

Your Ref: TR010062

Interested Party Number: 20032127

Sport England Ref: PA/22/NW/CUC/62337

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Dear Examining Authority,

A66 Northern Trans-Pennine Project - Deadline 1 - Written Representation

Summary: Statutory Objection. Sport England would review and reconsider subject to further dialogue / completion of a Statement of Common Ground to:

- 1) More information submitted to understand how mitigation for losses of playing field would be secured at the following sites:
 - a) Temporary and permanent loss at Wetheriggs Country Park,
 - b) Temporary and permanent loss at Ullswater Community College; and
 - c) Temporary or permanent loss at Kirkby Thore Primary School.
- 2) Submission of a Ball Trajectory Report to understand any risk of balls leaving the Ullswater Community College Playing Field and landing on the A66; along with a plan/project to mitigate the risk if required.
- 3) Securing a permanent, satisfactory replacement playing field (and ancillary provision) meeting E4 of Sport England's Playing Fields Policy and paragraph 99 of the NPPF at the MOD Playing Field at Warcop which will clearly be lost to the development.

Sport England –Statutory Role and Policy

The development site is considered to affect land that constitutes playing field, or land last used as playing field, therefore Sport England is a statutory consultee under the terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the 2015 Order”) defines a playing field as ‘the whole of a site which encompasses at

least one playing pitch’. The 2015 Order also defines a playing pitch, as ‘a delineated area which, together with any run off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.’

Sport England considers that the following playing fields are affected by the development:

- Wetheriggs Country Park, Penrith;
- Ullswater Community College, Penrith;
- Kirkby Thore Primary School; and
- MOD Playing Field at Warcop.

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 99) and against its own Playing Fields Policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and 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.’

Sport England Policy Exceptions

E1	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.
E2	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.
E3	<p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • 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.
E4	<p>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:</p> <ul style="list-style-type: none"> • 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.
E5	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.

Sport England's Playing Fields Policy and Guidance document can be viewed via this link:

The Proposal and Impact on Playing Field

Wetheriggs Country Park, Penrith.

Relevant Docs:

APP 011 2.5 General Arrangement Drawings Scheme 0102 M6 Junction 40 to Kemplay Bank

APP 041 2.8 Environmental Mitigation Maps

APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health

Paragraph 13.7.12 (APP 056) references "approximately 0.74 ha of this greenspace is located within the Order Limits, which is approximately 14.7% of the Park". This part of the proposal involves loss of part of the playing field, where it is not clear what impact this would have on pitch drainage, pitch markings or pitch safety margins; nor is it clear what scale of tree planting is proposed along the A^^ boundary (marked on APP 041 & APP 011).

A policy compliant mitigation for loss should be creation of new playing field here or elsewhere locally at the cost of the developer. The developer may wish to suggest other mitigation, informed by local intelligence from Sports National Governing Bodies and Eden District Council.

Ullswater Community College, Penrith.

Relevant Docs:

APP 011 2.5 General Arrangement Drawings Scheme 0102 M6 Junction 40 to Kemplay Bank

APP 041 2.8 Environmental Mitigation Maps

APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health

Loss of part of playing field to facilitate a slip road to the new Kemplay Bank Roundabout. It's not certain if the red edged site includes permanent or temporary loss of playing field land. (APP 011 sheet 2 of 2) This site affects a rugby pitch and it's not clear if ball stop

fencing is proposed to prevent balls landing on the A66. Paragraph 13.7.12 (3.2 Environmental Statement Chapter 13 Population and Human Health) refers to “Playing Field (Ullswater Playing Field): approximately 0.44ha of the field is located within the Order Limits, which is approximately 18.7% of the field”. From the scale of the project it is not clear precisely what the impacts will be permanent or temporary. It’s not clear if the land within the Order limits will be planted with trees or if access is needed for access during construction. If trees are planted on the playing field, further playing field land will be lost without mitigation for loss. All losses of playing field land must be mitigated for.

Mitigation for loss should be creation of new playing field here or elsewhere locally at the cost of the developer.

Kirkby Thore Primary School.

Relevant Docs:

APP 013 2.5 General Arrangement Drawings Scheme 0405 Temple Sowerby to Appleby

APP 041 2.8 Environmental Mitigation Maps

APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health

APP 056 Page 13 221 of 249, refers to “Temporary land take of approximately 0.15ha, or 35%, of the schools outdoor playing field to facilitate a utility diversion. No alternative provisions will be provided during construction. The playing field will be reinstated to existing condition upon completion of the works.” Sport England is concerned about the scale of works, uncertain time period over which the playing field would be out of use with no mitigation for loss and is also concerned about the quality of reinstatement of the playing field.

