.
- 3.7 Subsequent to the Publication Draft Local Plan consultation meaningful discussions have been held between the Council and Sport England. These discussions acknowledge the recent accelerated migration of football towards AGPs (which has been driven somewhat by weather conditions over wetter winter periods) and the opportunities to work with the Football Association to continue the shared ambition of migration to AGPs.
- 3.8 Through discussions between the Council and Sport England it has been identified that the delivery of additional AGP provision (which the Council would have a greater degree of control over in terms of price and availability) within the borough would assist in meeting needs during the plan period and support migration. The Council are committed to the delivery of such provision and it has been agreed by the parties that a Local Football Facilities Plan (LFFP) will be developed with the Football Association. Through the LFFP the optimal location for additional AGP provision will be identified, along with changes to how junior football is played in the area. The Council have begun the development of the LFFP and anticipate its completion this year.

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- 3.9 The Council and Sport England agree that at present it is not possible to demonstrate that the allocated sites are surplus to requirements in respect of both Sport England and national playing field policy.
- 3.10 Sport England and the Council will work closely together to monitor the implementation of the PPS Action Plan and Local Football Facilities Plan and assess the use of the existing and proposed AGP stock and the continued need for grass pitches.

Where the allocated former playing field sites come forward for development the Council and Sport England will review the updated PPS assessment data. This will allow the respective parties to agree whether the allocated sites have become surplus to pitch sport

requirements or whether the playing field needs to be replaced for playing field policy to be met. Owing to the above it is agreed that it is reasonable to conclude that the sites identified will be deliverable within the plan period and the Sport England objection to allocation can be removed.

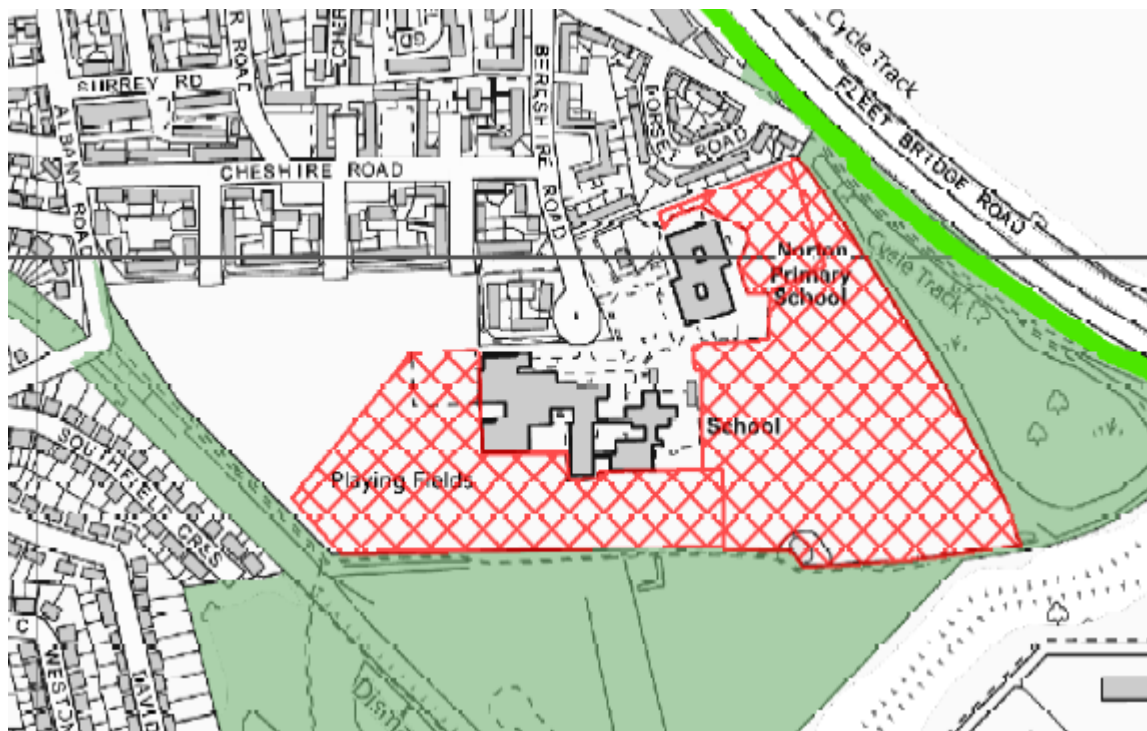
- 3.11 Appropriate for policy justification to clearly identify where proposed allocation is identified as a playing field and that it will be appropriate for the application to be considered in accordance with Policy TI2.

