

**Proof of Evidence of Fiona Pudge**

**On behalf of Sport England**

**Appeal by ACCRUE (FORUM) LLP**

**Town and Country Planning Act 1990 Appeal Under Section 78**

**Description of development:** Demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 333 apartments (use class C3) and communal spaces ancillary to the residential use; flexible space for use classes A1, A3, D1 and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure

**Site Address:** Former B&Q, Great Stone Road, Old Trafford M32 0YP

PLANNING INSPECTORATE Ref: APP/Q4245/W/20/3258552  
LOCAL PLANNING AUTHORITY Ref: 100400/OUT/20  
SPORT ENGLAND Ref: PA/20/NW/TF/56065

December 2021

Evidence provided by:

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## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is Fiona Pudge. I hold a Bachelor of Arts (Honours) in Urban and Regional Planning (Coventry), and Bachelor of Town Planning (Coventry). I have been a member of the Royal Town Planning Institute since 1993.
- 1.2 I have been working as a professional planner since 1992. I have been employed by Sport England since October 2008 as a Planning Manager covering Yorkshire and the North West of England. I deal with strategic planning and development management in these geographic areas.
- 1.3 Prior to my work with Sport England, I was employed as Principal Planning Policy Officer with Craven District Council.

## **2. BACKGROUND TO SPORT ENGLAND**

- 2.1 Sport England is the brand name of the English Sports Council, which was set up in January 1997 in succession to The Sports Council. It is charged by Royal Charter to take the lead in all aspects of sport and physical recreation which require administration, co-ordination or representation in England. The object stated in the Royal Charter is to:

*“In furtherance of its objects the Council shall have the following powers:-*

- (a) to develop and improve the knowledge and practice of, and education and training in, sport and physical recreation in the interests of social welfare and the enjoyment of leisure among the public at large in England;*
- (b) to encourage and develop higher standards of performance and the achievement of excellence among persons or teams from England participating in sport and physical recreation;*
- (c) to foster, support and undertake provision of facilities for the benefit of sport and physical recreation in England;*
- (d) to advise, encourage and assist individuals or teams from England participating in events or seeking to gain relevant experience at home or abroad;”*

- 2.2 Sport England's work is jointly funded by the Exchequer and the National Lottery. It is also responsible for the distribution of National Lottery funds earmarked for the development of sport in England.
- 2.3 Sport England is accountable to Parliament through the Secretary of State for Culture, Media and Sport and its work is scrutinised by the House of Commons through the Department for Culture Media and Sport (DCMS) Media and Sport Select Committee and the Public Accounts Committee.
- 2.4 Sport England works within, and seeks to influence, the land use planning system in order to protect existing sites from loss, access, and prejudicial development, and promote the allocation and provision of new sites, for the development of sports activities.
- 2.5 Sport England (formerly The Sports Council) became a statutory consultee on all planning applications which involve the loss of playing fields, or land last used as playing fields, or land allocated for use as playing fields in a current Development Plan on 5th August 1996. This was achieved through an amendment to the Town and Country Planning (General Development Procedure) Order (GDPO) 1995. The current procedural requirement for consultation with Sport England is contained within Article 18 of and Schedule 4 to the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2.6 In order to discharge its functions effectively, Sport England is committed to its involvement in the statutory land use planning process. Since 1999 it has evolved a comprehensive planning policy framework that has been approved and adopted by the Sport England Council. The framework is embodied within Sport England's Playing Fields Policy and Guidance (Appendix 1). The Playing Fields Policy has been updated in response to changes in the national planning system, and most recently in response to the 2018 amendment to the National Planning Policy Framework (NPPF). This is to ensure Sport England's Policy reflects and aligns with national policy, paragraphs 98 and 99 in particular.
- 2.7 Sport England's planning policy for development on playing fields, set out in its policy statement, is as follows:

*“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.”*

2.8 As identified above, Sport England became a statutory consultee under SI No. 1817 of 1996 on proposals for development which affect playing fields, land used as playing fields at any time in the last five years which remains undeveloped, or land which is identified for use as a playing field in a development plan. Although Sport England does not have the power to prevent development, it is a statutory consultee and it is generally expected that significant weight will be attached to the views expressed by Sport England. Sport England also advises the National Planning Casework Unit of applications which it considers of such concern that the Secretary of State for Communities and Local Government should consider calling them in for determination.

