

The Planning Inspectorate

By email

Date: 12th September 2024

Application Reference: S62A/2024/0057

Site: Former Friends School Field, Mount Pleasant Lane, Saffron Walden

Proposal: Erection of 91 no. dwellings with associated infrastructure and landscaping. Provision of playing field and associated clubhouse

Sport England Reference: PA/24/E/UT/68480

Thank you for consulting Sport England on the above application.

Summary

An **objection** is made to this planning application due to the loss of playing fields not according with Sport England's Playing Fields Policy, the NPPF or the adopted Local Plan. Issues and concerns are also raised about the design and layout of the on-site sports facilities that are proposed.

This objection could be addressed if appropriate off-site replacement playing field provision could be secured or significant amendments were made to the current scheme as set out in the response.

Without prejudice to the above position, if the Planning Inspectorate is minded to approve the application in its current form, it is requested that the opportunity be offered to provide advice on the issues that need to be addressed through a planning obligation and/or planning conditions before the application is determined.

Sport England – Non Statutory Role and Policy

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

However, as the playing field (the former Friends School playing field) has not been used for at least five years, this consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, Sport England has considered the proposal in the light of the National Planning Policy Framework

(particularly Para 103) and Sport England's policy on planning applications affecting playing fields www.sportengland.org/playingfieldspolicy 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 which are set out in annex 1 to this response.'

The Proposal and its Impact on the playing field

In summary, the proposal involves a full application for the redevelopment of the majority of the former Friends School's playing fields for residential comprising 91 dwellings and associated infrastructure and landscaping. The secondary element of the application is the reinstatement of the southern part of the former school playing fields to sports pitches for community use and the development of an ancillary clubhouse and car park to support the use of the sports pitches. Friends School closed in 2017 and the school's playing fields, that had significant community use when the school was open, have since been closed and have not been made available for use since then.

As set out in the Planning Statement, a 2019 hybrid planning application (Ref: UTT/19/1744/OP) for the redevelopment of the playing fields was refused by Uttlesford District Council in 2021 partly on the basis of the impact on playing fields (refusal reason 6). In 2022, the Planning Inspectorate approved planning permission (S62A/22/0000002) for the redevelopment of the adjoining school buildings for residential and supporting uses. This application resulted in the loss of a small part of the playing field (approx. 0.15 ha) and the pavilion and car park which supported the use of the playing field.

The current application would result in the loss of the north and central areas of the former school's playing field. It is estimated that this area would comprise of around 2.74 hectares as shown within the red line on the aerial image below taken from Google Earth Pro. The area within the red line excludes the area of the playing field that was approved for development in the 2022 planning application and areas around the periphery of the playing field that would be incapable of being used for forming a playing pitch or part of one. It also excludes the area proposed for the pavilion and car park to support the reinstated sports pitches.

The following assessment has been divided into an assessment of the loss of the playing fields and an assessment of the proposed sports facilities.



Assessment against Sport England's Playing Fields Policy and the NPPF

Loss of Playing Fields

I have considered the application proposals with regard to the specific exception criteria identified in the above playing fields policy and would make the following assessment:

- Exception 1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of community playing pitch provision. In this regard, to inform current and future playing pitch needs, Uttlesford District Council completed a Playing Pitch and Outdoor Sports Strategy & Action Plan <https://www.uttlesford.gov.uk/article/4942/Infrastructure> in 2019 which assessed playing pitch provision across the district and for the Saffron Walden sub-area of the district. The needs assessment report which supports the strategy was prepared in accordance with Sport England's Playing Pitch Strategy Guidance https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance and the strategy was endorsed by Sport England and the sports governing bodies which represent the pitch sports. The strategy was therefore considered to provide a robust evidence base to support the preparation/implementation of local plan policies and the determination of planning applications.

While the strategy documents provide full details of the conclusions, key data on football pitch provision is provided in Table 2.16 of the assessment report which shows that there was a total deficiency of 14 football pitch match equivalent sessions in the Saffron Walden analysis area in relation to meeting current demand which would extend to 18 match equivalent sessions after future demand was accounted for. In relation to cricket, Table 5.16 of this

document shows that there was current deficiency of 8 cricket match sessions in relation to meet current demand in the Saffron Walden analysis area which would extend to 66 match sessions after accounting for future demand. In relation to rugby union, Table 4.13 shows a deficiency of 3.75 match sessions for the rugby pitches that serve the Saffron Walden sub-area in relation to meeting current demand which would extend to 8.25 pitches after future demand was accounted for.