## 4 Omitted playing fields from the Local Plan Policies Map

### The Issue

- 4.1 Sport England are supportive of the identification of playing fields on the Local Plan Policies Map which Policy TI2 (point 6) applies. However, the necessity to ensure all playing field sites are identified is highlighted by Sport England within their representation to the Publication Draft Local Plan (Regulation 19). The representation lists the following sites which Sport England identify are playing fields which are omitted from the Policies Map:
- Cricket field site within Wynyard Village on Map 2
  - Football pitch site immediately west of Swancar Pond, Wynyard Park on Map 2
  - Land at Norton School on Map 17
  - Land south of Dunbar Close / east of Sidlaw Road, Billingham on Map 10 / Inset 5
- 4.2 The Council have suggested modifications (SM/PM/0069a and SM/PM/0069b- see Appendix 1) to the Policies Map to identify 3 of the 4 sites on the Policies Map as playing fields. However, the Council do not concur that modifications to the Land at Norton School are required.
- 4.3 The Publication Draft Local Plan Policies Map at the Norton School site identifies the land associated with the, now demolished' school as playing fields (see image below). It is Sport England's contention that the triangular area of open space to the west of fenced playing fields is also playing fields and should be identified as such on the Policies Map. However, the Council do not share this view.

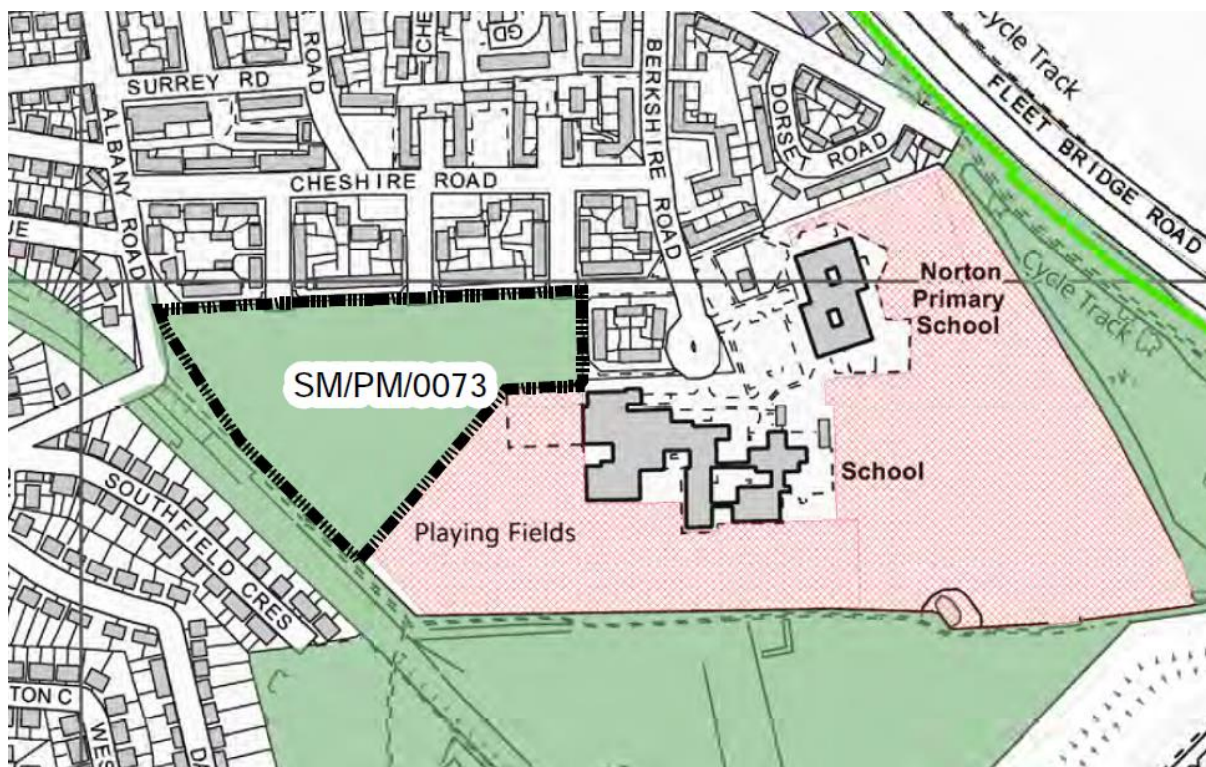
### Publication Draft Local Plan Policies Map- Norton School Extract



