

Bury MBC

FAO: Claire Booth

By email

8th May 2024

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

Application Reference: 70583

**Site: SEDGLEY PARK RUGBY CLUB (SITE 2), PHILIPS PARK ROAD WEST, WHITEFIELD
M45 7GJ**

**Proposal: Temporary installation of five cabins to create 3 no. classrooms, W/C
and kitchen facilities for The College of Rugby**

Sport England Reference: PA/24/NW/BUR/67513

Thank you for consulting Sport England on the above application.

Summary

Statutory consultee role

Sport England raises **no objection, subject to conditions**, to this application as it is considered to broadly meet Exception 3 of our Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework (NPPF).

Conditions:

1. Construction Management Plan
2. Continuity of Sport
3. Restriction on user

A full assessment and condition wording it set out below.

Sport England – Statutory consultee role and policy

We understand that you have consulted us 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 103, 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:

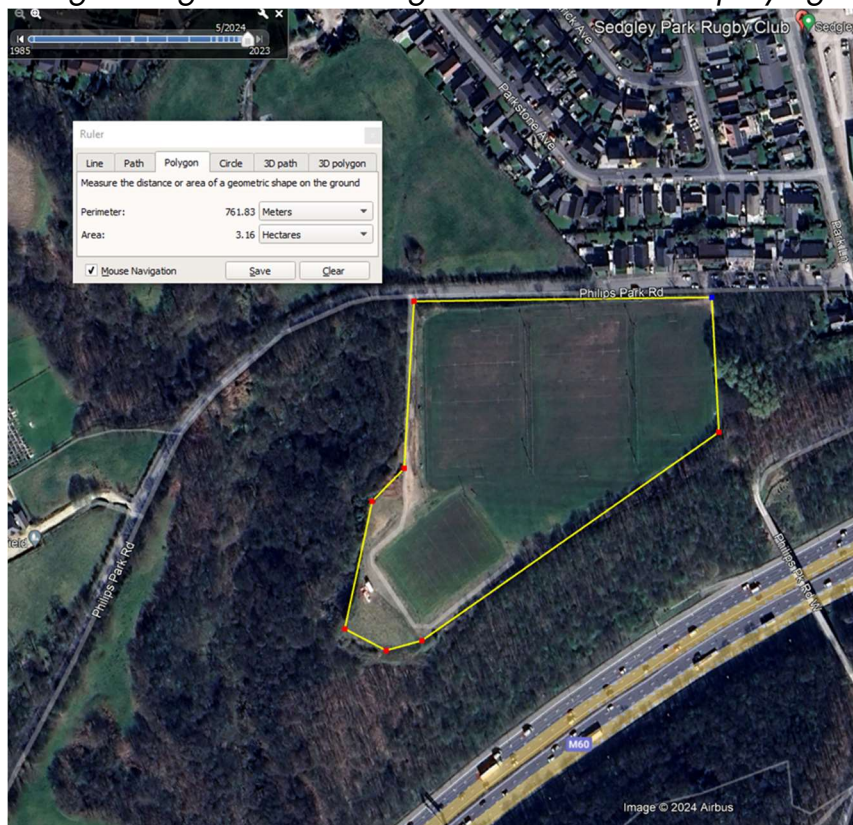
- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A summary of the exceptions is provided in the annex to this response.

The Proposal and its Impact on the playing field

The proposal affects land which is part of the home of Sedgley RUFC and is used as their training facility. The site consists of 2 adult and two junior rugby union pitches and is to the southwest of their home ground stadium across Philips Park Road. The area of affected playing field measures 3.16ha.

Google image 2024: Showing of the extent of the playing field



The proposal intends to temporarily locate 5 cabins to create 3 classroom facilities for The College of Rugby. These are shown to be located to the far southwest of the playing field land and in an area which has no pitches or supporting facilities. The site will use the existing access and create 8 car parking

spaces, although the latter are shown on the existing layout – Drawing No.0079-MASTA-A-0201 Rev A. The submitted information states that their purpose is to create a space for provide holistic development for local children through education, sports and life skills. As such Sport England consider this as an educational facility.

None of the existing pitches, shown numbered 1-4 on the submitted Drawing are impacted by the proposal.

National Governing Bodies

Sport England has a memorandum of understanding with the pitch sport National Governing Bodies and consults with them on planning proposals. In this instance we have consulted with the Rugby Football Union and their response is summarised as follows:

- *The site is currently owned and used by Sedgley Park Rugby Club; as well as regularly used by The College of Rugby.*
- *The proposed development would not compromise the use of the site for any rugby union related activities, competitive matches or training; and would in fact reduce the level of activity taking place on the Club's main site (Park Lane) allowing more even distribution of demand across the Club's supply.*
- *The RFU is supportive of the proposed development.*

Assessment against Sport England's Playing Fields Policy and NPPF

Exception 1: Does not apply. There is no evidence presented to suggest that the playing field identified is not needed.

E2: Does not apply, the proposal is an educational facility and not an ancillary use of the playing field.

E3: Is considered to broadly apply given the location of the temporary cabins, car parking and access.

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

E5: Does not apply as the proposal is not for a sports facility.

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.

Based on the amended information submitted Sport England can consider the proposal, subject to conditions, under Exception 3 of the Playing Field Policy as the following applies:

*The proposed development affects only land incapable of forming part of a playing pitch
and does not:*

- *reduce the size of any playing pitch;*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site.*

The proposal also meets the requirements of paragraph 103 of the NPPF on this basis.

Whilst Sport England can broadly agree that the proposal meets its Playing Field Policy exceptions, the recommended conditions include a restriction on the user or operator of the cabins. As the proposal is for an education purpose, although currently connected to the rugby club, any variance of user outside of the club may result in additional car parking and/or potential impact on the playing field. Sport England notes that this is a temporary proposal and as such can assess any impact afresh in terms of meeting Playing Field Policy and NPPF when renewal or replacement is required.

Conclusion

Given the above, Sport England raises **no objection, subject to condition**, to the application because it is considered to broadly accord with Exception 3 of our Playing Fields Policy and paragraph 103 of the NPPF.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

The absence of an objection is subject to the following condition being imposed should the local planning authority (LPA) resolve to approve the application:

If you wish to amend the wording of the condition(s) or use another mechanism in lieu of the condition(s), please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Recommended Conditions

Sport England raises no objection subject to the following conditions:

- 1 *No development shall commence until full details of:
(a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
(b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated
are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.*

*Reason: To protect the playing field from damage, loss or availability of use and to accord with Development Plan Policy **.*

- 2 *No development shall commence until a scheme to ensure either:
(a) the continuity of the existing sports use of the playing fields (rugby pitches) or
(b) the provision of replacement facilities [during construction works/other activities] has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.*

*Reason: To protect [playing fields/sports facilities] from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy **.*

3. *The use of the cabins shall be for purposes pertaining to the operations of Sedgley Rugby Club and Sedgley Park and for no other use.*

*Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sporting provision and to accord with Development Plan Policy **.*

Additional Advice – Active Design

Sport England, in conjunction with Public Health England, has produced ‘Active Design,’ a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government’s desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance for the development of new facilities. The document can be downloaded via the following link:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

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