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Knowsley Metropolitan Borough Council
Huyton Library
Civic Way
Huyton
Knowsley
L36 9GD

Our Ref: 0114
Your Ref: 24/00068/FUL

By Email Only

Date: 22nd October 2024

Dear Kevin,

Applicant's Response to Sport England Comments – Land South of Cherryfield Drive Kirkby (LPA Ref: 24/00068/FUL)

On behalf of our client, Barratt and David Wilson Homes ('BDW') ('The Applicant'), Asteer Planning LLP has been instructed to respond to consultee comments received from Sport England dated 29th July 2024 on the full planning application at Land South of Cherryfield Drive, Kirkby ('the site'), submitted to Knowsley Metropolitan Borough Council ('KMBC') in February 2024.

Sport England's full response is enclosed at **Appendix 1** of this letter but in summary, Sports England's objection is:

"Sport England objects to this application as it is not considered to meet any of the exceptions to our Playing Fields Policy or to accord with Paragraph 103b of the National Planning Policy Framework ('NPPF')".

Sport England's Consultee Status

Sport England's response contradictorily refers to its statutory consultee role on page 1 but refers to its non-statutory role on page 10.

Schedule 4(z) of the Town and Country Planning (Development Management Procedure) Order 2015 states that Sport England would only be a statutory consultee for development which:

- i) *Is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field;*
or
- ii) *Is on land which has been –*

(aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or

(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or

- iii) *Involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.*

Having considered Schedule 4(z) of the Town and Country Planning (Development Management Procedure) Order 2015, Sport England are not a statutory consultee for this development because:

- i) The Site is not in use as a playing field and therefore will not prejudice the use, or lead to the loss of the use as a playing field; or
- ii) Is on land which has not been:
 - aa) used as a playing field at any time in the 5 years before the making of the planning application; or
 - bb) allocated for use as a playing field in the adopted development plan, nor in any emerging development plan; or
- iii) Does not involve the replacement of a grass surface playing pitch with an artificial, man-made or composite surface.

In this context and following discussion with KMBC, Sport England is a **non-statutory** consultee in relation to the planning application.

Sport England's Playing Field Policy Exceptions and the NPPF

Exception 1 of Sport England's Playing Field Policy states:

"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 4 of Sport England's Playing Field Policy states:

"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."*

However, Paragraph 103 of the National Planning Policy Framework states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

- b) *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or*
- c) *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.*

It should be noted that Sport England’s Playing fields policy and guidance (March 2018, Updated December 2021) is not considered to accord with caselaw and the NPPF. 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 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.”

The Mapledurham Judgment (Brommel (on behalf of Mapledurham Action Ground) v Reading BC and Secretary of State for Education)) confirms that NPPF paragraph 103B requires the decision maker to consider whether or not mitigation provision is equivalent or better taking into account quantity and quality of proposed provision (and its location).

The Court expressly rejected the ‘over-mechanistic’ idea of requiring equivalent or better provision in terms of both quantity and quality. Instead, an overall judgment has to be reached, taking into account the whole package that is presented.

The explicit requirement within Sport England’s guidance to replace losses with “...a new area of playing field of equivalent or better quality, **and** of equivalent or greater quantity...” (Asteer’s emphasis), does not therefore accord with the court’s interpretation of Paragraph 103B.

Sport England’s Playing Field Policy Exception 1 and Current Status of the Site

Sport England’s response considers that the legal status of the central section of the application site remains as playing field land due to its former use as the playing fields of All Saints School; is allocated for such purposes in the Local Plan; and, remains undeveloped with no planning permission for any change of use having ever been implemented.

In the context of Sport England’s comments, and the Exception 1 of its Playing Field Policy, the site’s actual status needs to be considered taking into account the Local Planning Authority’s and City Region Combined Authority’s intentions for the site.

While the site is not allocated for residential use in the Knowsley Local Plan Core Strategy it is included as a Strategic Housing Site in the draft Liverpool City Region Combined Authority (‘LCRCA’) Spatial Development Strategy (‘SDS’). The LCRCA SDS will be a statutory land-use planning document which aims to guide building and development in the Liverpool City Region

for the next 15 years. The SDS addresses key areas such as housing, economy, employment, infrastructure, and the natural and historic environment.