(playing fields symbolised by red hatching)

- 4.4 The triangular area of land to the west of Norton School was originally an ancillary part of the school as playing field. In 2005 a security fence was erected dividing the school into separate parts. From the erection of the fence the triangular area to the west was no longer used by the school and has been maintained as publically accessible open space.
- 4.5 The Council consider that a material change of use to amenity open space occurred when the security fence was erected and that this land does not represent playing field. This position was shared with Sport England in August 2017 (see Appendix 2) and details the rationale for this position. Sport England do not concur with the Council's position and contend that the land is playing field and should be identified on the Local Plan Policies Map accordingly.
- 4.6 To reflect the Councils position suggested modification SM/PM/0073 seeks to identify this location as open space to which Policy ENV6 (point 3) applies.

**Suggested Policies Map modification (SM/PM/0073) at Norton School**



**Common Ground**

- 4.7 Suggested amendments to the Local Plan Policies Map SM/PM/0069a and SM/PM/0069b accurately reflect the playing field nature of the sites.
- 4.8 Sport England and Stockton on Tees Borough Council are not in agreement regarding the playing field status of an area of land to the west of Norton School. Sport England wish to see the area identified as playing field on the Local Plan policies map and the Council do not consider the amendment justified.



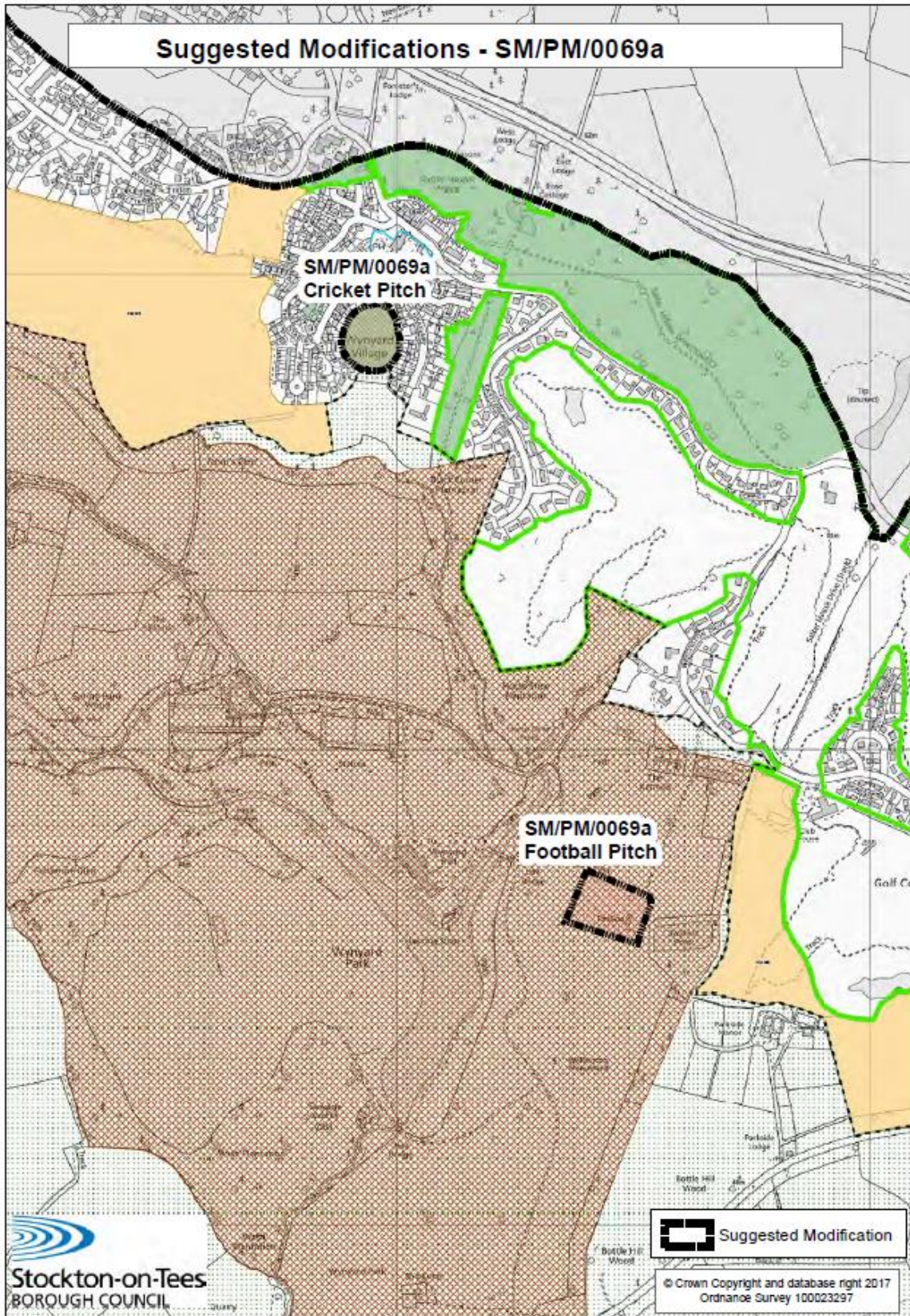
## 5 Overview and conclusions

5.1 The following has been agreed between the parties:

- The Council's evidence base required by Sport England is up-to-date.
