

Norfolk County Council

By email only

20th March 2024

Application Reference: DIS/2024/0005

Site: Blofield Primary School, East side of Plantation Road, Blofield, NR13 4PL

Proposal: Discharge of Planning Conditions No. 24 (Assessment of ground conditions of new playing fields) and No. 25 (Community Use Scheme) of planning permission reference FUL/2022/0055.

Sport England Ref: PA/23/E/NCC/67027

Thank you for consulting Sport England in respect of the details submitted under the above planning reference to discharge conditions 24 and 25 of planning permission DIS/2024/0005.

Condition 24 (Assessment of ground conditions of new playing fields) states the following –

'No development above foundation level shall take place unless and until: a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and b) Based on the results of this assessment to be carried out pursuant to (a), a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.'

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policies 5, 7 and 8 of the JCS, the preamble to Policy RL1 of the DMP 2015 and the provisions of Chapter 8 of the NPPF.'

Condition 25 (Community Use Agreement) states the following –

'No development above foundation level shall take place until a community use scheme has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall apply to outdoor and indoor sports facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The

approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policies 5,7 and 8 of the JCS, the preamble to Policy RL1 of the DMP 2015 and the provisions of Chapter 8 of the NPPF.'

Sport England's Assessment

Condition 24 (Assessment of ground conditions of new playing fields)

Due regard has been given to the information submitted to satisfy condition 24. In summary the proposed works to be carried out over the playing field, as outlined within the 'Blofield Primary School Natural Turf Sports Pitch Development' undertaken by Agrostis Sports Surface Consulting, includes the following:

- Cutting down and removing above ground vegetation
- Spraying off and removing remaining vegetation
- Grading to a single platform within topsoil
- Preparing stone-free and suitably firm tilth
- Incorporating sand carpet to specified area
- Incorporating rabbit fencing
- Sowing specified seed
- Maintaining grass surface through establishment period

Whilst the information regarding the above works is supported, the plan within the report is inaccurate as the grass playing pitches are not reflective of the document within the approved application: 'NPS-DR-A-019 Proposed Pitch Markings Pl.pdf'. The current drawing within the CUA has overlapping run-off areas. The plan in the report needs to reflect the approved plan in order for Sport England to support the discharge of condition 24.

Condition 25 (Community Use Scheme)

In terms of condition 25, a submission has been provided for consideration. Sport England welcomes the commitment to discharging the condition. However, at this stage the submitted document fails to provide an adequate review agreement. Sport England's main concerns is that this is not an agreement as there are no parties and no provision for the Council to sign up to the agreement. In addition to this, the hours of use are very restrictive, particularly given that pitches are only likely to be used by the community at weekends for instance, but no weekend hours are proposed. To assist the Applicant further, Sport England have provided their detailed comments on the following pages.

Consultation with the National Governing Bodies

Sport England has undertaken some further consultation with the relevant sport national governing bodies on the information submitted.

The Football Foundation (FF) commented the following:

Definitions and interpretation

Review committee – details needed as to who is included within the review committee. The FF recommends that the County Football Association or Active Partnership be included, as well as a local authority officer.

Management

Section (a) – the wording could be improved to state examples of similar local authority run facilities within the area and the proposed pricing based on current comparable pricing.

Schedule 1 – Sports and Community Facilities

The grass playing pitches are not reflective of the document within the approved application: 'NPS-DR-A-019 Proposed Pitch Markings P1.pdf'. The current drawing within the CUA has overlapping run-off areas.

Schedule 2 – Arrangements for Community Use

Hours of Access (Planned Availability) – The statement that the hours of access are “subject to staff availability to secure the site after use” is a concern. The presence of the required staffing to operate the facilities should be driven by the hours of use committed to via the CUA. Hours of use should only not be met where there is no demand for use of the facilities.

Hours of Access – the statement as below needs to be reworded to provide clarity as to what constitutes cost effective opening or should be removed.

“The School reserves the right to restrict bookings during weekends or out of term time if it determines it is not cost effective to open or booking requests coincide with planned building maintenance works or if staff are not available to open / secure the site accordingly.”

