

Andrew Lewis
Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

19 March 2015

Our Ref: SE/CL/2015/39037/S

Dear Andrew,

App Ref: 15/00153/REM
Site: Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD
Proposal: "Reserved Matters to Outline application 10/01642/OUT - Village green including sports provision."

Thank you for consulting Sport England on the above named application.

It is understood that the wider outline application site included a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). Therefore, the consultation with Sport England on this reserved matters application is statutory.

Sport England would normally consider the application in the light of its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'. However, the land the subject of this application is understood to have been previously used as a parade ground for the former air base, rather than as a playing field. Therefore, Sport England has considered the application in the context of its planning objectives and with the National Planning Policy Framework (NPPF).

The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

The covering letter with the application provides a breakdown of the planned provision for outdoor sport over the wider site and states that this has been incorporated in a Deed of Variation to the s106 Agreement. The planned provision includes a cricket pitch, for which this application seeks approval.

The application seeks approval for a village green that will accommodate:

- “A cricket pitch with a 4 wicket senior cricket square (grassed);
- A series of outdoor fitness equipment, linked by a fitness trail that runs along the outer edge of the cricket outfield;
- A children’s play space (LAP), located to the south-eastern corner of the village green; and
- A series of seating areas, interlinked by a footpath network, providing areas within the village green to observe the [cricket] and/or play areas.”

While the dimensions of the proposed cricket square accord with design guidance published by Sport England and the requirements of the England and Wales Cricket Board (ECB), the distance to the boundary of the outfield (36.58m) is too short. The minimum required distance is 45.72m (please see <http://www.sportengland.org/media/30820/Natural-Turf-Senior-Cricket-8-Pitch.pdf>). The proposed facility will not be fit for purpose or sustainable in the longer term.

The proposed development will give rise to a conflict between the use of the village green for cricket and the neighbouring uses, particularly housing. Cricket balls commonly travel in excess of 70m at all levels of ability. Therefore, a cricket ball landing on adjoining property is likely to be a relatively common occurrence in this location. The cricket club would be liable for damage to property and personal injury.

Sport England would draw your attention to two cases where the Courts considered this type of problem. These are:

1. Miller v Jackson [1977] EWCA Civ 6 (6 April 1977) and
2. East Meon Forge and Cricket Ground Protection Association v East Hampshire District Council [2014] EWHC 3543 (Admin) (31 October 2014).

A copy of each decision is attached for your assistance.

In the current application, no mitigation measures have been proposed to address the risk of cricket balls leaving the site.

The reserved matters application has also been submitted without any ancillary provision in the form of a pavilion with changing accommodation. The absence of such provision adds to the view that the proposed facility will not be fit for purpose.

The proposed layout of footpaths, seating, play area and planting, on the southern part of the site, will prejudice the use of the land for other outdoor sport.

If the reserved matters site is unable to accommodate a cricket pitch that is fit for purpose, it will not be regarded as a playing field. The Council will then need to consider whether the requirements of the s106 Agreement have been met or whether other land, within the outline application site boundary, needs to be identified in order to make provision for cricket.

Sport England objects to the proposal because it has not been demonstrated that the proposed sports facility will be fit for purpose and sustainable. It fails to meet Sport England's Objective 3. The objective is:

"To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation."

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

Yours sincerely

Raymond Cole

Raymond Cole
Planning Manager
Tel: 020 7273 1904
E-mail: raymond.cole@sportengland.org