

Yvonne Rix

From: [REDACTED]
Sent: 17 November 2022 12:47
To: Yvonne Rix
Cc: Maggie Camp; Lavinia Edwards Cllr; David Brown Cllr
Subject: Playing Field Standards Compliance

Dear Mrs Rix,

Can you please inform me if prior to the parish council's sanctioning the use of floodlighting on Margaret Field an assessment of compliance to Playing Field Standards was undertaken.

Cambridgeshire County Council and East Cambs. District Council adopted Playing Field Standards originally derived from the National Playing Fields Association's "Six Acre Standard" which was then subsequently revised by the Fields in Trust "Planning and Design for Outdoor Sport and Play". I make the presumption that the parish council have also adopted the same standards as County and District administrations.

The LPA have advised that the parish council have likely used their permitted development rights, under GPDO Part 4, Class B, in order to give their sanction for the use of floodlighting on the playing field. The permitted development right allows use for not more than 28 days (occasions) in total in any calendar year. The responsibility for data collection and monitoring lies with the parish council. Can you please tell me the number of times mobile/demountable lighting has been used on Margaret Field in 2022?

Central governments review of GPDO, Part 4, noted numerous problems arising from Class B, including data collection of dates and monitoring number of times of use, and the, "huge impacts of noise and disturbance on a locality which can result in severe disturbance". The review also identified amongst other issues that the "traffic implications resulting from such temporary use could be significant".

Unfortunately, we are experiencing such impacts of nuisance and disturbance. When floodlights are used on the field our property is lit up and children, youths and even adults stand on the Multi Play equipment overlooking into our home. At the end of training evenings, we have to endure a stream of headlights leaving the playing field. In previous years from October to early Spring football training was always accommodated at the Sports Centre. There was no need for lighting at Margaret Field and the playing field surface was saved.

National Playing Field Standards are derived from the size/area of the playing field, local housing density, the profile of users by age group, distance by measurement, and distance taken to travel to the playing field.

When the Margaret Field obtained its conditional planning consent (1979), it was, what is now categorised in the adopted Playing Field Standard as a "Local Area for Play (and informal recreation)", a "LAP". It remained an Open Space / informal play area for a number of years. Parish Council literature confirms this charging them to undertake, "to provide and maintain open spaces such as Margaret Field, Spring Close and Priory Meadow". Spring Close and Priory Meadow remain "Open Spaces".

In 2001, the Multi Play equipment was first installed on the playing field. Unfortunately, the play equipment could not be used as it was found to be unsafely sited too close to the highway. A substantial metre high metal fencing enclosure had to be built around the Multi Play equipment. I recall the afternoon, some 21 years ago, Cllr. Hazel Williams MBE, had the courtesy to come to our home to apologise with regards to the position of the Multi Play equipment. Explaining that it had to be sited at its location in order that the field could still be used for occasional cricket matches by the Burwell 3rd team, which her "son played for". Margaret field was used for cricket matches by the 3rd team when both the 1st and 2nd teams were playing concurrently at Mingay Park. This amounted to less than a handful of times a year. It has now been a number of years since cricket matches were played at Margaret Field. The Cricket Club did request that the Multi Play equipment was closed when they played at the field. The parish council refused their request.

The Multi Play area is not a discrete facility and its use is integral with the 1.27 hectare playing field it serves. Its use is in conjunction with the playing field particularly the surrounding level grass surfaces. With the siting of [REDACTED] Play equipment the category of the playing field became a "Local Equipped Area for Play (and informal recreation)",

a "LEAP". The playing field with associated Multi Play Equipment required residential buffer zone of 10 metres. The equipped areas exact distance from property was questionable but given its limited use, (there was far fewer residential properties in the vicinity then), did not cause any problems or issues.

