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Ms Ruth Hatton
Deputy Committee Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay
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10 June, 2008

Dear Ms Hatton,

**Consultation – Proposals for Proposed Playing Fields
(Community Involvement in Disposal Decisions) Measure**

We refer to Dr. Dai Lloyd AM's letter dated 9 May, 2008 inviting RREEL Action Group to respond to the above consultation document. We would like to thank Dr Lloyd and the National Assembly for Wales for allowing us the opportunity to respond to this very important piece of legislation.

At the outset, we would like to stress how important it is that any legislation introduced to protect playing fields should be **retrospective**; any current proposals or schemes in prospect by Local Authorities be included in any new legislation. It would allow individuals or organisations who are currently in the midst of campaigning to save green, open spaces an opportunity to benefit from new legislation.

RREEL Action Group confirm that:

- The National Assembly are welcome to make our response available for public consultation and public scrutiny and to have our name published.
- We welcome the opportunity to provide oral evidence to a future Committee.

RREEL Action Group is a voluntary resident group, acting on behalf of and for the residents in the communities of Rumney, Llanrumney, Trowbridge and St Mellons. **Our written response to the consultation document is a collective response on behalf of local residents.**

Our campaign specifically relates to saving Rumney Recreational Ground and Eastern Leisure Centre, Cardiff from development by the Local Authority. Our campaign has been running for the past year and is on-going. Local residents feel passionately about saving this space, originally gifted to the local community by the previous landowner at the turn of the century. It was purchased by the Local Authority who appropriated the grounds to the Parks Department in the early 1950's.

During the life of our campaign it has been interesting to discover how many other community groups are currently fighting a similar cause and how many green, open spaces and playing fields remain under threat in Wales.

Once again, thank you for inviting us to respond to the consultation document.

If you would like to discuss our response further, then please contact us on **02920 794514**.

Yours sincerely,



DENISE TAYLOR
Secretary (RREEL Action Group)

National Assembly for Wales

Consultation – Proposals for Proposed Playing Fields (Community Involvement in Disposal Decisions) Measure

Question 1

The *Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure*, requires Local Authorities to consult with the local community before disposing of playing fields. The overall aim is to ensure that proper consideration is given to a proposed disposal and its impact on the health and well being of the local community, before it proceeds. **Do you agree with the principle of the Proposed Measure? Please give reasons for your view and what impact you consider that the proposals will have.**

At the outset, our firm opinion is that school playing fields and recreational grounds/playing fields should not be included in local authority plans for disposal. There is a specific difference in school playing fields and public recreation grounds however, both are there for the benefit of local schoolchildren and communities.

- **“Consult with the local community before disposing of playing fields”.**
This phrase should be broadened to include “*consult with the local community before proposed appropriation, change of use, development or disposal of playing fields*”. The community should be consulted on each of these decisions as they are equally important as a proposed disposal. Playing fields are used by **communities** and any proposed appropriation, change of use or development must be given equal standing and consultation, as each would have an impact on people’s lives.
- **“...requires local authorities to consult with...”**
The word ‘*requires*’ should be strengthened. Consultation should be a statutory obligation and local authorities must consult with local communities before any appropriation, change of use, development or disposal of playing fields.
- Clearly the proposed appropriation, change of use, development or disposal of a school or recreational playing field would have an immense impact on the health and wellbeing of local communities.
 - (a) Green areas are important places where people gain a sense of **peace and tranquillity**, away from the **tensions** of modern society and the urban sprawl of inner cities and towns in which they live.
 - (b) Playing fields are essential to individual **wellbeing, physical activity, leisure and recreation** for old and young alike. Recreation and physical activity is beneficial and has a positive impact on young people, encouraging interaction with peers, giving them direction and motivation, rather than hanging around ‘street corners’ and getting into trouble.
 - (c) Playing fields and open spaces are important places that allow **social interaction**; people meet, stop and talk to one another.
 - (d) Playing fields, recreational and green, open space provide **community cohesion**, often lacking in today’s society.

