

Our ref: MNP-00124.C8651

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Date: 22 May 2025

By email only
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REPONSE TO SPORT ENGLAND COMMENTS ON OUTLINE PLANNING APPLICATION REFERENCE: 24/2073/OUT – LAND TO NORTH OF LITTLE GREEN LANE, CROXLEY GREEN, WD3 3SP

We are writing in response to the comments received from Sport England, regarding proposed development at Land to North of Little Green Lane, Croxley Green (planning reference 24/2073/OUT). Sport England's reference: PA/25/E/TR/69762.

The letter details the initial response and any actions undertaken to address the comments received. Sport England's responses have been provided below in ***bold italics*** with RPS' responses (on behalf of Richborough) provided underneath.

“...to ensure that the school's facilities are secured for community use in practice, I would request that any planning permission makes provision for securing the community use of the sports facilities provided on the school site. A formal community use agreement would be the appropriate mechanism for securing community use...”

Given the outline nature of the proposals and the lack of known detail at this stage, it is not feasible to provide further information regarding the provision of sporting infrastructure at the school site. While the applicant is amenable to an appropriately worded condition to secure this requirement, we have been advised by our Education Consultant (EFM) who has engaged with the Local Education Authority (Hertfordshire County Council) that no formal condition should be imposed at this stage until the operator of the school is identified.

The rationale being that neither the planning authority nor the education authority can enforce community use of a state-funded school. A Community Use Agreement merely restricts community use if the school opts to let its premises. Schools are not permitted to subsidise community use from their public funding.

In the case of an Academy, the standard agreement with the Secretary of State mandates that the school make its facilities available to other schools and the local community. However, since the school cannot subsidise this use, non-compliance is not subject to sanctions.

It may be possible for the Education Authority to seek a promoter to emphasise community use as a factor when promoting its preferred choice to the Department for Education (DfE). If the DfE appoints that promoter, the community use proposals will be incorporated into the agreement with the Secretary of State. In this scenario, actual community use will be reported in the annual report, thereby aligning with the aspirations of the Local Authority and Sport England, which a Community Use Agreement cannot achieve.

It is noted that this is a primary school, where community use of sports facilities is very limited due to equipment and playing pitches being designed for young children. This limitation makes it challenging to develop a viable business plan. Additionally, the use of school accommodation by the community is restricted because the equipment and spaces are tailored for young children. This limitation is also acknowledged by Sport England in their response dated 7th February 2025. For this reason, the applicant and Sport England agree that this

matter will be deferred for any subsequent Reserved Matters application bringing forward the provision of education on site.

“The conceptual development proposals offer opportunities for incorporating the active design principles such as the proposed walking and cycling routes, the colocation of the community facilities, the country park and the other multifunctional open spaces. This potential for this has also been recognised in the applicant’s Sport and Leisure Strategy and Health Impact Assessment. As the planning application is in outline form it would be inappropriate to provide detailed comments at this stage because the submitted parameter plans are conceptual. The Active Design guidance includes a checklist that can be applied to developments, and it is recommended that the checklist is used in the preparation of subsequent reserved matters planning applications if the application is permitted to ensure that opportunities for encouraging active lifestyles have been fully explored in the detailed planning and design of the development. It is therefore requested that a planning condition be imposed requiring the submission and approval of details to demonstrate how the reserved matters applications have considered Active Design principles.”

The applicant has shown that Active Design principles have been considered throughout the development of the proposals and is cross referenced within the submission of the planning application. Given the stage of the project, it is agreed that an appropriately worded condition can secure this requirement.

Sport England have proposed the following recommended condition, which the application has no objection to:

For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with the Three Rivers Core Strategy, Three Rivers Development Management Policies Local Development Plan Document Policy DM11 and DM12 and Chapter 8 of the National Planning Policy Framework.

Informative: Consideration should be given to using the Active Design checklist in Sport England’s Active Design Guidance to assess reserved matters planning applications.

“...the Sport and Leisure Strategy set out what the capital costs would be of meeting the additional demand for the facilities generated by the development... no confirmed proposals at this stage in relation to the scope of the contributions and the amounts for the different sports facility types. Sport England would need certainty that appropriate contributions towards outdoor and indoor sports provision would be offered in practice before supporting the applicant’s strategy for sports provision. This is necessary because if no contributions or inadequate contributions were proposed by the applicant and agreed by the District Council at a later stage of the determination process this would be unacceptable because the development’s sports needs would not be met. A planning obligation would need to identify the projects that the contributions would be used towards and the trigger points for the contribution payments to be made. Confirmation is therefore requested of the scope and level of the financial contributions proposed”

The applicant intends to negotiate the principal terms of a S106 agreement as part of the planning application process. The proposal is for the Applicant to formally enter into an agreement with the Local Planning Authority (LPA) to secure contributions specifically towards off-site sports and recreation facilities, as outlined within the associated sports strategy.

The strategy has established the capital costs that are intended to form the basis of these contributions, calculated using Sport England’s Playing Pitch Calculator and Sports Facility Calculator. These calculated capital costs are as follows:

Table 1 Impact of New Development on Demand

Facility Type	Impact of New Development (Number of Pitches / size / courts)	Capital Cost
Natural Grass Pitches	2.12	£217,169
Adult Football	0.46	£52,381
Youth Football	0.75	£70,447
Mini Soccer	0.67	£20,951
Rugby Union	0.06	£10,767
Cricket	0.17	£62,624
Artificial Grass Pitches		
3G	0.10	£117,438
Tennis	0.18 courts	£21,226
Indoor		
Swimming Pools	14.9 sqm (0.07 pools)	£330,488
Sports Halls*	0.35 courts – equivalent to 0.09 halls	£273,238

These costs represent the initial quantifications derived from the assessment. However, it is acknowledged that the full scope of provision is not yet confirmed given the current stage of the project. The S106 agreement, which will include the financial contributions aligned with development triggers, delivery mechanisms (for identifying projects and facilities to be funded), and a monitoring fee, will be subject to negotiation - allowing for consideration of updated Council evidence or viability factors as part of determining the final agreed terms.