A playing field categorised as "A Local Equipped Area for Play" is intended for use by community living around the field up to 400 metres or a distance equivalent to a five minutes walk. When the distance is doubled or more the categorisation transitions to a "Neighbourhood Equipped Area for Play", a "NEAP", where the walking distance to the playing field is within 15 minutes of their home. The vast majority of those arriving to use the playing field now do so as passengers in cars. The catchment area of users is now considerably greater than the 400 metres that dictates the lesser category. It is evident the nature of Margaret Field has changed considerably and the recent additions to the field of a storage facility, October 2022, two pairs of goal posts, toilet facilities, stationed in January 2022, and the total area of the field being permanently marked out entirely with playing pitches, illustrates a marked increased intensity of use and demand on the field by a far wider community catchment area. This transitions the playing field's categorisation to a "Neighbourhood Equipped Area for Play", a "NEAP". The change of category demands a higher level of residential protection for nearby properties. The parish council does not have discretion to ignore the provisions contained within the Standard for residential protection. They have a duty to ensure compliance is met. The residential buffer requirement increases from 10 metres to 30 metres, the distance equipment and facilities must be from a residential property's boundary. The introduction of mobile floodlighting is normally an indicator for a higher categorisation of "Multi Use Games Area", which would also dictate a 30 metre buffer zone to all equipment and facilities.

The parish council have limited choices which should have been recognised and were entirely predictable. Margaret Field is no longer compliant with laid down Playing Field Standards and until this is remedied the playing field should not be in use.

The parish council can either relocate the Multi Play equipment structures, surfaces and enclosure a further 20 or so metres into the playing field at a cost to precept reserves.

Or

Revert the playing field back to the category of "Local Area for Play (and informal recreation)".

No doubt some might consider that simply locking the Multi Play enclosure, which is currently non-compliant, to stop its use would suffice; this would be ineffective and possibly unlawful, (as was probably identified by previous parish council). The heavy metal fencing around the multiplay equipment is only a metre tall with benches along its perimeter; it would be far too easy and inviting to clamber over to use the Multi Play equipment.

The Memorial gifted land is subject to a restrictive land covenant. The land having been given to the inhabitants of Burwell for their recreational use, and the land still being used for this purpose, the covenant is said to, "run with the land". The stipulations and restrictions of the covenant must be observed, there is no obsolescence or time-limitation on the particular land covenant.

No level of government from central government to parish councils, have the discretion to ignore legal advice, particularly if they themselves sought that advice. The Head of Legal Services, NALC, gave the parish council clear instruction at their own request. In his guidance Mr Ricketts included, "the use should not be exclusive to one section of the community", and, "the council should ensure that there is not an exclusivity of use". It follows that if the Multi Play equipment area was locked for the benefit of one group to the detriment of all other users it would be most likely be unlawful, breaching the restrictive covenant.

By copy this email to the District Solicitor, perhaps she would kindly confirm the parish council's predicament in respect to the restrictive covenant if it is required.

Yours sincerely,

[Redacted Signature]

Sarah Ashby

From: WAYNE HARDY <wayne@mrgroundsman.co.uk>
Sent: 02 November 2022 21:07
To: Sarah Ashby
Cc: Tony
Subject: Margaret Field Pitch work

Hi Sarah,

Further to our discussions regarding the pitches at Margaret Field please find below some prices for the recommended works:

Autumn Work:

- Scarify pitches to clean our surface debris (dispose of arising on site) - £420.00 (inc VAT)
- Vertidrain whole field to relieve compaction and improve aeration - £660.00 (inc VAT)

Spring work (Feb/March):

- Vertidrain whole field to relieve compaction and improve aeration - £660.00 (inc VAT)
- Overseed whole field with disc seeder in 2 directions (inc 10 bags of sports pitch seed) - £1500.00 (inc VAT)

Depending on available funds / budget it would be advisable to carry out a weed & fertiliser treatment in September 2023. The approximate cost for this work is £1000.00 (inc VAT).

Please let me know how you would like to proceed.

Kind Regards
Wayne.

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