Uttlesford District Council are currently preparing a new Playing Pitch and Outdoor Sports Strategy to update the 2019 strategy. While the strategy is unlikely to be completed and published until later in 2024, the Council has just published the 'Winter Assessment Report' (June 2024) <https://www.uttlesford.gov.uk/reg-19-evidence> following the completion of the needs assessment for the winter sports that include football and rugby. Like the 2019 strategy, the assessment has been prepared in assessment with Sport England's guidance and the document has been supported by Sport England and the relevant sports governing bodies. Key data on football pitches is set out in Table 2.39 which summarises the position for the North Uttlesford analysis area which covers Saffron Walden and the surrounding rural area. This shows current deficiencies of adult, youth 11v11 and youth 9v9 football pitches (9 match equivalent sessions in total) and future deficiencies of the same pitch types (14 match equivalent sessions in total). Key data on rugby pitches is set out in Table 4.22. The two rugby clubs that serve Saffron Walden (Saffron Walden RFC and Wendens Ambo RFC) have their facilities in the Rural North and Thaxted analysis area. The table shows that there is a deficiency of 6.5 match equivalent sessions per week which extends to 8.5 sessions after accounting for future demand. While the summer sports assessment has not been completed yet, Appendix 2 of the Winter Assessment Report indicates that the number of cricket teams in the district has marginally increased by one team since 2019. As the supply of cricket facilities in the Saffron Walden area has not changed since 2019 it is considered very unlikely that the deficiencies identified in 2019 will have been reduced.

Consequently, there are significant current and future playing pitch deficiencies in the local area relating to all of the playing pitch types that were accommodated on the playing fields when Friends School's playing fields were last in use. As set out below, the 2019 Playing Pitch Strategy's recommendation was for the pitches on the application site to be brought back into use to help meet current and future community playing pitch needs. The proposals for reinstating part of the playing field as part of the planning application would not address these identified deficiencies as set out below.

It should be noted that when assessing planning application S62A/22/0000002 in 2022, the Inspector concluded in paragraph 31 of the decision notice that it was clear that the playing field is not surplus to requirements.

- Exception 2 – Not applicable. The proposed residential development, which represents the majority of the development affecting the playing field, is not ancillary to the principal use of the site as a playing field. The proposals for the

clubhouse and car park would in principle accord with this exception although it should be acknowledged that the loss of part of the playing field to accommodate these essential ancillary facilities has been necessitated by the loss of the existing pavilion and parking facilities approved by application S62A/22/0000002.

- Exception 3 – Not applicable. The majority of the area proposed for the residential development is capable of being used for a range of playing pitches and was historically used by Friends School and the local community for a wide range of pitches including football, cricket, rugby and athletics as shown in the aerial photographs in annexes 2 and 3 to this response.
- Exception 4 – Not applicable. No replacement playing field provision is currently proposed. While the proposals for bringing the southern part of the existing playing field back into community use are welcomed in principle this does not constitute replacement playing field provision as the site is an existing playing field and therefore there would be a significant net loss in the quantity of playing field provision if the application was approved.
- Exception 5 – Not applicable. The proposal is not for a sports facility. The residential development which results in the loss of the majority of the playing field would clearly not constitute a sports facility and the proposals for reinstating the playing fields to the south of the site involve reinstating an existing playing field back into operational use rather than a new sports facility.

As set out in paragraph 21 of Sport England's Playing Fields Policy, the policy is in line with the Government's commitment to the protection of playing fields set out in paragraph 103 of the Framework. The policy and its supporting guidance provide clarification to assist with assessing planning applications. Exceptions 1, 4 and 5 of the policy relate to the three criteria in paragraph 103. As set out above, these exceptions are not considered to be applicable.

On the basis of the above assessment, the proposal would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy or the criteria in paragraph 103 of the NPPF.

In addition to the above assessment of how the proposals relate to the exceptions in our playing fields policy and the NPPF, the following considerations are relevant to the assessment of this proposal:

- *Development Plan Policy:* Policy LC1 (Loss of Sports Fields and Recreational Facilities) of the adopted Uttlesford Local Plan (2011) resists the loss of playing fields and broadly aligns with paragraph 103 of the NPPF and Sport England's Playing Fields Policy. The Proposals Map also identifies the majority of the application site as a Protected Open Space for Playing Fields. It is not therefore considered to be out-of-date as suggested by the applicant in paragraph 6.11 of the Planning Statement. It should also be noted that reason 6 for refusing

the previous 2019 application (UTT/19/1744/OP) on this site was that it was contrary to Policy LCI. Furthermore, it should be noted that Core Policy 67 of Uttlesford District Council's new Local Plan (2021-2041) which is currently subject to a Regulation 19 consultation also takes a similar approach to the protection of playing fields which broadly accords with the NPPF.