- (e) The Welsh Assembly Government has a range of strategies and initiatives in place aimed at encouraging healthy eating and physical activity in order to reduce obesity in Wales. Disposal of playing fields are on the increase, they are disappearing at a fast rate and this is in contravention of Assembly strategies and policies.
- (f) People living in poor, inner city areas are the ones who suffer most from the lack of open, green space, yet these are exactly the individuals who benefit from the healthy provision that green spaces provide. The Welsh Assembly Government need to be mindful that there are many communities throughout Wales subject to Objective 1 status.
- (g) People identify with their surroundings and a loss of an important community asset, such as a playing field, recreation ground or other green, open space is incalculable. Playing fields often form part of a community's heritage and history. Such a loss of would result in communities, neighbourhoods and individuals losing that sense of **history and identity**, changing the **aesthetics and character** of a community.
- (h) Housing and properties surrounding a proposed playing field disposal would be devalued resulting in **financial loss**.
- (i) **Trees:** Open space, playing fields and recreation grounds are often places of character endowed with broad leafed trees (currently under threat throughout the British Isles) and hedgerows, which are the habitat of a variety of interesting and invigorating wildlife. Local Authorities endeavour to find their way around the 'system' by promising the provision of small, stacatto open spaces with 'lollipop' trees, which in no way compensates for areas which have developed naturally over many, many years. **There is no provision within the Measure for the protection of trees.**

Question 2

Section 2 of the proposed Measure provides definitions of "dispose", "local authority", "playing field" and "playing pitch". In particular, the definitions of "playing field" and "playing pitch" are defined in terms of area and certain sporting activities. **Do you agree with the principal definitions of terms in section 2 of the Proposed Measure? If not, please explain why and provide any alternative suggestions.**

We agree with these definitions.

Question 3

Section 3 of the proposed Measure requires Local Authorities to produce an impact statement that identifies the nature of the proposed disposal and describes its impact on the overall provision of playing fields in the locality; the health and well-being of local residents and the local Health and Well-being Strategy. The impact statement must be available for inspection for a four week period and notices must be placed in the local press. **Do you agree with the proposed contents of the impact statements? Please provide an explanation for your views.**

In our opinion the nature of the impact statement does not go far enough and the scope should be widened.

- The ‘overall provision’ of playing fields is not as important as the **quality and size** of playing fields or playing pitches. Larger school/recreational playing fields are far more beneficial and provide greater accessibility to local communities than several small areas of open space.

*Eg: 6 x 1 acre sites would not be as beneficial to a local community as **one x 6 acre site**.*

In Section 3.(4) of the *Proposed Playing Fields Measure* it states that local authorities need to take account of ‘any alternative provision’. We believe this provision should be of **equal size** or **greater than** and situated on **one** site, not scattered overall several, smaller sites. It is not the overall provision that is important – communities need qualitative space, sufficiently large enough for recreational and sporting activities to take place simultaneously in order for communities to gain true benefit. Larger sites also provide focus at the heart of a community.

- Local authorities should also consider the **aesthetics** of playing fields and how they add value to the overall appearance of communities, towns and cities and to the environment in which citizens live.
- When conducting an impact statement on the health and well-being of local residents, local authorities must ensure that every aspect of activity that takes place on the ground is considered – including sporting clubs and organisations, individual citizens, community groups, fundraising groups etc, anyone who uses the space. Any loss, appropriation, change of use or development will have a massive impact on people’s lives, their activity level and loss of involvement.
- It would be useful for the impact statement to include a checklist (or ‘tick list’) setting out criteria Local Authorities have to comply with and should be made available for the public to inspect prior to the impact assessment being conducted.
- Feedback suggests that impact assessments are just another general layer of administration Local Authorities are obliged to undertake. Once a Local Authority has ‘ticked all the boxes’ and completed their consultation, the Welsh Assembly Government, may find it difficult to decline an application. The Assembly Government should take full account of the opinions of local communities including objections, letters and petitions.
- **Impact Statement – Inspection period:** A four week period in which to make the impact statement available for inspection is not sufficiently long enough. The playing fields and open spaces, as mentioned previously, may have been available to communities over many generations and therefore, any decisions affecting these areas should not be taken lightly. Any decision taken by a Local Authority would have a huge impact on the lives of local people.

