

Kirklees Council

By email only

Date: 5 November 2024

Dear Sir/Madam,

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 2024/91705

Site: NEW MILL INFANT SCHOOL, KIRKROYDS LANE, NEW MILL, HOLMFIRTH, HD9 1LS

Proposal: Installation of 2.4m perimeter fence and gates to associated areas

Sport England Reference: PA/24/Y/KK/68151

Thank you for consulting Sport England on the additional information in response to Sport England maintained objection of the 4 September 2024 (copy appended to this letter).

The additional information consists of a plan showing how a pitch could be accommodated alongside the proposed fence.

The Views of the National Governing Bodies for Sport

As part of the assessment of this additional information, Sport England has sought the views of the following National Governing Bodies for Sport. These Governing Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities. They also previously provided comments in Sport England's representation of the 4 September 2024.

The comments of the Football Foundation (FF), who provide observations to Sport England on behalf of the Football Association (FA), have been summarised as:

- *Whilst the proposed pitch dimensions are not a recognised formal mini soccer 5v5 format, FF understand the fence line being positioned where the school have proposed, maximises the playing pitch that they themselves could use based on their land ownership boundary.*

Assessment against Sport England's Playing Fields Policy and NPPF

Sport England has reassessed the additional information having regard to the most recent comments of the FF above and Sport England's previous comments of the 4 September 2024.

The applicant has now provided a plan showing that a pitch can be marked out on the playing field alongside the proposed fence.

Sport England notes that within the email of the 12 August 2024 from Reece McMurrugh to Laura Yeadon of Kirklees Council, the proposed fence is on the school's boundary. As such, the school would only be able to mark out pitches within land that they control.

Sport England further notes that the email of the 12 August 2024 states that the proposed fencing is to make the existing school safe and secure. The project has been funded by government funding because they also agree the fencing is needed to allow the pupils at the school feel safe while playing football on their school site, without and health and safety concerns. The FF have previously commented that they regard the safety concerns in the highest priority.

In light of the above, Sport England is satisfied, on this occasion and having regard to this planning application and circumstances that relate to this site, that the proposal will not have any harm on the playing field and its ability to accommodate a pitch. The fence will also sustain the potential sporting use of the playing field by addressing health and safety concerns and creating a safe environment for sport.

Sport England's position

Given the above, Sport England **withdraws its objection** to the application because it is considered to broadly accord Exception E2 of our Playing Fields Policy and paragraph 103 of the NPPF.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Yours sincerely,

Richard Fordham BA(Hons), DipTP, MTP, MRTPI, AIPROW
Planning Manager

Appendix

Sport England's representation of the 4 September 2024.

By email only

Date: 4 September 2024

Dear Sir/Madam,

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 2024/91705

Site: NEW MILL INFANT SCHOOL, KIRKROYDS LANE, NEW MILL, HOLMFIRTH, HD9 1LS

Proposal: Installation of 2.4m perimeter fence and gates to associated areas

Sport England Reference: PA/24/Y/KK/68151

Thank you for consulting Sport England on the additional information in the email and attachments of the 16 August 2024, in response to Sport England's representation of the 1 August 2024 - copy appended to this letter.

The Views of the National Governing Bodies for Sport

As part of the assessment of this additional information, Sport England has sought the views of the following National Governing Bodies for Sport. These Governing Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities. They also previously provided comments in Sport England's representation of the 1 August 2024.

The comments of the Football Foundation (FF), who provide observations to Sport England on behalf of the Football Association (FA), have been summarised as:

- *FF regards the safety concerns in the highest priority. Although in principle the playing field undivided could accommodate in principle a mini 5v5 pitch, in practice we appreciate that the majority of the land the pitch would be marked on if accommodated would not be under the ownership of the New Mill School, it is the school next door.*
- *As that school is going to be demolished, it would therefore make any future pitch highly unlikely that a mini 5v5 pitch would be brought back into use with such low strategic value without ancillary facilities (as they would be demolished).*
- *FF therefore understand the fence line being positioned where the school have proposed, maximises the playing pitch that they themselves could use based on their land ownership boundary.*

The comments of the Rugby Football League (RFL) have been summarised as:

- *The email from Reece McMurrough states: “The project has been funded by government funding because they also agree the fencing is needed to allow the pupils at the school feel safe while playing football on their school site, without and health and safety concerns.”*
- *It would be useful to know where the proposed pitch for sports is going to be located, that will benefit from the fencing. As the same email also states: “The field is not suitable for a football or rugby pitch and hasn’t been used for either activity”.*
- *New Mill Infant School have participated in Rugby this season and as such ensuring they have facilities to do this going forwards is of interest to the RFL.*

Assessment against Sport England’s Playing Fields Policy and NPPF

Sport England has reassessed the additional information having regard to the most recent comments of the FF and RFL above and Sport England’s previous comments of the 1 August 2024.

