
LAND FOR REPLACEMENT PLAYING FIELDS

Responsible Cabinet Member -Councillor Chris McEwan, Efficiency and Resources

**Responsible Directors - Richard Alty – Assistant Chief Executive (Regeneration)
Paul Wildsmith, Director of Corporate Services**

SUMMARY REPORT

Purpose of the Report

1. To seek approval in principle to the use of Council land for the relocation of Darlington College's playing pitches.
2. To delegate authority to the Director of Corporate Services in consultation with the Cabinet Member with the Efficiency and Resources portfolio to enter into the necessary legal arrangement for securing the use of land as playing pitches.

Summary

3. The proposed development by University of Teesside on land to the rear of Darlington College will mean the loss of 2 football pitches (one full-sized and one training) equating to some 1.6 hectares of playing fields. The University has submitted a planning application on the 29th July with a view to obtaining a planning permission in October 2009. However, without proposals to replace the playing fields elsewhere, Sport England are likely to maintain an objection to this planning application as being contrary to Planning Policy Statement 17: Planning for Open Space, Sport and Recreation. In such circumstances, should the Council be minded to approve the application, it is likely to be referred to the Secretary of State for determination under the Playing Field Direction Order. A detailed programme is required by Sport England to demonstrate how the Darlington College pitches will be replaced in order for it to consider the University application in a favourable light as set against national planning policy.
4. Land adjacent to the Darlington Rugby Club at Blackwell Meadows (**Appendix 1**) has been identified as the best solution for the playing fields lost at the College. This area has the potential to contribute to an additional longer term provision of pitches and fields including a commitment to replace playing fields lost as a consequence of the St Aidan's Academy application at Hundens Park.

5. An alternative solution in the event that Blackwell Meadows cannot be brought forward might be the use of Council land to the north of the Darlington Football club off Neasham Road. (**Appendix 3** – Location of DFC site).
6. It would be the responsibility of the College to fund the development of playing pitches at Blackwell Meadows along with any required ancillary facilities and to put in place a regime for their maintenance and management.
7. Planning permissions would be required for these developments and these would be project managed by the College.

Recommendation

8. It is recommended that:
 - (a) Cabinet agree in principle that the Council will make available its own land at Blackwell Meadows and / or north of Darlington Football club for the development of new playing pitches /fields and any necessary ancillary facilities.
 - (b) Officers are authorised to commence negotiations with relevant parties to agree the relocation of the Darlington College playing fields to land at Blackwell Meadows and / or north of Darlington Football club. This is to be secured at no financial cost to the Council.
 - (c) The Director of Corporate Services in consultation with the Cabinet Member with the Efficiency and Resources portfolio be authorised to progress negotiations, serve appropriate notices, agree compensation and complete all necessary documentation.
 - (d) Officers continue to explore the relocation of playing fields (1.86 ha) lost to the St Aidan's Academy development.

Reasons

9. The recommendations are supported as :
 - (a) the securing of the University development is an important step in achieving wider educational skills, prosperity and market positioning for Darlington, in line with the two priorities, and Prosperous and Aspiring themes, in One Darlington: Perfectly Placed.
 - (b) an outstanding condition on the planning permission for St. Aidan's Academy, requiring the replacement of lost playing pitches, needs to be satisfied.

Richard Alty
Assistant Chief Executive (Regeneration)

Paul Wildsmith
Director of Corporate Services

Background Papers

Cost estimates submitted by Darlington College for Blackwell Meadows playing fields.
Rebecca Dent: Extension 2041

S17 Crime and Disorder	No impact.
Health and Well Being	Encouraging healthier lifestyles through physical exercise.
Sustainability	By increasing the provision of playing fields within an accessible location in Darlington, this has the potential to reduce travel
Diversity	There are no issues relating to Diversity which this report needs to address.
Wards Affected	Located in Lingfield & Eastbourne
Groups Affected	The impact of the report on any Group is considered to be minimal.
Budget and Policy Framework	Darlington College will fund replacement pitches and associated facilities. Additional funding is being sought for the remaining pitches. There is no change proposed to the budget and policy framework.
Key Decision	Yes.
Urgent Decision	No.
One Darlington: Perfectly Placed	This report supports the Perfectly Placed priority, through the Aspiring and Prosperous Themes, in facilitating the University Development in Darlington.
Efficiency	Construction of replacement pitches to satisfy Sport England for those lost jointly to the Academy & University would provide efficiencies. There are also efficiencies available from utilising the established Rugby Club facilities and the potential for the maintenance and management of the site to be handled by a third party

