

Statement of Common Ground

Dover District Council and Sport England

1. Overview

1.1 This Statement of Common Ground (SoCG) reflects the jointly agreed position between the parties, Dover District Council (DDC) and Sport England (SE), in relation to the Dover District Local Plan (DDLDP) and its evidence base, as of September 2023.

1.2 The purpose of this SoCG is to demonstrate how DDC and SE have been working together to identify and address outstanding matters. It sets out the areas of agreement on matters raised by SE in response to the Dover District Local Plan (Regulation 19 Submission).

1.3 The NPPF sets an expectation that Local Plans should be prepared with the active involvement of statutory consultees and to this end, DDC has been co-operating with SE throughout the preparation of the Local Plan. This co-operation has been in the form of email correspondence. SE formally responded to the Regulation 18 draft DDLDP consultation which took place between January to March 2021, and to the Regulation 19 Submission DDLDP. A summary of activity is set out in the Duty-to-Cooperate Statement.

1.4 This Statement of Common Ground, without prejudice, relates to the representations made by SE to the Regulation 19 DDLDP and further submission of comments received following the close of the consultation. It addresses unresolved issues, specifically to resolve differences and arrive at an agreed position.

2. Representations made by Sport England

2.1 Sport England made formal representation on the Regulation 19 Submission Dover District Local Plan which took place between 21 October and 9 December 2022.

2.2. Several email exchanges have taken place between DDC and SE to discuss and agree modifications to the Plan in respect of SE comments. If the Inspectors are supportive of the view of SE on these matters, the Council would accept additional modifications and as such the following text has been agreed for a number of policies, without prejudice, by both parties for this purpose.

2.3 For the avoidance of doubt none of the proposed additional modifications are considered necessary to address soundness issues, however, provide further clarity and detail to the policies.

3. Current agreed position

3.1 The following table set out the responses received from Sport England to the Regulation 19 DDLDP. A summary of SE comments is included as well as the current agreed position and any proposed modifications.

Representation Number and Plan location	Summary of SE Representations	Latest Agreed Action / Modification
SDLP308 Evidence Base - Playing Pitch Strategy	No changes to the DLP are required at present however the evidence base needs to be brought up to date	Both parties agree to the further following modification to supporting text: 6.59 The recommendations and outcomes of these assessments and strategies for sport provision across the district have been included within the Infrastructure Delivery Plan, which will be updated as projects are completed or evidence of use and need changes. It is important to note that during the lifetime of the plan, the supply and demand and future needs for each sport will evolve. <u>The Council intends to commence the formal review to the Playing Pitch Strategy in 2024.</u>
SDLP309 Policy PM1	SE suggested a reference be added to the Active Design Guidance	Both parties agree to the further proposed modification to supporting text: 6.10 New residential developments should not be 'housing-led' in respect of their design, instead residential amenity, open space, trees, landscaping and a high quality public realm should be at the core of all new schemes to ensure the creation of high quality places. <u>The Sport England 'Active Design Guide'* sets out 10 active design principles to link health, design and planning and promote active lifestyles and should be taken into consideration in all proposals. Applications for major and mixed use developments should use the associated Active Design checklist to show how the design principles have been addressed in the scheme.</u> New commercial and mixed use developments should also seek to create places that are high quality in terms of their public realm, where parking and servicing is discreet, and where the emphasis is on active street frontages which create safe and welcoming places. * Active Design Sport England
SDLP310 - SAP5 Fort Burgoyne	SE requests cross reference to Policy PM4 and Sport England's playing field policy	SE support and agree to proposed Additional Modification within SD06 - SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 (doverdistrictlocalplan.co.uk) (AM35) to add to criterion i) of policy : <u>Proposals affecting the recreation ground shall comply with Policy PM5 and Sport England's Playing Field Policy;</u>
SDLP311 - SAP6 Dover Mid Town	The allocation includes a bowling green however it is	SE support and agree to proposed Additional Modification already proposed as part of SD06 - SD06 Schedule of Additional Modifications to the

