

## Christine Whyte

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**From:** Roy Warren <Roy.Warren@sportengland.org>  
**Sent:** 02 September 2015 14:18  
**To:** Local Plan  
**Subject:** SADM Policies Plan Submission  
**Attachments:** Sport England reps policy SADM1 - H6.doc; Sport England reps policy SADM1 - H9.doc; Sport England reps policy SADM10.doc; Sport England reps policy SADM25.doc; Sport England reps policy SADM33 - C2.doc

Dear Sir/Madam

### SADM Policies Plan Submission

I attach Sport England's representations on the above consultation document. A separate form has been completed for each representation.

Let me know if you have any queries.

Regards

**Roy Warren**  
Planning Manager

**T:** 020 7273 1831

**E:** [Roy.Warren@sportengland.org](mailto:Roy.Warren@sportengland.org)

Sport England, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF



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**Site Allocations and Development Management Policies Plan (SADM)**

**Publication Stage Representation Form**

For office use only

Reference No:

Date received:

**Please use this form to make Representations**

**Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015**

**By post:** Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

**By email:** local.plan@hertsmere.gov.uk

This form has three parts:

**Part A** – Personal details (only needed once).

**Part B** – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation’s name at the top of the page.

**Part C** – What information you want the Council to provide you with about future progress of SADM (only needed once).

**Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).**

<b>Part A</b>	<b>1. Personal details*</b>	<b>2. Agent details (if applicable)</b>
Title	Mr	
First name	Roy	
Last name	Warren	
Job title (where relevant)	Planning Manager	
Organisation (where relevant)	Sport England	
Address	Sport England, Sport Park, 3 Oakwood Drive, Loughborough	
Post Code	LE11 3QF	
Telephone number	0207 273 1831	
Email address	Roy.warren@sportengland.org	



\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

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<b>Part B</b>	<b>Name or organisation:</b> <span style="border: 1px solid black; padding: 2px 10px;">Sport England</span>	For office use only Ref No: support: object: change:
<b>IMPORTANT: Please use a separate Part B form for each representation</b>		

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph	<input type="text"/>	Policy	<span style="border: 1px solid black; padding: 2px;">SADM1 – SITE H6</span>	Policies Map	<input type="text"/>	Other part of Plan (specify)	<input style="width: 100%;" type="text"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="text"/>	No	<input type="text"/>	no comment to make	<input style="width: 100%;" type="text" value="x"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input type="text"/>	No	<input type="text"/>	no comment to make	<input style="width: 100%;" type="text" value="x"/>
4(c) Sound	Yes	<input style="width: 100%;" type="text" value="x"/>	No	<input type="text"/>	no comment to make	<input type="text"/>

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared	<input type="text"/>	Please tick which box(es) apply
5(b) Justified	<input type="text"/>	
5(c) Effective	<input type="text"/>	
5(d) Consistent with national policy	<input type="text"/>	

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**  
**If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

The amendments made to the final paragraph of the site specific requirements for site H6 (Hertswood Upper School) in response to comments made by Sport England on the Consultation Draft SADM plan are welcomed as this makes explicit provision for the site's playing fields to be relocated to Hertswood Lower School site with requirements relating to the quality, accessibility and programming of playing field provision. This approach would accord with paragraph 74 of the NPPF.



7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

- legally compliant or
- sound (having regard to the criteria you ticked at 5 above relating to soundness).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

(continue on a separate sheet/expand box if necessary)

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8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a ‘Statement of Common Ground’ with this Council?

Yes  No

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

(continue on a separate sheet/expand box if necessary)

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Signature: \_\_\_\_\_  
\_\_\_\_\_ 02/09/2015 \_\_\_\_\_

Date:

**Part C** (Only needed once)

Name (Print): \_\_\_\_\_ ROY WARREN \_\_\_\_\_

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

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**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph	<input type="text"/>	Policy	<span style="border: 1px solid black; padding: 2px;">SADM1 – SITE H9</span>	Policies Map	<input type="text"/>	Other part of Plan (specify)	<input type="text"/>
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4(b) Compliant with the Duty to Co-operate	Yes	<input type="text"/>	No	<input type="text"/>	no comment to make	<input checked="" type="text" value="x"/>
4(c) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	no comment to make	<input type="text"/>

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared	<input type="text"/>	Please tick which box(es) apply
5(b) Justified	<input type="text"/>	
5(c) Effective	<input type="text"/>	
5(d) Consistent with national policy	<input type="text"/>	

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**  
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The addition of the second paragraph of the site specific requirements for site H9 (Former Sunnybank School) in response to comments made by Sport England on the Consultation Draft SADM plan are welcomed as this makes provision for the open space that was formerly used as the school's playing field to be designed for formal sport unless off-site mitigation is made. This approach would accord with paragraph 74 of the NPPF in relation to the protection of playing fields.