Paragraph 11.2.1 of the made Saffron Walden Neighbourhood Plan (2022) <https://www.uttlesford.gov.uk/article/4963/Saffron-Walden-Neighbourhood-Plan> which forms part of the Development Plan specifically opposes the loss of the former Friends School's playing fields and notes that they are protected by the NPPF and the Local Plan.

- *Uttlesford Playing Pitch Strategy*: As well as identifying significant deficiencies in football, cricket and rugby pitch provision as set out above, the 2019 strategy's action plan (see Walden School entry) specifically recommended that the playing field be brought back into use to support with reducing both current and future shortfalls of football and cricket provision in the Saffron Walden Analysis Area unless the loss of playing fields was mitigated by replacement provision. While an updated strategy and action plan has yet to be prepared by the Council to support the emerging update of the strategy, given that the winter assessment report referred to above has identified that the playing pitch deficiencies identified in 2019 have persisted it is considered unlikely that the recommendation for this site will change. The loss of the majority of the playing fields would therefore be contrary to the District Council's playing pitch strategy recommendation for the site. Reinstating the whole of this site is considered by Sport England and the sports governing bodies to represent one of the few opportunities available in Saffron Walden for helping to address the identified deficiencies.

Reference is made in paragraph 6.16 of the Planning Statement to the application site not being included in the assessed provision in the Playing Pitch Strategy. In response, I can advise that references are made to the role of Friends School in meeting community playing pitch needs before it closed in the 'disused provision' sections of the 2019 and 2024 assessment reports. The reason it is not included in the supply/demand analysis for both the 2019 and 2024 assessment reports is that like all playing field sites in the district that are not operational or do not offer community use they do not form part of the available supply for the purpose of assessing whether current supply can meet current/future demand. This accords with Sport England guidance. It is not because such sites are not considered to be playing fields or do not have a potential role to play in meeting playing pitch needs as implied by the applicant.

- *Playing Field Community Use*: While the site is not currently publicly accessible and did not have unrestricted public access when Friends School was open, the playing fields were significantly used by the community outside of school hours until the school closed in 2017. As set out in the Council's 2019 Playing Pitch Strategy Assessment, the playing fields were used extensively by local football clubs, Saffron Walden Cricket Club, Wendens Ambo Rugby club,

Walden Tri triathlon club and Saffron Striders Running Club. The closure of the site in 2017 had a significant impact on community users.

Saffron Walden Community Football Club (SWCFC), which has 75 affiliated teams and nearly 1,000 registered players had extensive use of three football pitches on the site which were considered at the time to be the best quality football pitches in Saffron Walden. The club has made their own representations on the planning application which set out the impact of the closure of the facilities in detail but in summary the shortage of football pitches in Saffron Walden has forced the club to use pitches in outlying villages and is preventing the club from expanding further.

Saffron Walden Cricket Club's 3rd, 4th and 5th teams used the cricket square on the site along with their junior sides and the square was considered by the club to be good quality and well maintained. The square had approximately 11 pitches (wickets) which allowed for around 20 matches to take place each cricket season. As a result of losing access to the site, the club now has to travel to Great Chesterford to meet their match needs which necessitates travel by car.

Wendens Ambo Rugby Club used to use the rugby pitches for matches and training and since the school closed now have to play outside of Saffron Walden at Carver Barracks.

Walden Tri (Triathlon) Club used the playing field for running and cycling training along with the school's swimming pool. This allowed training to take place in all three triathlon disciplines in one location. Following the closure of the school, the club now has to use dispersed facilities including facilities outside of Saffron Walden.

As the site's playing field is one of the largest playing fields in Saffron Walden, the loss of access to all of the pitches that it provided (see aerial photos in annexes 2 and 3 to this letter which showed the number and range of pitches that were in use when the school was open) when it closed has inevitably had an impact on the deficiencies in pitch provision identified in the Council's Playing Pitch Strategy. Furthermore, community access to the school's sports facilities including the playing fields was formalised by the completion of a formal community use agreement in 2011 between Friends' School and Uttlesford District Council (appended to this response). The community use agreement made provision for the pitches to be made available for community use on both Saturdays and Sundays throughout the academic year. The extent of the community use of playing field was recognised by the Inspector when planning application S62A/22/0000002 was assessed in paragraph 28 of the decision notice. As such, this is not a school playing field that had limited access or use by the community when the school was operational as implied by paragraph 6.13 of the Planning Statement.