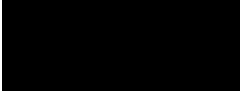
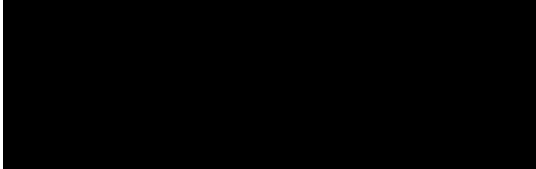
	<p>not clear from the policy and text if this is to be retained or affected by development. Any proposals that impact on that facility should be assessed in accordance with paragraph 99 of the NPPF and policy PM4</p>	<p>Regulation 19 Submission Plan March 2023 (doverdistrictlocalplan.co.uk) (AM36) to add new criterion to policy: <u>Where proposals affect the bowling green, they should be assessed in accordance with Policy PM5 and national policy in relation to protection of open space.</u></p>
<p>SDLP314 - PM4 Sports Provision and paragraph 6.81</p>	<p>With regard to the supporting text in paragraph 6.81, Sport England considers in applying its policy on specific proposals that the PPS and IFS provide the robust assessment required and will refer to these in our assessment of any proposal affecting existing or land previously used for sports pitches or built facilities</p>	<p>Both parties agree to the further proposed modification to supporting text:</p> <p>6.81 The Council will only allow the loss of open space or built sports facilities either following a robust assessment which demonstrates it is surplus to requirements or where it is replaced with an alternative use or facility which demonstrably provides a net benefit to the community. In all circumstances the amenity significances of the existing Open Space are to be considered. <u>With regards to sports facilities, the Council's Playing Pitch and Indoor Sport Facility Strategies will provide the assessment information required in the majority of cases.</u></p>
<p>SDLP313 - SAP16 Bridleway Riding School</p>	<p>The riding school on the proposed allocation seems to be in operation or recently to have been, Riding is a sport use, any proposed loss of which should be assessed for accordance with paragraph 99 of the NPPF and policy PM4. It is not clear from the policy what the intention of the allocation with regard to the loss or retention of the school.</p>	<p>There is no agreed position on this matter.</p> <p>DDC Current Position:</p> <p>This particular facility is a relatively small (1ha overall site) private commercial riding facility with one outside arena and several associated paddocks, a barn and a stable block, linked to the sites main function of residential property and its curtilage. It was submitted for development to be allocated as a whole site.</p> <p>With regards to the loss of the riding school, the land is not designated or permitted as sports or open space land, and equestrian use is not assessed in any of the evidence base studies undertaken for the Local Plan in relation to Open Space or Sports. DDC has been advised by the site landowner/ promoter that the riding school has been closed since early 2022 and the operating licence was not renewed after it expired in August 2022 as the current site is no longer suitable as a riding school for health and safety reasons. DDC therefore consider that the loss of</p>

		<p>the private facility had already taken place, and as the site is not specifically identified as designated Sports or Open Space land and therefore no assessment is required in relation to paragraph 99 of the NPPF in relation to loss of a sports facility.</p> <p>In any event, if an assessment of Paragraph 99 was undertaken, according to the British Horse Society website and other internet sources, there are several other equestrian facilities within and around the district that offer similar riding school services, some nearby to this settlement. Given the limited scale of the facility, and the supply of alternative facilities in the area the Council consider this to meet the requirements of Paragraph 99 a), in that an assessment has been undertaken and the land is surplus to requirements.</p> <p>The owner has also confirmed an intention to relocate the riding school to another suitable location within the district in the future, therefore it is indicated that the requirements of part b) of paragraph 99 will also be met.</p> <p>SE current position:</p> <p>Equestrian is a recognised sport and therefore national and local policies for sport protection should apply even though this type of facility is not covered by the LAs existing strategies. Comments are noted but justification / evidence should be published as part of the site allocation process or at the time of a planning application so that the process through which the facility is to be lost is transparent and evidenced.</p> <p>Sport England would not be a statutory consultee to any loss, it is for the Council to determine if the loss is in accordance with the NPPF. It is not normal in policy terms to assume a use has been abandoned after less than a year. The authorised use of land and buildings in sport and recreation use remains that in planning terms until permission for a change of use is granted. Sport England considers that the allocation should refer to para 99. There may be other facilities in the area, but no supply v needs assessment appears to have been undertaken as would be required by policy PM4.</p>
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4. Conclusions

4.1 It is agreed by both parties that, except for the loss of sports facility within SAP16, all matters have been addressed through the proposed additional modifications (SD06) and further modifications proposed within the table above.

5. Signatories

<p>Signed on behalf of Dover District Council:</p>  <p>Name: Sarah Platts Position: Head of Planning and Development Date: 9th October 2023</p>	<p>Signed on behalf of Sport England:</p>  <p>Name: Jo Edwards Position: Planning Manager Date: 9th October 2023</p>
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