England Netball have commented the following,

‘The proposed opening hours outlined in Schedule 2 are extremely limited – both indoor and outdoor facilities will only be available for an hour during term time, Monday – Friday between 6 – 7pm – outdoor only when natural light permits. No evening use at all during out of term time.’

Sport England's review of the Community Use Agreement (CUA) document concurs with the comments made above by the NGBs.

Issue	Amendment required
The agreement does not list the parties to the agreement on the front page or the recitals/introduction and there is no provision for the parties to sign the agreement at the end. At present this is a community use statement rather than a CUA.	List the parties to the agreement on the front page or the recitals/introduction and include the provision for parties to sign the agreement at the end.
On page 3 its states 'A Condition of the Planning Permission....'	This should be more specific stating ' <i>Condition 25 of the Planning Permission referenced FUL/2022/0055...</i> '
Lack of recitals	The CUA should be updated to include recitals as set out in paragraphs 1.2 – 1.8 in Sport England's CUA template agreement - 20110517-cua-template-full-agreement_final.doc (live.com)
The definition of casual use fails to clarify how many days in advance the sport facilities need to be booked out.	You should include wording ' <i>up to [insert number] days in advance for use on a pay as you go basis...</i> '
Definition of parties should be updated.	Include the wording ' <i>...means the parties to this Agreement.</i> '
There is not a definition of planning permission.	The definition of a planning permission should be added stating means planning permission (reference []) granted by the [Council/County Council] on []
The definition lists core times.	This should be re-worded as School Core Times to make it clear it relates to the school, not other facilities/users.
The definition of school premises should be explicit of the school's name.	You should include the school's name within the definition for example Blofield Primary School.
Review committee – details needed as to who is included within the review committee. The Football Foundation recommends that the County Football Association or Active Partnership be included, as well as a local authority officer.	The review committee requires updating. The review committee should be included in the Management section. This should be the parties plus others such as the sports national governing bodies. As a minimum the Council should be a named party. Details needed as to who is included

	within the review committee.
The opportunities of the CUA should be reflective of the aims of the CUA.	The wording should be updated as follows, albeit similar, <i>'The School shall use reasonable endeavours to achieve community use targets in line with appropriate sports development strategies, including making a contribution to local participation targets for sporting and physical activity. The School shall work with National Governing Bodies to provide a range of opportunities and pathways for the community. These may include existing initiatives and will also include new and local activities.'</i>
The marketing and promoting of the site should be revisited on an annual basis to ensure it is being reviewed.	At the end of the marketing and promotion you should add the following: <i>'The marketing strategy will be reviewed on an annual basis.'</i>
Under the heading 'management' it should clarify it is Schedule 3 to this Agreement.	The sentence should include the following - <i>'Schedule 3 to this Agreement'</i> .
Criteria (d) should ensure there is an easy and accessible booking arrangement for Casual Use and block booking AND that this is reviewed on an annual basis.	Wording should be added to the affect that <i>'this is reviewed on an annual basis.'</i>
You should also ensure reference is made to the marketing strategy and that it will be reviewed on an annual basis.	Add wording such as, <i>'An effective marketing strategy for the marketing of the Sports Facilities for Community Use, which shall be reviewed on an annual basis.'</i>
Criteria (c) does not make the School accountable to cover the costs of the electricity, water, rates, taxes, gas, fuel and oil attributed to the Sports Facilities.	Criteria (c) should be re-worded as follows: <i>'cover the cost of gas, fuel, oil, electricity, water, rates and taxes that may be attributable to the use of the Sports Facilities.'</i>

