

Response to Sport England objection

1. In an email dated 19 August 2016, Sport England maintained its objection to the application. Whilst the objection makes reference to a number of issues, the essence of the objection is an unwillingness by Sport England to positively engage with the application until a Playing Pitch Strategy has been adopted by the Council.
2. The College's position is that Sport England is wrong to object to the application, for many reasons. This Response sets out those reasons in more detail.
3. It is important to keep in mind the factual position. The land is privately owned by the College. The College has not used the land for educational purposes since [2010]. The only formal use of the land for sport is by the Dynamos, a football club. The Dynamos have used the land since the mid-1970s. The arrangement with the Dynamos is an annually renewed external hire agreement which has been in place for over 10 years. In the 2015/2106 season, the Dynamos ran two teams and marked out two pitches. [N.B. The Dynamos have now confirmed that the club could successfully operate using a single full sized playing surface which they could sub-divide to create 9 v 9, 5 v 5 etc. pitches.
4. The existing changing facilities comprise four, sub-standard, changing rooms. The existing pitches are classified by Sport England as "standard", i.e. less than "good" classification. During the past five years the College has not been approached by any club, football or otherwise, enquiring about the land's availability for sport. The College obtained planning permission to fence the land in March 2014 under reference 14/0283/03. The land has been maintained by the College. The land is surplus to the College's own requirements.
5. The College's position is that, if necessary, it will fence the land prior to the expiry of the above planning permission, although it will make sure that it maintains the existing arrangement with the Dynamos. The College is not yet faced with making that decision. However, the Council will be aware that the number of teams in Exeter playing football is diminishing - not as the result of a lack of grass playing pitches -and that the cost of maintaining playing pitches and facilities is increasing. It will not be economic for the College to continue to keep the fields open to public use, and it will not.

6. The College would emphasise, therefore, that the continued use of the land at Wear Barton for sport is not guaranteed: the fields are private land, and every person using the land without authority to do so is committing a trespass. Unless planning permission is granted there is every chance that the land will soon no longer be available on an ad-hoc basis for either formal or informal sport and recreation use. This fact is a material consideration and must be weighed by the Council when determining whether to grant planning permission.
7. If permission is granted, however, the provision of formal and informal recreation and sporting facilities on land at Wear Barton, for use by the public, would be secured.
8. The development itself would deliver the following recreational benefits:
 - a. a replacement, full-sized football pitch, with a "good quality" specification (ie above a score of 80, as per Sport England's specification rating), measuring 106m x 69m including run off / safety area around the pitch (which fully answers Sport England's concerns about the size of the replacement pitch)
 - b. new changing facilities
 - c. a playground for younger children
 - d. two new marked-out, 5-a-side pitches (including equipment) (currently, there are none)
 - e. a new junior pitch (including equipment) at Flowerpot Lane
 - f. a new adult pitch (including equipment) at Flowerpot Lane

and all of the above being available for public use.

9. The pre and post development positions are significantly different. In the pre development position, the existing pitches on the site are in average condition, barely used, and on private land. In the post development position, there will be the same number of adult pitches (two), and a maintained number of junior and 5-a-side pitches. All the pitches will be built to a "good standard", all will be available to the public, and all will be controlled by a combination of s106 obligations and planning conditions.
10. The high specification of the new provision will ensure better drainage and, as a result, the new pitches will be capable of being used more often than other pitches in Exeter. The College is very experienced at managing and maintaining pitches and will manage and maintain the playing surface at Wear Barton. The College will provide the goals,

including goals for 5-a-side and junior football, and will make the playing surfaces available for community use. Indeed, it should be noted that the Dynamos are fully supportive of the proposals for an improved playing surface and new changing facilities at Wear Barton. Furthermore, the College will be making temporary arrangements for the Dynamos during the construction phase.

11. The new changing facility will be of a higher standard than the existing facility. It will comprise two separate changing rooms, a separate referee's room, storage room, showers and toilets. The Dynamos have been involved in design discussions to ensure that it will be fit for purpose. It will also be DDA compliant. The existing changing rooms are not.
12. The College sees no merit in Sport England's argument that the College's commitment to the provision at Exwick is irrelevant because the land at Exwick could already provide playing pitches. The Sport England argument ignores the fact that these pitches are not currently marked out, maintained or equipped. The significant enhancement proposed for Exwick would be additional provision of better quality than currently exists. It will be under the direct management of the College, who are vastly experienced at managing similar facilities, and there will be the control and flexibility to ensure that these extra pitches are provided to maximise their use.
13. Further, the College has also secured a resolution for planning permission for a 3G pitch at Exwick. The proposed sale of the Wear Barton site will provide a significant part of the money necessary to fund the delivery of the 3G. If the money from the sale of Wear Barton is not available, and if the 3G is to go ahead, the College will need to defer other important schemes, which would be detrimental to the College, its students and the wider economy of Exeter. The strategy employed by the College is aligned to the funding constraints facing the further education sector, with guidance encouraging efficiency across curriculum delivery and disposal of assets which are surplus to educational need.
14. With regard to the specifics of the Sport England objection, the College would ask the Council to consider the following responses:
 - a. Sport England asserts that the playing field is recognised as an important playing field for numerous sporting and recreational activities, and that it is used for informal recreation. This assertion is not borne out by any facts or evidence. In