7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

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Yes  No

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Signature: \_\_\_\_\_  
\_\_\_\_\_ 02/09/2015 \_\_\_\_\_

Date:

**Part C** (Only needed once)

Name (Print): \_\_\_\_\_ ROY WARREN \_\_\_\_\_

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Title	Mr	
First name	Roy	
Last name	Warren	
Job title (where relevant)	Planning Manager	
Organisation (where relevant)	Sport England	
Address	Sport England, Sport Park, 3 Oakwood Drive, Loughborough	
Post Code	LE11 3QF	
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<b>Part B</b>		<b>For office use only</b>
Name or organisation:	<b>Sport England</b>	Ref No:
		support:
		object:
		change:
<b>IMPORTANT: Please use a separate Part B form for each representation</b>		

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox" value="SADM10"/>	Policies Map	<input type="checkbox"/>	Other part of Plan (specify)	<input type="checkbox"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox" value="x"/>
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4(b) Compliant with the Duty to Co-operate      Yes       No       no comment to make

4(c) Sound      Yes       No       no comment to make

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared  Please tick which box(es) apply

5(b) Justified

5(c) Effective

5(d) Consistent with national policy

Objection is made to the wording of this allocation in relation to site b) Land at Rowley Lane. It is acknowledged that the allocation does not allow development until a review of this plan. However, the removal of the site from the Green Belt and safeguarding it for employment development does establish the principle of development if there is a need to use this area for meeting longer term employment needs. As indicated in paragraph 3.9 of the supporting text, the safeguarded area includes a former sports ground on which a sports hub or sports centre of excellence may also be considered appropriate. This reference is welcomed in principle and Sport England is aware of the current planning application for a centre of excellence on this site. However, the safeguarded area in the policy itself only safeguards the area for employment development which can be interpreted that the whole of the safeguarded area (including the sports ground) could be released for employment development without the need for mitigation for the loss of the former playing fields in the event that a sporting hub/centre of excellence is not implemented. This potential loss of part of the site that was used for playing fields without any mitigation would result in the loss of a significant amount of land last used as playing fields that could as an alternative meet unmet community needs e.g. any needs identified through the Council's emerging Indoor Sport and Playing Pitch Study.

The fact that part of the site has not been used for playing fields for more than 5 years is not considered to be a material consideration. Government planning policy in paragraph 74 of the NPPF (and Sport England's playing fields policy) does not make reference to a timescale after which an alternative policy approach would be acceptable. Furthermore, the lawful use of part of the site would still be a playing field. The only relevance of a '5 year' timescale is that there is no requirement to consult Sport England as a statutory consultee on planning applications where land has not been used as a playing field for more than 5 years. However, this is just a legislative requirement (The Town and Country Planning (Development Management Procedure) (England) Order 2015) in terms of consultation on planning applications and is not related to Government planning policy on playing fields. Planning case law would support this view.

Consequently, there is a concern that the approach in the allocation policy would not accord with Government policy in paragraph 74 of the NPPF. Furthermore, it has not been satisfactorily demonstrated through the Council's evidence base that the playing fields that would be lost if this area is released in the future for employment development are surplus to community requirements. The policy in its current form would not therefore be considered to meet the consistent with national policy or justified tests of soundness.

6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.

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You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

To address this it is requested that policy SADC10 (b) be amended to recognise that the land last used as playing fields within this safeguarded area would be expected to be used for a potential sports hub/sports centre or alternatively, off-site playing field mitigation would be required if employment development was implemented and the Council's on playing fields evidence base identifies a need for new or improved playing field provision to meet current or future community playing field needs.

(continue on a separate sheet/expand box if necessary)

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Yes  No

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No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

(continue on a separate sheet/expand box if necessary)

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Signature: \_\_\_\_\_  
\_\_\_\_\_ 02/09/2015 \_\_\_\_\_

Date:

Part C

(Only needed once)

Name (Print): \_\_\_\_\_ ROY WARREN \_\_\_\_\_

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<b>Part B</b>	<b>Name or organisation:</b> <input style="width: 95%;" type="text" value="Sport England"/>	For office use only Ref No: support: object: change:
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**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph <input style="width: 50px;" type="text"/>	Policy <input style="width: 100px;" type="text" value="SADM25"/>	Policies Map <input style="width: 50px;" type="text"/>	Other part of Plan (specify) <input style="width: 100%; height: 40px;" type="text"/>
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4(b) Compliant with the Duty to Co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>	no comment to make <input type="checkbox" value="x"/>
4(c) Sound	Yes <input type="checkbox" value="x"/>	No <input type="checkbox"/>	no comment to make <input type="checkbox"/>

