

Subject: 2021/93644 Erection and operation of grid-connected solar photovoltaic farm LOW FARM, WAKEFIELD ROAD, GRANGE MOOR, WAKEFIELD, WF4 4BB
Date: 04 November 2021 16:26:52

Thank you for consulting Sport England on the above application.

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of 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

Part of the application site lies adjacent to a cricket ground, with some of the photovoltaic panels lying within 80m of the ground's wicket area. They are therefore at risk of ball-strike and damage from cricket balls.

Sport England has therefore sought the advice of the ECB on the proposal. It responded to advise:

ECB advise that any development within 80m of a cricket square can create a risk of ball strike, with consequential risk of harm to property and/or persons and hence a potential future liability for the site operator/owner, that in extremis could set at risk the continuance of cricket at the site.

Development within this 80m 'strike zone' is potentially prejudicial to the use of the playing field as detailed in Sport England's planning guidance (section 13):
<https://www.sportengland.org/media/12940/final-playing-fields-policy-and-guidance-document.pdf>

This has been tested in case law, most notably and recently in R (East Meon Forge Association) vs South Hampshire District Council et al (2014).

ECB recommends that a risk assessment is undertaken for ball strike and if required mitigation proposed prior to any development taking place. Currently, ECB only recognise Labosport UK Ltd as a qualified (research backed) and indemnified source of ball strike risk assessment.

If identified mitigation is needed through the ball strike risk assessment, ECB would recommend fencing to protect both the panels and potential workers from risk of injury / damage but would consider suitable mitigation of there being no panels in the zone / and no likelihood of workers being in this zone

Sport England notes and concurs with the ECB's response. As it stands there is likely to be a problematic relationship between the edge of the development and the adjacent cricket ground which might prejudice the future of the cricket ground. This is contrary to playing field policy.

Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

The applicant could resolve Sport England's objection in one of two ways:

- 1 Amend the area of photovoltaic panels so that none were within an 80m radius of the cricket ground's wicket; or
- 2 Undertake a ball-strike assessment report and amend the application to include ball-stop netting

recommended in the report.

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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This Girl Can



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