MAIN REPORT

Information and Analysis

Background

10. The Council has been working with the University of Teesside and other partners and stakeholders to explore the feasibility of developing a greater physical presence in Darlington. By developing alongside the College, the new University building will deliver a step change in higher education activity within the town, providing a high quality higher education learning environment and will assist in promoting wider Community Strategy objectives.
11. On 7th July 2009, Cabinet resolved to agree the proposed short term use of Eastbourne School by the University of Teesside from September 2009, subject to the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, being satisfied with the University's arrangements for security of the buildings and site.
12. Facilities at Eastbourne School are provided on a temporary basis until the completion of their new Central Park facilities on Central Park in September 2011.
13. The University has chosen to locate the new University building onto land used as playing fields within Darlington College's control.
14. The University has now submitted on the 29th July a planning application for its development with a view to a determination of that application at the Planning Applications Committee in October. As part of the normal consultation procedures Sport England has commented upon the application. Since the College will be losing 2 playing pitches and there is a shortfall of playing pitches in the Borough, Sport England will require that the pitches must be replaced elsewhere in Darlington and that there should be an agreed and formalised timetable within which this should occur. Since there are no such arrangements in place at this time Sport England has objected to the planning application. In the circumstance that the playing fields are lost and there are no plans for replacement Sport England will maintain its objection to the University of Teesside application and the application will potentially be subject to a call in procedure by the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009

Sport England's Position

15. Sport England is guided by Planning Policy Statement 17: Planning for Open Spaces, Sport and Recreation. In areas that do not have an excess of playing pitches any playing fields lost to development should be replaced with playing fields of an equivalent quality and quantity.

16. Accordingly, Sport England is seeking like for like replacement of lost playing field area. A playing field is defined as the whole of a site which encompasses at least one playing pitch. There is a requirement to provide new fields on which the pitches can be placed. Exploratory discussions held with Sport England as to the range of options that might be open to Darlington College and the Council has concluded that at present the best option is to develop new playing fields at Blackwell Meadows.

Further Context

17. An alternative option might be to utilise land north of the Darlington Football Club in addition to or independently of Blackwell Meadows.
18. Since the College's existing pitches are managed and provide changing rooms, equivalent quality and facilities management must be provided.
19. There are ongoing negotiations with Sport England in respect of the compensatory measures for playing fields lost as a consequence of the St Aidan's Academy development and this may be the subject of a further report in the future.
20. As part of the evidence base for the Local Development Framework Core Strategy research has been carried out to predict the ongoing requirements for playing fields into the future. This has demonstrated a current shortfall in provision. The Playing Fields Strategy being developed will plan for future provision alongside other developments for housing and employment in the Borough.

Teesside University's Proposals

21. The Teesside University have submitted their planning application for the development of its new facilities on the Darlington College playing pitches. This was received on the 29th July and it is anticipated that this will be reported to the Planning Applications Committee in October. It is understood that this is critical for the University to meet its timetable for the permanent facilities to open to students in September 2011.
22. The immediate and pressing priority is to get to a position that would satisfy Sport England sufficiently for them to remove their objection to the University's planning application. If Sport England maintain their objection, it would not be open to the Council to determine the planning application even if they were minded to do so without first referring the matter to the Secretary of State. This may then result in the planning application being called in by the Secretary of State and the final decision not being taken by the Council.
23. Sport England has been asked about the position that needs to be reached in order for it to remove its objection to the planning application. Sport England has confirmed that it would be seeking certainty that the playing fields lost as a consequence of the University Development will be replaced in accordance with national planning policy. It will be seeking a formal agreement to ensure that the playing fields along with any necessary ancillary development such as changing facilities and car parking provision are delivered in accordance with a clearly established project timetable.

Options Appraisal

24. Officers have explored a number of options to address the immediate issues concerning the University development, but only those at Blackwell Meadows and the Darlington Arena offer solutions to the replacement of the Darlington College Playing pitches.