In our opinion, the inspection period should be lengthened to **6 months**, allowing sufficient time for those who have an interest to make an informed decision and any form of representation. The Impact Statement must be available for public inspection within **ALL** localities affected during that 6 month period – as the impact will be felt further field than just the locality in which the playing field/pitch is situated.

- **Section 5(8) – Notice:** Publishing a Notice in the press at least two consecutive weeks is totally unsatisfactory. Again, it should be made mandatory for local authorities to publish Notice in the press each week until the Deposit period has been completed.

Newspaper sales are on the decline and publishing a Notice for two consecutive weeks in the Press does not allow sufficient time for representations to the proposed disposal, appropriation, change of use or development. Not everyone has access to computer technology (particularly older people or low income families). Publishing the outcome of an impact statement on a website would not alert this section of the community.

In summarising this point, it is our opinion that members of the community and other consultees affected directly or indirectly, should receive written Notice, with a copy of the Impact Statement, informing them of the Local Authority's decision. In addition, this written communication should explain the right of appeal or objection to the disposal, change of use, development or appropriation.

Question 4

Under the consultation provisions set out in section 4, Local Authorities must take reasonable steps to draw the impact statement to the attention of the statutory consulters listed in the proposed Measure and any other groups that may make use of the fields. They must then consider any representations made (Section 5). **Are the provisions regarding consultation appropriate? Please explain your viewpoint.**

- **Consultation:** It is imperative that local residents and surrounding communities be consulted. Consultation should take place over the widest possible geographical area egg Council Wards surrounding or on either side of the land to be appropriated, developed or disposed of.
- In our opinion the phrase '*reasonable steps*' should be replaced with '*demonstrable steps*'. Local authorities must demonstrate they have consulted as widely as possible with members of the community, statutory consultees, organisations, sporting clubs etc and made every endeavour to publicise and bring the impact statement to the public's attention. Furthermore, Local Authorities must demonstrate they have published the **dates of the consultation period** well in advance – in the press, on the website and widely within the local community – several weeks before consultation takes place. ***Local authorities are notorious for not publishing dates until a day or two before consultation meetings are due to take place (in the hope of a low turn out).***
- Public consultation meetings must be arranged at times convenient for local people to attend. Local authorities are known to commence public consultation meetings that commence at 6.00pm for example, which precludes the attendance of commuting workers or those who have other work commitments. To ensure the widest possible consultation, local authorities should be obliged to hold more than one meeting, say two or three, and stagger the times of those meetings.

Question 5

Statutory consultees are listed in the Schedule to the proposed Measure. Are the consultees listed in the Schedule appropriate? **Should less specific consultees be identified? If so, how should consultees be identified.**

In our opinion the biggest stakeholder group missing from the Schedule of Consultees are the **local residents** who live **immediately within the vicinity** of the playing field/recreational space/school playing fields. Any disposal, appropriation, change of use or development of playing fields will have a direct, detrimental effect on their quality of life and the environment in which people live. It can devalue properties and dramatically destroy the aesthetics of and character of neighbourhoods in which they live.

The second stakeholder group missing from the Schedule of Consultees is the **wider local community** (ie those who live in the surrounding Council Wards and would have access and right of way to the playing fields).

The Schedule of Consultees includes organisations, sporting clubs, associations, youth clubs, health bodies but no importance is placed on **local PEOPLE**.

Other Statutory Consultees should include:

- The Commissioner for Older People
- Animal welfare groups (eg RSPCA, RSPB, Wildlife Trust)
- Communities First
- Tree Preservation Society
- Tenant/resident's associations

Question 6

Section 6 sets out the action that Local Authority must take once it has decided to proceed with the proposed disposal. **Where the authority has decided to proceed with a disposal of a Playing Field after consultation, do you think the requirements placed on a Local Authority are satisfactory? Please explain your view.**

The requirements placed on Local Authorities are unsatisfactory.

