

**Part B – If necessary please complete a separate Part B form for each representation**

**4. To which part of the Submission Version of the Local Plan does this representation relate?  
(Please specify where appropriate)**

Paragraph  Policy  Policies Map

Site Reference  Settlement

**5. Do you consider this part of the Submission Version of the Local Plan:  
\*Please refer to the Guidance notes for an explanation of terms**

- a) Is Legally compliant      Yes       No
- b) Sound      Yes       No

If no, then which of the soundness test(s) does it fail\*

Positively prepared       Effective

Justified       Consistent with national policy

- c) Complies with the duty to co-operate      Yes       No

**6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments**

Concern is raised because it is unclear what the scope of the policy is in terms of open space typologies. Paragraph 4.48 refers to the open spaces in the Council's Open Space Strategy which exclude formal open space but the policy or its supporting text does not make it clear whether open spaces used for outdoor sport would be assessed against policy DM6 or policy D4 which covers community facilities including sports facilities. This is potentially confusing as developments affecting existing open space used for outdoor sports or proposals for new and enhanced outdoor sports facilities could be interpreted as having to accord with both policies. This is likely to cause implementation problems as the two policies are different in terms of their approach to development affecting existing provision and the approach to provision in new development. Sport England's preference would be for policy D4 to cover open space that is used for outdoor sport and other outdoor sports facilities as this policy is more suitable for application to outdoor sports facilities and is the policy that also applies to indoor sports facilities. If policy DM6 was applied to outdoor sport instead of D4, there would be the following concerns:

- Nationally adopted space standards as set out in part A would be unacceptable for applying to outdoor sports facilities as this would be contrary to paragraph 73 of the NPPF which requires local needs assessments to be prepared to inform outdoor sports provision needs. It would also be contrary to Sport England's methodology for assessing needs and the District Council's own evidence base for outdoor sport (Playing Pitch Strategy) which has undertaken a local assessment of provision and has not advocated the use of national standards for provision in new development;
- Criterion (ii) of section B would not accord with paragraph 74 of the NPPF if applied to outdoor sports facilities and would be inconsistent with Sport England's playing fields policy which is applied in our statutory consultee role. While this criterion may be suitable for applying to development affecting other open space typologies, it would not be suitable for applying to playing fields and other outdoor sports facilities. This is because many playing fields on educational or private sites are not currently accessible to the community but still require protection for meeting current or future needs. If a development involving the loss of a playing field would assessed simply against this criterion in isolation it could be interpreted as being acceptable if assessed against accessibility considerations in isolation.

*(Continue on a separate sheet if necessary)*

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To address these concerns and allow the policy to meet the 'effective', 'justified' and consistent with national policy' soundness tests it is requested that it is made clear in the supporting text to policy DM6 that outdoor sports facilities should be assessed against policy D4 instead of DM6. Alternatively, amendments to the policy would be required to address the issues set out above i.e. a different approach to that set out in section A would be needed for provision in new development while criterion (ii) would need to be removed or amended so that outdoor sports facilities are excluded from being considered against it. The former option would appear to be simpler and this would allow both indoor and outdoor sports facilities to be assessed against the same policy for consistency.

*(Continue on a separate sheet if necessary)*

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

X

No, I do not wish to participate at the hearings

Yes, I wish to participate at the hearings

9. If you wish to participate at the hearings, please outline why you consider this to be necessary:

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

10. Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination (Please tick)

Yes       No

11. Have you attached any documents with this representation?

Yes       No

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Signature:

Date:

29-01-2018