- *Playing Field Status:* Sport England considers proposals for the development of playing fields that are no longer in use in the same way as playing fields that are in active use because development on them would permanently prevent

such sites from being brought back into use. Even if the playing fields are no longer needed for educational use this does not affect our position. Sport England's playing fields policy and the Government planning policy on playing fields (in paragraph 103 of the NPPF) does not distinguish between public and school playing fields and whether playing fields are currently in use or not. The policy approach that is applied is the same and this is the approach established through planning case law. It should be emphasised that Sport England's role is to safeguard playing fields for meeting the needs of current and future users. While this playing field may not be needed for its previous educational use now or in the future, safeguarding it is justified for meeting current and future community playing pitch needs as set out above and justified by the deficiencies identified in the Council's playing pitch strategy. Policy LC1 of the adopted Local Plan takes a similar approach as paragraph 7.2 of the reasoned justification makes it explicit that sites are protected by the policy whether they are in active use or not and whether through ownership access is prevented.

While there is no current community use of the site's playing fields, this is because the site closed for community use when the school closed in 2017 and access has not been permitted since then. The applicant accepts in paragraph 3.4 of the Planning Statement that they have no interest in re-opening the facilities. This is not because there is a lack of demand for using the playing field by the community. Furthermore, there would not appear to have been any attempts made to make the playing fields available for potential management by community bodies (e.g. local authorities and sports clubs) to allow the facilities to re-open since the school closed. The lawful planning use of the site would also remain as a school playing field regardless of whether the site is available for use. There is no obligation under planning law for a playing field to be in active use to justify its protection. The applicants assertion in paragraph 6.19 of the Planning Statement that the proposal for bringing a smaller part of the playing field back into use is a marked improvement in comparison to what is currently offered is therefore not accepted. The pre-application advice letter provided by Uttlesford District Council dated 7th March 2024 takes a similar approach on this matter.

- *Proposed Football and Cricket Pitches:* The applicant suggests in paragraph 6.15 of the Planning Statement that the proposed football and cricket pitches would meet an identified shortfall of football and cricket pitch provision in Saffron Walden. For the reasons set out later in this response, in its current form, the proposals would only offer potential to provide one 11v11 youth football pitch and one 9v9 youth football pitch. However, as set out in the Council's 2024 Winter Assessment Report there is a current deficiency of 6.5 youth 11v11 pitches (increasing to 9.5 in the future) and 1.5 youth 9v9 youth 9v9 pitches (increasing to 2.5 in the future). The provision of one pitch of each type may contribute towards addressing these deficiencies but it would not meet the deficiencies. Furthermore, it would not meet, or contribute towards meeting, the deficiencies for adult football pitches, rugby pitches or cricket pitches. As shown in the aerial photograph in annex 2 when the school's playing field was

fully marked out for pitches it could accommodate around 7 winter (football, rugby, hockey) sports pitches which is significantly greater than the 2 pitches proposed on the retained area of the playing field.

- *Loss of Pavilion and Car Parking:* While application S62A/22/0000002 resulted in the loss of the pavilion and parking that supported community use of the playing field and had a prejudicial impact on the potential use of the playing fields, it does not make them unusable as suggested in paragraph 6.19 of the Planning Statement. As demonstrated by this application, new pavilion and parking facilities can be provided in principle to facilitate the use of the playing field although the space required to accommodate these facilities would necessitate the loss of a further area of the playing field. It should be noted that in assessing application S62A/22/0000002, the Inspector concluded in paragraph 33 of the decision notice that despite the harm caused by the loss of these facilities, it would be possible for suitable facilities to form part of a potential application for the use of the playing fields.

To complement the above assessment I have consulted the relevant sports governing bodies for their feedback on the application which can be summarised as follows:

Football Foundation (who represent the Football Association and Essex County FA)

- The Football Foundation and Essex FA object to the proposal due to the loss of playing field. The adopted 2019 PPS states the current supply of football pitch provision is insufficient with no spare capacity identified in Uttlesford. It also states to protect existing quantity of pitches. The total number of teams in Uttlesford has increased from 163 teams in 2019 to 211 teams in 2023, therefore would increase the demand on these pitches.
- This proposal doesn't consider the loss of the whole playing field and the increased demand within the area associated with the residential development
- The Football Foundation and Essex FA are supportive of the separate representations made by Saffron Walden Community Football Club which articulate in detail the local football facility needs, the impact of the closure of the site on the club, the unsuitability of the on-site football proposals and the potential off-site projects that could be delivered if a financial contribution could be secured as part of a mitigation package.
- An offsite contribution towards football facility projects within the local area would be supported as part of a mitigation package.