2.9 By opposing unacceptable development, Sport England aims to ensure that there is no further reduction in the supply of, or prejudice to the use of, conveniently located, quality playing fields to satisfy current and likely future demand. But Sport England also recognises the importance of local planning authorities including appropriate policies to protect playing fields in their development plan documents, and to take such policies fully into account in determining relevant planning applications.

### **3. SCOPE OF EVIDENCE AND CHRONOLOGY**

3.1 The appeal is lodged by Accrue (Forum) LLP, who is the appellant, for the non-determination by Trafford Council of an outline planning application relating to the former B&Q site, Great Stone Road, Trafford.

3.2 The Appeal seeks outline planning permission for:

*“The demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 333 apartments (Use Class 3) and communal spaces ancillary to the residential use; flexible space for Use Classes A1, A3, D1 and/or D2;*

*undercroft car parking; new public realm; and associated engineering works and infrastructure”*

- 3.3 The Appeal Site is a former B&Q retail unit situated immediately to the south of Emirates Old Trafford (“EOT”). The main cricket stadium is located to the north east of the Appeal Site, and a cricket Fine Turf Practice Facility (“FTPF”) is located immediately adjacent to, and north of the Appeal Site. One of the EOT access roads (Gate 8) is located between the Appeal Site and the EOT fine turf practice facility. The distance between the northern most part of the Appeal Site and the FTPF is approximately 14m.
- 3.4 Sport England received a consultation request for this proposal from the Local Planning Authority (LPA) on 14th July 2020.
- 3.5 Sport England is a statutory consultee on any proposal that 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).
- 3.6 Sport England considers all applications in light of the National Planning Policy Framework (in particular paragraph 99), and against its own Playing Fields Policy (Appendix 1), 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.’*
- 3.7 Sport England’s Playing Fields Policy and Guidance document (Appendix 1) sets out what is meant by prejudicial development in paragraphs 12 and 13. The relevance of prejudicial impact to this appeal is explained in more detail in paragraphs 4.3 to 4.6
- 3.8 The development is immediately adjacent to the Lancashire County Cricket Club (“LCCC”) ground, and under the terms of a Memorandum of Understanding (“MOU”) Sport England has with the pitch sport National Governing Bodies of Sport (“NGB”) on planning applications (Appendix 2), the England and Wales Cricket Board (“ECB”) were consulted. The purpose of the MOU is to ensure Sport England Planning Managers can gain technical expertise on facilities and local intelligence on sport from the relevant NGBs to help inform planning applications. The ECB comments

were used to help me assess the proposal against our Playing Fields Policy and paragraph 99 of the National Planning Policy Framework (“NPPF”).

- 3.9 The ECB were asked to comment and provide technical advice on whether the development would have a prejudicial impact on the use of the FTPF given the proximity to the development.
- 3.10 Two issues were identified as a consequence of consultation with the ECB that are the basis of my statutory objection, on behalf of Sport England:
- Overshadowing of the proposed development across the LCCC fine turf practice facility (“FTPF”) affecting its usage; and
  - Access issues during match days and concerts.
- 3.11 I lodged a statutory objection, on behalf of Sport England, to the application on 31st July 2020 (Appendix 3) citing the two issues in paragraph 3.10 as the grounds for objection.
- 3.12 My evidence will address the following issues:
- the prejudicial impact of overshadowing of the development on the LCCC FTPF
  - mitigation required to address the prejudicial impact of the development on the LCCC FTPF
  - non statutory advice to the LPA regarding the additional demand for sport arising from the development
- 3.13 I will conclude that evidence provided by the ECB demonstrates a clear prejudicial impact on the FTPF, and that no mitigation proposal has been put forward by the Appellant to address the prejudicial impact.
- 3.14 Despite the issue of access during match days and concerts being raised by the ECB and subsequently included as part of my objection, it is not discussed in any detail in this evidence because I am not in possession of the specific details. This issue has been addressed by LCCC in their representations, and it is noted LCCC state *“Vehicular access to the Appeal Site is currently gained over land within the ownership of LCCC over which the Appeal Site has a right of way. This land currently serves as one of the accesses to EOT.”*

