

Examination of the Sandwell Local Plan

Inspectors Matters, Issues and Questions – Matter 9 (Site Allocations)

Issue 9 – Whether the plan’s site allocations are justified, effective, positively prepared and consistent with national policies.

Q9.1 Are the site allocations soundly based? b) What is the likely effect of the allocation in relation to open space? f) Are any site-specific policies or policy requirements necessary for the soundness of the site allocation?

Q9.2 In terms of this issue, are any main modifications necessary for soundness ?

Sport England’s Response to Q9.1 & Q9.2

Site Ref SM2 (SA199) – Lion Farm, Oldbury

Sport England have made detailed written representations on this site allocation at Regulation 19 consultation stage, which we do not repeat here. We set out that we are strongly of the view that this allocation is unsound as it is in conflict with national policy, as set out in paragraph 103 of the Framework (December 2023) (now paragraph 104 in the revised 12 December 2024 version).

Paragraph 103 of the Framework stipulates:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

We also consider that the proposed allocation would be in conflict with Sport England's playing fields policy and guidance (see appendix 4) which is consistent with national policy.

The Council recognise that criteria a) of para 103 of the Framework cannot be met given the existing shortfalls of provision across the Borough (paras 6.61-6.62 of the reasoned justification to policy SHW5), the playing field is not demonstrated to be surplus to requirements for sport.

The proposed mixed-use allocation is not a development for alternative sports and recreational provision, and so criteria c) does not apply.

The Council considers that the loss of playing pitches currently in use at Lion Farm playing fields site will be replaced and (where required) upgraded prior to the commencement of development on site to meet with criteria b).

Sport England have considered the various sites identified in the Local Plan (Sub 001) as potential sites for provision of replacement pitches, and have previously explained (in our Regulation 19 response) why we consider that these sites (either individually and collectively) fall short of meeting the policy criteria of providing equivalent or better provision in terms of quantity and quality of playing field in a suitable location. Sport England would not wish to see the site replaced in fragments across various sites as this is likely to substantially reduce its value to sport.

Given the built-up nature of the Borough, it remains of significant concern to Sport England that the provision of genuine replacement playing field is challenging in Sandwell. The Lion Farm site will be a particularly challenging site to replace. Lion Farm is a large playing field site at over 14 hectares in total with the allocation proposing retention of 6 of the 11 adult football pitches. In terms of quality, Sport England's Playing Fields Policy & Guidance document set out how equivalent quality is assessed. It states in paragraphs 58-59:

"A new area of playing field being laid out, drained, maintained and provided with the necessary ancillary facilities so as to have the same capability, functionality and flexibility as the existing area of playing field to accommodate playing pitches, matches, training sessions and other sporting activities.

The new area of playing field should be capable of providing playing pitches and producing playing characteristics, supported by all necessary ancillary facilities to the relevant standards, to allow the same level of competitive play to take place without requiring any additional maintenance input. For example, if a playing field includes a pitch which is used by a senior county league club, then to achieve the

equivalent quality the replacement playing field must be capable of providing for this standard of play without any additional costs being incurred by users, when compared to use of the existing site. This requirement applies equally to the provision of ancillary facilities, such as changing rooms, car parking, fencing and artificial sports lighting.”

Given the technicalities involved in getting the quality of replacement playing field right, Sport England has prepared a guidance document entitled: “Equivalent Quality Assessment” attached as Appendix 5.

A particular facet of the quality of the playing field at Lion Farm is that it provides multiple pitches for adult football for which there are known shortfalls of capacity across the Borough as evidenced in the Council’s Playing Pitch and Outdoor Sports Strategy (see evidence base documents PPOS004 and PPOS005). It will therefore be important for replacement provision to address that need.

In response to Sport England’s representations on this policy, Examination Documents SA/ED2 and SA/ED2A simply state that the *“comments are noted – work is underway to gather more information on replacement pitches”*.

