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legislationoffice@wales.gsi.gov.uk

Consultation on Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure

Play Wales' written evidence

Play Wales welcomes the opportunity to provide evidence with regards to the consultation on Proposed Playing Fields) Community Involvement in Disposal Decisions) (Wales) Measure.

Play Wales is the national organisation for children's play. We are the charity that provides advice, support and guidance for all those in Wales who have a concern or responsibility for any environment where children and young people might play. We uphold children's right to play. Freely chosen play is critically important in the healthy development of all children and young people. All children are entitled to quality play provision within their communities and we work strategically to achieve this goal on their behalf. We have been closely involved in drafting the national Play Policy (2002) and in providing recommendations for Play in Wales (2006) the Welsh Assembly Play Policy Implementation Plan. Play Wales membership is drawn from a wide constituency including local and regional voluntary organisations, local authorities and individuals, employers and playworkers.

The right to play is enshrined in the United Nations Convention for the Rights of the Child. Furthermore, when considering the Children's Bill in the House of Lords there were clear messages that play is an important developmental aspect of children's lives in terms of learning and well-being. To further validate the important role of play in healthy development, recent research from University College London, confirms that children get the most prolonged and valuable physical exercise when playing outdoors.

The Welsh Assembly Government has a national play policy, and Play Policy Implementation Plan (2006) which sets out its' commitment to children's play. 'Play in the Community', and the role of the local community to identify and address local play needs features strongly within the Plan.

One day Wales will be a place where we recognise and provide for every child's play needs

Un dydd bydd Cymru'n wlad ble y byddwn yn cydnabod ac yn darparu ar gyfer anghenion chwarae pob plentyn

National Office
Baltic House
Mount Stuart Square
Cardiff
CF10 5FH

Swyddfa Cenedlaethol
Ty Baltig
Sqwar Mount Stuart
Caerdydd
CF10 5FH

Tel (029) 2048 6050
Cymraeg (029) 2043 6926
Fax (029) 2048 9359

mail@playwales.org.uk
post@chwaraecymru.org.uk

www.playwales.org.uk
www.chwaraecymru.org.uk

Registered charity No. / Elusen
Cofrestredig Rhif. 1068926

A company limited by guarantee
registered in Wales, No. / Cwmni
Cyfyngedig drwy warrant
cofrestrwyd yng Nghymru, Rhif.
3507258



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



1. Is there a need for an Assembly Measure in relation to community involvement in decisions by local authorities whether to dispose of playing fields?

Yes: An Assembly Measure will help to strengthen the protection of playing fields by ensuring a more thorough examination of the playing field's value to the children living in the local community and its impact on their access to play opportunities should it be lost. This will allow for better-informed decisions to be made on whether or not to proceed with disposal. If it is found to be an important facility, in terms of children's play, it will discourage disposal or encourage efforts to secure a suitable replacement ensuring that the benefits provided by the playing field will not be lost.

With regard to the general loss of playing fields in Wales and the need to address this issue through improved measures and regulations, some Assembly Ministers have expressed the opinion that it isn't a problem because there is less pressure on land in Wales in comparison to England. Play Wales does not have accurate figures of losses but we know through correspondence with our constituency that the potential loss of open space in terms of its use by children for play is a real concern to parents and children. Moreover, research undertaken by Funky Dragon with 7-10 year olds highlighted the value of play to children in Wales-particularly outdoor play.

Play Wales advises that each case be judged individually as the loss of a playing field can have a significant impact locally, particularly in terms of children's access to outdoor play. The measures and processes in place must be rigorous and robust to provide adequate protection and prevent the loss of important local facilities. This measure will help to achieve this, whilst also supporting the local implementation of the national play policy and implementation plan.

2. What are your views on the key provisions set out in the proposed Measure, i.e.

- **the duty on local authorities to consider the impact that selling off playing fields would have on local communities before deciding whether to dispose;**

Play Wales welcomes this duty on local authorities as the current process of disposal does not require any assessment of the field's value to the local community, particularly in terms of freely-chosen play opportunities.

Local authorities are under obligation to get best value when disposing of land and in order to achieve this; the land will usually be sold for development purposes. This will require planning permission and so this may be sought by the local authority before disposal to guarantee best value. This process will involve - to varying extents depending on the policies in place - consideration to the impact of losing a playing field.

However, whether the matter goes through planning before disposal or not, the depth and detail of the impact statement proposed by the measure will go beyond that usually involved in the planning process e.g. assessing the demand for playing fields and will ensure greater examination of the playing field's importance.

- **the principal definitions (Section 2);**

Play Wales appreciates the difficulty in identifying a definition for legal purposes of land used for informal recreation and play.

However, the ambitions of the Welsh Assembly Government Play Policy and play policy implementation plan would be better served if the measure were to provide guidance with respect to the importance of playing fields for this purpose.

We advise that the measure recognises the importance of multi-functional open space types, particularly playing fields, in terms of children's play. Play Wales is keen to support a shift in culture, with regards to thinking and planning for children's play space, to one that moves away from the disproportionate focus on goal posts and markings, for instance to one that develops and protects 'playable' spaces. Playable spaces will feature well-considered thought around the following:

- Enough space
- Good location
- Accessible
- Appropriate
- Good design
- Well managed
- The involvement of children and young people

Play Wales advises the development of the principle of describing all land as either playable space or not. Play Wales would be pleased to support the development of strategy guidance for those considering the nature of space.