#### **4.0 PREJUDICIAL IMPACT OF THE DEVELOPMENT**

- 4.1 The Local Planning Authority’s (“LPA”) Reason for Refusal 1 has been informed by my statutory objection, on behalf of Sport England, and states:

*“The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.”*

- 4.2 In the appellants Statement of Case, paragraph 9.30, the nature and status of Sport England's comments is questioned, because Sport England were not consulted on the previous 2018 planning application. I am unable to provide any reasons as to why Sport England were not consulted on the 2018 application, that is for the LPA to respond to. However, in my correspondence to the LPA dated 17th August 2020 (Appendix 4) the following clarification on Sport England's statutory status was provided:

*"With respect to the previous planning application 94974/OUT/18 Sport England were not consulted and did not provide comments. I understand the comments provided within the Committee Report were provided by the Council's Open Space Team and based on the use of Sport England's strategic planning tools and were erroneously attributed to Sport England. If Sport England had been consulted on that application, we would have provided an objection raising the same issues as in our correspondence to this current application dated 31 July 2020.*

*Basis for consultation - the agent questions the Consultee status. This is not for the agent to determine but the Local Planning Authority and SI 2015/595 sets out clearly when the LPA should consult. As it was the LPA who chose to consult us, and there was no indication in the correspondence that it was in an advisory capacity, then we have taken that to mean the LPA consider us to be a statutory consultee. Sport England also made it clear in correspondence dated 31<sup>st</sup> July 2020 that we consider the development to have a prejudicial impact on an existing playing field, and therefore, the comments should be treated on a statutory basis." (Fiona Pudge Sport England Planning Manager)*

- 4.3 For clarity, Sport England's statutory remit is not solely for the physical loss of playing field but for any development that is considered prejudicial to the use of an existing or allocated playing field site. The requirement to consult is embodied within Statutory Instrument 2015/595 and Schedule 4(z) in particular. It should be noted that the wording places prejudicial use before loss of use:

*“Development which -*

*(i) is **likely to prejudice the use**, or lead to the loss of use, of land being used as a playing field; or*

*(ii) is on land which has been—*

*(aa) Used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or*



*(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*

*(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface”*

4.4 Any development that is approved without necessary mitigation in place, that subsequently causes restricted use or closure of an existing sports facility, is considered to be prejudicial.

4.5 Paragraph 187 of the NPPF states:

*“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

4.6 Sport England has increasing experience of developments immediately adjacent to sports facilities having a negative impact on existing sports facilities. In general, the impact is around noise generated from the use of the sports facility or ball strike impacts onto neighbouring properties, or roads. In most cases Sport England are able to negotiate appropriate mitigation with the assistance of the relevant NGB. In this specific case, my evidence will set out how the overshadowing of the proposed development will negatively affect the use of the FTPF at the adjacent LCCC cricket ground.

## **5 OVERSHADOWING IMPACT**

5.1 The ECBs Head of Facilities Planning, Dan Musson, provided the following comments on 31st July 2020, after consultation with LCCC, which were subsequently included in Sport England's response to the LPA also dated 31st July 2020 (Appendix 3):

- i. It is highly probable that the location and height will have a significant impact on the fine turf and non turf training facility located adjacent to the development due to its massing and the sun path. This facility was recently redeveloped at a cost of over £500k and services the elite professional squads (mens/women’s and international) alongside the wider cricketing community.*
- ii. We do not agree with the conclusion that there will be no impact. Apart from the issue of the training facility, the development will have significant impact on the access to the ground from Great Stone Road and is in direct contradiction with the \*Club’s Master Plan and the Trafford Civic Quarter Plan to make the ground more accessible and create outstanding community facilities for sport.*

- iii. *The Trafford Civic Quarter plan has been developed in conjunction with the Club's master plan and would be seriously harmed by this development. The intention is to create outstanding sporting facilities with enhanced community engagement and superior transport links through opening out the site access to the Old Trafford tram stop and constructing a new leisure centre including wet and dry sport offers and an elite cricket training facility with community access.*

