
From: Sharron Wilkinson <Sharron.Wilkinson@sportengland.org>
Sent: 18 March 2024 16:46
To: Planning Folder New
Cc: Alex Jelley
Subject: App No: 23/01135/FUL - Two storey boxing gym with associated parking, outdoor activity areas and landscaping at Land adj. Hinckley Rugby Club, Hinckley - Sport England ref: PA/23/EM/HIN/66438

Dear Alex,

Thank you for consulting Sport England on additional information and amended plans submitted for the above application following concerns raised in our consultation response dated 4 January 2024.

The additional information relates to the submission of a Cricket Ball Strike Assessment Report produced by Labosport (23.02.24). This report recommends that to provide a suitable level of protection for users of the proposed access road and car parks the following mitigation measures are required:

- A 15 m high ball stop fence along 26 metres of the access road and,
- A 3m high ball stop fence along 72 metres of the access road and,
- A 11 m high ball stop fence along 10 metres of the access road.

The applicant's agent has submitted a letter (dated 23 February 2024) in which they acknowledge that they were not aware of Sport England's pre-application response to this proposal. Information is provided on the previous use of the land and the comments made by the Council's Environmental Services Department offering no objections to the proposal with regards to ground contamination subject to additional details submitted. Confirmation is included on the involvement of the applicant with England Boxing and that any comments received from them will be included in this application submission. Confirmation is also included that the proposed access would not conflict with the spectating or spectator parking locations for the cricket club. Information is provided on the mitigation measures included in the Cricket Ball Strike Assessment Report produced by Labosport (23.02.24) and the potential costs of this mitigation. The letter indicates that the proposed fencing around the two car park areas of 15m and 11m in height are acceptable to the applicant. However, alternative mitigation measures are sought for the mitigation recommended along the access road which is 72metres in length.

Amended plans for the Proposed Site Plan with Access Road (Drw No: 4594/HOEBBC/21/101 Rev P7) and Proposed Site Plan (Drw No: 4594/HOEBBC/21/100 Rev P10) have been submitted.

As part of the assessment of the amended application Sport England has sought the views of the England and Wales Cricket Board (ECB) who act as Sport England's technical advisor in relation to cricket and its facilities. Their comments are summarised below:

- The report only takes a measurement from the closest cricket pitch and therefore only the worst case scenario has been provided. It was a desk study and the cricket club don't appear to have been consulted in order to understand how this large square is used.
- Height of the ball stop fence is feasible and practicable but the location of the structure is unclear and any ball-stop fencing should be constructed on the applicants land but it doesn't appear that the applicant has any land to meet this obligation.
- The applicant is responsible for the construction and maintenance of the ball-stop fencing.

Assessment of Additional Information and Amended Plans against Sport England's Policy/NPPF

As previously raised, the proposal would lead to the loss of playing field land. The proposal therefore needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 103 of the NPPF. Sport England has assessed the proposal against exception 5 of Sport England's Playing Fields Policy (which is in accordance with paragraph 103 c) of the NPPF) which states:

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 mitigation measures included in the Cricket Ball Strike Assessment Report relate to the construction of a fence along the access road and car park areas for the proposal. The amended Proposed Site Plan with Access Road and Proposed Site Plan both show the access road and right of access outside of the red line application site boundary and so on "land outside of site boundary."

As confirmed by the ECB there is a need to ensure that any mitigation measures are provided on the application site. Further information is required on how these mitigation measures would be provided on land controlled by the applicant along with how they would maintain this mitigation. The applicant should also provide information on discussions with the Council on whether fencing to a height of 11 metres and 15 metres is acceptable in this location.

With regards to the applicant's suggestion that alternative mitigation measures could be provided for protecting users of the access road, additional information should be provided on these proposed measures and how they would be implemented on site. Once in receipt of this information, Sport England can seek the views of the ECB as to whether they would be sufficient to mitigate against the risk of ball strike.

Based on the amended information and plans submitted, whilst the proposed boxing gym indoor facility would provide a significant benefit to the development of sport in the area, the application fails to demonstrate that the proposed development would have not have a prejudicial impact on the use of the remaining land being used as a cricket pitch. The Cricket Ball Strike Assessment Report recommends that to provide a suitable level of protection for users of the proposed access road and car parks then mitigation measures are required. Further information is required on how these mitigation measures would be provided on site by the applicant and maintained by them. Further information is also required on whether the Council would accept fences to the heights suggested acceptable in this location. Information is also required on any alternative mitigations measures being proposed and how the applicant would implement these on site. Without this information, it is Sport England's opinion that the proposal would have a prejudicial impact on the use of the remaining land being used as a playing field.

Conclusion

Given the above assessment, Sport England continues to **object** to this application which is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraphs 103 and 193 of the NPPF in that the proposal would prejudice the use of the remaining playing field land in an area where a surplus of playing field land cannot be demonstrated.

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.

In providing any further information, Sport England would ask that the applicant submits this to the Local Planning Authority and not to Sport England directly. That way it forms part of the application submission and its associated audit trail. The Local Planning Authority can then consult Sport England on receipt of this information

Yours sincerely,

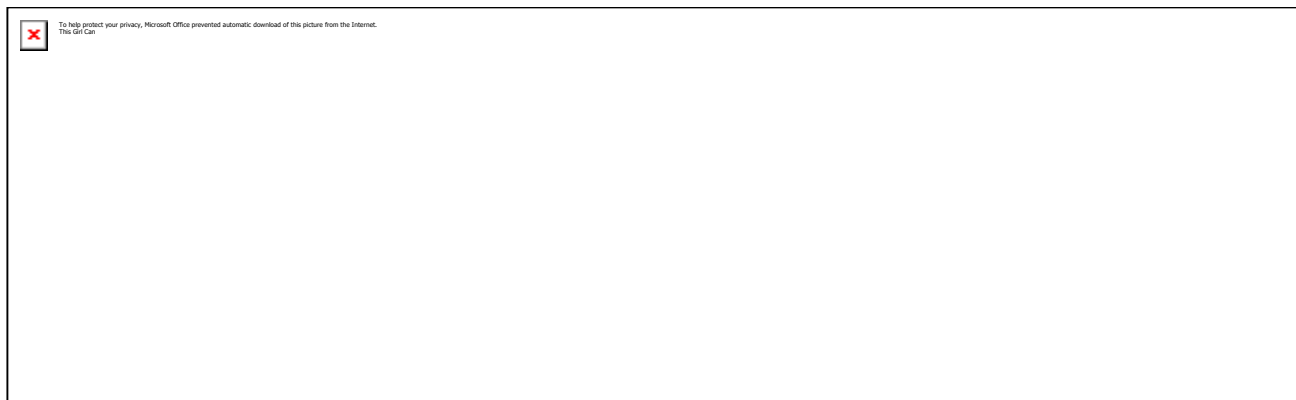
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