<p>The bullet points on page 6 need to be broken up.</p>	<p>The bullet points that require splitting are those on the second bullet point.</p>
<p>After the fourth paragraph on page 5 there should be a paragraph requiring the school to implement the recommendations.</p>	<p>The following wording should be included <i>'The School shall implement all reasonable recommendations of the Review Committee as soon as reasonably practicable.'</i></p>
<p>On Page 6, the seventh paragraph should include the condition number and that consultation with Sport England would be required.</p>	<p>The wording should include the following <i>'...required by Condition 25 of the Planning Permission without the prior written approval of the local planning authority following consultation with Sport England.'</i></p>
<p>The CUA requires a section on Authority, No Variations, No Agency, Severability, Waiver, Non-Assignability and Governing Law and Jurisdiction.</p>	<p>The appropriate wording for each section can be viewed in Sport England's template agreement - 20110517-cua-template-full-agreement_final.doc (live.com) between paragraphs 11 to 17.</p>
<p>Schedule 1 - Sports and Community Facilities - The grass playing pitches are not reflective of the document within the approved application: 'NPS-DR-A-019 Proposed Pitch Markings P1.pdf'. The current drawing within the CUA has overlapping run-off areas.</p>	<p>Please ensure the plan referred to is that approved. This section should be updated to reflect this.</p>
<p>Schedule 2 - Arrangements for Community Use</p> <p>Hours of Access (Planned Availability) – The statement that the hours of access are <i>"subject to staff availability to secure the site after use"</i> is a concern. The presence of the required staffing to operate the facilities should be driven by the hours of use committed to via the CUA. Hours of use should only not be met where there is no demand for use of the facilities.</p>	<p>The sentence <i>'subject to staff availability to secure the site after use'</i> should be removed.</p>
<p>Hours of Access – Clarification is required as to what constitutes cost effective opening, if not, it should be</p>	<p>The statement below needs to be reworded to provide clarity as to what constitutes cost effective opening or</p>

<p>removed.</p>	<p>should be removed.</p> <p><i>“The School reserves the right to restrict bookings during weekends or out of term time if it determines it is not cost effective to open or booking requests coincide with planned building maintenance works or if staff are not available to open / secure the site accordingly.”</i></p>
<p>Hours of Access – The proposed opening hours outlined in Schedule 2 are extremely limited – both indoor and outdoor facilities will only be available for an hour during term time, Monday – Friday between 6 – 7pm – outdoor only when natural light permits. No evening use at all during out of term time.</p>	<p>Hours of use should be provided during term time and school holidays from Monday – Friday, Saturday and Sunday. Separate hours should also be provided for indoor and outdoor facilities to reflect daylight hour restrictions.</p>
<p>Pricing – It states that the Review committee at its reasonable discretion alter pricing tariff in the interests of the school. This should be removed and wording added that ensures the pricing would be affordable. Alternatively, the sentence could be included, subject to the local planning authority and Sport England being consulted on any revised pricing tariff.</p>	<p>The pricing should explicitly reference that the pricing would be affordable and shall be no greater than for similar local authority run facilities in Broadland and South Norfolk local authority.</p> <p>If the wording is to be retained, it should be viewed to include, <i>‘The Review committee may at its reasonable discretion alter pricing tariff in the interests of the school following consultation with the local planning authority following consultation with Sport England.’</i></p>
<p>A schedule should be included, reflective of schedule 3 in the Sport England’s template agreement – 20110517-cua-template-full-agreement_final.doc (live.com). This is to identify the purpose of the Review Committee, the role of members within the Review Committee, how it shall operate, and reporting.</p>	<p>An additional schedule should be included within the CUA to cover the points raised in Schedule 3 in the Sport England’s template agreement, which relate to, in the case of the CUA submitted a Review Committee, – 20110517-cua-template-full-agreement_final.doc (live.com).</p>

At the end of the page should be a signatory page.

Include a signatory page, with the sites address, list of parties to agree to the CUA, and the date.

To conclude, the submitted document is not sufficient to discharge the condition as it does not meet the requirement for a satisfactory, completed and signed CUA. Sport England objects to condition 25 being discharged at this time.

Conclusion

To summarise, Sport England **object** to the discharge of conditions 24 and 25. I would be happy to review a draft CUA from the Applicant before they re-submit a revised one to ensure all the points outlined above have been addressed.

If you have any queries, please contact the undersigned.

Yours sincerely,

[Redacted signature]

Clare Howe MRTPI MSc Ba (Hons)

Planning Manager

[Redacted contact information]