

---

W E L S H S T A T U T O R Y  
I N S T R U M E N T S

---

**2014 No. (W. )**

**LOCAL GOVERNMENT,  
WALES**

**The Playing Fields (Community  
Involvement in Disposal Decisions)  
(Wales) Regulations 2014**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 enables the Welsh Ministers to make provision for the involvement of communities in the disposal of land consisting or forming part of a playing field by a local authority.

These Regulations apply to the disposal of playing fields by a local authority that meet the definition set out in regulation 2.

Regulation 3 prohibits a local authority from disposing of a playing field, unless it has complied with the requirements of regulations 4 to 7. The requirements do not apply where the local authority grants an interest in the playing field which does not have an adverse impact on the use of the playing field, or where the playing field is disposed to a local authority or sporting or recreational body and is retained for sporting or recreational use.

Regulation 4 requires a local authority to publish information about the effect that a disposal would have on a number of strategies, plans and assessments when it commences a consultation on a proposal to dispose of a playing field.

Regulation 5 sets out the notice and consultation arrangements that a local authority must follow before it makes a decision to dispose of a playing field. A local authority must consult with any person or body as appears may have an interest in the disposal, as well as those organisations listed in the Schedule to these Regulations.

Regulation 6 requires a local authority to have regard to all representations received during a consultation process, and also enables the local authority to have regard to any representations received after the end of the consultation period.

Regulation 7 prescribes that a local authority must give notice following its decision to proceed with the disposal of a playing field.

Regulation 8 enables a communication under these Regulations to take an electronic form where the recipient has an address for that purpose.

Regulation 9 provides for transitional arrangements for the disposal of a playing field that is pending at the time these Regulations come into force.

Regulation 10 requires local authorities to have regard to any guidance given by the Welsh Ministers when exercising their functions under these Regulations.

**2014 No. (W. )**

**LOCAL GOVERNMENT,  
WALES**

**The Playing Fields (Community  
Involvement in Disposal Decisions)  
(Wales) Regulations 2014**

*Made* \*\*\*

*Laid before the National Assembly for Wales*  
\*\*\*

*Coming into force* \*\*\*

The Welsh Ministers, in exercise of the powers conferred upon them by section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010(1), make the following Regulations.

**Title, commencement and application**

**1.**—(1) The title of these Regulations is the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2014, and they come into force on [ ].

(2) These Regulations apply in relation to Wales.

**Interpretation**

**2.** In these Regulations—

“dispose” (“*gwaredu*”) means to grant any estate or interest in land or to enter into an agreement to do so, and “disposal” (“*gwarediad*”) is to be construed accordingly;

“playing field” (“*cae chwarae*”) means the whole of a site which encompasses at least one playing pitch; and

---

(1) 2010 nawm 6.

“playing pitch” (*“llain chwarae”*) means a delineated area which, together with any run-off area, is of—

- (a) 0.2 hectares or more and which is used for sport including, but not limited to, association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo, cycle polo, athletics or golf;
- (b) 0.1 hectares or more and which is used for playing bowls; or
- (c) 0.04 hectares or more and which is used for playing basketball, netball or tennis.

### **Restriction on disposal of playing fields by local authorities in Wales**

3.—(1) A local authority<sup>(1)</sup> may not dispose of a playing field or any part of a playing field where the playing field has been used at any time in the five years before the issuing of a notice under regulation 5 unless it has first complied with the requirements of regulations 4 to 7.

(2) Paragraph (1) does not apply to a disposal if paragraphs (3) or (4) apply.

(3) The disposal is the grant of an interest in the playing field that does not have an adverse impact on the use of the playing field as a sports or recreational facility by the public.

(4) The person or body to whom the disposal is made is—

- (a) a local authority; or
- (b) a body or association whose aims or objectives include the promotion of sporting or recreational activities,

and the playing field is to be retained as a sports or recreational facility for use by the public, whether or not such use is subject to a payment.

### **Impact Assessment**

4.—(1) A local authority must publish information about the effect a proposed disposal of a playing field, or part of a playing field, would have on any relevant strategies, plans or assessments when consulting in accordance with regulation 5.

(2) The relevant strategies, plans or assessments for the purposes of paragraph (1) include—

---

(1) “Local authority” has the same meaning as defined in section 1(3) of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. It means a county or county borough council, a community council (including a town council) and a National Park authority.

- (a) the plan prepared for the area under section 62 of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>;
- (b) the assessment prepared for the area under section 11 of the Children and Families (Wales) Measure 2010<sup>(2)</sup>;
- (c) the strategy prepared for the area under section 39 of the Local Government (Wales) Measure 2009<sup>(3)</sup>;
- (d) the strategy prepared for the area under section 40 of the National Health Service (Wales) Act 2006<sup>(4)</sup>; and
- (e) such other strategies, plans or assessments as the local authority considers appropriate.

### Notice and consultation arrangements

5.—(1) A local authority must publish a notice (“the notice”), on two consecutive weeks in at least one newspaper circulating in the local authority’s area, before making a decision to dispose of a playing field, or any part of a playing field.

(2) The notice in paragraph (1) must—

- (a) state that the local authority is proposing to dispose of a playing field;
- (b) inform the public of the place or places and times at which details of the proposed disposal may be inspected, and the period for which the details of the proposed disposal will be available for inspection; and
- (c) inform the public of their right to make representations to the local authority in relation to the proposed disposal, the means by which they must do so and the date by which representations must be received by the local authority.

(3) The local authority must make the details of the proposed disposal available for inspection during normal office hours at the local authority’s principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority’s area.

