



Horsham
District
Council

Horsham District Local Plan Examination

Response to Action Point 12

Matter 1, Issue 2 - Legal and Procedural Requirements- Whether the Council has complied with other relevant procedural and legal requirements?

HDC36

Date: January 2025

Contents

Action Point 12: Provide note on the position of Sport England set out in their reps on age of evidence base. Does evidence base require updating? If not, set out why..... 3

Links to Referenced / Relevant Documents 3

 Sport England Reg 19 Reps:..... 3

 Matter 6, Issue 1 Hearing Statements: 3

Sport England’s Position on the Age of the Evidence Base 3

 Documents out of date: 3

 Reasoning:..... 4

 Overview of Role of Sport England within Planning:..... 4

Horsham District Council’s Response 5

 Government Guidance: 5

 Does the Evidence Base Need Updating?:..... 5

 Loss of Sport and Recreation Facilities and Financial Feasibility..... 7

Action Point 12: Provide note on the position of Sport England set out in their reps on age of evidence base. Does evidence base require updating? If not, set out why.

Links to Referenced / Relevant Documents

- [SD01 – Horsham District Local Plan 2023-2040: Regulation 19 Proposed Submission](#)
- [SS11 - Horsham District Council Built Sport Facility Strategy 2017-2031](#)
- [SS12 - Horsham District Council Playing Pitch Strategy 2018-2031 Needs Assessment \(Stage C\)](#)
- [SS13 - Horsham District Council Playing Pitch Strategy -Strategy Document and Action Plan \(Stage D\)](#)
- [SS14 – Sussex County Football Association – Local Football Facility Plan Horsham \(copy of live online document – as at 19/07/2024\)](#)
- [I01 – District Wide Communities Facilities Assessment](#)
- [I04 – Open Space, Sport and Recreation Review](#)
- [I05 – Open Space, Sport and Recreation Non-Technical Summary](#)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
- [Planning Practice Guidance \(PPG\): Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space](#)
- [Sport England’s guidance on how to assess the need for sports and recreation facilities](#)

Sport England Reg 19 Reps:

- [#1191946](#) – Sport England re Policy 28 of the Local Plan
- [#1191957](#) - Sport England re Policy 28 of the Local Plan
- [#1191960](#) – Sport England re para 8.41 of the Local Plan

Matter 6, Issue 1 Hearing Statements:

- [M6.01 – Horsham District Council](#)
- [M6.02 – Sport England 1191924](#) – includes link to [Sport England’s Playing Field Policy \(PFP\)](#)
- [M6.02a – Sport England 1191924](#) – Annex 1: Sport England’s 5 Exceptions to PFP
- [M6.02b – Sport England 1191924](#) – Annex 2: Appeal Decision - Beckenham ‘Former Sports Ground’
- [M6.02c – Sport England 1191924](#) – Annex 3: Appeal Decision - Coventry Stadium

Sport England’s Position on the Age of the Evidence Base

Documents out of date:

1. Sport England suggest that the Council's Playing Pitch Strategy (PPS) ([SS12](#) and [SS13](#)) and Built Facilities Strategies (BFS) ([SS11](#)), adopted in 2019, are out of date.

Reasoning:

2. Paragraph E14 of Sport England's Playing Pitch Strategy Guidance says, "As a guide, if no review and subsequent update has been carried out within three years of the PPS being signed off by the steering group, then Sport England and the NGBs (*National Governing Bodies*) would consider the PPS and the information it is based on to be out of date. The nature of the supply and in particular the demand for playing pitches will likely to have changed over the three years. Therefore, without any form of review and update within this time period it would be difficult to make the case that the supply and demand information and assessment is sufficiently robust."
3. The demand for facilities, lack thereof, is to be assessed against paragraph 99(a) of the NPPF. Sport England advise this should be assessed against an up to date and robust evidence base provided by the Playing Pitch Strategy, Built Facilities Strategy or for facilities not covered by those documents, by a specific assessment that uses a recognised method of assessing supply and demand such as that provided by Sport England's Assessing Needs and Opportunities Guidance.
4. They note that the Sport England Playing Pitch Calculator is not available for public use. Its use should be in concert with an up to date Playing Pitch Strategy that employs up to date pitch sport teams data. Not every development will be suitable to support its own sports pitches in which case, financial contributions towards offsite new provision or improvements to existing facilities in the local area should be sought.
5. Sport England consider that the potential loss of sport and recreation facilities is not to be assessed against financial feasibility, a marketing exercise or the other criteria listed in Policy 28.3 (b) (para 99 of the NPPF or Sport England's Playing Field Policy [PFP]).

