

Gosport Borough Council Pre-submission Local Plan Hampshire County Council Response Schedule – September 2014										
1. To which part of Plan does this representation relate?			2. Do you think the Local Plan is:				3. Tests of soundness			
a. Para	b. Policy	c. Document	a. Legally compliant		b. Sound		a. positive	b. justified	c. effective	d. consistent
			Yes	No	Yes	No				
	<b>Policy LP35 Protection of Existing Open Space</b>		<b>X</b>			<b>X</b>			<b>X</b>	<b>X</b>
4. Why is the Local Plan not legally compliant or unsound?										
<p>Hampshire County Council is minded to support the Council's recognition of the important role of open space in delivering quality of life and health benefits to the local community. However, Hampshire County Council is concerned at the wording at LP35 which implies a 'blanket' protection of open spaces. The County Council as the Local Education Authority needs to provide appropriate infrastructure to improve educational attainment.</p> <p>Where central government funding is not available to deliver the necessary educational improvements to schools in the district, the only way that these improvements can be achieved, in general, is through the release of surplus parts of school sites which are deemed to be 'over-landed' in terms of playing field provision, or sites where falling school roles have rendered the operation of the school unviable. In both instances this results in surplus areas of land being identified and promoted for alternative development. In this context the playing field elements of County Council owned school sites are only promoted for alternative development where it can be demonstrated under Section 77 of the School Standards and Framework Act (1998) that:</p> <p>A) The land is surplus to both the requirements of the school to which the land forms part and also the requirements of other LEA run schools within a defined distance of the subject school; and</p> <p>B) The proceeds from the sale of the surplus land is 'ring-fenced' and only reinvested by the Local Education Authority into education and/or recreational uses.</p> <p>Section 77 of the School Standards and Framework Act 1998 enables a justified mechanism to utilise surplus school playing fields to re-invest in educational infrastructure. In the above circumstances it is not always feasible nor necessary (e.g. if over-landed) to replace playing fields. However, as the proceeds from the sale of surplus land are required to be reinvested for sport and recreational educational infrastructure, this is</p>										

and alternative approach to replacing surplus school playing fields. It is also often feasible to offset the loss of open space through local community agreements that enable what are private sports and recreation facilities within school grounds for public use by the local community, if there is an established local need for public open space.

**5. What changes are necessary to make the Local Plan legally compliant or sound?**

Therefore the County Council considers that Policy LP35 should be amended to state:

‘Development proposals will not be granted planning permission on existing open space as identified on the Policies Map except where:  
 a) the redevelopment of a part of the site for recreation and/or community facilities would retain and enhance the existing facilities; or  
 b) alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility and that the proposed site cannot be used for an alternative form of open space for which there is an identified need; or  
 c) It conforms with the requirements of section 77 of the School Standards and Framework Act (1998).’

<b>6. Speak at EIP?</b>	No	X	Yes	If Yes, on what grounds?	
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