The additional information provides further clarity on the use of the playing field and draws attention to a gravel area/carpark being located there now.

In respect of the area of playing field affected by the proposed fence, the FF have commented that in principle the playing field undivided could accommodate in principle a mini 5v5 pitch. Therefore, potentially, the subdivided playing field could accommodate a 5v5 pitch.

The RFL have stated that it would be useful to know where the proposed pitch for sports is going to be located, that will benefit from the fencing. The RFL also comment that New Mill Infant School have participated in Rugby this season and as such ensuring they have facilities to do this going forwards is of interest to the RFL.

The email from Reece McMurrough, dated 12 August 2024 states:

“The proposed fencing is to make the existing school safe and secure. The project has been funded by government funding because they also agree the fencing is needed to allow the pupils at the school feel safe while playing football on their school site, without and health and safety concerns.”

From the information available, Sport England is unable to find where sport will be played on the school site. As the fence is being proposed for the safety of sports players as set out above, Sport England required details of how and where this sport takes place.

Currently, there is insufficient information provided in the additional information in order for Sport England to determine what impact the proposal may or may not have on the playing field and the sporting provision.

Sport England's position

Given the above, Sport England **maintains its objection** to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Potential to overcome the statutory objection

Sport England would be pleased to review the current objection with a view to considering potentially withdrawing it if the applicant can provide:

1. Details of where football and rugby will take place on the school site following the installation of the fence.
2. Provide a plan showing the location of any pitches to accommodate this.

In providing any 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 any further information.

Yours sincerely,

Richard Fordham BA(Hons), DipTP, MTP, MRTPI, AIPROW
Planning Manager

Appendix 1

Sport England's representation of the 1 August 2024.

By email only

Date: 01 August 2024

Dear Sir/Madam,

Town & Country Planning (Development Management Procedure) (England) Order 2015

Application Reference: 2024/91705

Site: NEW MILL INFANT SCHOOL, KIRKROYDS LANE, NEW MILL, HOLMFIRTH, HD9 1LS

Proposal: Installation of 2.4m perimeter fence and gates to associated areas

Sport England Reference: PA/24/Y/KK/68151

Thank you for consulting Sport England on the above application.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

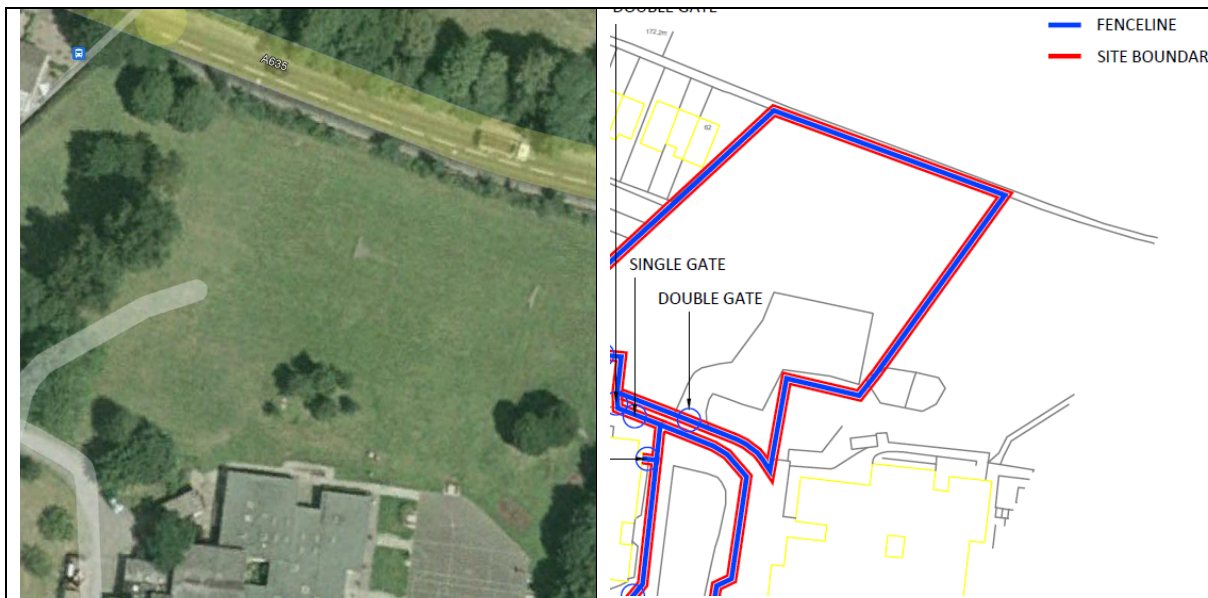
Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal is for the installation of 2.4-meter perimeter fence and gates to associated areas. Although recent aerial images show that the playing field is not currently marked out with a pitch, the plans of the proposal show that the playing field to the north of the school building will be dissected by the proposed fence, and that this has been marked out with a pitch in the past (annotated by the goal posts):



