

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 99 and the presumption that playing fields should not be developed) and against its own playing fields policy which is presented within its 'Playing Fields Policy and Guidance Document:'



Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all/part of a playing field. Exceptions to this policy are contained within the Playing Fields Policy Document.

The Proposal and Impact on Playing Field

The proposal relates to a Strategic Rail Freight Interchange (SRFI) on land approximately 3km NW of Hinckley. This multi purpose freight interchange and distribution centre would be linked to both national rail and road networks. Included within the DCO Order limit are two playing fields which lie within the Hinckley and Bosworth Borough Council administration area. These are:

Leicester Road Sports Club, Hinckley

The playing fields at Leicester Road Sports Club involved in this proposal includes a cricket pitch used by Hinckley Town Cricket Club and a rugby pitch used by Hinckley Rugby Club. Drw No: 1842 8018_003341 rev V12 (Interchange Land Plan Sheet 1 of 8) shows the extent of the highway works along the B4668 and the DCO Order limit includes the acquisition of land adjacent to these two playing pitches. The google image below (2023) shows the area of land involved in relation to the rugby pitch.



Hinckley Academy and John Cleveland Sixth Form Centre, Butt Lane, Hinckley

The playing fields at Hinckley Academy involved in this proposal are included on Sport England's Active Places Power Database as containing a number of grass pitches at the school in community use and used for Rugby Union, Football, Rounders and Softball. Drw No: 1842 8018_003341 Rev: v10.0 (Interchange Land Plan Sheet 3 of 8) shows the extent of the temporary possession of land required for works to the railway level crossing. This land does include part of the school playing field.

As part of the assessment of this consultation, Sport England has sought the views of the England and Wales Cricket Board (ECB) and the Rugby Football Union (RFU) who act as Sport England's technical advisor in relation to their sport and its facilities. Their comments are summarised as:

ECB:

- *The proposal would not appear to prejudice the use of the cricket ground. Due to the distances involved between the wickets and the extent of the highway works a ball strike risk assessment would not be recommended.*

RFU:

- *The loss of land would not affect the use of the rugby pitch except there would be a need for a ball stop fence to be constructed along the pitch length. There should be a condition that a similar index linked fund be made available to the club to replace the ball stop fence in the future. A full ball strike risk assessment would be required to determine the full details of the required ball stop fencing.*
- *The Rugby Club is in discussion with the developer's agent over the extent of land to be lost.*
- *The land to be lost is used as an overspill car park for the rugby club. The loss of this land would impair the clubs ability to hold whole club events that ensure they achieve safe parking on the site. There is a need for the boundary fence along the roadway to be replaced by the developer.*

Assessment against Sport England Policy/NPPF

The proposal would involve the loss of playing field which needs to be assessed against the exceptions in paragraph 99 of the NPPF and in Sport England's Playing Fields Policy.

Leicester Road Sports Club, Hinckley

The proposal would not prejudice the use of the adjoining pitch used by Hinckley Town Cricket Club. As confirmed by the comments received from the ECB, due to the distances involved, there would not be a need for a ball strike risk assessment to be undertaken.

However, there is the potential for significant adverse effect on the rugby pitch used by Hinckley Town Cricket Club arising from this proposal for highway improvement works which would be next to the pitch. To enable the proposal to be assessed against paragraph 187 of the NPPF which seeks to protect sports club from development permitted after they were established, further information should be provided by way of a ball strike risk assessment to assess how the proposed highway improvement works would impact on the use of the rugby pitch. Based on the results of the assessment a ball stop fence may be required. Full details would be required on the siting and height of the fence and the materials to be used for its construction. Details would also be required on how the fence would remain in perpetuity and be maintained in the future.

Further details would also be required as to how the existing level of car parking for the site would be retained as the proposal would include some land which is currently used for car parking.

The above information should be provided as part of pre commencement conditions to ensure that the use of the rugby pitch is protected during the construction operation and beyond in accordance with the requirements of paragraphs 99 and 187 of the NPPF. Based on the current lack of evidence it is Sport England's opinion that this proposed development could prejudice the use of land being used as a playing field.

Hinckley Academy and John Cleveland Sixth Form Centre, Butt Lane, Hinckley

The loss of the playing field should be assessed against paragraph 99 of the NPPF and exception E3 in Sport England's Playing Fields Policy which requires that: *'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.'*

The proposed scheme at the Hinckley Academy School is considered to accord with exception E3 of Sport England's Playing Fields Policy and with paragraph 99 of the NPPF in that the proposal would involve development on land incapable of forming part of a playing pitch and would not prejudice the use of any remaining areas of the playing field on the site.

Conclusion

Based on the above assessment Sport England has **no objections** to the proposal. The absence of an objection is subject to the following conditions being attached to the decision notice should the Planning Inspectorate be minded to approve the application:

Condition: Prior to the commencement of any development hereby approved a ball strike risk assessment shall be submitted to the local planning authority for approval in writing. The assessment shall include full details of the design and specification of any ball stop mitigation required to protect users of the B4668 from sporting activities on the Hinckley Road Rugby Pitch and shall include details of management and maintenance responsibilities.

The approved details shall be installed in full prior to any construction activity commencing on the highway improvement works proposed on the B4668 Leicester Road and thereafter be managed and maintained in accordance with the approved details.

Reason: *To safeguard sporting use of the adjacent sports facilities and to accord with paragraphs 99 and 187 of the NPPF.*

Condition: Prior to the commencement of any development hereby approved full details of the car parking to be provided for users of the Hinckley Town Rugby Pitch shall be submitted to the local planning authority for their approval in writing. The details shall include any compensatory land required for parking which would be lost as a result of the proposed development hereby approved. The approved details shall then be implemented in full prior to any construction activity commencing on the highway improvement works proposed on the B4668 Leicester Road and thereafter be managed and maintained in accordance with the approved details.

Reason: *To safeguard sporting use of the adjacent sports facilities and to accord with paragraphs 99 and 187 of the NPPF.*

Pre commencement conditions are required to ensure that these details are agreed and implemented on site prior to any construction activity taking place on and adjacent to playing field land.

If you wish to amend the wording or use another mechanism in lieu of the above conditions, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

If you would like any further information or advice please contact me.

Yours sincerely,

Sharron Wilkinson

Planning Manager, Planning & Active Environments

Sport England