

Subject: 2021/62/91571/W Erection of residential development for 125 dwellings land south of The Lodge and north of Church Lane, Linthwaite, HD7 5TE
Date: 24 May 2021 17:42:38

Thank you for consulting Sport England on the above application.

Sport England – Statutory Role and Policy

It is understood that the proposal affects land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The application site shares a boundary Broad Oak Cricket Club. Depending on the degree of separation between the cricket ground and the proposed housing, there is a danger that the latter may be at risk of ball from cricket balls. Without suitable measures being put in place this could give rise to injury to persons and property which would subsequently jeopardise the continued use of the cricket pitch.

In instances such as this Sport England requires the submission of a ball-strike risk assessment as part of the planning application in order to consider the likelihood of ball-strike and what measures should be put in place to mitigate that risk. Commendably the applicant has commissioned a ball-strike risk assessment, and (acknowledging the topographical rise of 3.36m from the proposed cricket pitches to the proposed development site) the report recommends a mitigation system as shown in the diagram below;



The report does not specify which form the mitigation system should take, but options could include;

- Ball-stop netting
- Rigid panel fencing
- Permanent or temporary fencing structures

Despite the clarify in the ball-strike risk assessments' recommendations, the applicant has resolved

that the proposed level of mitigation is excessive when compared to the level of risk, and has instead proposed a ball-stop fence uniform 15m in height. . The applicant has also put forward two potential options for its location, one which is within the grounds of the cricket club itself and would be in the control of the club and an alternative location which is located on the boundary of the proposed development site.

The applicant has justified the reduction in height of the ball-stop fencing by:

- Citing the lack of consistent issues with ball strikes affecting the development to the east;
- Noting the trajectory models is only an indicative tool;
- Querying that the fence height recommendation is based on the assumption that the club operates at a first class/international level – and asserting that it should consider play at a recreational level

Sport England has sought the advice of the ECB on the applicant's proposal and it has responded to advise;

- *ECB would expect the mitigation to be placed where Labosport report had identified the boundary and identified mitigation– changes to this location could impact the required heights.*
- *The report clearly stated this is a proportionate ball strike mitigation not one which would mitigate all risk – if this were to be implemented the height of the netting would be significantly higher – thus ECB would not accept a reduction in the Labosport recommendation.*
- *The reasoning for the level of ball strike is in ECB opinion accurate based on the level of player expected at the ground – within cricket many professional players and those who are on performance pathways play in recreational cricket and as such a club of this standing in the league pyramid is likely to have or host such players – therefore ECB would reiterate the need for the mitigation to align to the recommendation of the Labosport report presented.*
- *The validity of ball strike has been tested in case law, most notably and recently in R (East Meon Forge Association) vs South Hampshire District Council et al (2014).The potential worst case scenario of an unanticipated ball strike being death or permanent disablement. Duty of care is to both persons and property.*

Sport England concurs with the ECB's response, and considers it apparent that the applicant has misunderstood the implication of having to plan for professional player's capabilities at this level. As the residential development is the agent of change here, it will be necessary for the ball-stop fencing to be on the boundary rather than within the cricket ground, and be the on-going responsibility of the development.

The applicant has asserted that a 20m height fence would be unlikely to be acceptable from a landscape or visual impact perspective. If this was found to be the case then it may be necessary to consider an area of ball-strike risk within the development that was left open - in order that there were no people or property at risk from ball-strike.

In light of the above, Sport England considers both the proposed height of the ball-stop netting and its location within the cricket ground to be an inadequate response to the risk of ball-strike that if implemented would still potentially prejudice the long-term future of the cricket ground

Conclusion

In light of the above, Sport England **objects** to the application because it is considered likely to prejudice the use of the (cricket ground) playing field, contrary to Sport England's Playing Fields Policy and Paragraph 97 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact me at the address below

Yours sincerely,

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Sport England



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