

Bury MBC

FAO: Helen Pressley

By email

17th November 2023

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

Application Reference: 70200

Site: TOP PARK, BOWLING PAVILLION 149 BOLTON ROAD WEST BL0 9NU

Proposal: Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, car park with associated lighting and landscaping, floodlights and a single storey extension to an existing pavilion

Sport England Reference: PA/23/NW/BUR/66051

Thank you for consulting Sport England on the above application.

Summary: Sport England **does not object, subject to conditions**, to this application which is considered to meet Exceptions 3 and 5 of our adopted Playing Fields Policy or NPPF Para. 99.

A full summary and condition wording is set out below.

Condition Summary:

- Constructed to FA technical requirements
- Construction Management Plan
- Continuity of Sport
- Community Use Agreement
- Details of a Management and Maintenance plan for 3G pitch

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads 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). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), 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.'

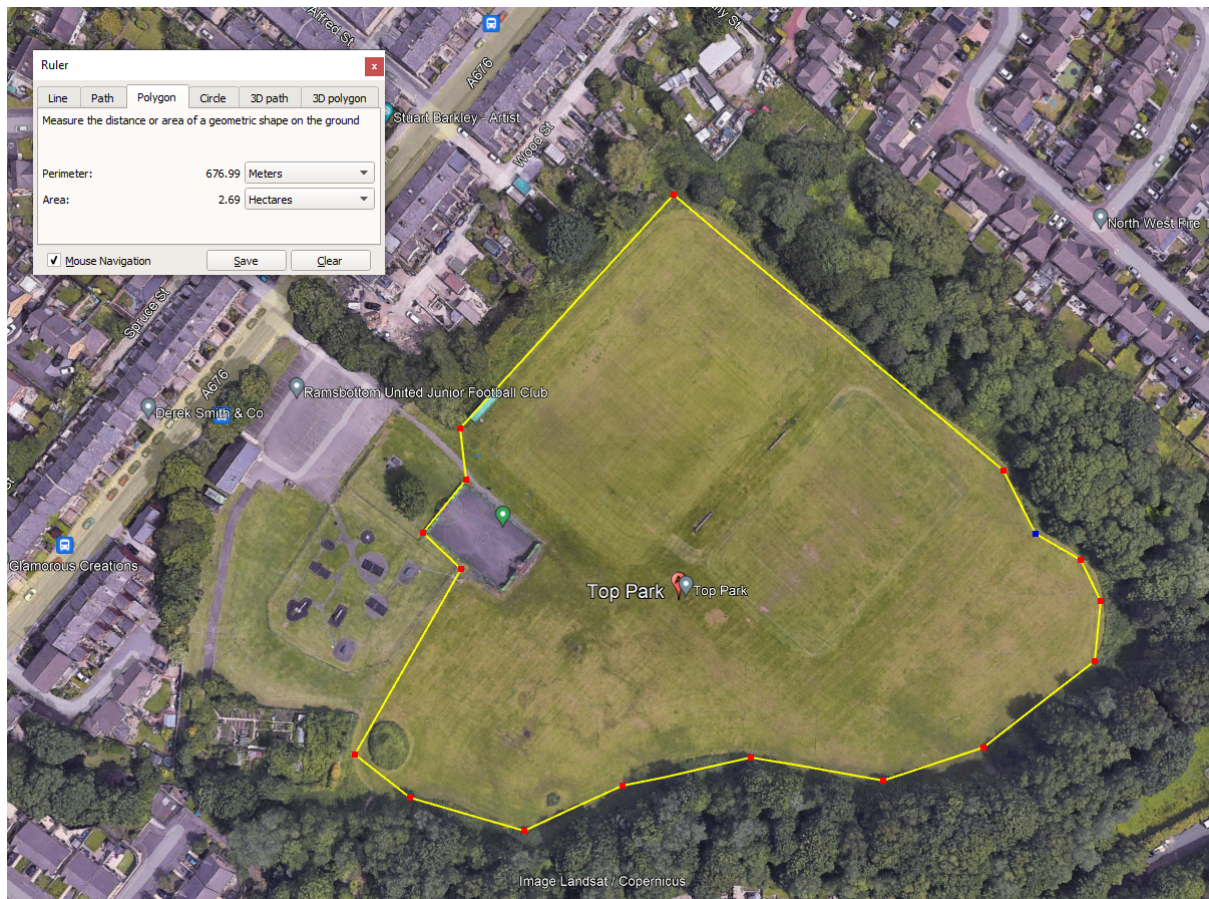
Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

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 is to create an Artificial Grass Pitch (AGP) on an existing playing field operated by a sports club. The main area of playing field consists of 2.69ha of mainly natural turf playing field, together with a small MUGA and has been marked out consistently for two/three football pitches over the years including. Sport England's Active Place Power indicates that the site contains: 2 adult football pitches, 1 youth football pitch and 2 rounders pitches.