Rugby Football Union (RFU)

The RFU have confirmed their support for findings of the 2024 Uttlesford Playing Pitch Strategy winter assessment which show a significant shortfall of rugby pitch provision in the district which will be exacerbated by future population growth. In

the absence of any on-site mitigation, the RFU would be willing to accept the principle of off-site mitigation in the form of financial contributions being secured towards improving rugby pitch and changing room capacity at existing rugby club sites in the local area.

Football and Cricket Pitch Facility Design, Layout, Operation and Delivery

If considered in isolation, the proposal to reinstate the southern part of the Friends School playing fields to football and cricket pitches supported by a new clubhouse and ancillary car parking is welcomed in principle. This would respond positively to the recommendations of the Council's Playing Pitch Strategy relating to the site and would offer the potential to make a contribution towards meeting the local football and cricket pitch deficiencies identified in this strategy. The Football Foundation and the England & Wales Cricket Board (ECB) would also welcome the principle of part of the site being reinstated to community use.

However, regardless of what position is taken about the loss of playing fields on the site, it will be important that the proposals for reinstating the southern part of the site are fit for purpose from a design perspective and responsive to community needs if they are approved and implemented. While paragraph 6.20 of the Planning Statement refers to purpose built high quality facilities being provided and section 7.0 of the Design & Access Statement refers to the facilities meeting Sport England guidance, the following issues have been identified:

- *Cricket Square:* A two pitch (wicket) cricket square is proposed. However, the ECB has advised that the average square size is 10 pitches and the minimum that they would accept is a 6 pitch square. Each pitch on a cricket square can only be used a limited number of times per cricket season without affecting its quality which is why cricket squares have a large number of pitches in order to make it viable for a club or operator to use and maintain a facility on a sustainable basis. The ECB advise that a good quality well maintained cricket pitch would be able to take 5 matches per season so two pitches would only have capacity for up to 10 matches per season. Given that cricket clubs can typically have up to three home matches a week between April and September, a two pitch square would clearly fall well short of what would be needed to meet a cricket club's needs over a season. A two pitch square would not justify the capital costs associated with providing the pitches, the outfield or the clubhouse in the first place but just as significant, the costs of maintaining a cricket square and outfield can be significant and are not proportionate to the number of pitches in the square. It would therefore be financially unviable for a club or facility operator to maintain a two pitch square to the required standard given the limited use that could be made of it and consequently the limited income that could be generated from its use to cover these costs. Saffron Walden Cricket Club (who would be expected to be the user of the facility) has also advised that a 2 pitch square would not be of use to them.

The ECB has advised that they consider that sufficient space exists to accommodate at least a 6 pitch square and retain the two football pitches. The ECB's advice to address this is for a sports turf consultant to be appointed to undertake a feasibility study to assess how many cricket pitches could be provided on the site while still allowing for an ECB compliant outfield and football pitches which meet the FA's recommended dimensions. In addition to a 6 pitches for adult use, a non-turf pitch (artificial wicket) should be provided alongside the natural turf pitches to support junior cricket and training use.

As shown in the aerial photograph in annex 3 to this response, when the school was open a cricket square with up to 11 pitches was provided. The proposal in its current form would not therefore be equal to the cricket provision historically available as suggested by the applicant in paragraph 6.19 of the Planning Statement. While both Sport England and the ECB would be willing to accept a smaller square than that which was previously marked out it would have to be large enough to meet the needs of a user and be financially sustainable to maintain.

- *Football Pitches:* It would not be possible to mark out a full size adult football pitch on an east-west orientation as indicated on the Proposed Site Layout drawing if the site is to be used for cricket as a football pitch cannot be marked out over a cricket square due to the need to protect the cricket pitches from damage during the off-season. Neither the Football Foundation or the ECB would support this proposal. The adult football pitch markings should therefore be removed from the plan. The site would only have potential therefore to be used for youth or mini football pitches. If the cricket square is extended as advocated above then it will be necessary to ensure that 11v11 and 9v9 youth football pitches can still be accommodated on the site in accordance with the Football Association's recommended dimensions. However, it should be noted as set out in the separate representations made by Saffron Walden Community Football Club that the two pitches proposed would be of limited use for meeting the club's needs as their need is for two larger adult or youth 11v11 football pitches that could be overmarked for smaller pitches.
- *Playing Pitch Construction:* No playing pitch feasibility study has been prepared to support the planning application to identify the issues that would need to be addressed to reinstate the site to playing pitch use. While the site provided a high quality playing field when last in use, it has not been maintained as a playing field for over 7 years and the southern part of the playing field has not been used for a cricket square before. Consideration will need to be given to matters such as gradients, soils, drainage and surface preparation to inform the works required to provide a fit for purpose reinstated playing field in practice. While a feasibility study to consider these matters can be secured through a planning condition, it is recommended that a study is prepared at this stage to inform the works required and the estimated costs. This is especially important if cut and fill levelling works or the installation of primary

drainage system are identified as being required to make the pitches fit for purpose. It is therefore requested that a playing pitch feasibility study is prepared which could also address the issues identified above relating to the cricket square and the football pitches. Sport England's Natural Turf for Sport design guidance <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces> provides advice on feasibility studies. Examples of feasibility studies and consultants that prepare them can be provided to the applicant upon request.