- That it is reasonable to conclude that the sites identified will be deliverable within the plan period and the Sport England objection can be removed.
- Suggested amendments to the Local Plan Policies Map SM/PM/0069a and SM/PM/0069b accurately reflect the playing field nature of the sites

5.2 Sport England and Stockton on Tees Borough Council are not in agreement regarding the playing field status of an area of land to the west of Norton School. Sport England wish to see the area identified as playing field on the Local Plan policies map and the Council do not consider the amendment justified.

# Appendix 1- Suggested modifications (SM/PM/0069a and SM/PM/0069b)



# Suggested Modifications - SM/PM/0069b



## Appendix 2- Council's Norton School Memo



Economic Regeneration and Transport

Big plans for an outstanding Borough

### INTERNAL MEMORANDUM

To; Julie Danks  
From; Simon Grundy  
CC; Julie Butcher; John Dixon  
Date; 7/8/17  
RE: Former Norton Secondary School,

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Dear Julie

I refer to our recent discussions with regards to the former Norton Secondary School site, whether there has been a material change of use (for the part of the site fenced off circa 2005) and the question of if the land is now capable of being changed to a playing field.

It is important to recognise that the land would originally have formed an ancillary part of the Norton Secondary School as school playing fields. All of the curtilage of the school (including playing fields) would have formed a single planning unit and consequently would fall within use class D1. The Land Use Gazetteer supports this view as it states that playing fields ancillary to a school fall within the D1 use class (see attached image A).