Mitigation for loss should be provided for and the school needs to be provided with an alternative playing field for the time period that theirs is out of use; and furthermore the school playing field needs to be reinstated to a good quality playing field on return. A RIPTA registered Agronomists report should be provided to specify the works required to reinstate the playing field to good quality on completion of the project, and works should be overseen by a qualified agronomist and work completed to a standard to their satisfaction.

MOD Playing Field at Warcop.

Relevant Docs:

APP 014 2.5 General Arrangement Drawings Scheme 06 Appleby to Brough

APP 041 2.8 Environmental Mitigation Maps

APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health

Paragraph 13.9.18 (APP 056) advises of “loss of the Ministry of Defence playing field and helipad. Relocation of them will be provided to the south of the scheme, located off Castlehill Road. This site is likely to include a parking area, pavilion and storage shed; however, the details are still to be confirmed with the Ministry of Defence. The replacement facilities will be fully operational before the closure of the existing provisions due to the potential use as an emergency services helipad.” Sport England made detailed comments and explained a likely objection about the replacement playing field and ancillary facilities and welcomes further consultation when the details are available. Any replacement would need to comply with the NPPF paragraph 99.

Assessment of each of the sites is made against Sport England Policy as follows:

Wetheriggs Country Park, Penrith.

In principle the development could comply with Exception E3, because it takes playing field land that has not been marked out as a pitch. However, the loss of “approximately 0.74 ha of this greenspace is located within the Order Limits, which is approximately 14.7% of the Park” (referenced in paragraph 13.7.12 of APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health) is a concern, and has not been mitigated for, furthermore it is not clear if this part of the proposal would impact on pitch drainage, pitch markings or pitch safety margins (during construction or operation); nor is it clear what scale of tree planting is proposed along the A^^ boundary on plan (APP 011 & APP 041). Sport England are concerned if the developer intends planting trees on the wider playing field, and mitigation for loss of playing field is not included.

Ullswater Community College, Penrith.

At this site (APP 011 & APP 041) shows loss of part of playing field to facilitate a slip road to the new Kemplay Bank Roundabout. It's not certain if the red edged site includes permanent or temporary loss of playing field land. This part of the development site affects a rugby pitch and it's not clear if ball stop fencing is proposed to prevent rugby balls leaving the field of play and landing on the A66. Paragraph 13.7.12 (APP 056 3.2

Environmental Statement Chapter 13 Population and Human Health) refers to “Playing Field (Ullswater Playing Field): approximately 0.44ha of the field is located within the Order Limits, which is approximately 18.7% of the field”. From the scale of the project it is not clear precisely what the impacts will be permanent or temporary. It’s not clear if the development would affect pitch drainage. It’s not clear if the land within the Order limits will be planted with trees or if access is needed for access during construction. Sport England is also concerned about the likelihood of trees being planted on the playing field, further playing field land will be lost in addition to that within DCO limits without mitigation for loss. There needs to be mitigation for the loss of playing field land, and a ball trajectory report undertaken to understand the risk of balls leaving the field of play and landing on the A66.

Kirkby Thore Primary School.

The proposal would need to meet Playing Fields Policy Exception E4, and mitigation for loss (temporary or permanent provided). APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health refers to “Temporary land take of approximately 0.15ha, or 35%, of the schools outdoor playing field to facilitate a utility diversion.” Taking over a third of the schools playing field during construction without mitigation for loss is a matter of concern, as is the means and methods of its reinstatement. It is not clear how long the playing field would cease to be operational, nor what alternative playing field will be provided to the school whilst it is out of use. The playing field must be reinstated to existing or better quality upon completion of the works. Sport England is concerned about the scale of works, uncertain time period over which the playing field would be out of use, what mitigation for temporary loss is to be provided and is also concerned about the quality of the works to reinstate the playing field.

MOD Playing Field at Warcop.

This part of the development involves loss of a playing field site and replacement, therefore assessment under Exception E4 is appropriate. Paragraph 13.9.18 (APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health) advises of “loss of the Ministry of Defence playing field and helipad. Relocation of them will be provided to the south of the scheme, located off Castlehill Road. This site is likely to include a parking area, pavilion and storage shed; however, the details are still to be confirmed with the Ministry of Defence. The replacement facilities will be fully operational before the closure of the existing provisions due to the potential use as an emergency services helipad.”