fact, the evidence shows the opposite, namely, that the land is hardly ever used for informal recreation and, other than the Dynamos, there is no demand for formal recreational use at Wear Barton.

- b. It is a material factor that whilst the lawful planning use is currently as playing fields, the weight which can be given to that use is limited by the fact that the fields are privately owned and could be fenced in shortly. The extent to which a use can actually perform its function, notwithstanding the lawfulness of that use, is relevant to the assessment of that land's planning characteristics.
- c. Sport England acknowledges that there is a link between the College's proposals at Exwick and at Wear Barton. However Sport England incorrectly states that the Council "should not give any weight to this in their planning decision." With respect, it is for the decision-maker to decide what weight to give to this fact and the Council is allowed to take into account the College's wider proposals.
- d. Sport England acknowledges that parts of the Wear Barton site have not been marked out for formal pitches for a few years. However, Sport England believes there is "potential" for pitches to be laid out. In response, the College can confirm that ever since the College's use of the site effectively ceased, the College has not been approached by any club wishing to use any unused part of the site. The facts show that there is no demand for these fields in their current form.
- e. Sport England suggests that the adult football pitch will not meet the recommended size. This is wrong. The College would accept the imposition of a planning condition that required the provision of an adult pitch 106m x 69m (including safety run off), and a pitch of that size could be provided on the site.
- f. The College does not accept Sport England's assertion that the pitch will not allow for rest and rotation. The new pitch will be laid out to Sport England's own "good standard" specification. Indeed, the new pitch will be less affected by bad weather than the other grass pitches in Exeter and will be provided and maintained to a high standard. Any concerns Sport England might have about the standard of the new pitch, or the proposed changing facilities will be addressed by suitable planning conditions and obligations.
- g. Sport England implies that the College's off-site mitigation at Exwick may adversely affect the Ultimate Frisbee pitch. It will not. The College has no proposals to terminate or otherwise affect the use of this pitch. In fact, the College has already met the Ultimate Frisbee club to discuss how the pitch can be improved and allowing access to changing facilities for players.
- h. Sport England refers to a planning appeal decision (Ref: APP/U/4610/A/12/2176169). The first point to note about this appeal is that it was

allowed. The appeal decision merely emphasises that for a proposal to comply with paragraph 74 of the NPPF, it is necessary for an applicant to offer replacement provision that is equivalent or better in terms of quantity and quality in a suitable location. The College acknowledges this requirement and contends, rightly, that the proposed re-provision, both on and off-site (as described above), will result in replacement by equivalent or better provision in terms of quantity and quality. This is a matter of fact, not planning judgment.

- i. Sport England refers to work on the draft Exeter Playing Pitch Strategy. However, its comments in relation to Wear Barton are incorrect and out of date. What this does confirm, however, is that there is an opportunity to provide a better playing surface than currently exists.
 - j. Sport England comment that the College's proposals will "impact" on the Dynamos' "ability to grow". The Dynamos do not share this opinion. To reiterate, the Dynamos positively support the proposals and welcome the improved playing surface, which they have confirmed will meet the Club's needs, and the security the proposal will deliver.
 - k. Sport England refers to cricket. In response, the College would reiterate that it has never been approached by any cricket club wishing to use Wear Barton. Further, the College would point out that it has made provision at Exwick for cricket provision. (Issues at Winslade, East Devon, will be for that landowner to address.)
15. In conclusion, the application is about better provision, more provision, public access and long-term benefits for Exeter's public recreation offer.
16. Sport England's objections are wrong as a matter of fact and, if applied, would directly lead to a loss of playing pitch provision. This is not the first time that Sport England has objected to developments of this type, nor will it be the last. However, as demonstrated by the two decisions made by Taunton Deane Borough Council (attached), or the one made on appeal referred to in paragraph 15(h) above, an objection from Sport England is not determinative, nor should it be treated as such. As confirmed by David Elvin QC, the Sport England objection is only one material consideration, and must be weighed against the other benefits that would flow from the development.
17. These benefits, put simply, will be an enhanced and secured recreational provision that can, and will, be delivered by a public sector body with a long record of providing and managing sport for the people of Exeter.