As has been evidenced, in 2005 a security fence was erected dividing the school site into different parts. From the erection of the fence the western portion of the site was no longer used as school playing field and no longer formed part of the school curtilage.

In my professional opinion, a material change of use to amenity open space occurred at this time, given that the land was a publically accessible area of open space for amenity purposes. Again the land use gazetteer sets out that amenity open space falls within the Sui Generis use class (see attached image B). As the change of use occurred over 10 years ago, it would now be exempt from any planning control and therefore the western part of the former Norton Secondary School sites lawful use would be as amenity open space.

In view of these circumstances, I remain firmly of the view that there has been a material change of use and that the land has never fallen within the D2 use classification. In my opinion it should therefore follow that the land in question is capable of changing back to a playing field (use class D2, as also show on image A) to accommodate replacement playing field provision.

Should you require further clarification don't hesitate to contact me.

A handwritten signature in black ink, appearing to read "Simon Grundy".

Simon Grundy  
Planning Development Services Manager

Image A

Use Class Land Use Gazetteer 3rd ed. Page 321 Volume 1 Land Use to Use Class

Land Use	Class	Permitted Changes	Remarks
Playground	D2		erection of associated buildings is operational development and requires planning permission
Playground equipment manufacturing place	B2	to B1; to B8 max. 235 m2	some processes subject to health/pollution control, refer to LA
Playgroup accommodation	D1		
Playing card manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Playing field ancillary to education use	D1		
Playing field not adjoining education use	D2		erection of associated buildings is operational development and requires planning permission
Playing fields attached to stadium	D2		erection of associated buildings is operational development and requires planning permission; may be subject to Sch. 2 env. imp. asst. may be incidental to enjoyment of dwellinghouse
Playwright's place (if a planning unit)	B1	to/from B8 max 235 m2; from B2	
Pleasure boat construction place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A; may be subject to Sch. 2 env. imp. asst.
Pleasure ground	D2		enclosed area or part of open land/seaside pier used as funfair/for public entertainment by mechanical amusements and side-shows; erection of associated buildings is operational development and requires planning permission
Pleasure ground (fairground)	sui generis		ertain works Permitted 28; Permitted 4 if for <29 days p.a.; not allowed in or within curtilage of a building
Pleasure ground (public park)	D2		erection of associated buildings is operational development and requires planning permission
Pleasure pier	sui generis		hotel, bridge, other building not connected with traffic handling not Permitted; education, car park, shop, restaurant, garage, filling station, etc. are Permitted where within dock, pier or harbour; reconstruction or alteration that materially affects design or external appearance not Permitted
Pleasure steamer jetty by statutory undertaker	Pmtd. 17B		B2 where potentially detrimental to residential amenity
Plated paper product manufacturing place	B1	to/from B8 max 235 m2; from B2	some processes subject to health/pollution control, refer to LA

Image B

Volume 1 Land Use to Use Class

Page 15

Land Use Gazetteer 3rd ed.