*Refer to community hall below

“Community Hall: As indicated, some indoor facility needs such as health & fitness can be met through multi-purpose community facilities such as community halls. Sport England’s Village and Community Halls design guidance¹ may be helpful in this regard. Consideration should therefore be given to whether the community centre proposed could be designed so that it could provide for formal sports use as well as other community uses. For example, community halls can be designed so that they are suitable for badminton, dance, fitness and martial arts while activity studios and fitness suites can be provided as part of community halls. This could potentially negate the extent of financial contributions that would be expected towards off-site projects. If this option is pursued, further advice from Sport England should be sought as a minimum specification for such a community hall would need to be included in a planning obligation in order to ensure that a facility is suitable for indoor sport in practice.”

Given the outline nature of the proposals, the detailed design of the community hub building is not yet established. However, an outline modelling exercise suggests a scale of 695 sq. metres (external) is currently proposed for the community hall, which the applicant considers sufficient to create space aligning with Sport England’s guidance on community halls. It is noted that the current modelling does not plan for the height required for badminton but is intended to accommodate sufficient space for activity classes and aerobics, as examples, ensuring functionality for sport.

To provide a more committed position within a future Section 106 agreement while allowing for necessary flexibility and future review, it is proposed that the Applicant will agree to secure the provision of a community hall and activity studio as part of the development. This commitment would be structured as an "either/or" clause within the Section 106 agreement, addressing the provision of indoor sports facilities:

¹ <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/sports-halls>

Either:

The default position is intended for the applicant to deliver an onsite community hall and activity studio within the development, providing a minimum of 695 sq. metres (external) floorspace for the community hall. The community hall facility would be designed to meet minimum dimensions for indoor sport suitability, including a community hall with minimum dimensions of 18x10 metres and an internal clearance height of at least 3.5 metres, and an activity studio with a minimum size of 12x9.1 metres and a minimum clearance height of 3.5 metres. The design of the flooring, walls, windows, ceiling, lighting, and ventilation for both the community hall and activity studio, as well as the provision of ancillary toilets and storage facilities, shall accord with Sport England's Village and Community Halls Design guidance. Final details regarding the design and implementation of these facilities would form part of any subsequent Reserved Matters application(s).

Or:

In the event that the onsite delivery of the community hall meeting the specified requirements is deemed unfeasible or unviable due to constraints identified during the detailed design or implementation stages, it is understood the applicant may instead be expected to provide an off-site financial contribution towards indoor sports halls. The likely contribution is set out in Table 1, based on the estimated capital cost of sports hall demand generated by the new development, as calculated using the Sport England Sports Facility Calculator and outlined in the supporting Sports and Recreation Strategy. The allocation and use of this financial contribution would be subject to agreement with the Local Planning Authority and Sport England as part of the Section 106 agreement and subsequent processes.

Securing a quantum of floorspace via a S106 Agreement is considered reasonable, and an appropriately worded condition can secure this requirement. This approach ensures that the development contributes to meeting the demand for indoor sports facilities generated by new residents, either through the provision of a potentially valuable onsite community facility or via a financial contribution towards necessary off-site improvements or provisions.

“NewGen Active Track: While the reference in the Sport and Leisure Strategy to a NewGen Active Track being considered in the proposed country park is welcomed, no reference is made to this in the country park proposals set out in the Planning Statement or the Design & Access Statement. If an Active Track is to be provided within the country park, the track would need to be proposed as part of the application and its provision secured as part of a planning obligation. Without it being secured there would be no certainty that an Active Track which met England Athletics’ guidance would be provided at the reserved matters stage as there would be no requirement to provide it in any outline planning permission. Clarity is therefore requested of whether an Active Track is proposed to be provided within the country park and how its delivery would be secured through any planning permission”

The applicant wishes to confirm that reference is made regarding the Active Track, however this has been termed a ‘Trim Trail’ in the Design and Access Statement. Whilst a difference in terminology, it has shown that Active Design principles have been considered throughout the development of the proposals and is cross referenced within the submission of the planning application. Given the stage of the project, it is agreed that an appropriately worded condition can secure this requirement and defer to the detailed Reserved Matters stage(s). The condition wording will also have due regard to the phasing of the overall development.

The applicant proposes the following condition:

Details of the design of the NewGen Active track, and timetables for the implementation of the facility shall be submitted to the local planning authority for approval with or before the submission of reserved matters application(s). No development shall commence until those schemes have been approved in writing by the local planning authority, and the facility shall then be delivered in accordance with the approved schemes and thereafter retained.

Reason: To secure well managed safe NewGen Active Track to ensure sufficient benefit to the development of sport and to accord with the Applicants Sports Strategy, Three Rivers Core Strategy, Three Rivers

Our ref: MNP-00216.C8554

Development Management Policies Local Development Plan Document Policy DM11 and DM12 and Chapter 8 of the National Planning Policy Framework.

Informative: The applicant is advised that the design and layout of the active track should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: England Athletics NewGen Tracks guidance².

We welcome your response on the above matters and would appreciate confirmation that the above actions would address the concerns raised by Sport England.

Yours sincerely,
for RPS Consulting Services Ltd



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² <https://www.englandathletics.org/clubs-and-facilities/facilities/newgen-tracks/>