



CITY AND COUNTY OF SWANSEA

DINAS A SIR ABERTAWE

Ms Ruth Hatton
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Date: 12th June 2008

Dear Ms Hatton

Re: **Consultation – Proposals for Proposed Playing Fields (Community Involvement in Disposal Decisions) Measure**

I refer to the letter of 9th May 2008 from Dai Lloyd AM regarding the above proposals.

Set out below are comments on behalf of the City & County of Swansea. As requested I have provided a specific response to the questions raised. By way of context however there are a number of preliminary observations that should be made.

Firstly, the benefits of encouraging physical activity are understood and acknowledged. This objective is reflected within the range of current policies of this Council. That said, I would not wish to support a procedural change that could have the unintended consequence of compromising the ability of the Council to deliver community benefits. For example, this proposal could impact on developing strategies (local and Assembly) to enhance opportunities for education and learning.

Playing fields provide an important facility and resource for personal exercise and team pursuits. They are however by no means the only facilities that can be utilised for these purposes. Facilities such as sports halls, MUGA, and multi purpose halls are increasingly popular for participants as well as being suited to more intensive use than grass pitches. The existence of such facilities may be a historic legacy but the provision of facilities should be constantly reviewed. The statutory planning process provides one means of encouraging the provisions of sports fields and other recreation facilities through the development process.

The consultation paper correctly notes that the mechanism for deciding between competing priorities is the Town Planning process. This statutory process includes specific requirements to consult with interested parties on all aspects of development

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proposals, including the loss of current facilities. Within Swansea's draft UDP the importance of playing fields is acknowledged as there is a policy presumption against their redevelopment. In addition there are other existing safeguards, including the special notification requirements prior to the disposal of open space. Overall therefore, the current arrangements include a range of measures to ensure proper consideration of proposals. Furthermore TAN 16 Consultation Draft requires Local Authorities to undertake an open space assessment which could form the basis of an open space strategy, including playing fields.

This Council currently faces a number of challenges around making the education portfolio fit for purpose and attracting comprehensive regeneration opportunities at key locations. The appropriate mechanism to balance competing objectives is the existing planning arrangements. It would be cause of concern if necessary flexibility within the process were lost by introducing additional special measures for sports pitches.

As regards the specific consultation questions I should comment as follows.

1. *Do you agree with the principle of the proposed measure?*

On balance I feel the proposal would add a further unnecessary step in the process, that would be both time consuming and expensive to operate.

The present consultation embedded in the planning system, together with the notification arrangements that exist for open space, provides sufficient opportunity to reach a balanced view on proposals.

In addition, consideration of a potential disposal of sports pitches can be undertaken more effectively once details of a development proposal is known. This information would not normally be available at the time set out in these proposals but should be available once a planning application is submitted.

2. *Do you agree with the principle definitions used in section 2 of the proposed measure?*

The definitions are clear.

3. *Do you agree with the proposed contents of the impact statements?*

On balance I feel that dealing with the proposed contents of the impact statements would be problematic. Although the potential impact on the overall provision of playing fields should be known, the nature of the proposed disposal will not always be defined at the consultation stage.

Of particular concern is the method by which the health and well being of the local residents would be assessed. It is not clear who would be in a position to make this technical assessment and in particular how the impact of the loss of playing fields could be weighed against the many other factors that bear on health and well being. The result is likely to contain high degree of subjectivity.

In practice, current decisions involving the disposals of playing fields of Local Authorities are based on an assessment of many factors, not least the views of local residents as expressed through their elected representative.

4. *Are the provisions regarding consultation appropriate?*

The schedule of consultees appears comprehensive, although I should point out that the organisations listed would clearly have a predisposition to oppose disposal.

I am not aware of evidence to suggest that the present arrangements for consultation on development proposals affecting sports pitches are inadequate.

5. *Are the consultees listed in the schedule appropriate? Should less specific consultees be identified?*

As a matter of principle, special interest groups (eg Age Concern, and the Women's Institute) should not be statutory consultees.

If specific organisations are to be identified for consultation in all cases I should advise using the Sports Council and the Local Health Board.

6. *Where the Authority has decided to proceed with a disposal of playing fields after a consultation, do you think the requirements placed on the Local Authority are satisfactory?*

It would appear appropriate for a decision to be recorded and communicated in the same manner, whether the decision is positive or negative. The procedure at 6(1) would appear to be adequate ie the decision must be recorded and the LA publish notice of the fact in a local newspaper.

7. *Please outline your view of the powers of Welsh Ministers to issue directions to Local Authorities.*

This proposal is sound in principle but there are a number of important protections that would be required:

- The maximum time for Ministers to decide the issue should be specified and reasonable.
- There should be an appeals process following a Ministerial decision.
- To prevent vexatious challenge of all decisions the Local Authority should be able to recover additional costs incurred if the final decision is to uphold the LA's decision.

8. *Will the proposals result in your organisation incurring financial costs? If so, what will they be (please quantify)?*

The proposals would involve additional costs. These are difficult to quantify but they are likely to be significant.

They would involve both procurement of technical advice (often through external consultants) and administrative costs.

I trust the foregoing is hopeful but please feel free to contact me should any aspect require clarification.

I would prefer not to give oral evidence to a future committee.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paul Smith', written in a cursive style.

PAUL SMITH
CHIEF EXECUTIVE