Overview of Role of Sport England within Planning:

6. Sport England is a non-departmental public body under the Department for Culture, Media and Sport responsible for growing and developing grassroots sport and getting more people active across England.
7. It seeks to influence the land use planning system in order to protect and promote the allocation of sites for the development of sports activities.
8. It is a statutory consultee on planning applications which affect a playing field, including land allocated as a playing field or used as a playing field within 5 years of an application. It assesses these in accordance with its own Playing Field Policy (PFP).
9. Sport England is not detailed within the list of 'specific consultation bodies' in The Town and Country Planning (Local Planning) (England) Regulations 2012. Local Planning Authorities should consider whether there are planning policy reasons to engage other consultees, which includes Sport England.
10. Sport England are not listed as a body prescribed for purposes of duty to co-operate (Part 2, Section 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012).

Horsham District Council's Response

Government Guidance:

11. PPG relating to open space, sports and recreation makes clear it is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. They may refer to Sport England's guidance on how to assess the need for sports and recreation facilities (HDC's emphasis) (Ref ID: [37-001-20140306](#) and [37-002-20140306](#)).
12. The revoked PPG17: Planning for Open Space, Sport and Recreation and its companion guide provided tried and tested detailed guidance on the assessment of all such land (HDC's emphasis). It therefore left legacy guidance in the absence of comprehensive replacement national guidance. This has therefore informed the approach taken in the Horsham District Council Open Space, Sports & Recreation Review ([I04](#)).

Does the Evidence Base Need Updating?:

13. The Council considers the evidence base to be up to date, robust and proportionate for the purposes of the Local Plan making process. It is not considered necessary to update the Council's Playing Pitch Strategy (PPS) ([SS12](#) and [SS13](#)) and Built Facilities Strategies (BFS) ([SS11](#)), both adopted in 2019, given the Council does not consider the data they provide to be out of date and, more importantly, these documents are just a small element of the evidence that informs planning policy. Paragraphs 53 to 61 of the Council's Hearing Statement for Matter 6, Issue 1 ([M6.01](#)) sets out why Policy 28 is considered to be sound and the supporting evidence base.
14. The PPS focuses on playing pitches and does not cover all outdoor sport, for example, bowling greens, tennis courts or golf which have to be assessed separately. It is also focused on accredited teams and National Governing Body (NGB) requirements rather than informal community sport and recreation and does not readily translate into standards that can be applied to development.
15. Indeed, development can only be required to provide or contribute commensurate open space/sport provision and cannot normally be expected to make provision to meet existing shortfalls in need or predicted wider community needs. Only in exceptional circumstances, such as some strategic sites, is there sufficient development coming forward in a particular area to justify the seeking of a pitch or a financial contribution (where there is the ability to deliver a new pitch for a sports team). This is irrespective of any changing facilities etc. that may be required. Strategic sites could seek to offer land or provide such facilities to supplement the sites development offer, or stand-alone proposals could be promoted by sport teams or similar.
16. Sport England adopt a similar 'formal sport' focus approach to Built Facilities Strategies (BFSs) and the use of their Sport Facilities Calculator, which does not provide a calculation for the requirements from new housing development for all types of provision, for example, health and fitness suites, gymnastics.
17. Sport England's approach is therefore more geared towards facilitating the work of leisure departments and helping to direct grant funding/NGB funding. Whilst Horsham District Council has a good understanding of the needs and seeks to assist as far as it is able in the interests of sustainable communities, there is no statutory requirement or Duty upon local authorities to provide sport and

recreation facilities or to deliver land or services for accredited sports teams. This means a potentially increasing proportion of such facilities are provided / run by other bodies including private organisations.

