

Kirklees Metropolitan Council

By email only

Date: 5 August 2025

Dear Sir/Madam,

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

Application Reference: 2025/91542

**Site: Erection of 40 dwellings and associated works, including formation of new
vehicular access and erection of cricket netting**

Sport England Reference: PA/25/Y/KK/71268

Thank you for consulting Sport England on the above planning 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 paragraphs 104 and 200, 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 for the erection of 40 dwellings and associated works, including formation of new vehicular access and erection of cricket netting next to the cricket ground:



The views of the National Governing Bodies for Sport

As part of the assessment of this consultation, 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 advise Sport England on issues such as ball strike.

The comments of the England Cricket Board (ECB) have been summarised as:

- *The proposal does not encroach onto the cricket outfield.*
- *Hartshead Moor Cricket Club play in the Bradford Premier League (division 1) and are classed as semi-professional – risk assessment should be adjusted on that basis. Tim Bresnan is an example of a recently employed semi-pro at Hartshead Moor Cricket Club (ex England, Yorkshire, Warwickshire) and clubs they play against will also include full professional and multiple semi-professional players.*
- *The risk assessment has been made on the basis of recreational cricket.*
- *The risk assessment should be reviewed and mitigation adjusted.*

Assessment against Sport England’s Playing Fields Policy and NPPF

It is considered that the proposed development gives rise to a potential conflict with the use of the playing field for cricket. Balls are likely to leave the playing field and land on the application site when matches are being played. This could lead to damage and injury to both people and property in the proposed development.

Such ball strikes have the potential to constitute a nuisance under the Environmental Health legislation and as such could prejudice the sporting use of the playing field. This was the case in *Miller -v- Jackson* [1977] QB 966 where cricket balls from a village green kept going into a nearby house.

The requirement for a ball strike risk assessment and any associated ball stop mitigation required is in accordance with Paragraph 200 of the NPPF states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

The applicant has undertaken a ball strike risk assessment which concludes that ball stop mitigation in the form of ball stop fencing is required on or near the boundaries of the cricket club. However, the ball strike risk assessment has been undertaken on the basis that recreation cricket is played at the adjacent cricket ground:

Section 3 – Site Specifics

Playing Standard of Cricket on the Site

Labosport have investigated the level of cricket that is played on this site. We have been advised that **recreational** and junior cricket is played on this site.

For recreational level cricket the basis of the shot velocity is 40 m/s. For recreational level cricket the basis of the ‘late cut’ or ‘late glance’ type shots is 30 m/s

For junior level cricket the basis of the shot velocity is 30 m/s.

It is on this basis that the recommendations in this report have been made.

The ECB, acting as Sport England’s technical advisors in respect of cricket have commented above that Hartshead Moor Cricket Club play in the Bradford Premier

League (division 1) and are classed as semi-professional and the risk assessment should be adjusted on that basis. ECB also comment that the clubs they play against will also include full professional and multiple semi-professional players.

As such, the risk assessment has considered the incorrect level of play and ball trajectory modelling for cricket. Therefore, the proposed ball stop mitigation does not relate to the correct level of play and could be insufficient to prevent any ball strike. This could lead to damage to both people and property in the new proposed development.

Sport England welcomes the fact that the applicant has recognised ball strike as an issue in this planning application and has undertaken a risk assessment. It is therefore unfortunate that the assessment has not considered the correct level of play.

Sport England's position

In light of the above, Sport England **objects** to the application because of the prejudicial impact it could have on the adjacent cricket ground as set out above.

As a point of clarification: Sport England is not against new developments next to sport facilities provided that any ball strike mitigation is addressed with the appropriate mitigation to meet the level of play.

There are numerous examples around the country where new housing can exist adjacent to sport facilities. Similarly, many sports clubs welcome new residential developments as this offers a potential supply of new members and also potential customers who can support club bars and club social events where they exist.

The sports club simply do not want to injure or damage their new neighbours, so mitigation is required to allow the sports club and the dwellings to exist without any conflict or danger.

Potential to overcome the objection

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

1. A ball strike risk assessment, undertaken by a suitably qualified consultant, that examines the ball trajectory for cricket for the correct level of play.
2. If ball strike is identified as an issue, then details of the design, specification and layout of any ball strike mitigation (for example ball stop fencing) should be provided. This should also include details of how any ball strike mitigation will be managed and maintained. Any ball strike mitigation

provided should not have any encroachment onto the existing playing field/cricket ground and there should be no expectation that any maintenance and management is undertaken by the cricket club or other sport users. This should be undertaken by the applicant.

Should the applicant require any technical advice in respect of ball strike they should contact the ECB: richard.dixon@ecb.co.uk

The applicant should note that ECB can only provide technical advice, they cannot provide a planning judgement as that is a matter reserved for Sport England as the statutory consultee.

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 this information.

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