Once adopted, the SDS will form part of the Development Plan for the Liverpool City Region, alongside Local Plans and Neighbourhood Plans and will be a material consideration when determining planning applications, as it will form part of the Development Plan for Knowsley and the site.

Public engagement for Stage 3 of the SDS ran between Nov 24th 2023 and closed on Feb 16th 2024. LCRCA's Spatial Planning team are now analysing the feedback received and collating comments to be considered in the submission version of SDS.

Draft policy LCR SP1 - Strategic Housing Need and Distribution lists Cherryfield Drive as Strategic Housing Site SH7 to help meet the overall housing requirement. The site is also included alongside the Knowsley Core Strategy Local Plan allocations of East of Halewood and South of Whiston.

Clause 3e) of Draft Policy LCR SP1 states the housing requirement will also be met from SHLAA sites. The site is also included in the most recent Knowsley Draft SHLAA 2024 as K070D "Land South of Cherryfield Drive". The draft SHLAA states the site is part brownfield and part greenfield, projected to be developed in the next ten years, and contains urban greenspace.

Whilst the SDS is still in draft form and does not yet carry the full weight of an adopted plan, it has been subject to extensive consultation and evidence and provides a strong indication of future planning policies and priorities of KMBC and the LCRCA and should be given weight.

Paragraph 5.77. of the Playing Pitch Strategy (2012) identifies the Former All Saints School as a site previously used for outdoor sports provision but now surplus to Knowsley and Community Area requirements. The Strategy notes that playing fields were to be replaced as per the extant planning permission at Roughwood Drive.

The 2021 Playing Pitch Strategy Assessment Report (May 2021) and Playing Pitch Strategy & Action Plan (September 2021) has been provided to the applicant by the Council. As identified within Sport England's response, there is no further information relating to the site in 2021 iteration and the 2021 Playing Pitch Strategy is the most up to date assessment available and produced.

Summary

In summary, in the context of Sport England's Playing Field Policy Exception 1 and Paragraph 103a of the NPPF, the site is very clearly surplus to requirements based on the Council's latest Playing Pitch Strategy Assessment Report; and, furthermore, the intention of both the LPA and LCRCA is to allocate the site for residential development in an emerging development plan to which weight can be attached.

Sport England's Playing Field Policy Exception 4

Sport England's Playing Field Policy Exception 4 states that replacement playing field land will need to be in place prior to the commencement of development but **does not specify that this must come forward as part of, or directly linked to the planning application in question.**

Replacement Facilities at the New All Saints School

KMBC has confirmed that the former facilities at All Saints School at Cherryfield Drive (directly associated with All Saints School) were fully replaced under the Building Schools for Future Programme at the new All Saints School site at Roughwood Drive.

The new All Saints School on Roughwood Drive (which was subject to planning application Ref: 07/00114/KMBC1) effectively replaced the Ruffwood Community School Buildings on the site which were demolished when Ruffwood Community School merged with Brookfield High School to form Kirkby High School and was relocated to Bracknell Avenue.

Sport England's response states that it appears that approximately 7 hectares of playing field land at Cherryfield Drive is be lost.

A similar measurement (see Figure 1 below) of the new All Saints School on Roughwood Drive demonstrates that there are just over 7 hectares of playing field/sports facilities (excluding school buildings, car parks, and other landscaped amenity areas) serving the new school site.



Private vs Public Use

Paragraph 7.21 of Asteer's Supporting Planning Statement ('SPS') identifies that the former playing pitches and former running track on the Cherryfield Drive site were associated directly with the former All Saints School (on Cherryfield Drive) and have not been used since before the closure of the school in 2009. KMBC has confirmed that whilst the adjacent leisure centre (which

falls outside the site's redline boundary) provided for some community uses, the playing pitches which formed part of the previous All Saints School on Cherryfield Drive were for school use only (i.e. no public or wider community use of the pitches).

Furthermore, a previous hybrid (part full / part outline) planning application on the site (LPA Ref: 08/00001/HYB) for a new Everton Stadium (in full) and new retail (Tesco), leisure, library, hotel, residential, food and drink, offices (in outline) was submitted in 2007 and dismissed on appeal (Appeal Ref: APP/V4305/V/08/1203375) by the Secretary of State in 2009. The Inspector noted that the site south of Cherryfield Drive comprises facilities related to All Saints High School, which we have confirmed have been replaced by the new school site on Roughwood Drive. At paragraph 5.9.7, the Inspector states:

"The grass football pitches are for All Saints use and not formally available for generally public use..."