Google Extract showing the extent of playing field capable of being marked out for pitch sports:



In addition, the site has a play area, car parking and a pavilion building to the southwest of the site.

The proposed extension to the pavilion building takes place on land which is away from the main natural turf playing field and does not impact any pitch sports. The extension will provide additional communal changing facilities/showers and toilets.

The proposed storage container is located directly adjacent to the 3G pitch on its northwestern boundary, on newly formed hardstanding.

The 3G pitch will have 6 x 15m high sports lighting columns holding each 12 flat glass LED luminaries. The proposal seeks the use of the sports lighting to operate the AGP (as needed) between the hours of 08:00 to 22:00 hrs (Monday to Saturday) and 09:00 to 21:00 hrs (Sundays and Bank Holidays).

The 3G pitch is located in an area which has historically been marked out as an adult pitch, which measurement has varied over time, but on the basis of Google information, never greater than 91m x 52m.

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. 99) 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 Policy Exceptions	
E1	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.
E2	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.
E3	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.
E4	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.
E5	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.

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 community playing pitch provision, there is no evidence to suggest that the playing fields affected are not needed. The Bury PPS indicates a shortfall in natural turf football pitches.

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

E3: The proposal includes the provision of a small extension to the pavilion on an area of playing field land which is not marked out as pitches and is far enough from the natural turf playing field to affect pitch marking out. As such the pavilion extension is considered under this exception and in this particular case is acceptable on this basis.

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

E5: The proposed AGP development (including storage container, sports lighting and fencing) is for a sports facility, there is a demonstration that it will replace a natural turf pitch of the same size and that the AGP is needed. The site is identified as the location for 2 rounders pitches, although the proposal has not shown where these will be provided within the site and they have not been referred to in the submitted information. The proposed loss of approximately 612sqm of playing field land will reduce the overall flexibility of the site to provide these in the future. In order to meet this exception, the scheme's benefits need to be shown to clearly outweigh the loss of the natural turn playing field and the wider use of the remaining natural turn playing field.

The National Planning Policy Framework paragraph 99 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.

Benefits of AGP

The submission indicated that the 3G pitch will allow the club to offer a wider community use and has access also to the MUGA and play area and will provide a more consistent football provision. The proposal will include storage and sports lighting. The associated improvement to the changing facilities will enhance this provision. Both pitches currently drain poorly, the 3G pitch will offer alternative playing surface for matches to alleviate over-play on the retained pitch. The 3G pitch will in part, meet the current demand for this pitch type in Bury.

The Football Foundation in their comments to Sport England have confirmed that:-

- Radcliffe Borough Juniors are the users of pitches at Top Park Playing Fields. A details community engagement process has been undertaken and will align will the Football Foundations key priorities supporting community users and club and would therefore not displace the current users but support their growth and development plans with use of the proposed development.
- The FF is supporting the funding and delivery of this proposal with Bury Council. The proposal has been developed through the FF 3G pitch framework and in consultation with FF technical colleagues. We are content that the proposals meet technical guidance for the 3G and floodlighting.
- Bury Council are currently engaged in refreshing their 2019 PPS which demonstrated a shortfall of 8 full size 3Gs. The project was highlighted within the Local Football Facility Plan as a priority project for investment.
- The FF confirm that the emerging PPS also identifies deficiencies in both grass and 3G pitches.
- The project has been developed in conjunction with design consultants and Bury Council to ensure the proposed additional car parking does not interfere with the use of the sports pitches

Whilst the benefits of the proposal are noted, Sport England's assessment under the terms of Exception 5 is required to ensure that there are clear and demonstrable benefits which outweigh the loss of the natural turf playing field. In this case, although a rounders provision is indicated in Active Places Power, there is no evidence

in Google Earth that these have been set out. In addition in Bury's current and emerging PPOSS, this site is not identified as a rounders facility. Although there is a strong rounders league in Bury, the PPOSS, the evidence has shown that the current demand can be catered for. On this basis Sport England is satisfied that the proposal will not unduly compromise rounders as a sport in this area.