- *Clubhouse Design:* The design and layout of the clubhouse is broadly supported by Sport England, the Football Foundation and the ECB as it is considered to substantially accord with current design guidance published by the three bodies. It should be emphasised though that the benefits of providing a good quality pavilion would be undermined if the football/cricket pitches were not responsive to the needs of users because this may result in the pavilion being underused which in turn would affect the sustainability of the pavilion. However, it is requested that consideration be given to the following matters before the application is determined to ensure that it is as responsive as possible to user needs:
 - Kitchen: Consideration is requested to be given to whether the kitchen could be located somewhere else to allow an external serving hatch to avoid playing field users having to enter the pavilion to get refreshments.
 - Lockers: The lockers should be contained in the changing rooms if possible.
- *Ball Strike Risk:* Sensitive uses such as dwellings, roads and public open spaces are at risk of ball strike from a playing field, with consequential risk of harm to property and/or persons and hence a potential future liability for the site operator/owner, that in extremes could set at risk the continuance of sport at the site. Development within a 'strike zone' is potentially prejudicial to the use of the playing field as detailed in paragraph 13 of the above Sport England policy. The prejudicial impact on the use of a playing field by residential developments adjoining playing fields has been established through the courts in the case of *East Meon Forge and Cricket Ground Protection Association v East Hampshire District Council* [2014] EWHC 3543 (Admin) (31 October 2014). In the East Meon case, an assessment undertaken on behalf of the Cricket Club found that cricket balls commonly travel in excess of 70 metres, at all levels and abilities. It was found to be unreasonable to expect residents to live behind shutters during summer weekends or to stay out of their gardens or away from other amenity areas. Additionally, the occupants and visitors to dwellings will be at risk of injury when entering or leaving premises during cricket matches. In a more recent case in 2021, planning permission was quashed by the High Court for a development in Bradford adjacent to a cricket ground where ball strike was not adequately addressed (*The Trustees of the Crossflatts Cricket Club v City of Bradford Metropolitan Council* (2 December 2021)). The reasons for quashing this permission were that the Defendant's decision to grant planning permission provided legally inadequate reasons for departing from the expert advice received in relation

to the risk of ball-strike; and the Defendant failed to have regard to other significant material considerations which had been raised by Sport England about the likely effect of the proposed development on the Claimant cricket club being (amongst other matters) health and safety concerns from ball-strike.

No information has been provided in support of the application which addresses the issue of ball strike. The applicant will therefore need to undertake a ball strike risk assessment to assess if ball strike is likely to be an issue for both cricket and football. If it is identified as an issue, then appropriate ball strike mitigation will need to be provided based upon any risks identified. The planning application introduces a new 'agent of change' and therefore the applicant will need to address the issue of ball strike through a risk assessment to identify if ball strike is a risk that needs to be addressed through appropriate ball stop mitigation. The requirement for a ball strike risk assessment and any associated ball stop mitigation required is in accordance with Paragraph 193 of the NPPF. While the details of any required ball stop netting/fencing could be dealt with by way of a planning condition, Sport England is aware from experience elsewhere that the ball stop netting/fencing can be up to 25 metres in height and this has caused concern for the Local Planning Authority or Planning Inspectorate from an amenity perspective. For this reason, Sport England considers that the matters of the design, specification and height of any required ball stop mitigation should be resolved prior to permission being granted in order for it to be acceptable.

The fact that this area is an existing playing field does not negate the need for a ball strike risk assessment to be undertaken. This part of the Friends School playing fields has not been used for cricket before which poses a greater risk than other sports due to the relative speed and distance that cricket balls travel. Furthermore, the proposal introduces dwellings and access roads immediately to the north of the playing field area which would pose a potential risk unlike the current use of this area as a playing field. As set out paragraph 6.21 of the Planning Statement, the proposal would also make the tree belt immediately to the east of the playing field available for public access for the first time which would introduce a new risk that previously would not have existed.

