

20221328 Bowling Green Church Walk
Sport England 23 March 2023

Having assessed the additional information supplied by the applicant with the RFU and Bowls England, we are satisfied that the existing and proposed sports pitch layout drawings demonstrate that there would be no adverse impact on the nearest rugby pitch and its safety run off area. This aspect of the proposal is therefore not objected to.

We also recognise that the applicant has said that it is happy in principle to explore a financial mitigation strategy with the Council to mitigate the loss of that part of the playing field occupied primarily by the bowling green and the pavilion. This should also recognise that the pre-existing club using this part of the site has been disbanded to facilitate the development.

The applicant has however, made no firm offer in terms of a legal obligation in that respect. I have attached Sport England's Facilities Costs guidance sheet for Quarter 3 of 2022 that you will see at page 5, indicates that the cost of providing a new 40m x 40m outdoor bowling green then would have been in the region of £165,000 and that costs continue to rise. In this case, it is recognised that the existing club members have been assimilated into other local clubs, it is therefore appropriate that funding towards the improvement of those other club sites is secured.

Within its application, the applicant has drawn on a recent planning appeal decision (attached to this email) in justification. Sport England does not consider that the two developments are particularly analogous, other than both being (partly) for care home use and involving the loss of a bowling green. Specifically, in the appeal case, the bowling green did not comprise part of a larger playing field and, the green had vacant for, and marketed for alternative sports uses, for an extended period. The inspector considered that in allowing the loss of the bowling green 'on balance', that a financial contribution was necessary to make the development acceptable. The appellant made an obligation to the Council secured within a s.106 Unilateral Undertaking to pay £50,000 directly to Bowls England and to be used for improvements towards bowls clubs in the borough. The £50,000 was considered by the inspector to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

The area of bowling green lost in the appeal proposal amounted to approximately 0.2ha compared to 0.71ha of bowling green and pavilion / playing field proposed by the current application. In light of that, it would be reasonable for more than £50,000 mitigation to be secured given the significantly larger area of land in use or last in use for sport being lost and the passage of time.

Conclusion

Sport England is not aware that negotiations are currently progressing by way of a legal agreement between the Council and the applicant to resolve our concerns. On that basis and pending a legal obligation being secured, Sport England maintains its **objection** to this application on the basis that it will result in the loss of playing field without mitigation.

Sport England can confirm that once a suitable s106 agreement or other legal mechanism has been signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the obligation with a view to withdrawing the current objection.

If the LPA is minded to grant planning permission then the following planning condition should be attached.

Condition 1

The development hereby permitted shall not be commenced until the rugby pitch sports lighting permitted pursuant to planning permission ref: 20221327 have first been installed and are operational and the northern rugby pitch has been reorientated in accordance with drawing no. 05 P1 dated February 2023 and made available for use.

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory rugby provision which secures a continuity of use 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).

If you would like any further information or advice, please contact me.