Land Use	Class	Permitted Changes	Remarks
Alteration to warehouse	Pmtd. 8		subject to limitations, refer to LA; does not include land in or adjacent to and occupied together with mine
Alteration works, advertisement for, on premises or land on which displayed	Schedule 3 TCPCAR 1992 Class 3C		deemed consent under TCPCAR 1992 but subject to limitations, refer to LA
Alum clay or shale mine	sui generis mining		old (IDO) permissions should be registered; ancillary development may be Permitted, refer to MPA; may be subject to Sch. 2 env. imp. asst.
Alumina, sintered firing place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B
Aluminium (radionuclide) collection or processing place	B2	to B1; to B8 max. 235 m2	subject to RSA and special controls, refer to LA; subject to Sch. 2 env. imp. asst.
Aluminium (radionuclide) permanent storage place	B8	to/from B1 max. 235 m2; from B2	subject to RSA and special controls, refer to LA; subject to Sch. 1 env. imp. asst.
Aluminium (radionuclide) production or enrichment place	B2	to B1; to B8 max. 235 m2	subject to RSA and special controls, refer to LA; subject to Sch. 2 env. imp. asst.
Aluminium (radionuclide) reprocessing place	B2	to B1; to B8 max. 235 m2	subject to RSA and special controls, refer to LA; subject to Sch. 2 env. imp. asst.
Aluminium (radionuclide) waste collection or processing place	B2	to B1; to B8 max. 235 m2	subject to RSA and special controls, refer to LA; subject to Sch. 2 env. imp. asst.
Aluminium (radionuclide) waste permanent storage place	B8	to/from B1 max. 235 m2; from B2	subject to RSA and special controls, refer to LA; subject to Sch. 1 env. imp. asst.; certain waste operations/processes exempt from licensing, refer to EA (waste)
Aluminium alloy drawing place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium alloy extrusion place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium alloy forming place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium alloy refining place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium alloy rolling place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium alloy smelting place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium and aluminium alloy product manufacturing place involving smelting etc	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium and aluminium alloy product manufacturing place not involving smelting etc	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; may be subject to Sch. 1 or 2 env. imp. asst.
Aluminium and aluminium alloy production	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium cans waste sorting, crushing, pulverising, shredding, compacting or baling place <100t/week	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium cans waste sorting, crushing, pulverising, shredding, compacting or baling place >100t/week	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 environmental; storage only is B8
Aluminium cans waste storage and recovery place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium drawing place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium extrusion place	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium foil waste sorting, crushing, pulverising, shredding, compacting or baling place <100t/week	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium foil waste sorting, crushing, pulverising, shredding, compacting or baling place >100t/week	B2	to B1; to B8 max. 235 m2	a licence may be required, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium foil waste storage and recovery place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium forming place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A; may be subject to Sch. 1 env. imp. asst.; extension/alteration may be subject to Sch. 2 env. imp. asst.
Aluminium melting plant using chlorine or chlorine compounds treatment	B2	to B1; to B8 max. 235 m2	waste recovery may need a licence, refer to EA (waste); process may be subject to IPPC A/IPPC B; may be subject to Sch. 2 env. imp. asst.
Aluminium or its alloys extraction or recovery place from scrap by heat at a scrapyard	sui generis		waste recovery may need a licence, refer to EA (waste); process may be subject to IPPC A/IPPC B; may be subject to Sch. 2 env. imp. asst.
Aluminium or its alloys extraction or recovery place from scrap by heat not at a scrapyard	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B
Aluminium oxide extraction plant giving off noxious gas	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; waste recovery may need a licence, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium recovery (from slag or drosses) plant	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; waste recovery may need a licence, refer to EA (waste); may be subject to Sch. 1 or 2 env. imp. asst.
Aluminium recovery place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; waste recovery may need a licence, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium recovery plant by melting under flux cover	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; waste recovery may need a licence, refer to EA (waste); may be subject to Sch. 2 env. imp. asst.
Aluminium refining place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium rolling place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium smelting place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A/IPPC B; subject to Sch. 2 env. imp. asst.
Aluminium swarf degreasing plant using heat	B2	to B1; to B8 max. 235 m2	
Am-237, etc. see americium			
Amateur radio operator's place at dwelling	C3		incidental to enjoyment of dwellinghouse; limitations on aerial height
Amatol (explosive) manufacturing place	B2	to B1; to B8 max. 235 m2	process subject to IPPC A; hazardous substances subject to consent, refer to HSA; may be subject to Sch. 2 env. imp. asst.
Amber processing place	B1	to/from B8 max 235 m2; from B2	
Ambulance station	sui generis		
Amenity amusement and show place, additions to	Pmtd. 28		subject to limitations, refer to LA
Amenity amusement and show places see also amusement park, etc.	D2		enclosed area or part of open land/seaside pier used as funfair/for public entertainment by mechanical amusements and side-shows; may be subject to Sch. 2 env. imp. asst.
Amenity block or building to sheltered accommodation etc	C2		
Amenity open space	sui generis		