In this context, the pitches associated with the old All Saints School at Cherryfield Drive were very clearly private facilities.

Sport England's response states that:

"It should also be noted that a playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMP0, NPPF or Sport England Policy make any distinction between private and publicly owned or used, nor is there a positive obligation (under planning law) for any playing field to be actively used as such. Both policies are applied equally, irrespective of the ownership."

However, The NPPF Glossary defines Open Space as:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."

The Cherryfield Drive site is in private ownership. Prior to the vacation of the site by the former All Saints School, this position was the same. In contrast, the replacement facilities at the new All Saints School on Roughwood Drive are for both the school and for the community who have access to them from 6-10pm each weekday and from 9am to 8pm Saturdays and 9am to 6pm on Sundays.

In addition to the Roughwood Drive facilities, a 3G pitch associated with the Kirkby Leisure Centre (consented under Application Ref: 16/00109/KMBC1) and adjacent to the application site, has been completed, overlapping the north-eastern part of the running track that existed at Cherryfield Drive.

Summary

In the context of the above, whilst the Cherryfield Drive site previously accommodated playing fields associated with the All Saints School, those facilities were fully replaced at the new All Saints School on Roughwood Drive and by the adjacent Leisure Centre. Indeed, the facilities were not just replaced like for like, but were replaced by better facilities that are available for public and community use, unlike the former pitches at Cherryfield Drive, which were solely for the use of the school. This is a clear improvement in the context of the NPPF definition of open space.

This means that Sport England's Playing Field Policy Exception 4, and more importantly Paragraph 103b of the NPPF have been met; and, the replacement facilities have been provided prior to the commencement of development.

In this context, the applicant does not need to provide any assessment of playing field land to be lost, because sufficient replacement has already been provided at the new All Saints School on Roughwood Drive.

In addition, the current application for residential development will make a significant financial contribution of circa £2m towards greenspace improvements at Valley Park and Webster Park.

Agent of Change

Sport England's response states that the planning application introduces a new 'agent of change' and therefore the applicant will need to address and provide mitigation for the impact on residential amenity in relation to the immediately adjacent artificial grass pitch (AGP) at Kirkby Leisure Centre.

A Site Suitability Assessment (March 2024) prepared by Noise Consultants Ltd and located at Appendix 8.3. of the Environmental Statement associated with the current application provides an assessment of noise from the AGP upon the proposed development.

The report identifies that the proposed layout has been well planned so as to locate the majority of rear gardens of dwellings closest to the Kirkby Leisure Centre AGP, such that they benefit from a self screening from the dwellings themselves.

Based on measured noise data, rather than reliance on source levels advised in Sport England's AGP Guidance that are comparatively lower, the proposed 4.0m noise barrier is required for properties closest to the Leisure Centre to achieve the AGP guideline levels for rear gardens. In order to remove the need to open windows and provide enhanced ventilation, acoustic ventilation will be incorporated into some dwellings.

Provided that appropriate noise mitigation and sound insulation measures are incorporated into the design and layout of the proposed development, a reasonable degree of amenity for future incomings residents can be achieved. The need to incorporate any noise mitigation can be secured by a suitably worded planning condition, if necessary.

Conclusion

Following discussion with KMBC, it has been confirmed that Sport England is a **non-statutory** consultee in relation to the planning application.

In the context of Sport England's Playing Field Policy Exception 1 and Paragraph 103a of the NPPF, the site is very clearly surplus to requirements based on the Council's latest Playing Pitch Strategy Assessment Report; and, furthermore, the intention of both the LPA and LCRCA is to allocate the site for residential development in an emerging development plan to which weight can be attached.

Whilst the Cherryfield Drive site previously accommodated playing fields associated with the All Saints School, those facilities were fully replaced at the new All Saints School on Roughwood Drive and by the adjacent Leisure Centre. Indeed, the facilities were not just replaced like for like, but were replaced by facilities that are available for public and community use, unlike the former pitches at Cherryfield Drive, which were solely for the use of the school. This is a clear benefit in the context of the NPPF.

