

SOUTH LAKELAND LOCAL DEVELOPMENT FRAMEWORK

**Consultations on the updated Proposed Schedule of Main Modifications to the Local
Plan – Land Allocation DPD**

Additional comments by The Burnside Tennis Club

We submit the following in response to your invitation dated 5th April .

Secretary:
Norman Winter

We refer to the Schedule of Main Modifications dated 4th April 2013.

The Burneside Tennis Club wish to make the following comments to the SLDC, and through the SLDC to the Planning Inspector Mr Simon Berkeley, in relation to these modifications, and should be read in conjunction with our earlier submissions.

PARA 3.108 (ref MM043) STATES with regard to our Tennis Club :

Village Recreation (Willink) Field and tennis courts

Burneside Tennis Club has an aspiration to develop enhanced recreation facilities elsewhere in the village. The site is currently held in trust and contains tennis courts and a football pitch. The relocation of the tennis club and football pitch could deliver improved replacement sports facilities elsewhere in the village and create a 0.85 ha site at the north west end of the village which could accommodate 23 homes. The key issue for this site is ensuring that replacement facilities of equivalent or better standard are provided on an alternative site in an appropriate location.

Other issues include achieving a satisfactory relationship with the adjacent railway line in terms of appearance and noise and enhancing the biodiversity value of the railway boundary and the need for a lit footway into the village.

No development on this site will be permitted before an appropriate site is provided for tennis court, football pitch and recreational area. These facilities will either be provided on the identified site on land south of Burneside Football Club or to another equivalent site following further review.

1] Provision of Alternative Facilities

We welcome the above amended paragraph which defines more clearly the basis upon which the tennis club would be provided with alternative facilities in the event of development of our present site.

However, **we have concerns** regarding the precise meaning of the word ‘provided’ which appears twice in the text. It could, in the first instance and without further qualification, simply be taken to mean ‘allocated’.

The Club wishes the wording to be more firm and bold, and to state [in line with our previous submissions to the Inspector] that the new facilities including courts, clubhouse and car park must be provided in the sense that they are constructed and ready for use prior to the commencement of any works on the current site at no cost to the existing club, and to be on land provided rent free in perpetuity, as is our present arrangement with the Trust which owns our present site.

2] Aspiration

The sentence “Burneside Tennis Club has an aspiration to develop enhanced recreation facilities elsewhere in the village” originally appeared in the DPD, 2012. **The club cannot recall expressing such a wish**, and has certainly not done so in writing. The DPD document ascribed these words to the Club, and there were no mechanisms for contesting those words when it was published. However, we would not wish to see this wording repeated in further documents, since it implies a preference to change site, rather than remain where we are. We do not wish to see this repeated in this or further documents.

We repeat that the Club has not objected to the possible development of its present site for housing, as long as an agreed replacement site and like-for-like or improved facilities are provided, completed and ready for use before any work commences on the current site, and on the same terms as at present, in the event of such development. **It is also true** that, in that event, the Club would readily participate in a plan to improve and enhance sports facilities in Burneside as long as that did not prejudice the interests of the Club.

3] Policy [POLICY LA2.13 (ref MM045, P92)]

Our concerns above are highly relevant to the wording of the amended policy LA2.13. which reads:

POLICY LA2.13: FORMAL OUTDOOR SPORTS FACILITIES SITE, SOUTH OF BURNESIDE FOOTBAL CLUB, BURNESIDE Purpose:
To make provision for new outdoor sports facilities to meet local open space and recreation needs and to compensate for loss of current facilities at the Village Recreation (Willink) Field and tennis courts.

2.5 Ha OF LAND SOUTH OF BURNESIDE FOOTBALL CLUB AS SHOWN ON THE POLICIES MAP IS ALLOCATED FOR THE PROVISION OF NEW FORMAL OUTDOOR SPORTS FACILITIES.

IF AN EQUIVALENT SUITABLE REPLACEMENT SITE CAN BE FOUND ,THIS ALLOCATION WILL BE REVIEWED IN THE FUTURE.

The club's concern is again with the a) the lack of precision in the Amended Policy of the words 'make provision', and b) the vagueness and lack of any timescale of the new additional wording of the policy in bold which states 'If an equivalent suitable replacement site can be found , this allocation will be reviewed in the future'.