\*Appendix 6

- 5.2 On the 5<sup>th</sup> August 2020 the LPA forwarded additional information from the Appellant to me for comment. This was a Sun Study prepared by O'Connell East Architects and drawing number PL\_112, showing the shadow effect across the site between March and December with snapshots at 6am, 9am, noon, 3pm and 6pm. I consulted the ECB on the Sun Study who provided comments that were included in my correspondence to the LPA dated 17th August 2020 (Appendix 4):

*"Massing and sunpath –the sun path analysis provided by the appellant shows overshadowing of the cricket facility. The analysis provides a snap shot at various times of the year and times of the day. The analysis shows there will be some overshadowing of varying degrees throughout the year. This shadowing has two distinct prejudicial impacts:*

- a) *The current snap shot analysis shows that in September it will cause a contrast between the batters and bowlers making the ball difficult to see.*
- b) *During periods of time when the facility is not played the shadowing will affect the maintenance of the fine turf. Fine turf cricket surfaces use grasses unsuited to shading. Without external support (for example from stadium grow lighting – expensive to purchase and run) the facility may suffer qualitative issues that also affect capacity and usage.*

*As the current snap shot analysis does not show the impact throughout the year, a 365 day animation is required to show the impact and help inform any mitigation required." (ECB Head of Facilities Planning)*

- 5.3 In my correspondence to the LPA dated 17th August 2020 (Appendix 4), the following further Information was requested to help address and/or mitigate the Impacts of the overshadowing:

*"365 day animation of the overshadow affect with a mitigation strategy. The mitigation strategy should be prepared and agreed after consultation with Sport England and the ECB."*

- 5.4 On the 25<sup>th</sup> August 2020 the LPA consulted me on additional information provided by the Appellant. This was a Sun Path Analysis in the form of videos showing the extent of shading across the FTPF between March and December and the hours of 9am and 8pm. The ECB were consulted by me and the following comments were received from the ECB:

*"On the sunpath analysis, we would take the view that this clearly proves the contention in 3.b. of your response [Sport England 17th August 2020] that there will be a serious negative effect on the facility during winter. Fine turf grasses can be highly susceptible to disease if shaded during low growth periods and this could set the whole facility at risk. Mitigation for these issues can be achieved through stadium growth lights but they are expensive to both purchase and run, and further contribute to the carbon footprint of any turf area." (ECB Head of Facilities Planning)*

- 5.5 The 365 day animation of the overshadow effect with mitigation strategy requested from the appellant was not submitted to me for comment during the planning applications determination period and my objection is still in place.
- 5.6 A 365 day animation of the overshadowing impact has not been submitted by the Appellant as requested. Instead, on the 4<sup>th</sup> February 2021 I was provided with the appellants Hemiview 3D Light Assessment prepared by STRI, although it noted the Assessment was prepared 12<sup>th</sup> November 2020. This assessment shows the light conditions and the amount of photosynthetically active radiation (PAR) received on the FTPF throughout the period October to March.
- 5.7 I sent the Hemiview Assessment to Dr Iain James (Head of Facilities Services at the ECB and sports turf specialist) who has provided a Technical Report (Appendix 5B) assessing the content of the Hemiview 3-D Light Assessment undertaken by STRI dated 12th November 2020. Dr James Report was accompanied by a covering letter from the ECB Head of Facilities Planning (Appendix 5A) which provides a context for the Technical Report and a summary of key issues.
- 5.8 The ECB Technical Report sets out how the two netblock areas are used and the wear and tear experienced across the cricket season. This means essential renovation works need to be undertaken in October which the ECB consider is a *"critical period for grass establishment."*
- 5.9 The ECB Technical Report notes temperature and the location of wear and tear within the FTPF. The impact of these two elements on grass establishment are not considered by the STRI Report. The ECB Technical Report verifies it is the impact of both increased shading and lower temperatures caused by overshadowing that affects grass growth over the winter period:

*"This is a critical period for grass establishment in marginal conditions due to low temperatures and rapidly decreasing day length near to the autumn equinox. Therefore, the sensitivity to increased shading comes from both light effects (as considered in the STRI study) and temperature effects. The challenge for any cricket grounds manager is to establish grass in this late autumn/early winter period and then to sustain that through winter dormancy to then encourage growth as early as possible in the February-March period in preparation for the start of training in March"*