Option 1 – Land adjacent to Darlington Rugby Club at Blackwell Meadows (see plan at Appendix 1)

25. Sport England has confirmed that playing field replacement in this location has the potential to satisfy both the land lost at the College (1.6 hectares) and at the Eastbourne Academy (1.86 hectares net) .
26. Early discussion with the Rugby Club indicates that they are willing to explore the creation of additional playing pitches adjacent to their site with access through the Rugby Club and bridging a ditch to access the land. There is potential to create five pitches in total on this land and add to the quantity of playing fields per se. The Rugby Club has also indicated that they are willing to explore extensions to their existing changing and car parking facilities to enable the new playing fields to be properly serviced. However, such an ambitious solution at this stage has not been fully investigated and costed.
27. As negotiations progress, in the event that the Rugby Club is unable for any reason to agree to the facilities in its ownership being extended then it would be possible for the supporting parking and changing provision to be provided entirely within the DBC owned land immediately adjacent to the Rugby Club (see plan at **Appendix 2** – exact area of land required may vary following detailed site survey). It is anticipated that access to the site could be achieved via existing rights of access. A pedestrian route linking the car park and playing fields would be required via South Park, land also in the ownership of the Council. The legal position regarding rights of access and title is currently being investigated but there are no problems apparent at the time of writing this report, and this is expected to be confirmed verbally to Cabinet.
28. For the purposes of this report it is sufficient to accept that the College is committed to replacing its playing fields lost as a consequence of the proposed University development and it is prepared to cover the development costs of doing so together with any necessary ancillary accommodation. The Council can assist this process by agreeing to the use of land at Blackwell Meadows for Playing Fields and to negotiate with the College and Darlington Rugby Club the provision of new pitches and playing fields at Blackwell Meadows. The new pitches/playing fields to be provided at no cost to the Council.
29. The land is currently farmed by a tenant and the Council would need to terminate this tenancy and pay compensation. It is anticipated that this would be a cost covered by the College.

	<i>Pros</i>		<i>Cons</i>
1	Regarded as a hub site, offering existing facilities on a managed site, which could be built on and reduce revenue costs.	1	Tenant farmer would need to be vacated from the site

2	Rugby Club are supportive in principle subject to concerns about parking, vehicle access and changing provision being resolved, how use of the club's facilities are used and the management and maintenance of the site	2	Distance from the College
3	Site is well removed from residential property	3	Planning permission required
4	Adjacent to River Skerne but Environment Agency has raised no objection in principle		
5	Provides potential for future pitch development.		

Option 2 - Land north of Darlington Arena (see plan attached at Appendix 3)

30. This would add to the creation of new playing fields in the Borough. Planning permission was previously granted for various commercial developments at the football club subject to a planning agreement to secure various community benefits including outdoor football pitches. Whilst the agreement has not been signed by Darlington Football Club and as such the planning permission has not been issued, Members of the Planning Committee were agreeable in principle to create pitches with community access on land to the north of the stadium.

	<i>Pros</i>		<i>Cons</i>
1	Potential future hub site	1	Planning agreement not signed by the Football Club and therefore planning permission not granted to date
2	Cost of the development would be borne by the developer	2	Need to create new ancillary facilities e.g. car parking and changing from scratch
3	Land in the ownership of DBC	3	Tenant farmer would need to vacate the site and be compensated

Financial Implications

31. The College are currently investigating funding sources for the replacement of their two pitches. The project management will be the responsibility of the College. These projects are therefore to be provided at no cost to the Council other than the loss of income from the tenant farmer of circa £1,000/year. The Council will be retaining ownership of the land.
32. The creation of pitches and associated facilities/infrastructure will require planning permission. The College would be responsible for working up the design details and submitting the applications.

33. The College will be responsible for the capital costs of the works, project management, design and procurement, compensation and construction. There would be no cost liability falling to the Council for the replacement pitches and associated works.
34. It should be noted that there will be management and maintenance costs of the sites and these would need to be agreed as part of the negotiated arrangements.

Outcome of Consultation

35. No consultation has been undertaken at this stage with the general public but both schemes would require planning permission that would be subject to consultation processes. Sport England has been involved in relevant discussions and is aware of the content of this report.

Summary and Conclusion

34. It is crucial that the College are able to replace, within a reasonable timescale, playing fields and any necessary ancillary facilities that will become lost to the University Development in order to overcome an objection to the scheme from Sport England.
35. Realistically there are 2 sites at present that offer the opportunity to create replacement playing fields. These sites are land at Blackwell Meadows and land north of the Darlington football stadium, both within the ownership of the Council. Blackwell Meadows is considered to be the preferred location given that it offers the opportunity of being developed as a 'hub' site with efficiencies available from utilising the established Rugby Club facilities, the potential for the maintenance and management of the site to be handled by a third party, and the ease with which it can be implemented.