

Sent: 06 November 2024 10:08

Subject: App Ref: 2024/90239 - Discharge conditions 4 and 5 (ball-stop netting) on previous permission 2021/93286 for reserved matters application pursuant to outline permission 2020/91215 - Sport England Ref: PA/24/Y/KK/66916

Dear Sir/Madam,

Thank you for consulting Sport England on the additional information in response to Sport England's representation of the 28 May 2024 . The additional information includes documents that details the location and specification of the ball stop netting and its maintenance.

The Views of the National Governing Bodies for Sport

As part of the assessment of this consultation, Sport England have sought the views of the England Cricket Board (ECB). ECB act as Sport England's technical advisors in respect of their sport, their sport facilities and cricket ball strike. ECB also provided comments as set out in Sport England's previous representation below.

The comments of the ECB have been summarised as:

- *ECB recently met with the cricket club and developers on site to discuss plans. Whilst this was a generally positive meeting, we don't believe the updated drawings/documents reflect the outcome of those discussions. Relevant points are listed below.*
- **Condition 4:**
- *Drawings don't seem to reflect the presence of a 2m timber fence before the netting starts (location of pulleys also to be identified). We are also questioning the position of the fence on the drawings versus the reality of the existing site boundary, the PROW runs across the boundary*
- *The presence of existing trees would interfere with the positioning of the proposed fence. The club are open to a conversation with the developers for the removal of some/all of the trees.*
- *There is currently a boundary wall marking the boundary of the cricket club land. The proposed positioning of the fence would mean the concrete foundations for the fence*

(measuring 3m x 3m x1m) would undermine the current boundary wall. This would make the wall structurally unsafe. The club are open to conversations with the developer as to possible solutions for this.

- **Condition 5:**
- *The only reference to a maintenance contract is included in the developers comments. We would like to see a draft copy of any agreement before sign off, which we believe can't be done until the design and positioning (Condition 4) has been signed off.*
- *For avoidance of doubt we would like comment in the draft agreement that in the event of the management company folding, the cricket club will bear no financial or operational liability for the upkeep and replacement of the netting.*

Sport England notes in the comments of the ECB above, that a meeting took place between ECB, the cricket club and developers on site to discuss plans. However, Sport England has not been provided with a copy of the approved minutes from that meeting as a written record of what was discussed, agreed and actioned.

Sport England's comments on condition 4

Condition 4 reads:

"Prior to works commencing on the superstructure, the detailed design of the ball-stop netting and associated support columns shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The agreed ball-stop netting design shall be installed prior to the occupation of any dwelling within the site that the Labosport report deemed at risk of ball strike, to the satisfaction of the Local Planning Authority."

In response to this, the ECB acting as Sport England's technical advisors have provided some detailed comments above that the details do not reflect the presence of a fence, the location of the pulleys, and the presence of a public right of way. ECB also make reference to the presence of trees and how these could interfere with the positioning of the fence. Finally, reference is made that the proposed ball stop fence could undermine the current boundary wall. This would make the wall structurally unsafe.

In light of the above, there are still issues that could mean that the proposed fence is ineffective due to the trees. This means that the proposed ball stop mitigation might become unsuitable and ineffective at stopping ball strike. Furthermore, there are issues in relation to an existing timber fence and the potential for the ball stop fence to result in a wall becoming structurally unsafe.

As such, the information currently submitted is inadequate to prevent ball strike.

Sport England's comments on condition 5

Condition 5 reads:

“Prior to works commencing on the superstructure, a management and maintenance plan in respect of the approved ball stop netting, will shall include provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus, shall be submitted to and approved by the local planning authority following consultation with Sport England. The approved plan shall come into force upon the satisfactory installation of the approved ball-stop netting.”

In response to this, ECB, again acting as Sport England’s technical advisors in respect of ball strike, have commented that only reference to a maintenance contract is included in the developers’ comments. ECB would like to see a draft copy of any agreement before sign off, which they believe can’t be done until the design and positioning (Condition 4) has been signed off. ECB would like to comment in the draft agreement that in the event of the management company folding, the cricket club will bear no financial or operational liability for the upkeep and replacement of the netting.

If the ball stop fencing is not adequately managed and maintained, this could lead to the fence becoming ineffective and not preventing ball strike. As such, the information currently submitted is inadequate to prevent ball strike.

ECB refer to a site meeting and although Sport England has not been provided with an approved copy of the minutes of that meeting providing a written record of what was discussed, agreed and actioned, ECB comment that they don’t believe that updated drawings/documents reflect the outcome of those discussions.

Notwithstanding the above, it would appear that the matters raise by ECB were relayed to the applicant at the site meeting and consequently are not reflected in the current consultation documents. If the applicant does not consider that this is the case, please can they provide Sport England with a copy of the approved minutes from that site meeting.

Although paragraph 193 of the NPPF is clear that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, the cricket club (acting as facility managers/operators) have advised that they are open to conversations with the developer as to possible solutions to the outstanding matters particularly in relation to the trees and other means of enclosure referenced in the ECB comment above. Sport England would advise that the applicant ensures that any necessary consents are received for any works to the trees should they be subject to any sort of protection.

Conclusion

The applicant is making good progress in addressing the outstanding matters in relation to conditions 4 and 5. It is unfortunate that the matters that ECB advise were discussed in the site meeting have not been reflected in the current consultation.

Given the above assessment, there are inadequate details submitted in respect of condition 4 and 5 and as such if not adequately addressed could prejudice the use of the cricket club through ball strike.

In light of the above, Sport England **objects** to the discharge of conditions 4 and 5.

Possible Resolution

Sport England would be pleased to review further documentation provided by the applicant that fully addresses the issues above and the comments made by the ECB.

In providing the further information, Sport England would ask that the applicant submits this to the Local Planning Authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The Local Planning Authority can then consult Sport England on receipt of this information.

Your sincerely,

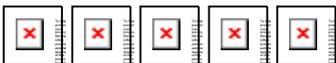
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