

Outdoor sports facilities

sportscotland's approach to planning applications

Introduction

This guidance outlines **sportscotland**'s role as a statutory consultee in the planning process, and explains the approach we take to planning applications involving outdoor sports facilities (for definition see 'Legal Context' section below). Its purpose is to inform stakeholders of what they can expect from **sportscotland**.

sportscotland is the national agency for sport; our vision is a Scotland where sport is a way of life, where sport is at the heart of Scottish society and has a positive impact on people and communities. The Active Scotland Outcomes Framework (2014) outlines the Scottish Government's ambitions for sport and physical activity, and seeks to:

- Encourage and enable the inactive to be more active, and the active to stay active throughout life;
- Develop physical confidence and competence from the earliest age;
- Improve active infrastructure – people and places;
- Support wellbeing and resilience in communities through physical activity and sport;
- Improve opportunities to participate, progress and achieve in sport;

The ambitions link to a number of the national outcomes that the Government is seeking to achieve:

- We live longer, healthier lives;
- We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- We value and enjoy our built and natural environment and protect and enhance it for future generations;

sportscotland believes that access to a network of quality places where people can get involved in sport is crucial to delivering these outcomes.

National Planning Policy

Scottish Planning Policy (SPP) paragraph 226 states that local development plans should identify sites for new indoor or outdoor sports, recreation, or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document.

It also states that they should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. Outdoor sports facilities should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;

- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

SPP states that planning should protect, enhance and promote green infrastructure. **sportscotland** seeks to safeguard and promote the interests of sport; we can therefore advise on the value of outdoor sports facilities for sports use. We recognise, however, that the planning system must consider the wider open space value that a site may have.

SPP paragraph 230 also states that the development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area, and that alternative sites have been considered. It also states that poor maintenance and neglect should not be used as a justification for the development of green infrastructure for other purposes.

Legal Context

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Schedule 5) define 'outdoor sports facilities' as land used as:

- an outdoor playing field extending to not less than 0.2 hectares used for any sport played on a pitch
- an outdoor athletics track
- a golf course
- an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation
- an outdoor bowling green

The regulations also require planning authorities to formally consult with **sportscotland** on any planning application for development that is likely to:

- result in the loss of an outdoor sports facility, or
- prejudice the use of an existing outdoor sports facility for that purpose, or

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- prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose.

We are a consultee where outdoor sports facilities are in use, or, were last used as an outdoor sports facility, regardless of whether they are currently in active use, as well as where facilities are not publicly available.

Where we object to a planning application, or where the planning authority does not intend to attach conditions we have requested, planning authorities must notify Scottish Ministers ¹.

¹ *Town & Country Planning (Notification of Applications) (Scotland) Direction 2009 & Scottish Government Planning Circular 3/09: Notification of Planning Applications*

Our approach to planning applications

Are we a statutory consultee?

When we receive a consultation, we check whether we are a statutory consultee. We generally give no comment on applications where we are not a statutory consultee, except where we can usefully offer design guidance in relation to new sports facilities. In such cases, we make it clear that our response is one of guidance only. We generally provide guidance in our response to all consultations involving new or redeveloped schools, and we base this on our published [design guidance](#).

Assessing the application

If we are a statutory consultee, we consider the application principally in relation to SPP (paragraph 226), as set out previously, and we expect the requirements of SPP to be reflected or referred to in the local development plan for the area. We consider all sites in relation to the provisions of SPP, including sites that were last used as an outdoor sports facility, as well as those that are not publicly available.

In some cases we require additional information in order to provide a complete consultation response. Where this is the case, we aim to request this at the earliest opportunity, and ensure that any request is proportionate to the potential impact of the development proposal.

Interpretation of SPP criteria

We will respond to consultations principally guided by the four criteria from SPP, which are outlined below. It is for the planning authority to determine whether planning permission should be granted, taking account of the relevant development plan policies and any other material considerations. Planning authorities may choose to refuse permission where we have not objected, or grant permission where we have.

Where we do not object, this should not be interpreted as an indication of our support for the proposal, or that there will be no

impact on other matters such as green infrastructure provision more generally - these will be matters for the planning authority to consider in determining the application.

Criterion 1:

The proposed development is ancillary to the principal use of the site

sportsotland considers ancillary facilities to be those which support the principal use of the site as an outdoor sports facility, such as changing accommodation, clubhouses, fencing and floodlighting. We would support such development provided it enhances the value of the site for sport and there is no significant effect on its principal use.