To date, the Council have not shared any additional information in response to Sport England’s representation, nor have they addressed Sport England’s analysis of the sites put forward as replacement sites, to demonstrate how they would meet criteria b), nor have the Council been able to identify any other alternative sites for replacement provision to demonstrate how they would meet criteria b).

It is now 20 months since Sport England first objected to the allocation of this site. However, in practice the Council has been exploring the development of this site for several years previous having entered into a developer agreement with a prospective developer Jeremy Knight-Adams.

<https://www.expressandstar.com/news/local-hubs/sandwell/oldbury/2018/11/28/plans-unveiled-for-multi-million-pound-oldbury-outlet-village/>

In the intervening period, the Council have unsuccessfully been able to identify replacement sites that are capable of providing at least equivalent replacement provision in a suitable location.

Furthermore, given the multiple pitches that are found at the proposed allocation site, no consideration has been given to date as to how the cost of securing replacement playing field provision in accordance with NPPF para 103b (now para 104b) is likely to impact on the viability of development.

Allocations are generally held to be deliverable if they are likely to be built within 5 years of being allocated as per the NPPF Glossary definition. The Council's failure to identify suitable replacement playing field provision thus far, and meeting the costs of achieving this, must create significant doubt as to whether the proposed allocation at Lion Farm is deliverable within an appropriate timescale.

To conclude, Sport England's position is that there is no evidence presented by the Council to demonstrate that the playing field land would be replaced in a suitable location with alternative provision that is demonstrated to be equitable or better to the playing field to be lost at Lion Farm in order to meet with national policy. We remain firmly of the view that the Lion Farm site should be protected for continued use for sport in accordance with the Council's evidence in their adopted Playing Pitch and Outdoor Sports Strategy (PPOSS), which identifies shortfalls of capacity, particularly for adult and youth football. We continue to take the view that the allocation should be removed from the proposed plan.

Site Ref SH18 (SA55) Friar Park

Site Ref SH34 (SA79) Brandhall Golf Course

Site Ref SH43 (SA166) Tanhouse Avenue

Sport England relies on the representations made at Regulation 19 consultation stage in respect of the above proposed allocations, which continues to reflect our position in respect of these sites. To date, we have not seen any further information from the Council to address Sport England's objections.

Notwithstanding the above, it is Sport England's view that the above proposed allocations are markedly different to Lion Farm in respect of the potential impact on sports and recreational buildings and land, including playing fields, and the scope to secure equitable or better replacement provision.

In respect of Friar Park, we have previously recommended the following main modification :

"Any loss of playing field will need to be mitigated in line with policy SHW5 & para 103 (now para 104) of the NPPF", removing the words "subject to demonstration of viability"

There is scope to retain the playing field within the development site at Friar Park. There are also known opportunities locally for improving existing playing field

provision, notably at Hydes Road where the Council are proposing a suite of improvements to the existing playing field site, for which a suitable developer contribution could be secured to help provide match funding to deliver this project. In combination, the retention/replacement of playing field on site at Friar Park, coupled with an agreed off-site contribution towards playing field improvements has the potential to meet with paragraph 103b (now 104b) of the Framework.

In respect of Brandhall Golf Course, we have previously recommended the following main modification:

“the loss of the disused golf course will need to be mitigated in line with policy SHW5 & para 103 (now para 104) of the NPPF”.

In respect of Tanhouse Avenue, we maintain our view that the proposal would result in the loss of playing field land. We would recommend the following main modification to address this:

“the loss of playing field will need to be mitigated in line with policy SHW5 and para 104 of the NPPF”

Appendices

Appendix 1 – Regulation 19 Consultation Response – Policy SHW5

Appendix 2 – Regulation 19 Consultation response – Site Allocations

Appendix 3 – Regulation 19 Consultation response – Lion Farm Playing Fields

Appendix 4 – Sport England Playing Fields Policy & Guidance

Appendix 5 – Sport England Equivalent quality assessment (EQA) guidance