

**From:** Mark Davies  
**Sent:** Fri, 7 Feb 2020 16:38:13 +0000  
**To:** Planning Help  
**Subject:** FW: App Ref: - Land at Appledore Road, Tenterden, TN30 7AY - Sport England Ref: PA/20/SE/AS/54524

**From:** Jo Edwards <[Jo.Edwards@sportengland.org](mailto:Jo.Edwards@sportengland.org)>  
**Sent:** 07 February 2020 12:09  
**To:** Mark Davies <[mark.davies@ashford.gov.uk](mailto:mark.davies@ashford.gov.uk)>  
**Subject:** App Ref: - Land at Appledore Road, Tenterden, TN30 7AY - Sport England Ref: PA/20/SE/AS/54524

Dear Mr Davies,

Thank you for consulting Sport England on the above application.

### **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. 97), 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 that are in summary:

<b>Sport England Policy Exceptions</b>	
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: <ul style="list-style-type: none"> <li>▪ reduce the size of any playing pitch;</li> <li>▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</li> <li>▪ 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;</li> <li>▪ result in the loss of other sporting provision or ancillary facilities on the site; or</li> <li>▪ prejudice the use of any remaining areas of playing field on the site.</li> </ul>
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: <ul style="list-style-type: none"> <li>▪ of equivalent or better quality, and</li> <li>▪ of equivalent or greater quantity, and</li> <li>▪ in a suitable location, and</li> <li>▪ subject to equivalent or better accessibility and management arrangements.</li> </ul>
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's Playing Fields Policy and Guidance document can be viewed at [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

## **The Proposal and Impact on Playing Field**

The proposed development is for the development of up to 250 residential dwellings with associated facilities. The scheme would result in the loss of one existing 11v11 football pitch of approximately 1.2ha on location F13.

As part of the hybrid application, full planning permission is sought now for the change of land use of adjoining land from agricultural to land to be used as a country park and land to be used as formal sports pitches (3.33 ha) together with a new pavilion to serve the development and the surrounding area. The land proposed for sports pitches would be laid out as:

On location F14 - 1 x 9v9 Junior Football Pitch (75m x 45m)

1 x 7v7 Mini Soccer Pitch (55m x 37m)

2 x 5v5 Mini Soccer Pitch (37m x 28m each)

On location F10 - 1 x 11v11 Adult Football Pitch (100m x 64m)

Also on location F10 the applicant proposes to provide a new pavilion to FA standards and car parking for 62 vehicles.

## **Assessment against Sport England Policy**

This application relates to the loss of existing playing fields and the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which 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.'

The applicant has previously engaged in pre application consultation with Sport England who consulted with the FA. At that time the FA commented that it was broadly supportive of the proposal subject to clarification of a number of matters. Sport England's response that sets these out in full is attached at Appendix 1 to the applicant's Sports Facilities Supporting Statement. The FA have confirmed in connection with the current application that it remains supportive of it.

Having regard to our comments and those of the FA at pre-application stage I consider that the proposal would meet exception 4 of Sport England's playing fields policy subject to conditions being attached to any grant of planning permission and to the completion of a s.106 to include the relevant heads of terms specified in the applicant's draft heads of terms for section 106 agreement dated December 2019:

## **Conclusions and Recommendation**

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 4 of the above policy. The absence of an objection is subject to the following facilities being secured through a s.106 legal obligation and the e following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

### S.106 Heads of Terms

- The provision of 3.33ha of land to provide for:

- 1 x 11v11 Adult Football Pitch (100m x 64m) excluding run offs
  - 1 x 9v9 Junior Football Pitch (75m x 45m)
  - 1 x 7v7 Mini Soccer Pitch (55m x 37m)
  - x 5v5 Mini Soccer Pitch (37m x 28m each)
- The provision of land for a Pavilion Building designed to Football Association standards;
  - The provision of land to provide car parking spaces to serve the proposed Pavilion Building;
  - Contributions towards the long term maintenance of the Sports Pitches and Pavilion building;

### Conditions

1. The playing pitches and new sport pavilion and associated car parking shall be provided in accordance with the details set out in the planning application, sports facilities supporting statement and appendices and drawing nos. RD1686\_P\_007 P1, L100 P1, L104 P1, 7657-03 01D, 03-02F and 03-03F and be made available for use before first occupation of the development hereby permitted or in accordance with a timescale to be otherwise agreed in writing by the LPA in consultation with Sport England.

*Reason: To ensure the sports facilities including the pitch required as compensatory provision are satisfactory and fit for purpose, available for use within an agreed timescale and to accord with Development Plan Policy*

2. No development of the playing pitches shall commence until
  - i. a detailed design specification for the construction of the playing pitches; and
  - ii. a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme

both in accordance with the Amalgamated Feasibility Study undertaken by TGMS Ltd Ref TGMS1044.8 Rev 1 dated May 2018 have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be constructed and thereafter managed and maintained in accordance with the approved scheme.

*Reason: To ensure that the playing fields are prepared and maintained to an adequate standard and are fit for purpose and to accord with Development Plan Policy*

*Informative: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant. Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.*

3. Use of the playing pitches and the sports pavilion 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 playing fields and sports pavilion and include details of pricing policy, hours of use, access to 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 facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy*

*Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.*

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

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If you would like any further information or advice please contact me at the address below.

Yours sincerely,

**Jo Edwards**  
Planning Manager

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