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared	<input type="checkbox"/>	Please tick which box(es) apply
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The addition of an additional criterion in the policy relating to the assessment of infilling/redevelopment within the defined envelope area of each Key Green Belt Site in response to comments made by Sport England on the Consultation Draft SADM plan is welcomed as this will allow the impact on playing fields to be considered appropriately like the other factors listed. This amendment would also be consistent with policy CS19 of the Core Strategy as well as paragraph 74 of the NPPF and Sport England's playing fields policy.



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Yes  No

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Job title (where relevant)	Planning Manager	
Organisation (where relevant)	Sport England	
Address	Sport England, Sport Park, 3 Oakwood Drive, Loughborough	
Post Code	LE11 3QF	
Telephone number	0207 273 1831	
Email address	Roy.warren@sportengland.org	



\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.

<b>Part B</b>	<b>Name or organisation:</b> <input type="text" value="Sport England"/>	<b>For office use only</b> Ref No: support: object: change:
<b>IMPORTANT: Please use a separate Part B form for each representation</b>		

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph	<input type="text"/>	Policy	<input type="text" value="SADM33"/>	Policies Map	<input type="text"/>	Other part of Plan (specify)	<input type="text"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**  
Please tick which boxes apply

4(a) Legally Compliant      Yes       No       no comment to make

4(b) Compliant with the Duty to Co-operate      Yes       No       no comment to make

Policy SADM33 is broadly supported as it takes a positive approach in principle to the provision or enhancement of community facilities which would include sports facilities.

The amendments made to the site specific requirements for site C1 which are consistent with amendments made to policy SADM 1 – site H9 are also welcomed.

The amendments made to the final paragraph of the site specific requirements for site C2 (Hertswood Lower School) in response to comments made by Sport England on the Consultation Draft SADM plan are also broadly welcomed as this makes explicit provision for Hertswood Upper School site's playing fields to be relocated to the Lower School site with requirements relating to the quality, accessibility and programming of playing field provision. This approach would accord with paragraph 74 of the NPPF.

However, the amendments to the site specific requirements for site C2 do not make explicit provision for indoor sports facilities to be made available for the community throughout the development period or for replacement indoor facilities to be made available as soon as possible. The Lower School site includes the Hertswood Leisure Centre which is a dual use leisure centre that helps meets the indoor sports needs of the wider community as well as the school. Parts (i)-(iii) of this section make explicit provision for the theatre and the playing fields to be programmed and delivered to minimise disruption to the school and the community but not the indoor sports facilities which are of similar importance. The final sentence also makes provision for the playing fields to be made available for community use on a basis acceptable to the Council but not the indoor sports facilities. While the current planning application for the redevelopment of the Lower School site makes proposals which Sport England considers acceptable in principle in relation to phasing and delivery of these facilities, as this policy will be a material planning consideration when this (or any future) application is determined it is important that the policy makes explicit reference to this. This would allow consistency with Government policy in paragraph 74 of the NPPF which applies to sports facilities as well as the approach taken in the policy to other school/community facilities.



4(c) Sound Yes  No  no comment to make

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

**5. If you consider the Plan to be unsound is this because it is not:**

- 5(a) Positively prepared  Please tick which box(es) apply
- 5(b) Justified
- 5(c) Effective
- 5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**

**If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

**7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan**

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

**You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

To address the concern raised, it is requested that the final paragraph of the site specific requirements for site C2 (Hertswood Lower School) be amended along the following lines:

*Programme of development on the two sites to be considered against Policy CS19 (key community facilities) and agreed, in particular, to ensure that (i) the proper level of school facilities, including playing fields **and indoor sports facilities**, is available throughout the development period, (ii) there are local facilities available to allow the satisfactory operation of theatre activities **and indoor sports facilities** throughout the development period, and (iii) the provision of the replacement theatre premises **and indoor sports facilities** is made at the earliest possible opportunity. The playing fields **and indoor sports facilities** are to be made available for community use on a basis to be agreed with the Council.*

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.**

**8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?**

Yes  No

**9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

(continue on a separate sheet/expand box if necessary)

*Please note: the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
          02/09/2015

**Part C** (Only needed once)

Name (Print): \_\_\_\_\_ ROY WARREN \_\_\_\_\_

- If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.
- If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.
- If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.
- If you no longer wish to receive communications from the Council on SADM please tick this box.