Criterion 2:

The proposed development involves only a minor part of the outdoor sports facility

There may be parts of a playing field which are incapable of being used for pitch sports because of their size, shape, or other physical characteristics. It may be acceptable to dispose of these areas in order to generate funds to enhance the remaining playing fields or ancillary facilities.

Criterion 3:

The outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport or by the upgrading of an existing outdoor sports facility, which maintains or improves the overall playing capacity in the area

Assessing whether a new facility or upgrade of an existing facility is most appropriate will depend on local circumstances and opportunities. In some instances, it may be that a new facility will be required. In other areas, where current and anticipated future demand can be met by improving the quality and playing capacity of nearby facilities, it may be that upgrading of existing facilities can be considered. The location for the new or upgraded facility, and the detail of this, should be determined at an early stage in the development process, and there should be early engagement with the council or trust where this will be delivered on land in their ownership. It is helpful to sportsotland if details of any proposed new or upgraded facilities are set out in the planning application documents.

The replacement provision must be of comparable or greater benefit for sport and overall playing capacity must be maintained. This also means that if the site to be lost is particular to one sport, e.g. golf, the replacement provision must relate to that sport.

The provision of the new or upgraded facility should have a robust delivery mechanism, such as an appropriate legal agreement or suspensive planning condition. These should include the details of the replacement pitch provision and the timing for completion of the works. It is preferable that works are completed prior to any development commencing on the site that will be lost, but in certain cases it may be acceptable that they are completed within an agreed timescale.

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In some cases, particularly development proposals on pitch sites, the requirement to provide replacement capacity may be able to be delivered via a payment from the applicant / developer to the council to upgrade pitches in their ownership. This approach has occurred as a pragmatic way of enabling development – a recognition that for a developer to provide an entirely new pitch incurs significant costs, and that in many cases councils have a stock of existing outdoor sports facilities where capacity could be increased by upgrading works. Of key importance is that replacement capacity is delivered to replace that which is to be lost.

Where it is the case that a payment is made to the council in this way, the following principles will guide any compensatory payment:

- The average cost of providing a basic grass pitch is, for an overall pitch size of 95m x 50m plus 3m runoffs (5656 sq.m.), £130,000 at 2015 prices. This figure will be used where a poor or basic quality pitch is being lost. Where a good quality pitch is lost any payment must be commensurate with the cost of replacement of the pitch at the time it was last used.
- If an applicant is seeking to deliver replacement capacity for outdoor sports facilities other than pitches via payment to a council or trust to carry out the upgrade works, this will be considered on a case by case basis, and will depend on the cost of replacing the facilities that are to be lost.

Criterion 4:

The relevant strategy and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision

In order to demonstrate an excess of provision as required by SPP, there must be in place a robust, up-to-date strategy for outdoor sports facilities that takes into account the quantity, quality and accessibility of such facilities, and of current and future demand. It must be shown that there is an excess of provision both before and after the proposed development is undertaken.

Such strategies are important to guide how sport will be delivered, as well as in relation to development proposals affecting outdoor sports facilities. They should be reflected in development plans and provide the context for assessing the implications of development proposals affecting outdoor sports facilities.



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Case Studies

The following case studies are examples of the proposals we are asked to comment on as a statutory consultee, and of the responses that we may give. In each, our aim was to secure a positive outcome for sport, and one that fulfils the objectives of SPP.

Case Study 1:

Harhill Street and Elder Street, Govan, Glasgow

We were consulted on two applications for residential development in Govan, Glasgow: one application was on the site of an existing full size blaes football pitch and the other on the site of a former school, which also involved the loss of a blaes pitch.

Following discussions with Glasgow Life, the trust which manages pitches and other sports facilities for Glasgow City Council, the applicants proposed to make £130,000 available per site to replace the capacity that would be lost. This was to be spent on either the provision of a new grass pitch suitable for football and new changing accommodation at the Drumoyne Primary School Community Campus, Llangland Road, or on delivering pitch capacity improvements in the west of the city.

Both applications were approved subject to a legal agreement between Glasgow City Council and sportscotland to ensure the provision of the agreed pitch compensation works.

It was later agreed that the sum secured for both sites would be best spent at the Drumoyne Primary School Community Campus, located less than a mile from the pitches that were to be lost. A sum of £260,000 was used to help deliver a new strategic pitch sport venue, at a location accessible to users of both the former pitches.