- **the duty on local authorities to prepare and consult on impact statements before deciding whether to dispose (in particular, the method and scale of consultation, and content of impact statements)(Section 3);**

Play Wales welcomes the method and scale of consultation because it will be wider and more thorough than that offered through the current process of disposal and of that through the planning process (if undertaken before disposal) particularly as a result of direct communication as opposed to notices.

For example, the planning process only requires that immediate neighbours receive letters but the measure proposes sending letters to all households in the electoral division. Play Wales knows that people in wider communities opposed to the proposed developments are aggrieved that only those bordering the land received letters informing them of the proposals. Also, with planning, currently only the Sports Council for Wales is identified as statutory consultee. This measure proposes a wider group of organisations including Play Wales and FIT Cymru. More consultees will hopefully discourage authorities from forgetting to consult the Sports Council as has happened on occasion.

Further, the more pro-active method of consultation suggested will avoid cases where local residents miss notices. Play Wales is aware of an example highlighting this point. The case involves the disposal of land at Bryn Rhodfa, Treorchy, which although not a playing field is used for informal play and recreation by local residents. The local authority advertised the sale under a London Auctioneers advertisement but no one had noticed and the land was sold without anyone having the opportunity to make representations. Local residents that would have opposed the sale have set up an action group as a result. The action group are trying to overturn the decision because it was only advertised for one week but it would have to mount legal action where the costs are likely to be prohibitive. There is currently no recourse in situations such as this.

Play Wales is pleased with the contents of the impact statement because of the consideration to the provision, quality, accessibility and demand of playing fields in the locality. This will help to build a clear picture of the suitability of playing fields in the area and make for better-informed decisions on proposed disposals.

Play Wales is aware that the long-awaited and overdue TAN 16 is expected to recommend that local authorities carry out Open Space Assessments and that some representations received during the consultation period for this measure feel that the measure will therefore be unnecessary as they will achieve the same thing i.e. determine provision and demand for playing fields.

Play Wales advises that Open Space Assessments should be undertaken in collaboration with a local Play Strategy in order to ensure that children's play needs are being considered. Open Space Assessments will better enable local planning authorities to respond to any emerging new guidance, or alternatively, enable them to formulate local standards which better meet their needs

The Explanatory Memorandum states that Open Space Assessments will be a requirement but Play Wales understands that TAN 16 is planning guidance, and as such, planning authorities will not be duty bound to conduct open space assessments. This measure will provide a legislative imperative.

Finally and perhaps most importantly, this measure's underlying intent is aimed at assessing the impact of the sale of playing fields on the health and well being of local communities. The current process of disposal and the planning process do not address, nor, achieve this. The 2008 Children and Young People's Well-being Monitor provides an analysis of wellbeing in relation to the Welsh Assembly Government's seven core aims for children and young people. Core Aim 4 specifically states that 'agencies and individuals will work together to ensure that all children and young people have access to play, leisure, sporting and cultural activities'. This measure will further support the meaningful realisation of the 7 core aims at local level.

- **the duty on local authorities to prepare a decision statement, including its content, and the arrangements for making known its decision (Section 6);**

Play Wales supports the preparation of a 'decision statement' and the arrangements for making the decision known. This will provide justification for the disposal that is available for scrutiny. This will ensure there has been proper consideration to the relevant issues.

- **the statutory consultees as set out in the Schedule to the proposed Measure; and**

Play Wales is happy with the list of statutory consultees. Play Wales welcomes its inclusion on the list and would welcome the opportunity to advise regarding the impact that planning decisions have on children's play in their community.

- **powers of Welsh Ministers to issue stop and remedial directions to local authorities (Section 7).**

Play Wales supports the powers of the Welsh Ministers to issue directions to local authorities because it will ensure full compliance with the measure. Past experience of the Town and Country Planning (General Development Procedure) Order 1995 which requires planning authorities to consult the Sports Council for Wales on applications affecting playing fields has shown that on occasion, authorities have failed to consult and probably because there is no penalty. Directions will help to address this problem.

Play Wales would like to see powers to allow Welsh Ministers to stop a disposal if there is significant evidence that although the authority has complied with the measure, the disposal will have an adverse affect on playing field provision in the locality. Reasons cited justifying a disposal could be addressed. For example, we know that in some areas, the reasons cited for development were that the land was used for anti-social behaviour, crime and illegal use of motor vehicles. Disposal has been proposed as a

solution despite a shortage of playing fields in the localities. Play Wales advises that a considered approach to identify solutions to challenges is more meaningful and realistic in terms of short and long-term benefits than disposal of land.

3. What are the practical and financial implications of putting these provisions in place?

Play Wales will incur costs as a result of this proposal mainly through the staff time spent on reviewing and commenting on proposed playing field disposals. Play Wales estimates up to 4 hours per month will be spent on this work and this equates to approximately £2,400 p.a.

4. Will the proposed Measure achieve its overall purpose and aim?

Yes, the measure will ensure that a full assessment is undertaken of the impact that playing field disposals have on the health and well being of the local community.

Children have traditionally used playing fields in residential areas for their play. Where children and young people use playing fields, it is part of their habitat.

Increasingly, these areas are being developed and children and young people are being deprived of play opportunities. This measure will recognise that open space for children's play is important; and mechanisms should be developed to ensure that those areas of open space and playing fields, where children and young people already play, can be protected.