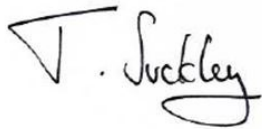
This means that Sport England's Playing Field Policy Exception 4 and Paragraph 103b of the NPPF have been met and the replacement facilities have been provided prior to the commencement of development.

In this context, the applicant does not need to provide any assessment of playing field land to be lost, because sufficient replacement has already been provided at the new All Saints School on Roughwood Drive.

In addition, the current application for residential development will make a significant financial contribution of circa £2m towards greenspace improvements at Valley Park and Webster Park.

Should you have any queries relating to the above, please do not hesitate to contact me on the details provided below.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. Suckley', with a stylized flourish at the end.

Jon Suckley
Managing Partner
07958 565 409
jon.suckley@asteerplanning.com

For and on behalf of Asteer Planning LLP

Knowsley Metropolitan Borough Council

FAO: LPA Case Officer

By email only

29.07.24

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 24/0068/FUL

Site: Land South of Cherryfield Drive, Kirkby Town Centre, Knowsley L32 9BA

Proposal: Full planning application for demolition of existing buildings and erection of a residential development (Use Class C3) with associated access, landscaping, parking and infrastructure including reconfiguration of existing Cherryfield Drive car park and highways improvements to Cherryfield Drive.

Sport England Reference: PA/23/NW/HA/66239

Thank you for consulting Sport England on the above application.

Summary

Sport England **objects** to this application as it is not considered to meet any of the exceptions to our Playing Fields Policy or to accord with paragraph 103b of the National Planning Policy Framework (NPPF).

Sport England – statutory consultee role and policy

We understand that you have consulted Sport England as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 99, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

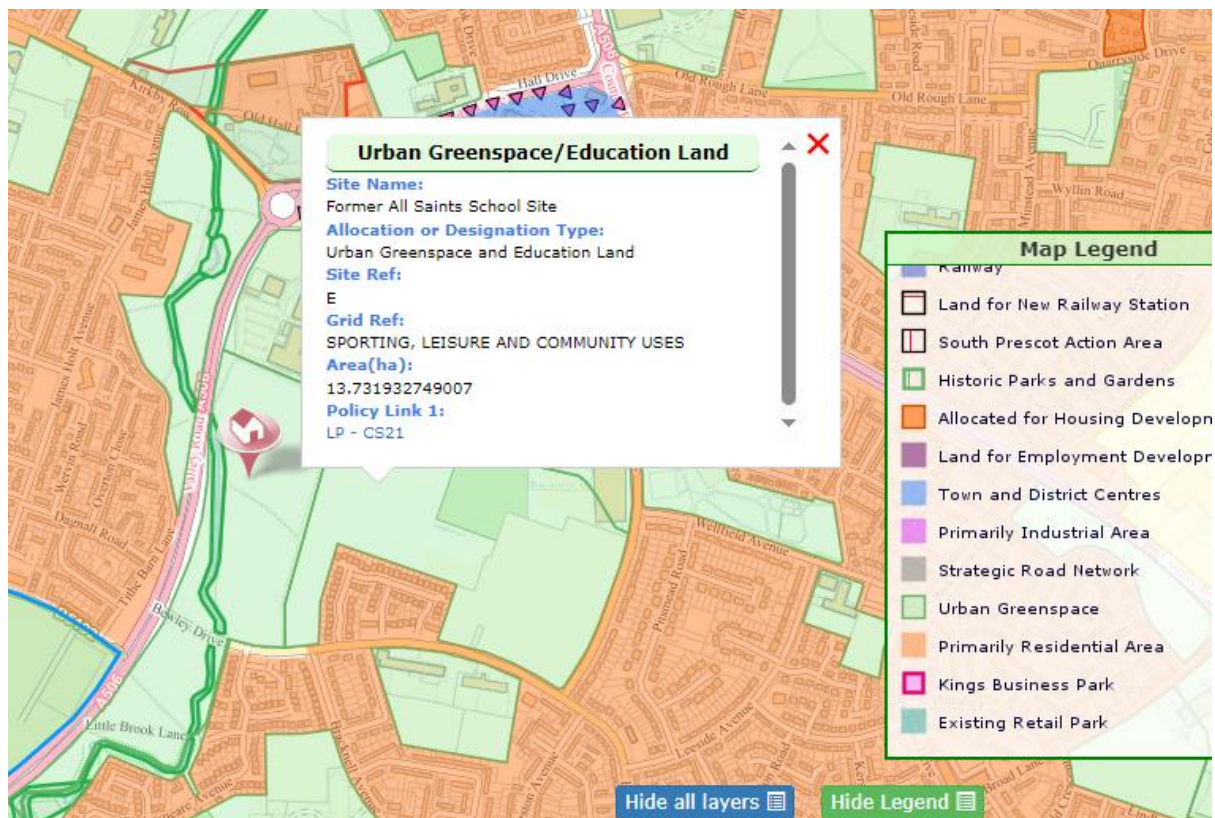
- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The submitted Planning Statement details that the application site measures approximately 22.5 hectares comprising brownfield and part green field land.