- 5.10 The Hemiview 3-D Light Analysis provided by STRI solely looks at the impact of light levels over the course of the year. It does not assess other important factors, and the STRI report provides the following caveat to the analysis:

*“It should be stressed that light alone forms only part of the conditions required for sustaining a healthy natural surface; therefore, temperature, air movement, humidity and other climatic factors should also be assessed as part of a holistic review of conditions.” (p.6)*

- 5.11 In terms of the amount of light the FTPF receives between October and February, table 1 below shows the difference between Scenario 1 (existing) and Scenario 2 (existing plus apartments). These Scenarios are presented in the STRI Report. It should be noted Scenarios 3 and 4 are not considered relevant by myself or the ECB as the temporary stand is not present over the critical winter months. The temporary stand is only present during the international cricket season which are the summer months when the decrease of the amount of light and temperature to the FTPF is not an issue.

Table 1: Light Levels Between Scenario 1 and 2

<b>Month</b>	<b>Scenario 1 (Existing) Mol/m<sup>2</sup>/day</b>	<b>Scenario 2 (Existing plus Apartments) Mol/m<sup>2</sup>/day</b>
October	<b>11</b>	<b>10</b>
November	<b>5</b>	<b>5</b>
December	<b>3-4</b>	<b>3</b>
January	<b>4-5</b>	<b>3-4</b>
February	<b>8-9</b>	<b>7-8</b>

- 5.12 Table 1 shows there will be a difference of 1 mol/m<sup>2</sup>/day across all months except November which is the same. Although a decrease of 1 mol/m<sup>2</sup>/day appears to be a small decrease the impact is significant and it will result in the temperature remaining lower for longer, reducing evaporation which in turn means the grass will take longer to dry and the roots staying cold, which in turn affects the growth of the grass.
- 5.13 The overall conclusion of the report is that *“all marginal impacts on light and temperature can have a significant effect on the performance of the surface and in particular when it can be used.”* The ECB conclude that the Appeal Proposal will result in a decrease of light and temperature over the critical winter months affecting the grass growth and establishment during that period. The knock-on effect being that the FTPF will not be of sufficient quality at the beginning of the international and elite level cricket training period (March) to accommodate the level of use required.
- 5.14 The ECB Technical Report sets out potential mitigation by way of Growth Lights for both light and temperature and notes mitigation of this type would *“incur a significant cost”*. The ECB Technical Report sets out the costs associated with operating Growth over a 10 year period:

*“The lighting rig would need to be moved and operated. Operating costs of 100 person-hours/year at £100 /hour would total £10,000 /year. With an operating demand of approx. 25 kW (£3.63 /hr @14.5 p/kWh indicative, and a greenhouse gas emission of 5.3 kg CO2e/hr over 8 hours a day for the same 100-day period, electricity costs would total £2,904 /year and at a median offsetting cost of £80/t CO2e, offsetting would require £339 / year. This is a total operating expenditure of £10,787 / year.*

*On this basis, over a 10-year period the capital and operating expenditure budgets (excluding inflation) would be:*

	<b>Off the shelf lighting rig</b>	<b>Bespoke lighting rig</b>
Capital Expenditure	£32,500	£50,000
Operating Expenditure (10 years at £13,243 / year)	£132,430	£132,430
Total (ex VAT, ex inflation)	£164,930	£182,430

- 5.15 Both the ECB and I, are of the opinion that as the overshadowing and associated prejudicial impact on fine turf renovation and its subsequent quality and usage, will be present for the lifetime of the development, then the costs of providing and operating the Growth Lights should be in perpetuity. It is unreasonable to expect the LCCC to fund the necessary mitigation for a development that is out of their control and likely to be in situ for many decades. As the funding of the Growth Lights would need to be in perpetuity, I do not consider a commuted sum is appropriate, and an alternative mechanism for funding the purchase, operation and ongoing maintenance of the Growth Lights would need to be secured. Paragraph 187 of the NPPF provides the necessary guidance in this respect:

*“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”*

- 5.16 It is my opinion, and based on the Technical Report provided by the ECB, that unless mitigation is put in place that eliminates the effects of overshadowing from the development, there will be a significant prejudicial impact on the FTPF. As it is the proposed development that will create the renovation and turf growth issues and therefore deterioration of the playing surface, the onus should be on the appellant to mitigate the effects in perpetuity, not LCCC. I am of the opinion that even if a Mitigation Strategy can be agreed it is very unlikely a legal agreement could be drawn up to the satisfaction of all parties that includes the purchase, operation, and ongoing maintenance of the Growth Lights in perpetuity.
- 5.17 Without the Growth Lights the ECB state in their covering letter (Appendix 5A):

*“The ultimate consequence of a failure of a key component of facility provision required under ECB High Profile venue facilities standards could be the loss of the ability to host major matches and/or a failure to succeed in any major match bidding*

*process. The impact of this eventuality on the finances of LCCC, and the local economy, is measurable in millions of pounds as a result of the hundreds of thousands of annual visitors to the stadium.”*

- 5.18 If the appeal was allowed without Mitigation in perpetuity, the Growth Lights would need to be purchased, operated, and maintained by LCCC for the lifetime of the development. As stated previously the cost is between £32,500 and £50,000 for the purchase of Growth Lights, with £13,243 per year operating costs. If Growth Lights are not put in place this would result in the deterioration of the FTPF as an elite sports facility which puts the entire EOT at risk of losing its status as a High Profile International and County Cricket venue. Both the ECB and I, consider this is an unacceptable risk and cost to place on LCCC. On the basis that it is extremely unlikely Mitigation for the prejudicial impact on the FTPF in perpetuity can be secured and enforced through the planning process, and the cost to LCCC of providing the required Mitigation themselves is an unacceptable cost to bear, I consider the Appeal should be dismissed.

## **6 ADDITIONAL DEMAND FOR SPORT ARISING FROM THE PROPOSED DEVELOPMENT**

- 6.1 I provided an estimate of additional demand for sport calculation at the request of the LPA on 18th August 2020. It was made clear to the LPA that the information was provided in a non-statutory advisory capacity and did not affect the statutory objection previously lodged.
- 6.2 The estimate of demand uses Sport England's strategic planning tools and data from the Council's sport related Needs Assessments. Sport England's Sports Facility Calculator is used to estimate demand for sports halls and swimming pools, whereas Sport England's Playing Pitch Calculator is used to estimate the demand for pitch sports.
- 6.3 Based on 333 dwellings and a population of 568, a figure agreed between Sport England, the LPA and Appellant, this would generate an additional 46 visits per week to sports halls, and 36 visits per week to swimming pools (Appendix 7A). The LPA were asked by myself to assess the current capacity of sports halls and swimming pools in the locality to identify whether existing provision had sufficient capacity to accommodate the additional demand, or whether improvements are required to build in additional capacity. I understand the Council consider existing facilities have sufficient capacity and a contribution for Indoor sports provision is not required.
- 6.4 Based on 333 dwellings and a population of 568 this would generate a combined additional demand for pitch sports equating to one pitch equivalent, at an indicative capital cost of £107,153 and lifecycle cost of £13,957, and one additional changing room at an Indicative capital cost of £144,050 (Appendix 7B).
- 6.5 Broken down into pitch types this equates to:

- 1a. Natural Turf improvements to youth and/or mini football pitches – indicative costs amount to a total £58,645 with lifecycle costs of £12,247 (to accommodate match play during the peak period).
- 1b. Improvements/contribution towards an Artificial Grass Pitch indicative costs amount to £48,507 with a split of £28,825 for 3G and £19,682 for sand based (to accommodate training over the week).

This represents a total Indicative cost of £251,203 for outdoor sport facilities, plus £13,957 per annum lifecycle cost.