(4) The period for which the details of the proposed disposal must be available for inspection in accordance with paragraph (2)(b), must not end less than six weeks after the date on which the notice is first published.

---

(1) 2004 c.5. Section 62 was amended by section 51(2) of and paragraphs 4, 5 and 6 of Schedule 2 to the Local Government (Wales) Measure 2009 (nawm 2).

(2) 2010 nawm 1.

(3) 2009 nawm 2.

(4) 2006 c.42.

(5) The date by which representations on the proposed disposal must be received by the local authority in accordance with paragraph (2)(c) must not be less than six weeks after the date on which the notice is first published (“the consultation period”).

(6) The local authority must, no later than the day on which the notice is first published, display a copy of the notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for not less than six weeks.

(7) Where the local authority has a website the local authority must, no later than the day on which the notice is first published, place a copy of the notice on that website for not less than six weeks.

(8) The local authority must, no later than the day on which the notice is first published, send a copy of the notice to any owner or occupier of land adjoining the playing field.

(9) The local authority must, no later than the day on which the notice is first published, send a copy of the notice and details of the proposed disposal to—

- (a) those persons or bodies specified in the Schedule to these Regulations;
- (b) those persons or bodies as appear to the local authority to represent the interests of persons or bodies who are in the local authority’s area or in the area of a local authority that shares a boundary with any part of the playing field and who make use of the playing field; and
- (c) such other persons or bodies as the local authority considers appropriate.

(10) Subject to the payment of a reasonable charge, the local authority must provide a copy of the details of the proposed disposal to any person or body from whom the local authority receives a request during the consultation period.

### **Consideration of representations**

6.—(1) The local authority must consider all representations received in relation to the proposed disposal during the consultation period.

(2) The local authority may consider any representations received in relation to the proposed disposal after the end of the consultation period.

### **Decision**

7.—(1) If, having considered any representations which the local authority is required or empowered to consider under regulation 6, the local authority decides to proceed with the disposal, the local

authority must prepare a report of that decision (“the decision report”).

(2) The decision report must include a summary of the representations received and considered by the local authority and set out the reasons for the local authority’s decision.

(3) As soon as reasonably practicable after the local authority has made a decision to dispose of a playing field or part of a playing field, the local authority must publish, on two consecutive weeks in at least one newspaper circulating in the local authority’s area, a notice of the local authority’s decision (“the decision notice”)—

- (a) informing the public of the local authority’s decision to dispose of the playing field or part of a playing field; and
- (b) informing the public of the place or places and times at which the decision report may be inspected, and the period for which the decision report will be available for inspection.

(4) The local authority must make the decision report available for inspection during normal office hours at the local authority’s principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority’s area.

(5) The period for which the decision report must be available for inspection in accordance with paragraph (3)(b), must not end less than six weeks after the date on which the decision notice is first published.

(6) The local authority must, no later than the day on which the decision notice is first published, display a copy of the decision notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for not less than six weeks.

(7) Where the local authority has a website the local authority must, no later than the day on which the decision notice is first published, place a copy of the decision notice and the decision report on that website, for not less than six weeks.

(8) The local authority must, no later than the day on which the decision notice is first published, send a copy of the decision notice and the decision report to any person or body from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 6.

(9) The local authority must, subject to the payment of a reasonable charge, provide a copy of the decision report to any person or body that requests a copy of the decision report.

(10) If the local authority decides not to proceed with the disposal, the local authority must prepare a report of that decision in accordance with paragraph

(2), and as soon as reasonably practicable after the local authority has made that decision, the local authority must send a copy of the report to any person or body from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 6.

(11) The local authority may not proceed with the proposed disposal until a period of twelve weeks has elapsed from the day on which the decision notice is first published.

### **Electronic Communications**

**8.**—(1) Where, within these Regulations—

- (a) a local authority is required to—
  - (i) send a document, copy of a document or any notice to another local authority, person or body; or
  - (ii) notify another local authority, person or body of any matter; and
- (b) that other local authority, person or body has an address for the purposes of electronic communications,

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where, within these Regulations, another local authority, person or body may make representations to the local authority on any matter or documents, those representations may be made by way of electronic communications to the address provided by the local authority.

(3) Any electronic communication received in accordance with these Regulations by the recipient outside the recipient's normal office hours will be taken to have been received on the next working day.

(4) In this regulation “working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

### **Transitional Arrangements**

**9.**—(1) These Regulations will not apply where the disposal of a playing field or any part of a playing field is pending.

(2) For the purposes of paragraph (1), a disposal is pending where—

- (a) the local authority has published a notice of disposal in accordance with section 123(2A)



- of the Local Government Act 1972<sup>(1)</sup> prior to these Regulations coming into force; and
- (b) the local authority completes the disposal referred to within that notice within 12 months following the first publication of that notice.

### **Guidance**

**10.** In exercising its functions under these Regulations, a local authority must have regard to any guidance given by the Welsh Ministers.

Signed

Minister for Local Government and Government Business, one of the Welsh Ministers

Date

---

(1) 1972 c.70. Section 123(2A) was inserted by section 118 of, and paragraph 14 of Schedule 23 to, the Local Government, Planning and Land Act 1980 (c.65).

## SCHEDULE

Regulation 5

### CONSULTEES

1. Any local authority whose area includes any part of, or shares a boundary with any part of the playing field to which the proposed disposal relates;
2. The Sports Council for Wales;
3. Fields in Trust Cymru;
4. Play Wales; and
5. The Open Spaces Society.