- Local Authorities do not enter into the true 'spirit of consultation' with members of the public they have been appointed to serve. Consultation is often kept to a minimum. Local Authorities ensure they *'tick the appropriate boxes'* to demonstrate to the Welsh Assembly Government that they have conducted the process within the appropriate guidelines, policies and procedures. As a result, the Welsh Assembly Government may find it difficult to decline a proposed disposal (appropriation, change of use or development), even though they believed it morally wrong.
- Regardless of the weighting of local opinion, Local Authorities may still take the decision to proceed with a disposal (appropriation, change of use, development) of a playing field, recreation ground, open, green space. Local Authorities should not have the power to dictate to local communities, particularly where the weighting of public opinion is against them.

The Welsh Assembly Government should make every endeavour to tighten up the processes and procedures **during** and **after** consultation. Should a Local Authority make a decision to proceed, it must be backed up with evidence, particularly from members of the public, consultees and other interested parties.

- Local Authorities must be required to demonstrate to the Welsh Assembly Government that the appropriation or disposal of a Playing Field is not purely for **fiscal** gain. It should further demonstrate that such action is not a **precursor to and linked to the sale of land elsewhere** in the community.

For example; A Local Authority may move to co-join two schools by building on a Playing Field site, thus releasing two vacated school sites. In effect, the Local Authority is making the school and its playing fields 'redundant', becoming a 'brownfield site', suitable for building development and hence, opportunistic gain. This would be in breach of statutory requirements. Further, Local Authorities must demonstrate that they are not selling off community playing fields, depriving communities of a valuable asset, in order to meet their immediate or future financial needs.

Councils are renowned for profligate spending on so called 'flagship schemes'. **Community open spaces, in particular playing fields and pitches, should not be seen or used as a source of revenue for Local Authorities to dispose of as they wish.**

Question 7

Section 7 allows Welsh Ministers to issue a direction suspending a disposal following representations in order to determine whether the process in the Measure has been complied with. If it has not, they may issue a direction requiring the Local Authority to comply. **Please outline your views on the powers of Welsh Ministers to issue directions to Local Authorities.**

- **Devolved Government brings democracy closer to the people and the Welsh Assembly Government should 'order' not 'direct' Local Authorities with regard to the protection of playing fields and open spaces. The Welsh Assembly Government should put procedures into place that challenge the findings and outcomes of Local Authority decisions with regard to the disposal, appropriation, change of use or development of playing fields and recreational spaces.**
- **Independent, local Referenda** is an alternative way of dealing with important, local issues to ensure communities, organisations and affiliated bodies have the ability to make known their feelings. This may be an alternative solution – taking the power away from Local Authorities and putting it back into the hands of local people.

Question 8

Will the proposals result in your organisation incurring financial costs? If so, what will the by (please quantify)?

RREEL Action Group is a voluntary group, comprising residents who are fighting for and on behalf of residents to save **Rumney Recreation Ground, Cardiff** from further development, change of use, appropriation and disposal by the Local Authority.

The campaign has been on-going for the past 12 months. In seeking local opinion and motivating public response, newsletters and meetings have been organised on a monthly basis. The cost of producing a single issue of a newsletter can be shown to be in the region of £1,000-£1,500 per month. Costs incurred are due to :

- Printing and distribution
- Raw materials – computer toners, paper
- Running costs – electricity, petrol

Other costs incurred include:

- Hire of meeting facilities
- Attendance at meetings, including loss of work (by some)
- Letters to Councillors, Assembly Members, other bodies eg Open Spaces Society, Fields in Trust
- Membership to affiliated groups
- Postage and packaging
- Photocopying/laminating
- Telephone calls
- Computer maintenance
- Website hosting fee
- Public awareness posters
- Research costs, including purchase of maps etc.

It has been estimated that during the past 12 months our specific campaign has incurred costs to ourselves in the region of £12,000-£18,000 approximately. These costs are set to increase during the life of the campaign.

Many people within the local community have given their time freely to the campaign, sometimes individuals have taken time off work to attend meetings – this cannot be quantified in financial terms.

**RREEL Action Group
(Rumney & Eastern Leisure Centre Action Group)**

June 2008

