

A66 Northern Trans-Pennine Project

7.23 Statement of Common Ground Sport England (Rev 2)

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A66 Northern Trans-Pennine Project
Development Consent Order 202X

**7.23 JOINT STATEMENT OF COMMON GROUND WITH
SPORT ENGLAND**

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A66 Northern Trans-Pennine project ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG seeks to summarise and explain the respective parties' positions on issues but does not seek to replicate in full information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to respond to the request by Sport England at the preliminary hearings to enter into a SoCG with National Highways. It will confirm to the Examining Authority where the Applicant understands agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant. It has been informed by discussions with Sport England in advance of Deadline 3 and between Deadline 3 and 5. Where feedback has been received from Sport England (either directly on the draft or pursuant to another submission by Sport England) it has been reviewed and considered in this version. Feedback has been sought from Sport England between 23 February and 6 March to update the Deadline 5 version. Sport England have been unable to formally confirm feedback prior to 6 March, but the subject of the SoCG and changes proposed since Deadline 3 have been shared during the period between Deadline 3 and Deadline 5.
- 1.2.2 The Applicant has set out the detail of the issues raised by Sport England to date and each of the SoCG parties' respective positions. This is intended to assist the Examining Authority in understanding where discussions have reached to date. The Applicant intends to narrow the issues and level of detail in this SoCG as the examination progresses and further matters are agreed.
- 1.2.3 National Highways (formerly Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and

enhance the network. Regulatory powers remain with the Secretary of State.

- 1.2.4 Sport England are an arms-length body of Government responsible for growing and developing grassroots sport and getting more people active across England. Sport England were established (as the English Sports Council) by Royal Charter in 1972, amended in 1996.

1.3 Terminology

- 1.3.1 In the table in the Issues section of this SoCG:

- “Agreed” indicates area(s) of agreement from the Applicant’s perspective;
- “Under discussion” indicates area(s) of current disagreement from the Applicant’s perspective, where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
- “Not agreed” indicates a final position for area(s) of disagreement from the Applicant’s perspective, where the resolution of differing positions will not be possible, and parties agree on this point

- 1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to both Sport England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, unless otherwise raised in due course by Sport England.

2 Record of Engagement

2.1.1 A summary of the meetings that has taken place between National Highways and Sport England in relation to the Application is outlined in table 2.1.

Date	Form of correspondence	Key topics discussed and key outcomes
09.09.2021	Microsoft Teams Call	Discussion on Ullswater Rugby Pitches in relation to potential requirement for catch nets and Warcop replacement football pitch.
20.01.2023	Microsoft Teams Call	Discussion on Sport England relevant representations on Wetheriggs Country Park, Ullswater Rugby Pitches, Kirkby Thore Primary School and Warcop Football Pitch.
23.01.2023	Microsoft Teams Call	Discussion on draft SoCG.
21.02.2023	Microsoft Teams Call	Discussion on updates to the SoCG and DCO changes consultation.

2.1.2 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) National Highways and (2) Sport England in relation to the issues addressed in this SoCG.