A ball strike risk assessment, undertaken by a suitably qualified consultant, that examines the ball trajectory for both cricket and football should therefore be undertaken. Sport England can provide advice on consultants that undertake ball strike risk assessments. If ball strike is identified as an issue that requires mitigation, then details of the design, specification and layout of any ball strike mitigation (for example ball stop fencing or netting) should be provided. This should also include details of how any ball strike mitigation will be managed and maintained.

- Car Parking: The provision of a 30space car park to support the use of the retained playing field is welcomed in principle by Sport England and the governing bodies as this will be essential to support the operation of the

playing field in recognition that the 'away' teams, officials and some members of the home teams that use the playing field will not reside in the Saffron Walden area and will therefore likely to need to travel to the site by car. No comment is made on whether 30 spaces is an appropriate level of parking provision as this is a matter for the Planning Inspectorate and other consultees to consider.

However, concern is raised about the proposal set out in paragraph 6.45 of the Planning Statement for the parking spaces to be utilised by visitors to the development as well as users of the playing field/clubhouse. Priority for these parking spaces will need to be given to users of the playing field/clubhouse during periods when these facilities are in use which will be weekends and evenings. Without this, the parking spaces are likely to be occupied by residents/visitors in which case playing field/clubhouse users would have to park within the surrounding residential area. Given that peak time parking demand for the playing field/clubhouse is likely to be the same as parking demand for residents/visitors of the residential development it is unclear how the car park could be effectively shared in practice. If the level of parking proposed within the development is considered inadequate without the shared use of this car park then an alternative parking solution will need to be identified to avoid a parking overspill issue arising in practice. Regardless of this, a parking management scheme (details of which could be secured through a planning condition) should be implemented to ensure that users of the playing field/clubhouse have priority over the use of the car park during peak periods of use.

- *Playing Field/Clubhouse Management and Maintenance:* No details appear to have been provided of how the playing field and clubhouse could be managed in practice or what security of tenure the operator would be offered. While the full details of this can be secured through a planning obligation, some in principle proposals or options would have been expected to have been outlined in order to demonstrate that the facility will be sustainable in practice to operate especially in the context of the facilities being presented by the applicant in paragraph 7.5 of the Planning Statement as a key benefit of the scheme that should be given significant weight in the planning balance.

Core Policy 67a of the Uttlesford Local Plan (Publication – Regulation 19 version) sets out Uttlesford District Council's latest approach to open space management which prioritises town/parish councils followed by the District Council and finally management by the developer or a private management company. At the very least, it should be confirmed that the applicant or a management company appointed by the applicant would be willing to manage the facilities if the local authorities do not accept a transfer. Furthermore, it should be confirmed that a commuted maintenance payment would be made to a local authority if they accepted a transfer in order to ensure that the facilities can be sustainably operated. Without such a payment it is considered unlikely that Saffron Walden Town Council or

Uttlesford District Council would consider the principle of accepting the transfer of the facilities.

- *Playing Field/Clubhouse Phasing and Delivery*: No details appear to have been provided about the timing of the delivery of the reinstated playing fields and new clubhouse/parking. Notwithstanding Sport England's position on the loss of the playing fields to residential, if these proposals are being put forward as mitigation for the loss of playing fields and as a key social benefit of the scheme then their delivery will need to be secured through any planning permission within an appropriate timescale. Sport England's policy approach to the delivery of playing field mitigation projects as set out in paragraph 61 of the above policy is that provision should be available for use prior to the implementation of any development affecting the existing area of playing field in order to secure continuity of use and certainty of re-provision. A scenario where the residential development is constructed and occupied and the sports facilities are not implemented needs to be avoided as it may be difficult for the local planning authority to take effective action to ensure delivery in this situation.

Sport England's Position

Given the above assessment, Sport England raises an **objection** to the application because in its current form it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF due to the loss of playing fields. In addition to this in principle objection to the application there are a number of matters that need to be considered and addressed in relation to the design, layout, operation and delivery of the on-site sports facilities that are proposed in order to make them fit for purpose, responsive to community needs and sustainable to operate.

Options for addressing the objection are limited on this occasion due to the scale of the loss of playing fields. The only clear option would be for the applicant to make direct replacement playing field provision off-site in accordance with exception 4 of our policy e.g. an existing playing field in Saffron Walden could be extended or a new playing field created to mitigate the impact but it is acknowledged that opportunities for this in the local area are known to be limited or non-existent hence the need to protect the site. Any on-site mitigation solution would need a much larger proportion of the playing fields to be reinstated and would need to be combined with a financial contribution being secured towards the delivery of off-site playing field mitigation projects in order to mitigate any residual loss of playing fields. However, this would either require a new planning application or major amendments to the current application. I would be happy to discuss such options with the applicant.