- 6.6 As the majority of additional demand that would be generated is for youth and mini football it suggests qualitative improvements to existing pitches (natural turf and artificial) within the locality are required rather than new pitch provision.
- 6.7 Shortfalls in existing provision are likely to be exacerbated by the Appeal Proposal, and therefore using the latest Trafford Council Playing Pitch Strategy Action Plan, and Local Football Facility Plan priority projects, a specific site(s) should be identified where works are required to increase capacity to meet the additional/ new demand. The identified site(s) and set of works, and costs should inform a s106 agreement.
- 6.8 I note from the appellant's Statement of Case, paragraph 12.15 and 12.16 that the indicative costs for outdoor sport have been agreed with the LPA, and that a planning obligation of £121,110 would be secured. This is half the contribution Sport England has calculated to meet the additional demand for outdoor sport, using up to date data from the Council's own Playing Pitch Strategy, Built Facilities Strategy and ONS population data. Appendices 7a and 7b contain the Sports Facility Calculator and Playing Pitch Calculator Outputs that provide the evidence of additional demand for sport and the indicative costs, with workings. The costs are based on Sport England's Facilities Costs Second Quarter 2020 (Appendix 7C), which in turn are based on typical schemes funded through the Lottery.
- 6.9 Whilst the outdoor sport contribution of £121,110 is welcomed, I have concerns around the way in which it has been derived as the contribution appears to be at odds with the evidence of demand for pitch sports presented and informed by Sport England's strategic planning tools and the Council's own sport evidence base.
- 6.10 I respectfully request the outdoor sport contribution is revisited to ensure the contribution is based on the most up to date evidence.

## **7 OTHER MATTERS**

- 7.1 My evidence focuses on the impact of the Appeal Proposal when assessed against Sport England's Playing Fields Policy and paragraphs 99 and 187 of the NPPF.

Other matters and grounds for refusal have been raised by the Council and LCCC, which generally fall outside of Sport England's statutory remit.

- 7.2 However, the impact of Noise generated by EOT on the Appeal Site has been noted, and the representations from LCCC are supported, as there is the potential for a prejudicial impact. I was not made aware of this issue until very recently and are not in possession of all relevant facts to help provide a fully informed response on this matter. Nevertheless, my experience is that noise generated from sports venues, ranging from small scale grass roots club sites to elite venues, elicits complaints from adjacent residents. This is due to the noise from ball on bat, shouting and noise from pitch users entering and exiting the sports ground. This has led to restrictions on hours of use being placed on the venue, and in some extreme cases closure of the sports facility because they are no longer sustainable.
- 7.3 Where applications for new development immediately adjacent to an existing sports venue are submitted, Sport England will seek to ensure Acoustic Assessments and Mitigation is put in place prior to occupation of the new development. Mitigation can come in the form of Acoustic Barriers, and Noise Management Plans.
- 7.4 I am aware LCCC have commissioned Vanguardia to review the Appellants Holtz Noise Report, but this has not been submitted to me for comment at the time of writing. As with the overshadowing impact, the onus for preparing and implementing a Noise Mitigation Strategy should be on the Appellant in perpetuity. Paragraph 187 of the NPPF provides the necessary guidance in this respect:

*"Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established."*

## **8 CONCLUSIONS**

- 8.1 I have lodged a statutory objection to the Appeal Proposal with the LPA, on the grounds that the negative impact of overshadowing from the Appeal Proposal on the adjacent LCCC high quality FTPF, will be prejudicial to the use of that sports facility.
- 8.2 The ECB has provided a Technical Report on the impact of overshadowing, concluding there will be an increase in shading, and reduction in temperature, affecting renovation of the FTPF during the critical winter months, and its subsequent quality and usage. Deterioration in quality of the FTPF puts the status of EOT as a High Profile Cricket Venue at risk as the FTPF provides an essential facility that supports the hosting of international and county cricket matches.
- 8.3 Mitigation in the form of Growth Lights is required, with the Appellant responsible for the costs of the purchase, operation, and maintenance in perpetuity. No Mitigation Strategy to that effect has been submitted, and I request the Appeal is dismissed.



## **Appendices**

APPENDIX 1 – Sport England Playing Fields Policy and Guidance

APPENDIX 2 - Memorandum of Understanding Between Sport England and the National Governing Bodies of Sport

APPENDIX 3 - Sport England Correspondence to LPA 31/7/2020

APPENDIX 4 - Sport England Correspondence to LPA 17/8/2020

APPENDIX 5A – ECB Covering Letter

APPENDIX 5B - Overshadowing Technical Report ECB

APPENDIX 6 – LCCC Masterplan

APPENDIX 7 - Sport England Additional Demand for Sport Correspondence to LPA

APPENDIX 7A - Sports Facility Calculator Output

APPENDIX 7B - Playing Pitch Calculator Output

APPENDIX 7C - Sport England Facilities Costs Q2 2020