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October 26 2006

Dear Rosemary,

Consultation on Draft Revised Technical Advice Note 16 Sport , Recreation and Open Spaces

Thank you for your letter inviting comments on the above consultation document. The consultation has been considered by the Royal Town Planning Institute's Welsh Planning Policy Panel and as such I can offer the enclosed Memorandum as a summary of our comments on the draft TAN.

Thank you for the opportunity to participate in this consultation. I have no objection to these comments being made public.

Yours sincerely

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Enc.

THE ROYAL TOWN PLANNING INSTITUTE

Consultation on Draft Revised Technical Advice Note 16: 'Sport, Recreation and Open Space.'

Memorandum of Observations to the Welsh Assembly Government

October 2006

General Comments.

1. The Institute in general welcomes this revised and updated Technical Advice Note especially in the way it maps out its relationship to the related national policy context and in taking forward the way local authorities should provide the location for, and protect existing sport, recreation and leisure facilities. However, we believe that more effective editing of the document would improve the layout and structure of the Draft. In certain areas (covered below) different themes and ideas are 'jumbled up' with no logical progression of ideas and individual sections do not have coherence and sometimes even single paragraphs cover unrelated matters.

Detailed Comments

Related National Policy Context.

2. Although we recognise the need for brevity in cross-referencing to the wider policy context there appears to be inconsistency in the way parts of the Draft TAN do so from simple references to paraphrasing significant sections of Chapter 11 of PPW.

Developing an Open Space Assessment for Sport and Recreation.

3. The main thrust of this section is the need to carry out an assessment of existing open space provision and needs. The section, however, contains a number of different themes and ideas, which do not seem to be in any particular order.
4. The first part of paragraph 1.20 refers to the carrying out of an 'Open Space Assessment' to inform the LDP process but the second part of the paragraph refers to the Rights of Way Improvement Plan, which is a totally separate matter and covered by different legislation.
5. Ideas about assessments and strategies are intermingled. Paragraph 1.23 does not sit comfortably with the rest of the section, for instance, as it relates to future schemes rather than a survey of the existing situation.
6. The language used in relation to the need to carry out an assessment is 'fudged'. Although we recognise that it is advice we feel it is necessary for WAG to make it clearer the degree to which WAG is expecting an assessment to be done or whether it is just suggesting that it might be a 'good idea'. The first sentence of paragraph 1.20, for instance, states that PPW's objectives 'can only reasonably be achieved' by undertaking local assessments. This contrasts with the language used in English guidance. PPG17: Planning for Open Space, Sport and Recreation in paragraph 5, for instance, states that the Government 'expects' all local authorities to carry out assessments. Paragraph 33 of PPG17, in relation to Planning Obligations, states that 'It is essential that local authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate standard local standards in order to justify planning obligations'. This contrasts with the later section in the Draft TAN, which in other respects closely paraphrases PPG17, as the relevant sentence states 'By carrying out an assessment of need and an audit of existing facilities, local authorities may be able to justify planning obligations ...'.
7. PPG17 is accompanied by very detailed good practice guidance: 'Assessing Needs and Opportunities: Planning Policy Guidance 17 Companion Guide'. Reference is made to this in

paragraphs 1.33 and 1.34 of the Draft TAN. Again, however, the status of this methodology is not clear. Paragraph 1.33 states that it is 'expected' that open space assessments would be based upon the stages set out in the good practice guide. Paragraph 1.34 states that the precise format for undertaking a survey will vary but 'should include' each of the key stages. If it is expected that the methodology is followed to the letter then this would be quite an extensive exercise that would have significant resource implications for local authorities and could delay LDP preparation. This is recognised in paragraph 1.40 of the Draft TAN, although the advice given that LPAs 'should make use of information which is to hand, and in which they have confidence', does not offer much help to those authorities that do not have this information readily available. A more limited exercise may be more appropriate for those LPA's that do not have the time or resources to follow the detailed methodology set out in the PPG17 Companion Guide. Newport City Council, for instance, has recently published a Draft Assessment of Outdoor Play Space Provision in Newport, which does not follow the methodology but seems to serve the purpose.

8. The Draft Advice Note appears to be placing considerable emphasis on the 'key stages' set out in the diagram below paragraph 1.33. In our view there may be merit in introducing it at the start of this section and so use it to structure the order of paragraphs. Reference to standards, for instance, comes after some text on strategy and is then followed by the role of the consultation bodies and their role in planning applications, which may have been better placed in the Development Control section of the Draft TAN. The reference to the CCW Greenspace assessment toolkit, is necessary but again its relationship to the 'key stages' set out in paragraph 1.33 is not made clear.
9. Paragraph 1.37 recognises that surveys prepared by a planning applicant may be considered where the Council does not have an up-to-date survey. This should also be mentioned later in the TAN where it would relate to the consideration of applications that involve the loss of open space and recreation facilities where it should be stressed that such applications would not be looked upon favourably unless the applicant can demonstrate that the land or buildings are surplus to requirements.

Sections on Development Plans and Development Control.

10. Again there is a lack of clarity in the ways in which these sections are set out. Some of the matters raised in the policy planning section, for instance, seem to relate to the factors that need to be taken into consideration in the determination of a planning application. In relation to the protection of playing fields, for instance, paragraphs 2.8 and 2.9 appear to be paraphrasing paragraph 11.1.11 of PPW (although not very clearly) yet do not set out useful guidance for the determination of such applications. This contrasts with PPG17 where the guidance enables firm criteria to be established for applications for the redevelopment of existing open space or sports/recreation facility (Diagram 1 in the Companion Guide). Paragraph 2.10 stresses that LPAs should have up to date information on sport and recreational facilities on which to base such decisions but does not recognise that such information may not always be available. At such times the onus should be on the applicant to justify the proposals, as mentioned above and recognised in paragraph 1.37 of the Draft TAN.
11. A number of the paragraphs in these sections are simply repeating national guidance (part of paragraph 2.34, for instance) or going into detail on general development control matters that are common practice or covered elsewhere (e.g. noise) and not specific to recreation issues. In our view these sections would benefit from being shortened.
12. The section on Management and Maintenance should be better integrated with the section on Planning Obligations, as it is through planning obligations that future maintenance arrangements are normally achieved.

OW/MD
26.10.06