Based on the above assessment it is considered that the pavilion extension and car parking meet Exception 3 of Sport England's Playing Fields Policy and the proposal for the AGP/sports lighting/storage container/perimeter fencing meets the requirements of Exception 5 of that Policy as it has been demonstrated that the benefits of the proposal will outweigh the loss of natural turf playing field and meets the test of c) of paragraph 99 of the NPPF.

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/openspace-sports-and-recreation-facilities-public-rights-of-way-and-local-greenspace>

This application falls within the scope of the above guidance as it relates to development which creates opportunities for sport. Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Further advice is provided in Sport England's Planning for Sport guidance which can be found here: <https://www.sportengland.org/facilities-and-planning/planning-forsport/planning-for-sport-guidance/>.

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make advisory comments on the following matters:

Hours of Use and Sports Lighting

The proposal for the AGP to include sports lighting is welcomed and considered essential as this will offer significant sports development benefits in terms of facilitating use by the club and community during peak periods of demand. Without suitable sports lighting, it would not be possible for the facility to meet the needs that it has been designed to address and the potential for securing revenue to support its long-term maintenance would be prejudiced.

While Sport England would not require a planning condition to be imposed relating to the hours of use of the AGP or its sports lighting, it is acknowledged that the Council may wish to impose

such a condition in order to address potential impact on residential amenity or the environment. If planning permission is granted, it is recommended that any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the AGP is not overly restrictive. In this regard, it is advised that peak community use of AGPs on similar sites usually extends until 10.00 p.m. on weekday evenings and the application is seeking use of the AGP and its floodlights until 10.00pm on weekday evenings. If the Council wishes to impose a planning condition restricting the hours of use of the AGP or its sports lighting, consideration should be given to using condition 14 from our model conditions schedule.

It should be noted that if the Council sought to remove the sports lighting or impose significant restrictions on the hours of use of the AGP or its lighting in the evenings this **may affect our position on the planning application as a statutory consultee** as the potential sport related benefits would be diminished plus it may affect the feasibility and sustainability of the project. If such an approach is to be taken it is requested that Sport England be advised before the planning application is determined to provide an opportunity to review our position on the planning application.

If the design of the lighting scheme is material to the assessment of the planning application, I would recommend that consideration be given to Sport England's 'Artificial Sports Lighting' guidance note <https://www.sportengland.org/guidanceand-support/facilities-and-planning/design-and-cost-guidance/artificial-lighting> and the FA's Guide to 3G Football Turf Pitch Design and Layouts <https://www.thefa.com/get-involved/player/facility-development-and-technicalguidance>.

Noise

If noise generated from the use of the AGP is an issue in the determination of the planning application, Sport England has published a guidance note on the planning implications of AGP acoustics. This is intended to aid in developing a more consistent approach when assessing the noise associated with AGP use and to provide some rules of thumb when assessing noise impact. The Noise Impact Assessment indicates that Sport England Guidance has been used and has informed the assessment of noise impact as it has been tailored to assist with the consideration of this issue. This can be downloaded from our website at <https://www.sportengland.org/guidance-and-support/facilities-andplanning/design-and-cost-guidance/outdoor-surfaces>.

Conclusions and Recommendation

Having assessed the proposals against Exceptions 3 and 5, Sport England is of the view that the proposed pavilion extension and car parking meet the requirements of E3, as they do not adversely affect playing pitch provision. The proposed AGP and associated infrastructure will be of sufficient benefit to the development of sport to outweigh the harm resulting from the loss of playing field.

As such it meets the requirements of Sport England's Playing Field Policy and paragraph 99 of the NPPF and raises **no objection, subject to conditions** to the proposed development.

Should the local planning authority be minded to approve this application without the recommendation conditions of Sport England; then this would result in a statutory objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 the application should be referred to the Secretary of State via the National Planning Casework Unit.

Recommended Conditions:

- 1 Use of the artificial grass pitch shall not commence until:
 - (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
 - (b) confirmation that the facility has been registered on the Football Foundation's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **. Informative. The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

- 2 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 situatedare 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 [playing fields/sports facilities] from damage, loss or availability of use and to accord with Development Plan Policy **.

- 3 No development shall commence until a scheme to ensure either:

(a) the continuity of the existing sports use of/on the [playing fields/sports facilities] shown edged blue on Drawing No. 205-087-1001; or

(b) the provision of replacement facilities during construction works

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 **.

- 4 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the use of the 3G pitch, natural turf youth pitch, pavilion facilities and car park and include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

- 5 Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This will include measures to ensure the replacement of the Artificial Grass Pitch within 10 years or an alternative timescale as agreed in writing with the FA. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy **.

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 agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

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.

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