The extract below from the Knowsley Local Plan Policies Map details that the site is allocated as Urban Greenspace. Local Plan Policy CS21 is therefore applicable and details that the Urban Greenspace designation includes playing field land.



Google Earth Aerial imagery of the site provides evidence that the site is partly playing field land that formally provided playing fields serving the former All Saints School which was demolished back in 2009:



2005 Google Earth image showing central section of site being playing field land

It is understood from the submitted Planning Statement that part of the site was formerly occupied by the All Saints School, with the adjacent land used for outdoor sports associated directly with the former school use. The Planning Statement also states that this area of land has not been in use since 2009 when the school closed and that it currently serves no public recreational function.

The Planning Statement also refers to the 2012 Knowsley Playing Pitch Strategy (PPS) which refers to this land being Former All Saints School, Cherryfield Drive, Kirkby and is included a list of the playing fields and other sites previously used for outdoor sports provision but now surplus to Knowsley and Community Area requirements for these purposes.

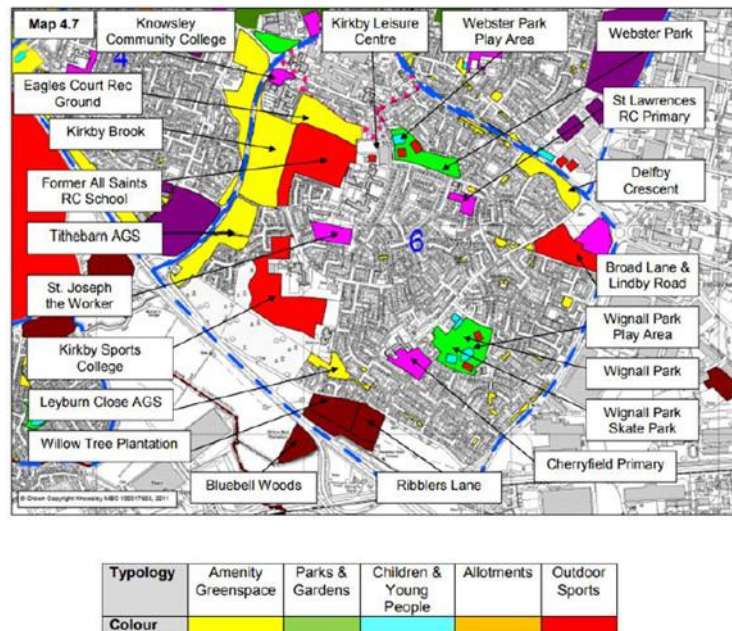
The planning history of the site details that a hybrid (part full / part outline) planning application (LPA Ref: 08/00001/HYB) for a new Everton Stadium (in full) and new retail (Tesco), leisure, library, hotel, residential, food and drink, offices (in outline) was submitted in 2007 and dismissed on appeal by the Secretary of State in 2009

Outline planning permission (Ref: 10/00505/OUT) was granted in June 2011 for the comprehensive phased redevelopment of the site including a Tesco food store, retail, food and drink, professional and financial services, pubs/bars, health centre, library, leisure, petrol station etc. However, this development was never built out and the permission has now lapsed.

As such, it is considered that the legal status of the central section of the application site remains as playing field land. This is because it has formerly been used as a playing field to accommodate playing pitches serving All Saints School, is allocated

for such purposes in the Local Plan and remains undeveloped with no planning permission for any change of use having ever been implemented.