The Campus is complete, and comprises a full-size, floodlit, 3G pitch, three natural grass pitches orientated as either two football pitches and one rugby, or three football pitches, as well as a floodlit 7-a-side sand-filled synthetic pitch, all serviced by new changing accommodation. The venue is used extensively by Park Villa, one of Govan's best known community sports clubs.



Case Study 2:

Stamperland Tennis and Bowling Club, Clarkston, East Renfrewshire

We were consulted on an application for a care home on the site of two tennis courts at Stamperland Club, Clarkston.

The pitch strategy for East Renfrewshire indicated that tennis activity in the area was strong, school links to clubs had resulted in increasing membership levels, and it was often difficult to access junior court time. There was therefore no evidence to suggest an excess of tennis courts in the area; indeed the evidence suggested that additional court capacity would be beneficial. When we were consulted in 2013, the courts had not been in use for a number of years and were in a dilapidated condition. However, it appeared that the lack of use of the site was not due to a lack of interest in tennis within the local area, and so we requested evidence from the applicant that efforts had been made to market the courts to other prospective operators.

Following discussion with the Council and Tennis Scotland, and taking into account information on the marketing of the site, it was agreed that replacement capacity should be provided and a contribution be made by the applicant to deliver this. A sum of £80,000 was agreed towards the creation of new tennis courts within the local area, set out in a legal agreement tied to the planning permission.

Proposals are being progressed to invest this sum in developing tennis courts at nearby Rouken Glen Park.

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Case Study 3:

St. Leonards, East Kilbride, South Lanarkshire

We were consulted on an application from South Lanarkshire Council to build the new St. Leonards Primary School and Nursery on the site of two full size pitches. Following discussion with the Council, it was agreed that a financial contribution should be made to offset the loss of these pitches, to be spent on improving the surface of the adjacent full size grass rugby pitch.

Approximately £250,000 was secured to deliver the upgrading works using a Section 69 legal agreement, and in 2015 the pitch was upgraded to a good quality grass pitch.



Case study 4:

Crownest Park, Stenhousemuir, Falkirk

We were consulted on an application for outline planning permission to regenerate Stenhousemuir town centre. This involved the loss of an existing full size football pitch and disused changing pavilion at Crownest Park, as well as a small kickabout area. The application indicated that the pitch and pavilion would be replaced as part of the scheme, and as such there was no objection from us, subject to ensuring that the details of the phasing and specification of the new pitch were acceptable, and that the kickabout area was also replaced elsewhere in the park.

The pitch, pavilion, and kickabout area were replaced as part of the regeneration of Stenhousemuir, and the pitch is now well used by a number of local teams, including Stenhousemuir Under 13s and 14s.

The application site was a King George V site, protected by Fields in Trust, so negotiation between the applicant and Fields in Trust was also required. Information on Fields in Trust Scotland can be found [here](#).

Case Study 5:

Stoneywood, Aberdeen

We were consulted on an application for residential development at Stoneywood, Aberdeen. The proposal involved the loss of two pitches on the site, and the application proposed replacement for one of the pitches at a nearby site. Initially, however, there was no compensatory provision offered for the loss of the second pitch.

Through discussion with the Aberdeen City Council and the applicant, it was agreed that, in addition to the replacement pitch already proposed, the applicant would make a financial contribution of £130,000 to the Council for the provision or improvement of playing fields in the area. The Council used this sum to lever additional monies from the Cashback for Communities fund and sportsScotland's Sports Facilities Fund (totalling £300,000), to provide a full size 3G pitch, suitable for rugby and football match play, at Dyce Academy.

Construction of the pitch is due to commence in spring 2016, and the pitch should be available for play later in the year. The pitch will be used by the school and local community including Dyce Boys Football Club, Dyce Amateurs Football Club, and Dyce Rugby Club.



Further information

We welcome early discussion with applicants and planning authorities where there are proposals that may affect outdoor sports facilities, and we encourage anyone seeking pre-application advice to contact us. Please send all correspondence on planning matters, including consultations from local authorities on planning applications and development planning, to: eplanning@sportsScotland.org.uk.

We would be pleased to offer assistance to planning authorities who wish to improve staff awareness of the issues covered in this document - please contact us if this would be useful to you. Contact details for our Planning Team can be found [here](#).