18. Horsham District Council does not own or control land which could readily be allocated to address identified accredited sport needs. There is therefore some onus on the respective sports clubs with the National Governing Bodies, and potentially Sport England, to explore the options open to them to help address their needs. Given the role of Sport England and the NGBs it is not considered planning policy soundness should be called into question merely because Sport England seeks to place a significant burden upon Local Planning Authorities for potentially keeping their records up to date via a non-statutory 'requirement' to undertake and then frequently update PPSs and BFSs.
19. Horsham District Council is currently exploring the options for how best to review the PPS and the BFS, as well as deliver an effective leisure service. It is however disappointing if Sport England, in effect, seeks to withhold effective cooperation with local planning authorities by raising planning policy soundness concerns founded on technicalities, and denying access to Sport England calculators merely because a local authority has taken a proportionate approach to its evidence in line with PPG rather than update every three years their PPS and BFS which can be a time consuming and resource intensive process.
20. Indeed, Local Football Facility Plans are produced by the Football Foundation, funded by the Premier League, The FA and Government, which provide information on the football facilities needed across the local authority area. Horsham District Council is currently engaging with the review of the current Local Football Facility Plan for Horsham ([SS14](#)).
21. Paragraph 8.46 of the Plan ([SD01](#)) sets out the key findings/priorities of the Playing Pitch Strategy (PPS) ([SS12](#) and [SS13](#)) and Built Sports Facility Strategy (BFS) ([SS11](#)) which include a need for an additional swimming pool (4 lane 25m pool or equivalent), an unmet demand in Horsham for Gymnastics facilities, a requirement for new artificial surface pitches, a deficit in youth football pitch provision, and Hockey facilities in and around Horsham / Billingshurst sub area. Strategic allocations are to have regard to these priorities and Horsham District Council will continue to facilitate this given they remain to be unmet demands. Despite the Council's efforts, it has been too complex to resolve these needs via specific sport allocations.
22. The Horsham District Council Open Space, Sports & Recreation Review ([I04](#)) was undertaken by Knight Kavanagh & Page (KKP) who are a recognised and reputable consultancy with extensive expertise in producing such assessments. KKP are also referenced in Sport England's PPS guidance as an organisation that provided valuable input into the guidance. The Open Space, Sports & Recreation Review ([I04](#)) provides a detailed assessment in accordance with paragraph 99 of the NPPF. It provides details in respect of what open space provision exists in the area, its condition, distribution and overall quality. It identifies existing deficiencies and those set against future growth (if no additional provision is made), and recommends the local open space standard for quantity, quality and accessibility set out Policy 28 of the Plan ([SD01](#)).
23. As detailed in paragraphs 56 to 58 of the Council's Hearing Statement for Matter 6, Issue 1 ([M6.01](#)) the Open Space, Sport and Recreation Review, June 2021 ([I04](#)) takes into account outdoor sport, excluding

Golf which is reviewed separately, within the Parks and Gardens typology and provides standards. The open space standards set out in Policy 28 of the Plan ([SD01](#)) therefore help to ensure that commensurate space for the provision of sport is delivered as part of development. The Open Space, Sport and Recreation Review ([I04](#)) was informed by the Council's Playing Pitch Strategy (PPS) ([SS12](#) and [SS13](#)) and Built Facilities Strategies (BFS) ([SS11](#)), adopted in 2019, as well as national guidance from Public Health England, Sport England and Fields in Trust. This included the Sport England's Playing Pitch Calculator and the Sport England Sports Facility Calculator which were used to inform 'Appendix 1 Future Growth Scenario' of [I04](#) which sets out the respective potential requirements within assessed strategic sites.

24. On this basis it is considered the information that the adopted PPS and BFS provide has been appropriately taken into account and that the extensive evidence base in place to support the Plan ([SD01](#)) is proportionate. It is considered that the extensive Council resource and time necessary to update these documents, when set within the context of the timeframe of the planning making process as well as public sector austerity, would clearly make it disproportionate to find the Policy 28/the Plan ([SD01](#)) unsound merely because the District Council has undertaken a PPS and BFS but that they are not as up to date as Sport England would like seemingly for their record keeping purposes.

[Loss of Sport and Recreation Facilities and Financial Feasibility](#)

25. The NPPF is to be read as a whole. As raised in paragraph 61 of the Council's Hearing Statement ([M6.01](#)) the testing of viability is explicit in the planning system and paragraph 124 of the NPPF which seeks efficient use of land. It is considered the policy appropriately balances the need to retain sport and recreation premises unless surplus to requirements and retaining a building in efficient use. It is considered that criterion b in Policy 28 includes a demonstration that a sport or recreation premises is surplus because it clearly references 'the demand for a community use'. The factors to be taken into account that are referenced are not exclusive. Paragraphs 60 and 61 of the Council's Hearing Statement ([M6.01](#)) set out the reasoning for the proposed modification in respect of open space.
26. As raised above, there is no specific duty on a local authority or other body to provide sport and recreation premises which means many are privately provided or operated. Unless grant funding from Sport England or other bodies is available it is likely some of these premises may face 'viability issues' over the life of the Plan which would be a material consideration if it were not included in policy. The policy therefore helps to provide clarity to all that viability could be a factor relevant to the determination of such an application. The Appeals cited by Sport England have been determined on their individual merits, it is not considered they clearly preclude viability from policy or as a material consideration. Indeed, the Coventry Stadium Appeal submitted makes clear that viability was included in the Neighbourhood Plan policy.
27. The inclusion of all community facilities within one policy enables regard to be given to not just the lack of feasibility for the current use but also for other community uses before the site is lost to a potentially higher land value use.