It is unclear from the submission documents what the exact area of playing field land measures. The submitted Planning Statement at p31 provides a policy map that details the proposal site as partly being allocated for outdoor sports in association with Former All Saints RC School as shown below:



Based on the above policy map and also Google Earth aerial imagery of the proposal site, it appears that approximately 7 hectares of playing field land is be lost as evidenced in the below image:



Google Earth 2022

The applicant is advised that Sport England's policy to protect playing fields covers the entire playing field site and not just the areas currently marked out with a pitch. This is because playing field is seen as a resource for pitches to be marked out on, pitches to be changed from one pitch sport type to another, or to allow areas of the playing field to rest from over play. It also allows the potential for non-pitch sports such as athletics to be marked out.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing field as 'the whole of a site which encompasses at least one playing pitch'. It is important to note that the definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches or other particular uses.

Part of the proposal site has previously been used to provide playing pitches and remains undeveloped meaning it is considered to be playing field land.

Sport England's policy also covers areas of the playing field that may not currently be maintained, such as areas that have been allowed to become overgrown. This is still considered playing field and could be brought back into use for sport at any time by simply being mowed and made good.

However, as no Agronomy assessment has been provided as part of the submission documents, it is not possible to ascertain what is usable playing field land at this stage and what works would be required to reinstate the pitches on site.

The proposed development would therefore result in the loss of playing field land and is assessed accordingly in the following paragraphs.

Assessment against Sport England's Playing Fields Policy and NPPF

In accordance with Sport England's Playing Fields Policy and Guidance, policy Exceptions 1 or 4 are applicable with cases where proposals will result in the loss of playing field land. The Exceptions read as follows:

- *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.*
- *Policy 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.*

Sport England's Policy Exceptions 1 and 4 reflect criterion one and two of paragraph 103 of the NPPF. The first criterion of paragraph 103 is closely related to paragraph 102 of the NPPF, and in particular the requirement to use assessments of need to determine what sports provision is required in a local area. It is only from a robust and up-to-date assessment of need that a site can be clearly shown to be surplus to requirements. The second criterion of paragraph 103 relates to whether the loss of playing fields would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

As part of the Sport England Consultation response process the relevant National Governing Bodies have been consulted and a summary of their comments are as follows:

Football Foundation (FF)

"FF considers the 2021 PPS to be out of date as an evidence base. We are not aware that the local authority has updated the PPS or undertaken any Stage E activity since it was first produced. The demand data for football was captured in 2020/21

season, therefore is about to become 4 years old as we enter the 2024/25 season in August. The 2020/21 season was also affected by the Covid 19 pandemic, so may carry some nuances which are not consistent with current demand now that sport has re-established and is growing again. Consequently, FF considers the 2021 PPS to have limited robustness to demonstrate that the site is surplus to requirements.

The following paragraphs consider the proposed development against the requirements of Exceptions 1 and 4.

Exception 1

The applicant refers to the 2012 Knowsley PPS throughout the submitted Planning Statement and has used this evidence base to help justify the loss of playing field land.

It is noted that paragraph 5.77 of the 2012 PPS details that site is *“included in a list of playing fields and other sites previously used for outdoor sports provision but now surplus to Knowsley and Community Area requirements for these purpose”*.

The Planning Statement goes on to detail that: *“The sites outdoor sports ’ function was solely associated with its former school use and it has therefore served no formal recreational purpose since before 2009 when the school closed (circa 15 years ago). The site is currently in private ownership with no formal public access”*.

The applicant is advised that as the above information is gathered from the 2012 PPS, Sport England does not consider this 12-year-old document to be an up-to-date assessment demonstrating that there is an excess of playing field provision in the catchment.

It is also evident that the PPS has since been updated in recent years in both 2018 and 2021. Despite referencing this in paragraphs 6.31 and 6.32 of the Planning Statement, it is unclear why the applicant has not used the more recent 2021 version of the PPS.

However, as evidenced by the comments provided by the FF, the 2021 PPS is also considered not to be an up to date or robust assessment that would justify the loss of playing field land in this instance.

It is acknowledged that the site is not included in the list of disused sites contained within the 2021 PPS. However, it is considered that any lack of use on this site is likely based on the landowner’s decision to deny use of playing field since the closure of the school back in 2009. Any proposal for this part of playing field to remain unused is a management decision that could change at any time meaning the playing field could be made available for use.

Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs. With respect to disused playing fields/pitches, it should be emphasised that the lawful planning use of a disused site is still that of a playing field until such time as there is a formal lawful material change of use or lawful development occurs.

It should also be noted that a playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMPO, NPPF or Sport England Policy make any distinction between private and publicly owned or used, nor is there a positive obligation (under planning law) for any playing field to be actively used as such. Both policies are applied equally, irrespective of the ownership.

Although it appears that the application site has not been used for pitch sport for over five years, this does not indicate that there is a lack of demand. The fact that a playing field has not been used for 5 years or more does not alter its planning status as playing field land.

Based on the above, it is considered that the site is not surplus to requirement as it has not been adequately demonstrated that there is an excess of playing field provision within the catchment. It should be noted that surplus to requirement is not in the context of the owner's or users' current requirements but in terms of a resource that could meet community sports requirements. This must be determined by an up-to-date assessment of need as required by paragraph 103(a) of the NPPF and Sport England Policy Exception 1.

Therefore, considering the above paragraphs the proposal is considered to fail the requirements of Exception 1 and paragraph 103 a) of the NPPF

Exception 4

The proposed development results in the loss of playing field land. Exception 4 details that 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.

The proposal does not provide any new area of playing field contrary to exception 4. As the application fails to undertake an accurate assessment of the quantum of

playing field land that is to be lost, it is currently not possible to assess what amount of playing field land needs to be replaced.

Further to this, the application does not propose any mitigation in the form of qualitative improvements to any other areas of playing field land.

Therefore, it is not considered that the applicant has satisfied Exception E4 or paragraph 103(b) of the National Planning Policy Framework.

Other matters.

Agent of change

The proposed overall site layout drawing details that dwellings are proposed to be sited immediately adjacent to the artificial grass pitch (AGP) at Kirkby Leisure Centre. An examination of the planning history reveals that the AGP is in operation between 08:00-22:00 Monday - Sunday and features outdoor sports lighting.

When considering the short distances between the proposed dwellings and the AGP, it is likely that there will be an adverse impact on the residential amenity and living conditions of future residents in terms of noise associated with the use of the AGP. This is not considered to be a quality functional arrangement and it appears that no mitigation is proposed in the submission documents.

The submission documents do not appear to contain any noise assessment focussing on the use of the AGP. The applicant is advised to undertake an acoustic assessment of the noise generated by the users of the playing field/sport facilities by a suitably qualified consultant or person. If noise is identified as an issue, then details of the location, design, specification, and layout of any noise mitigation should be provided. This should also include details of how any noise mitigation will be managed and maintained.

The planning application introduces a new 'agent of change' and therefore the applicant will need to address and provide mitigation for the impact on residential amenity. Without this the proposed development has the potential to prejudice the use of the AGP which is contrary to Exception 3 of Sport England's Playing Field Policy.

The lack of mitigation is also considered contrary to para 193 of the NPPF which states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent

of change') should be required to provide suitable mitigation before the development has been completed"

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to: the construction of more than 300 residential units and the construction of new playing fields therefore Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives. These are:

- Protect – To protect the right opportunities in the right places;
- Enhance – To enhance opportunities through better use of existing provision;
- Provide – To provide new opportunities to meet the needs of current and future generations.

Further information on the objectives and Sport England's wider planning guidance can be found on its website: <http://www.sportengland.org/planningforsport>

The occupiers of new residential development will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

It is advised that the Council makes use of Sport England's Sports Facility Calculator and Playing Pitch Calculator to inform and quantify the additional demand for sport and to provide indicative costs to be agreed with the applicant. Further details can be provided by following these links:

[Playing Pitch Calculator | Sport England](#)

[Sports Facility Calculator | Sport England](#)

Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the Policy Exceptions to Sport England's Playing Fields Policy or paragraph 103 of the NPPF 2024

Sport England would be pleased to comment on further documents/amended plans etc that address the above comments.

In providing any further information, Sport England would ask that the applicant submits this to the Local Planning Authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The Local Planning Authority can then formally consult Sport England (Please email: Planning.North@sportengland.org (and not the Planning Manager)) on receipt of this information.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). Sport England would be grateful if you would advise on the outcome of the application by sending a copy of the decision notice.

Yours sincerely,

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Annex

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