

Sport England - Appendix 3

Previously confirmed that the loss of the open space does not meet any of the exceptions as set out by Sport England. The Norfolk FA would be supportive of an off-site financial contribution toward a 3G sports pitch at North Walsham Football Club. If minded to approve the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Consultation July 2024: Objection

Maintain objection, the proposal would result in the loss of existing open space, formally used as playing field, and would not meet one of the five exceptions of Sport England's Playing Fields Policy and would not accord with paragraph 103 of the NPPF (2023) (previously paragraph 97 of the 2021 iteration of the NPPF).

If minded to approve contrary to Sport England's policy and paragraph 103 in the NPPF, then advise a commuted sum is secured to mitigate the loss of the playing field. Note that whilst offsetting the loss of playing fields with a contribution does not meet the exceptions of Sport England's Playing Fields Policy or paragraph 103 in the NPPF, it would ensure the loss of playing field is mitigated. The following would be required for mitigation:

- An acceptable financial contribution amount would have to be agreed;
- A playing field project(s) for spending the financial contribution on would need to be identified and agreed; and
- The contribution would need to be ring fenced in a planning obligation, paid to the Council within an agreed timescale (trigger point) and then used by the Council towards the delivery of the agreed project(s).

This approach ensures that the costs of making a financial contribution is similar to the costs that would be incurred if an applicant made direct replacement playing field provision P103 the NPPF.

The replacement costs relate to an identified area of the playing field on the site that could be used for accommodating playing pitches that would be lost to development i.e. the useable area of the playing field for playing pitches. Only areas that could be used for forming a playing pitch or part of one are included. The applicant has not identified the area formerly used as pitches.

The area of playing field capable of being used for playing pitches is calculated to be approximately 31,163 sq m (3.12 ha). To establish the current cost of replacing 31,163 sq m of

playing field. Sport England use the national average cost of providing a playing field, in this case, senior football pitches meeting Sport England's design guidance. The national average cost of providing a senior football pitch with dimensions of 106 x 70 m (7,420 sq.m) was £110,000. An area of 31,163sq m, the current cost would be £461,985.18. VAT at 20% (as the costings exclude VAT) should be added to create a final total of £554,382.22.

These figures do not include acquisition costs, maintenance or abnormalities associated with the replacement site.

The Football Foundation (FF) and Norfolk FA have been consulted (by SE). We are advised that North Walsham Town Football Club is located 2.5 miles away (Greens Road) from the proposed residential development and is identified within the North Norfolk LFFP as a strategic priority site for a 3G build and a pavilion refurbishment. An offsite contribution could also be utilised to improve the facilities access road and car parking infrastructure.

The contribution should be specifically ring fenced for this purpose in a planning obligation. Provision should be made in the planning obligation for the contribution to be paid to the Council within an agreed timescale. We advise the trigger point would be that the contribution is paid to the Council in its entirety prior to any development commencing on the site. Sport England would be willing to consider the trigger point 'prior to the occupation of X number of dwellings on site.' The planning obligation should also make provision for the Council to use the contribution towards the identified projects within 5 years of receipt of the commuted sum to help ensure that the contribution is used for delivering mitigation projects within a reasonable timescale.

Further Response 16 September: Objection

As set out with our Planning Policy Guidance, at paragraph 14, 'the 2015 Order does not provide a definition of land which has been used as a playing field. Sport England considers the term to mean land which is not currently, but has been used as a playing field and remains undeveloped, including land where a decision may have been taken to no longer mark out any playing pitch or pitches.'

Paragraph 15 continues explaining that,

'A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. In line with the requirements of the 2015 Order, if such land was used as a playing field at any time in the five years before the making of a relevant planning application, then Sport England should be consulted as a statutory consultee. If its use as a playing field was over five years ago, Sport England would still expect to be consulted, albeit as a non statutory consultee. In such circumstances, Sport England would continue to apply its Playing Fields Policy. The five-year reference in the 2015 Order only relates to the timescale for

which Sport England should be consulted as a statutory consultee and therefore to which applications the Town and Country Planning (Consultation) (England) Direction 2009 (“the 2009 Direction”) may apply (see Section 6.6).’

Sport England applies its Playing Fields Policy and its five exceptions to any playing field regardless of whether it is in public, private or educational ownership and regardless of the nature and level of use (see paragraph 39(ii)).

As set out within Sport England’s consultation responses dated May 6 2021, and August 19 2021,

‘It is Sport England’s view that nothing has altered the lawful use of the playing field. The site could be made good, pitches marked out and brought back into use for sport and this would not require planning permission. Therefore the site is still playing field and should be considered as playing field.’

This position has been upheld, as explained within Sport England’s responses dated May 6 2021 and August 19 2021, as per the findings of the planning appeal ref: APP/U4610/A/12/2176169 which relates to the redevelopment of a playing field that had not been recently used for sport, where it was held that:

- “...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”
- “There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”
- “There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”

On that basis of the above, the Planning Inspectorate held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory mitigation is necessary and should be provided as part of the scheme.’

In policy terms, the proposal is considered to result in a loss of playing field, so would need to meet one or more exceptions of Sport England’s Playing Fields Policy and paragraph 103 in the NPPF. In this instance, the proposals not considered to meet any of the exceptions, or paragraph 103 of the NPPF.

As set out within our response July 30, 2024, should the local authority wish to approve this application, contrary to Sport England's policy and paragraph 103 in the NPPF, then we advise a contribution is sought to mitigate the loss of the playing field. Offsetting the loss of playing fields with a contribution does not meet any of the exceptions identified in Sport England's Playing Fields Policy or paragraph 103 in the NPPF, it would ensure the loss of playing field is mitigated.

The sum agreed by the Applicant, which Sport England were not consult upon or agreed to, appears to have been calculated on the demand accrued by the development rather than being calculated on the costs to mitigate the loss of the playing field. Sport England's approach that is advocated is that it should be based on the current cost of replacing the grass playing field to be lost within a grass playing field of an equivalent size.

The Football Foundation and Norfolk FA advised on July 24 2024 that North Walsham Town Football Club is located 2.5 miles away (Greens Road) from the proposed residential development and is identified within the North Norfolk LFFP as a strategic priority site for a 3G build and a pavilion refurbishment. Improving the existing infrastructure at Greens Road will enable the football club to grow their affiliated teams, including new female teams, and also recreational football activity including turn up and play, and walking football. An offsite contribution could also be utilised to improve the facilities access road and car parking infrastructure.

From your e-mail you note several section 106 monies are being allocated to the AGP. If another project is needed to be identified for the contributions being sought from this scheme, please let me know and I can speak with the Football Foundation and Norfolk FA to find a suitable site/project.