Sport England made detailed comments at pre application stage and explained objection to the loss was likely and warranted. The plans (APP 014 & APP 041) do not make clear where the replacement site is and how and when the replacement, including ancillary building would take place.

An Agronomist (RIPTA registered) assessment of the quality of both the existing and the replacement site is required, in order to benchmark and understand the current playing field condition, and how the playing field could be replaced and precisely what works are required to undertake the construction of the replacement playing field.

The proposal is therefore considered against Sport England Playing Field Policy Exceptions E3 and E4 as the other Exceptions do not apply. The proposal would cause the total loss of a playing field with some information about a means of replacement, although with insufficient information of sufficient detail to fully demonstrate compliance with the playing fields policy (and the NPPF).

National Planning Policy Framework

The National Planning Policy Framework paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In this instance the development would not accord with paragraph 99 because there is no evidence to demonstrate that the playing fields are surplus to requirements; there is also insufficient information at this time to demonstrate that the amount of playing field lost would be replaced and the proposal is not for alternative sports and recreation provision the benefits of which outweigh the loss.

Paragraph 187 requires planning decisions to 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.

Consultation with National Governing Bodies for Sport

Sport England has a memorandum of understanding with the National Governing Bodies for Sport on planning applications and on this occasion has consulted with the RFU and England Hockey.

Their advice is that the proposal would not cause loss of pitches but would cause loss of wider playing field at the Ullswater Community College site.

The site lies adjacent to a rugby pitch and therefore an independent ball strike risk assessment should be undertaken to explore the potential need for ball stop fencing around the site to reduce the likelihood of road users being impacted by pitch usage and balls leaving the field of play towards or onto the carriageway. This ball strike risk assessment should explore the requirement for both the south and east edges.

There is no known use of the playing field by local community rugby union clubs. However, rugby union remains a key component of the school's curricular & extra curricular sporting offer.

Any mitigation for loss of playing field could be directed towards sites used for community hockey or rugby.

Mitigation for Loss

Sport England has a memorandum of understanding with the National Governing Bodies for Sport on planning applications and on this occasion has consulted with the Football Foundation, the Rugby Football Union (RFU) and England Hockey.

Sport England welcomes working through these issues with the Developers Team to seek additional information and understand the mitigation required for a policy compliant solution, and will bring the representatives of the National Governing Bodies into the conversation to provide local knowledge of the needs of local sport. Eden District Council does not have an up to date Playing Pitch Strategy therefore there is no strategic evidence to inform of the possible projects that mitigation could be directed to. Eden is commencing a joint Playing Pitch Strategy now along with South Lakeland District Council and Barrow Borough Council, but this will not be at a sufficiently advanced stage to inform on sports mitigation for this project.

Conclusion

From the information available Sport England objects to the Development Consent Order because of the unmitigated impacts on playing fields.

However, Sport England welcomes the opportunity to work with the Developers Team on a Statement of Common Ground with the hope of overcoming this objection.

Sport England will reconsider this position if you wish to submit further information that addresses the following issues:

- Submission of a ball strike risk assessment to understand if there needs to be any ball stop fencing at Ullswater Community College (and if so precisely what) to prevent rugby balls from landing in the highway;
- Clear and precise information about the area of playing field lost to the development against that gained;
- More information and clarity about the existing pavilion building that would be lost;
- Information to demonstrate how the new playing field would be created before the existing playing field is lost;
- Agronomists report to demonstrate that the replacement site is a feasible and achievable option;
- Information to demonstrate that the new playing field would be of equivalent or better quality, of equivalent or greater quantity, and be subject to equivalent or better accessibility and management arrangements; and
- Understanding if the building could be replaced elsewhere on a different site to that where the playing field would be replaced.

Any new facilities and pitch should be built / created in accordance with Sport England's technical guidance notes, copies of which can be found at: [REDACTED]

Sport England reserves the right to object to any subsequent planning application if we do not consider that it accords with our playing fields policy or para 99 of NPPF.

If you require any further information, please do not hesitate to contact me. I welcome the opportunity to discuss the matter further.

Yours faithfully,

Mrs. Janet Belfield
Principal Planning Manager North
Sport England

Documents Referred to:

Sport England's Playing Fields Policy and Guidance Document (attached)
Sport England Design and Cost Guidance (web based link above)