The Club consider that it is essential that the Policy is so worded to ensure in a legally binding agreement between all the parties that the new courts , club house and parking would be constructed on the alternative site and to be ready for use before any works commence on the current site of the courts, so as to make it impossible for any landowners or developer to avoid the obligation to construct replacement courts , clubhouse and parking.

Thus **our proposal for amended wording to POLICY LA2.13** is as follows, with our amendments identified in italics :

POLICY LA2.13: FORMAL OUTDOOR SPORTS FACILITIES SITE, SOUTH OF BURNESIDE FOOTBAL CLUB, BURNESIDE Purpose:
To make provision for new outdoor sports facilities to meet local open space and recreation needs and to compensate for loss of current facilities at the Village Recreation (Willink) Field and tennis courts.

2.5 Ha OF LAND SOUTH OF BURNESIDE FOOTBALL CLUB AS SHOWN ON THE POLICIES MAP IS ALLOCATED FOR THE PROVISION OF NEW FORMAL OUTDOOR SPORTS FACILITIES. *THESE FACILITIES SHALL BE MADE AVAILABLE AND READY FOR USE PRIOR TO ANY DEVELOPMENT COMMENCING ON THE SITE OF THE CURRENT RECREATION AREA. APPROPRIATE CONDITIONS AND /OR Section 106 AGREEMENT SHALL FORM PART OF ANY PLANNING PERMISSION TO ENSURE THAT THE NEW FACILITIES ARE AVAILABLE ON EQUAL AND EQUIVALENT TERMS TO THOSE CURRENTLY ENJOYED IN ORDER TO SECURE A CONTINUATION OF RECREATIONAL OPPORTUNITIES FOR THE FUTURE IN THE VILLAGE .*

IF AN EQUIVALENT SUITABLE REPLACEMENT SITE CAN BE FOUND ,THIS ALLOCATION WILL BE REVIEWED IN THE FUTURE AND WILL BE SUBJECT TO THE SAME CRITERIA AS THAT SET OUT IN THE MAIN BODY OF THIS POLICY .

We further propose amending the wording of para 3.108 [Ref MM043] as follows, with our amendments highlighted in italics:

The *Village Recreation Site* is currently held in trust and contains tennis courts and a football pitch. The relocation of the *Burneside Tennis Club, which is an all year round facility*, and football pitch could deliver improved replacement sports facilities elsewhere in the village and create a 0.85 ha site at the north west end of the village which could create 23 homes . The key issue for this site is to ensure that no development is commenced on the current recreation site before the replacement facilities of equivalent or better standard are *made available and ready for use*, in an appropriate location. Other issues include achieving a satisfactory relationship with the adjacent railway line in terms of appearance and noise and enhancing the biodiversity value of the railway boundary and the need for a lit footway into the village. No development on this site will be permitted before an appropriate site is provided for tennis court, football pitch and recreational area. These facilities will be provided either on the identified site on land south of Burneside football club or to another equivalent site following further review. *For the tennis club to remain a viable local recreational club, it is imperative that the `In Trust ` arrangements (ie rent free) are carried forward to the new site , if necessary by means of a legal agreement which would form part of any planning permission.*

The above has significant and substantial bearing on the interpretation of the word “provided” in the original DPD Policy 1.11. We request that SLDC explicitly refer to this in their submission to the Inspector.¹

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POLICY LA1.11: EXISTING OUTDOOR FORMAL SPORTS FACILITIES

Purpose:

To ensure that outdoor sports facilities for which there is a need are maintained and enhanced.

THE OUTDOOR FORMAL SPORTS FACILITIES IDENTIFIED ON THE PROPOSALS MAP WILL BE SAFEGUARDED FROM DEVELOPMENT UNLESS A SUITABLE REPLACEMENT FACILITY IS PROVIDED IN AN ACCESSIBLE LOCATION WITHIN THE SAME AREA OF NEED OR DEMAND.

WHERE SITES ARE ALSO IDENTIFIED AS GREENSPACE, THE REQUIREMENTS OF POLICY LA1.9 ABOVE ARE MET.

Implementation

Development Management Process

Monitoring

Core Strategy Monitoring Framework