3 Issues

Table 3-1: Record of Issues – Agreed Issues

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
<p>3-1.1 - Kirkby Thore Primary School.</p>	<p>Sport England Written Representation – 14 December 2022</p> <p>Relevant Docs:</p> <p>APP 013 2.5 General Arrangement Drawings Scheme 0405 Temple Sowerby to Appleby</p> <p>APP 041 2.8 Environmental Mitigation Maps</p> <p>APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health</p>	<p>23.01.2023 - Clarification has been provided setting out that the playing field would not be affected other than through the raising of the existing overhead power line. On that basis Sport England does not wish to pursue an objection on this matter.</p>	<p>It is National Highways’ intention to relocate an existing wooden utility pole at the side of the road which runs along the east side of the school playing field; the wooden pole currently supports an existing overhead powerline which passes above the school playing field.</p> <p>Once the works have been completed, there will be no change to the way in which the playing field is able to be used.</p> <p>It is expected the removal and replacement of the cables above the school pitch would take place outside of school operational hours, on either a weekend or during a holiday period.</p> <p>This is discussed in section 7.2 of the Applicant’s Statement of Reasons (Rev 2) [REP2-012], see in particular paragraphs 7.2.16 to 7.2.22.</p>	<p>This matter is agreed between the parties</p>
<p>3-1.2 - Wetheriggs Country Park, Penrith.</p>	<p>Sport England Written Representation – 14 December 2022</p>	<p>Proposals and Impact</p> <p>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</p>	<p>National Highways have committed to funding a masterplan for Wetheriggs Country Park via Eden District Council and are engaging with Sport England throughout this process. The masterplan has been granted National Highways funding for the feasibility stage, with any mitigation for the project as part of the masterplan to be delivered through the work packages agreed with Eden</p>	<p>Agreed, subject to continued dialogue with Sport England on the design of the replacement open space post DCO when the evidence will be available on the need for sports</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>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 A66 boundary (marked on APP 041 & APP 011).</p> <p>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.</p> <p>At this time no agronomist technical report has been submitted to set out where and how a replacement playing field could be constructed</p> <p>Sport England Assessment</p> <p>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</p>	<p>District Council and Cumbria County Council Planning Performance Agreement.</p> <p>We have discussed the proposed scheme with Sport England and have explained in detail our proposals in this location. The scheme will not impact on the existing marked pitch drainage, pitch markings or margins.</p> <p>We have also explained that replacement Public Open Space is proposed between Wetheriggs Country Park and Ullswater Community College which could be utilised for replacement playing field provision if considered necessary and appropriate, subject to the provisions in the draft Development Consent Order that relate to the provision of replacement open space land (article 34).</p> <p>It is understood that the evidence for assessing whether the replacement pitch is necessary will be available after the determination of the DCO. National Highways commits to continuing engagement with Sport England on this issue.</p>	<p>itches in the vicinity of the site.</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>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 A66 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.</p>		
<p>3-2.3 - MOD Playing Field at Warcop</p>	<p>Sports England Written Representation – 14 December 2022</p> <p>Relevant Docs:</p> <p>APP 014 2.5 General Arrangement Drawings Scheme 06 Appleby to Brough</p> <p>APP 041 2.8 Environmental Mitigation Maps</p> <p>APP 056 3.2 Environmental Statement Chapter 13</p>	<p>Proposals and Impact</p> <p>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</p>	<p>At Warcop, a replacement sports pitch which meets Football Association size standards for senior football will be provided as well as a pavilion with changing facilities and toilets, subject to agreement with the Ministry of Defence. The replacement pavilion and pitch is expected to be of a greater quality than the existing facility.</p> <p>An agronomist survey will be undertaken as part of the detailed design of the project.</p>	<p>Agreed subject to completion of the agronomist survey to inform the detailed design of the pitch and pavilion. National Highways commit to continuing engagement with Sport England on this issue.</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
	<p>Population and Human Health</p>	<p>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.</p> <p>Replacement also needs to be of equivalent or greater area to the playing field lost. These are requirements set out in the NPPF paragraph 99.</p> <p>Sport England Assessment</p> <p>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</p>	<p>National Highways commit to continuing engagement with Sport England on this issue.</p>	

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>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.</p> <p>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</p>		

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>construction of the replacement playing field.</p> <p>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).</p>		

Table 3-2: Record of Issues – Under Discussion Issues

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
<p>3-2.1 - Ullswater Community College, Penrith.</p>	<p>Sports England Written Representation – 14 December 2022</p> <p>Relevant Docs:</p> <ul style="list-style-type: none"> - APP 011 2.5 General Arrangement Drawings Scheme 0102 M6 Junction 40 to Kemplay Bank - APP 041 2.8 Environmental Mitigation Maps 	<p>Proposal and Impact</p> <p>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</p>	<p>We have discussed the proposed scheme with Sport England and have explained in detail our proposals in this location. We recognise that there may be a requirement for catch-netting in this location as part of the detailed design. We understand that a technical assessment (a ball trajectory report) on the potential requirement for netting is required and we will seek to commission the assessment (and agree the type of sports which could now or in the future utilise the playing</p>	<p>Under Discussion. National Highways understands Sport England have responded to the consultation. Further discussion will commence once we have reviewed the feedback from the proposed changes consultation.</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
	<p>- APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health</p>	<p>(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.</p> <p>Mitigation for loss should be creation of new playing field here or elsewhere locally at the cost of the developer.</p> <p>Replacement playing field needs to meet the requirements of NPPF paragraph 99 in terms of quantitative and qualitative replacement.</p> <p>Sport England Assessment</p> <p>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</p>	<p>field) with a view to determining the appropriate extent of netting.</p> <p>If the replacement public open space identified for Wetheriggs Country Park is deemed necessary for replacement playing field infrastructure, we will also seek to integrate this with replacement playing field to mitigate that lost at the Ullswater pitches, subject to the provisions in the draft Development Consent Order that relate to the provision of replacement open space land (article 34).</p> <p>National Highways commit to continuing engagement with Sport England on this issue.</p> <p>We have discussed the potential change at Kemplay Bank with Sport England to inform the conversation on potential loss of playing field. Whilst this is not part of the DCO as currently submitted it represents a worst-case scenario in terms of loss of playing field and will be used as the baseline for current discussions. National Highways has recently held a consultation on proposed changes to the preliminary design of the Project, as presented in the DCO application. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none</p>	

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>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 whether 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 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.</p>	<p>of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>	

Table 3-3: Record of Issues – Not Agreed Issues

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status	Date
N/A	N/A	N/A	N/A	N/A	N/A