

# **Gosport Borough Local Plan 2011-2029**

## **Statement on Issues and Questions**

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### **Issue 1.6**

Should policy LP35 be subject to an additional sentence to reflect the provisions of the School Standards and Framework Act 1988?

Date: 6<sup>th</sup> February 2015

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**GOSPORT**  
Borough Council

## Introduction

- 1.1 Gosport is a very urbanised area and the provision of open space is seen as fundamental requisite to securing a sustainable community. Consequently Policy LP35 in the Gosport Borough Local Plan (GBLP) seeks to protect open space that has been assessed in the Open Space Monitoring Report (LP/E9/1) to be of sufficient quality to be identified on the GBLP Policies Map. The policy does not imply a 'blanket' protection of open space and provides criteria where open space may be developed.

## Section 77 of Schools Standards and Framework Act 1998

- 2.1 Section 77 of Schools Standards and Framework Act 1998 deals with the control of disposals or changes in use of school playing fields. It set out the process through which a body or trustees can dispose of school playing fields. This would appear to be a statutory process that the body or trustee would have go through irrespective of the Local Plan.
- 2.2 Hampshire County Council's (HCC) representation (REP 19/8) to the GBLP quotes that *'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:*
  - A) *The land is surplus to both the requirements of the school to which the land forms part and also to the requirements of the other LEA schools within a defined distance of the subject school: and*
  - B) *The proceeds from the sale of the surplus land is 'ring –fenced ' and only invested by the Local Education Authority into education and/or recreational uses.'*
- 2.3 The Borough Council has inspected Section 77 and is unable to find a reference to the two criteria A) and B) in that section.
- 2.4 The Borough Council considers that whilst land may be surplus to the school requirements a number of school playing fields are used jointly by the community outside of normal school hours and these playing fields form an important part of the Borough's supply playing pitches as evidenced in the Playing Pitch and Sports Facility Assessment 2014 (PPSFA) (LP/E9/3). This identifies a particular reliance on pitches provided by both education and Ministry of Defence sites. For example of the total number of formally marked pitches just over 20% are on education sites (Fig 3.2 of the PPSFA).
- 2.5 It is important to recognise that Policy LP35 will be used to determine planning proposals relating to the use of the identified open space sites and in

certain circumstances would allow for their development (or part development) subject to particular criteria set out in the policy. It is considered that the Council needs to consider the availability of open space beyond the needs of local education authority schools but for the wider community needs, given the particular pressures on the provision of sport pitches in the Borough, as detailed in the PPSFA.

- 2.6 The proposed amendment being advocated by HCC is not considered appropriate for a local plan policy and relates to issues relating to local education authority funding. Indeed it would appear that this stipulation has not been included in the policies of any of the other local plans in Hampshire for which HCC is the education authority. Many of these local plans have recently been adopted.
- 2.7 The Council considers that the existing criteria provide sufficient flexibility to reuse existing playing fields and that there is not a need to refer to Section 77 of Schools Standards and Framework Act 1998 which is a separate legal process relating to the disposal process.

## **Conclusion**

- 3.1 The Council does not propose to make a modification to policy LP35.