



Loss of Playing Pitches: Analysis and Mitigation Framework

On behalf of:
Derwent Holdings Ltd

In respect of:
Proposed Retail and Leisure Development

At:
Edge Lane Retail Park, Liverpool

Date:
October 2010

Reference:
KM/KM/1003708/R002mv2



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1.0 Introduction

- 1.1 This report has been prepared on behalf of Derwent Holdings Ltd to accompany a full planning application for the erection of a mixed use development on land at and in the vicinity of Edge Lane, Liverpool. The proposed development is comprised of retail, leisure and restaurant uses. In addition, the development includes associated car parking, landscaping, servicing, and other associated works.
- 1.2 The report is prepared in order to assess the effect of the replacement of the Rathbone Road Recreation Ground, to an alternative nearby site and in particular the impacts upon outdoor playing pitch provision. It will also examine the package of mitigation measures offered within the development proposals that will ensure there is no reduction in supply or quality of playing pitches.
- 1.3 The existing Rathbone Road Recreation Ground occupies an important location within the Edge Lane Central Development Framework Area. The extent and significance of this Framework is covered in greater detail in the planning statement that accompanies this planning application, however in brief, it is necessary to relocate the existing recreation ground to rationalise and extend the existing retail and leisure park. Within the existing Edge Lane Central Framework, the site of the existing park is identified to accommodate leisure development measuring approximately 1900m².
- 1.4 This report is designed to provide a framework that will reflect recent discussions with officers of Liverpool City Council and Sport England to reach a satisfactory level of mitigation for the loss of the pitches within the application site with its two main objectives being continuity of supply and betterment.

2.0 Rathbone Road Recreation Ground: Existing Conditions

- 2.1 The Rathbone Road recreation park is bordered to the north by Edge Lane, to the East by the properties fronting Oceanic Road and to the west by Sanders estate and the service yards of several retail units within the Edge Lane Retail Park. Currently, the park comprises approximately 60% grassed areas intersected by formal pedestrian routes and 40% formal recreation areas.
- 2.2 These formal recreation areas comprise a tarmac skate park and a substantial multi use games area measuring 0.502ha with associated fencing and floodlighting. There is limited planting across the site with the exception of a bank of mature poplar trees fronting Edge Lane on the northern boundary.

Figure 1 - Existing Rathbone Road Recreation Ground



- 2.3 LCC have confirmed that this skate park is underused and from a visual inspection, it is clear that the facility is not conducive to skateboarding. It floods and the surface is not smooth containing gravel and broken glass and weeds.

Figure 2 - Existing Skatepark**Figure 3 - Site of Proposed Replacement Park**

- 2.4 The existing function of the park was revealed by the consultation exercise commissioned by LCC and East Liverpool Neighbourhood Management Team in October 2008. Residents use the existing park to walk through, to walk their dogs, for passive enjoyment, bike riding and informal "kickabouts".¹ Formal, organised

¹ The results of the survey and an examination of how these results have influenced the development proposals are covered in more detail in the Planning Statement and Design and Access Statement.

football participation was not cited by residents and LCC have confirmed that this space is not used by any formal club or group. To date, there has been no further public consultation with the local community directly associated with this application. It is anticipated that this will take place within the application process.

3.0 Repositioning of Playing Pitch

- 3.1 The existing recreation ground contains one multi use games area (MUGA) measuring approximately 0.502ha. As a result of the development proposals and discussions with Officers at Liverpool City Council it has been determined that the replacement park on the Robinson Willey site is not the best location for a replacement MUGA facility. Whilst the more detailed design elements of the replacement park the subject of this application are not yet fixed, the park would be characterised by informal recreation with the exception of two formal children's play area. The park will have a traditional parkland emphasis, with defined pedestrian routes and will over time contain many mature trees. This park will have a perimeter of residential properties fronting onto it to provide natural surveillance. The main design principle associated with the replacement park is not consistent with the provision of a MUGA. As such it is proposed not to replace the existing MUGA within the application site or the site of the proposed retail and Leisure Park.
- 3.2 As a result of the removal of the MUGA from the site and LCC's statutory duties prescribed by SI 1817 ² they would be required to notify Sport England as a statutory consultee. Sport England's Policy P1³ states that they will oppose the granting of planning permission which would result in the loss of playing pitches unless an exceptional circumstance exists. One such circumstance is identified as the playing field lost as a result of the development would be replaced by a playing field of an equivalent or better quality and an equivalent or greater quantity.
- 3.3 In addition to this Liverpool City Council's adopted UDP contains Policy C9: Outdoor Sports Facilities. This states that;

The City Council will seek to retain all existing tennis, bowls and other multi purpose facilities, unless those affected facilities are to be replaced by a facility of equivalent or better quality in an appropriate location.