The Views of the National Governing Bodies for Sport

As part of the assessment of this consultation, Sport England has sought the views of a number of National Governing Bodies for Sport. These Governing Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities.

The comments of the Football Foundation (FF), who provide observations to Sport England on behalf of the Football Association (FA), have been summarised as:

- *The perimeter fencing proposed would cut through the previously marked pitch at the north of the site.*
- *The whole grassed area could be capable of housing a Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area) in its current form, however if the proposed fence is situated, the site does not appear capable of housing any playing pitches due to the site constraints of the trees to the Northwest of the site.*

The comments of the Rugby Football League (RFL) have been summarised as:

- *We can't seem to find any evidence of the pitch being marked out or used for rugby league, but if the fencing did go where proposed then the space available to use for Rugby League would be reduced.*

Assessment against Sport England's Playing Fields Policy and NPPF

Sport England isn't just a consultee on proposals that result in the loss of playing field, we are also a consultee on proposals that could prejudice the use of playing field.

Sport England's policy to protect playing fields covers the entire playing field site and not just the areas currently marked out with a pitch. This is because playing field is seen as a resource for pitches to be marked out on, pitches to be changed

from one pitch sport type to another, or to allow areas of the playing field to rest from over play. It also allows the potential for non-pitch sports such as athletics to be marked out. If it had been Government's intention that planning policy should protect just pitches and not playing field, then The Town and Country Planning (Development Management Procedure) Order could have been readily drafted in that manner to make it specifically clear.

Our policy also covers areas of the playing field that may not currently be maintained, such as areas that have been allowed to become overgrown, and areas that are not marked out with a pitch. This is still considered playing field and could be brought back into use for sport at any time by simply being made good and marked out with a pitch.

Most of the fence proposed surrounds buildings and hard standings. However, as set out above, part of the proposed fence will dissect the playing field to the north.

Both the FF and the RFL have commented above that the proposed fence would prohibit pitches being marked out for their sport.

Whilst the playing field may not currently be marked out with a pitch, part of the fence proposed that dissects the playing field will have a prejudicial impact on the ability for the playing field to be marked out with a pitch and used for pitch sport.

Sport England is not against education sites making themselves more secure. Often the fencing in of sport facilities can assist in preventing anti-social behaviour and therefore protect the sport facilities from any misuse. However, we need to ensure that any fence proposed does not have a prejudicial impact on the playing field and any pitches, their safety margins, or result in a loss of access, nor have any negative impact on any other sport facilities.

Sport England's position

Given the above, Sport England raises a **statutory objection** to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Potential to overcome the statutory objection

Sport England would be pleased to review the current objection with a view to considering potentially withdrawing it if the applicant can provide:

3. Provide a revised plan of the proposed fence that does not dissect the playing field so that a pitch or pitches can be marked out. The fence could, for example, enclose the entire playing field site. The plan should show how the fence will not have any impact on any pitches and the pitches and their safety margins should be clearly shown and dimensions annotated.

4. Explain how any existing access arrangements or community use will not be affected by the installation of the fence.
5. Any other comments the applicant would like to make.

In providing any 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 any further information.

Determining the application

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

If you would like any further information or advice, please the undersigned.

Yours sincerely,

Richard Fordham BA(Hons), DipTP, MTP, MRTPI, AIPROW
Planning Manager

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site;
- or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:
www.sportengland.org/playingfieldspolicy