

Bury MBC

FAO: Helen Pressley

By email

10th December 2024

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

Application Reference: 71201

Site: STAND CRICKET CLUB, HAMILTON ROAD, WHITEFIELD M45 7WF

Proposal: Erection of 4 no. Padel Courts

Sport England Reference: PA/24/NW/BUR/69312

Thank you for consulting Sport England in relation to the above application proposal.

Summary:

Sport England **objects** to the proposal as it does not meet the requirements of Exception 5 of the Playing Field Policy nor does it accord with paragraph 103 of the National Planning Policy Framework (NPPF).

An assessment and suggested resolution is set out below.

Sport England – Statutory Role and Policy

It is understood that the proposal would prejudice the use, or lead to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). Sport England's role as a consultee for this planning application is a statutory requirement.

Sport England has considered this pre-application submission in light of the National Planning Policy Framework (in particular Para. 103), and against its own playing fields policy, 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.' (Attached as an Annex to this response).

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal includes the construction of 4 x padel tennis courts on the site of existing playing field which was formerly used for tennis and located to the northeast of cricket pitch. The proposal lies south of 3 tennis courts which are located in the adjacent Hamilton Park. The wider playing field site as shown below:

Google Extract showing the extent of playing field as 2.08ha:



The introduction of six padel tennis courts will result in the loss of 0.19ha of playing field land and 3 x 3G 5 a side football pitches.

Google Extract showing approximate overall loss of extent of playing field = 0.15ha:



Assessment is made against the Playing Fields Policy Exceptions E1- E5 as follows:

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para.103) and against its own Playing Fields Policy, 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.'

Sport England has considered the proposals with regard to the specific exception criteria identified in the above policy and made the following assessment:

E1: Does not apply, it has not been demonstrated that there is an excess of playing pitches in terms of school or community playing pitch provision, there is no evidence to suggest that the 3G pitches are not needed and the latest needs assessment identified a requirement for more 3G pitches in Wigan

E2: Does not apply, the proposal affects the quantity or quality of playing pitches.

E3: Does not apply, the proposal affects land forming a playing pitch.

E4: Does not apply, no replacement playing field has been proposed.

E5: The proposal is for a sport facility and as such it is considered that, in this case, the proposal does not meet Exception 5 criteria due to the borough wide need for 3G pitches and the lack of supporting evidence for the need for padel tennis courts sufficient to outweigh the harm to football provision.

The National Planning Policy Framework paragraph 103 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.

In this regard the proposal has the potential to meet c) of paragraph 103 of the NPPF.

Consultation with National Governing Body's for Sport

Sport England has a memorandum of understanding with sport's National Governing Bodies and in that case, with regard to the additional information, has consulted with the England and Wales Cricket Board (ECB) their response received are summarised as follows: -

ECB:

- *It would appear there is no physical impact on the cricket field and the safety margin of 3m would be met between boundary and the proposed padel courts.*
- *Given the location of the padel courts in relation to the cricket ground, we need to understand the ball strike risk, therefore we would request a ball strike risk assessment is carried out by a qualified specialist contractor*

Evidence Base

Bury have undertaken an updated needs assessment and have gathered data preparing their Playing Pitch and Outdoor Sports Strategy (PPOSS). Padel was referred to within the document and is acknowledged as an emerging sport in terms of needs assessments, no padel facilities were noted in Bury and one of the aims was to support new facilities in the right places. Existing cricket pitches were identified to be protected.

Sport England's Position

As the proposal is for a sports facility, it can be considered under Exception 5 criteria of Sport England Playing Field Policy. As such, as a guide, the proposal needs to provide demonstrable benefit to sport to outweigh the loss of playing field and may include whether the facility:

- *meets an identified local or strategic need, e.g. as set out in a local authority and/or a sports national governing body strategy (rather than duplicating existing provision);*
- *fully secures sport-related benefits for the local community;*
- *helps to meet identified sports development priorities;*
- *complies with relevant Sport England and national governing bodies of sport design guidance;*
- *improves the delivery of sport and physical education on school sites; and*
- *is accessible by alternative transport modes to the car.*

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- *it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches.*
- *other users would be displaced without equivalent replacement provision;*
- *it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.*

Summary

The proposal is for a sporting use which has been identified as needing development support in the latest needs assessment and has been considered under Exception 5 of the Playing Fields Policy. However, it is concluded that given the lack of evidence to show that there is no risk of ball strike from cricket on the users and spectators of the padel facility, that the proposal does not support the development of sport sufficient to outweigh the potential detriment caused by the loss of playing field.

Conclusions and Recommendation

Sport England **objects** to the proposal as it currently fails to meet the requirements of Exception 5 of the Playing Fields Policy and the NPPF paragraph 103 c).

Suggested Resolution:

- Provision of a ball strike risk assessment in relation to cricket and its impact on the padel facilities.
- Details of any recommendations for mitigating arising from the ball strike assessment.

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

I hope this is of assistance, any further information or correspondence should be forwarded to planning.north@sportengland.org

Yours sincerely

Pauline Shearer MSc BA Hons MRTPI
Planning Manager

M: 07833215549

E: Pauline.Shearer@sportengland.org

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