Without prejudice to the above position, if the Planning Inspectorate is minded to approve the application in its current form contrary to the above advice, it is **requested** that the opportunity be offered to provide advice on the issues that

need to be addressed through a planning obligation and/or planning conditions before the application is determined. This is requested in order to help ensure that the on-site sports facilities that are provided are as fit for purpose as possible although it is strongly advocated that the issues identified above relating to the design, layout operation and delivery of these facilities are considered and addressed as far as possible in the first instance for the reasons explained.

If you would like any further information or advice, please contact the undersigned

Yours sincerely,

Roy Warren
Planning Manager



Annex 1

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.

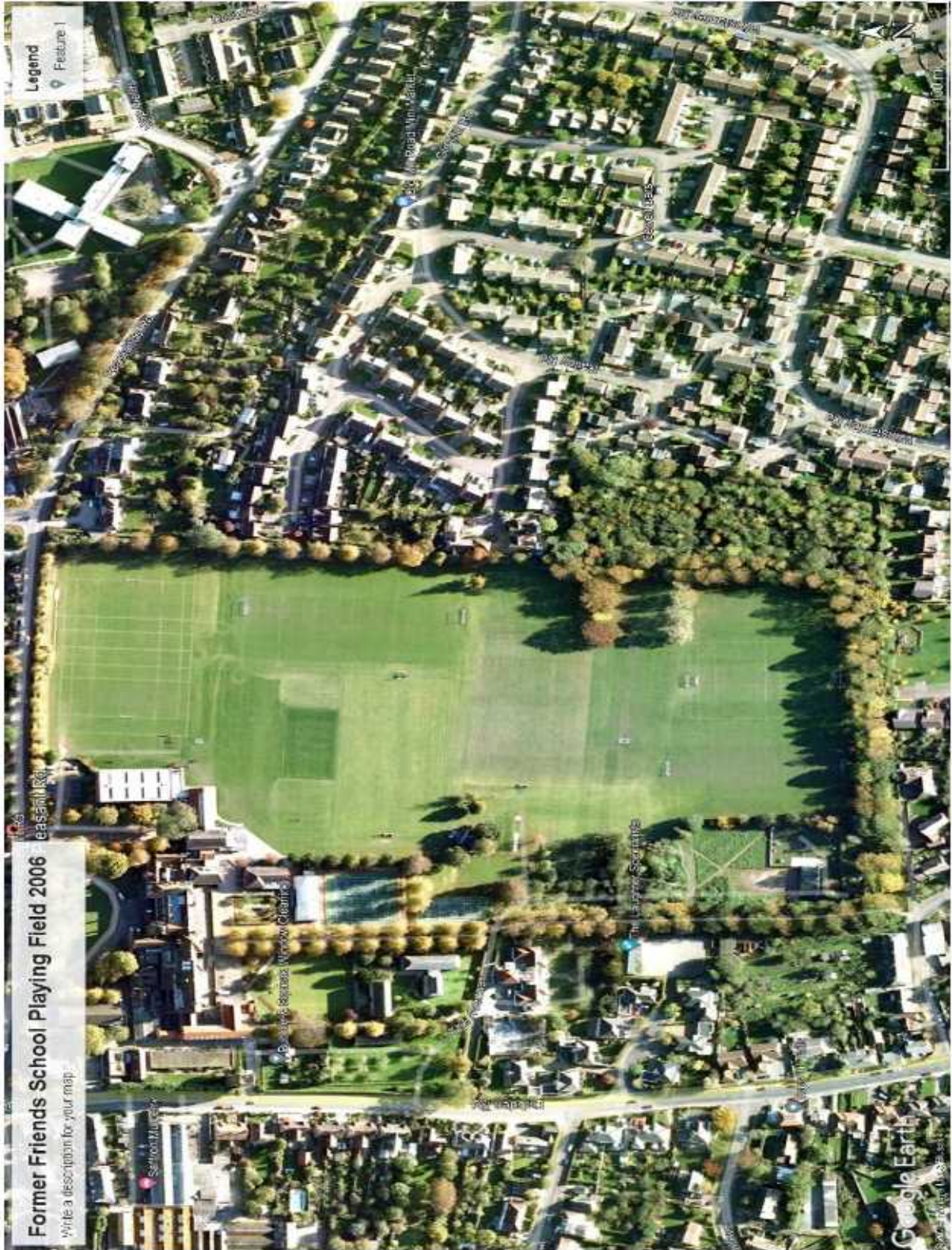
Exception 5

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

Annex 2 – Former Friends School Playing Fields 2006 (Google Earth Pro)



Annex 3 – Former Friends School Playing Fields 2009 (Google Earth Pro)