- 3.4 Accordingly, it is necessary for the applicants to demonstrate through the planning application process how the scheme facilitates the provision of replacement of pitches

² Statutory Instrument 1997 No. 1817 **The Town and Country Planning (General Development Procedure) (Amendment) Order 1996**

³ Planning Policy Statement- A Sporting Future for the Playing Fields of England

of an equivalent or better quantity and quality, off site.

4.0 Proposed Mitigation and Delivery

- 4.1 It has been agreed in principle that an offsite replacement MUGA should be secured as part of this planning application and the larger retail and leisure park application. During recent week, the applicant has met with LCC's planning officers and officers from Parks and Gardens in order to identify the most effective way of securing a replacement facility. This preliminary exercise has identified Newsham Park as the location for this replacement facility. Appendix 1 to this report identifies the location of Newsham Park in relation to the application site.
- 4.2 The form of the replacement facility has also been discussed and it is currently proposed that the applicant's will provide a commuted sum to enable the provision of two Cincinnati playing pitches. The specification of these pitches is provided at Appendix 2. At present, it is unclear whether these pitches will be required to be floodlit but this can be facilitated if need as the existing MUGA is floodlit.
- 4.3 Prior to the determination of this planning application, the applicant and the LPA will have agreed a level of contribution and a strategy to the replacement of playing pitches lost that will benefit the local community. A final version of this report will then be prepared including at least two alternative locations for replacement pitches which can then be selected by LCC in consultation with residents and local sports teams. A pre application meeting with Sport England has been held in order to discuss this strategy.
- 4.4 It is anticipated that following their formal consultation, a further meeting will be held between the applicant team, LCC and Sport England to resolve outstanding issues.
- 4.5 In terms of delivery, the draft wording of a Section 106 agreement could be set out as follows in order to ensure continuity of supply:
- Prior to Commencement of Development the Developer shall pay the Playing Fields Contribution to the Council.
 - The Developer shall not Occupy the Development until the Replacement Playing Field Works have been completed.
 - The Council shall use the Playing Fields Contribution towards the provision of

Replacement Playing Field Works and for no other purpose.

- Within 6 months of the date of receipt of the Playing Fields Contribution the Council shall use its reasonable endeavours to enter into a contract (the "Contract") unconditionally for the carrying out of the Replacement Playing Field Works.
- The Contract shall provide that the Replacement Playing Field Works are commenced within 8 months of the date of issue of the Planning Permission and are completed within 18 months of the date of receipt of the Playing Fields Contribution (the "Completion Date").
- The Council shall provide a copy of the Contract to the Developer within 20 working days of the entering into of the Contract.
- The Developer shall itself be entitled to carry out or procure the carrying out of the Replacement Playing Field Works if any of the following shall occur, and the Council grants to the Developer the right to enter onto any land owned by the Council for the purpose of carrying out the Replacement Playing Field Works in accordance with this Paragraph:
 - (a) the Council has not supplied the Developer with a copy of the Contract within 8 months of the date of receipt of the Playing Fields Contribution;
 - (b) the Council has entered into a Contract which does not secure the completion of the Replacement Playing Field Works by the Completion Date provided that if the Developer becomes aware that such a Contract has been entered into the Developer shall give notice to the Council of that fact and the Developer shall not exercise its right to carry out the Replacement Playing Field Works if the Council provides evidence to the Developer within five working days of such notice that there is a reasonable prospect that the Replacement Playing Field Works will be complete by the Completion Date; or
 - (c) the Replacement Playing Field Works have not been completed by the Completion Date (and accordingly the Council shall procure that the terms of the Contract allow this to occur).
- Should the Developer carry out or procure the carrying out of the Replacement Playing Field Works in accordance with Paragraph 2.3.7 above, the Council shall return the Playing Field Contribution to the Developer within 20 working days of receipt of a request from the Developer.

4.6 Finally, it is envisaged that a *Grampian* style condition would be applied to the grant of planning permission to ensure the closure of the Rathbone Road Recreation Ground to the general public would not take place until pedestrian linkages across the replacement park were created and this is likely to be discussed in greater detail

during the determination of the planning application.

5.0 Conclusion

- 5.1 This report provides the framework necessary to ensure that the replacement of Rathbone Road Recreation Ground takes place providing options for proposed mitigation. The scope of the report is an initial overview of how the applicants intend to ensure both continuity of supply and betterment, working with LCC, the community and Sport England.