

# **A66 Northern Trans-Pennine Project**

## **7.23 Statement of Common Ground Sport England (Rev 3)**

**Planning Act 2008**

**Infrastructure Planning (Examination Procedure) Rules 2010**

**Volume 7**

**16 May 2023**

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure)  
Rules 2010**

A66 Northern Trans-Pennine Project  
Development Consent Order 202X

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

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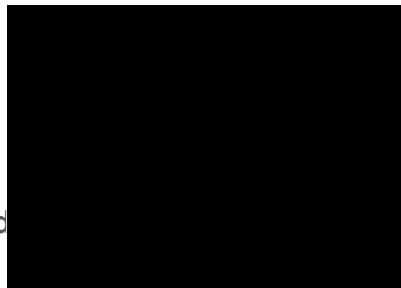
<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010062
<b>Application Document Reference</b>	7.23
<b>Author:</b>	A66 Northern Trans-Pennine Project, Project Team, National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	24 January 2023	Deadline 3 Submission
Rev 2	14 March 2023	Deadline 5 Submission
Rev 3	16 May 2023	Deadline 8 Submission

## STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Sport England

Signed



Monica Corso-Griffiths  
Head of Design & DCO

On behalf of National Highways

Date: 12 May 2023

Signed...Janet Belfield.....

Janet Belfield

Principal Planning Manager

On behalf of Sport England

Date: 12 May 2023

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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 agreement has been reached between the parties to it. 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 National Highways as the Applicant. It has been informed by discussions with Sport England in advance of Deadline 3, between Deadline 3 and 5 and before Deadline 8. It has been agreed with Sport England for submission at Deadline 8.
- 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.
- 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 between the Applicant and Sport England
- 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.

## 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.

Table 2.1 – Record of Engagement

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.
10.05.2023	Online Meeting	Discussion on the SoCG with a view to signing at Deadline 8.
12.05.2023	Online Meeting	Discussion on the SoCG with a view to signing at Deadline 8.

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><b>3-1.1</b> - Kirkby Thore Primary School.</p>	<p>Sport England Written Representation – 14 December 2022</p> <p><b>Relevant Docs:</b></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><b>3-1.2</b> - Wetheriggs Country Park, Penrith.</p>	<p>Sport England Written Representation – 14 December 2022</p>	<p><b>Proposals and Impact</b></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 not clear what impact this would have on pitch drainage, pitch markings or pitch safety</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</p>	<p>Agreed, subject to continued dialogue with Sport England on the quantity and quality of the replacement playing field post DCO when the evidence will be</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		<p>margins; nor is it clear what scale of tree planting is proposed along the A66 boundary (marked on APP 041 &amp; 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><b>Sport England Assessment</b></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 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</p>	<p>work packages agreed with Eden 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>available on the need for sports pitches in the area. This will need to be informed by the Westmorland and Furness Playing Pitch Strategy and appropriate technical agronomist reports.</p> <p>Agreed that Sport England needs to understand any likely impact on playing fields from mitigation tree planting. National Highways agree to continue the dialogue with Sport England in respect of tree planting acknowledging the need to protecting the finite resource of playing fields.</p>



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		<p>what scale of tree planting is proposed along the A66 boundary on plan (APP 011 &amp; 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>The definition of a playing field as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 includes the whole of the site that contains a pitch, not just the area marked out as sports pitches.</p>		
<p><b>3-1.3 - MOD Playing Field at Warcop</b></p>	<p>Sports England Written Representation – 14 December 2022</p> <p><b>Relevant Docs:</b></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</p>	<p><b>Proposals and Impact</b></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 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>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>National Highways commit to continuing engagement with Sport England on this issue.</p>	<p>Agreed subject to the replacement of the playing field with new playing field of equivalent or greater quantity; and of equivalent or better quality (to comply with paragraph 99 of the NPPF and Sport England’s Playing Fields Policy Exception 4 (E4). The construction of the replacement playing field would need to be informed by an agronomist survey</p>

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	13 Population and Human Health	<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><b>Sport England Assessment</b></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 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 &amp; 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</p>		<p>and report to set out the detailed design and construction of the playing field and sports pitch. The new ancillary provision, including car parking and pavilion would need to be of equivalent or greater quantity and quality to support the use of the playing field. 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>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.</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>		
<p><b>3-2.1 - Ullswater Community College, Penrith.</b></p>	<p><b>Relevant Docs:</b></p> <ul style="list-style-type: none"> <li>- APP 011 2.5 General Arrangement Drawings Scheme 0102 M6 Junction 40 to Kemplay Bank</li> <li>- APP 041 2.8 Environmental Mitigation Maps</li> <li>- APP 056 3.2 Environmental Statement Chapter 13 Population and Human Health</li> </ul>	<p><b>Proposal and Impact</b></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 (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</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 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</p>	<p>Agreed subject to completion of the ball strike assessment, further engagement on the design and implementation of ball stop fencing and continued dialogue with Sport England on the design of the replacement playing field post DCO.</p> <p>Agreed that replacement</p>

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
	<p>Sports England Written Representation on proposed changes to DCO application 21.02.2023</p>	<p>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><b>Sport England Assessment</b></p> <p>At this site (APP 011 &amp; 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</p>	<p>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>playing field needs to be provided to mitigate for that lost to the development. The replacement playing field must be of equivalent or greater quantity; and of equivalent or better quality (to comply with paragraph 99 pf the NPPF and Sport England's Playing Fields Policy Exception 4 (E4). The construction of the replacement playing field would need to be informed by an agronomist survey and report to set out the detailed design and construction of the playing field and sports pitch.</p>

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		<p>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><b>Proposed Changes</b></p> <p>This change requires the loss of playing field to be mitigated for and for ball strike mitigation to be provided. It is noted that the re-orientation of the Kemplay Bank junction will remain oval in shape but the longest axis will run north-south. This re-orientation enables through traffic A66 will run under the roundabout at this point. The consultation document sets out more land would be required permanently to facilitate this change in shape. This leads to a further loss of playing field area for which an additional area needs to be recreated to mitigate the loss. This also brings the road closer to the playing field</p>		

Issue	Document References (if relevant)	Sport England Position	National Highways Position	Status
		putting a greater emphasis on the risk of ball strike and balls leaving the field of play and landing in the highway limits. Sport England advise the applicant to commission a ball strike risk assessment from Labosport to be able to understand the risk and inform specifically what measures should be put in place in terms of a ball stop fence.		