Ms Esme Spinks,

Principal Planning Officer,

Spelthorne Borough Council,

Knowle Green,

Staines,

TW18 1XB

1ST May 2012

From: Hon. Chairman, Lower Sunbury Residents' Association (LOSRA)

Dear Ms Spinks,

Re: Application 12/00367/OUT – Hazelwood Golf Centre

This application replicates that which was the subject of an appeal and a Public Inquiry which resulted in its refusal. It is recognised that the refusal did not, of itself, imply the unacceptability of the proposal, merely that its place as part of an enabling development was unacceptable.

Nevertheless, in the absence of further proofs, those matters which were given in evidence by the appellants during the Planning Inquiry must be regarded as applicable in all respects to this renewed application. Similarly the conditions which were agreed by all parties, and to which the Planning Inspector gave his approval, should be regarded as binding to this application.

Proposed Pitch Use

Scenario 9 relates to two adult pitches being used on a Sunday afternoon. There is however no reference as to how 'adult matches' are defined. In the absence of such definition, it is not unreasonable to assume that 'adult matches' refer to those which are played on adult size pitches as, in this respect, there is no differentiation between age groups over U13.

In order to ensure that the use of pitches accurately reflects the noise scenarios tested in evidence, there must be a planning stipulation which ensures that adult pitches 1, 3, 4 and 5 are not used on a Sunday morning. If the applicants state that they are to be used in order to play the 10 matches (as stated in evidence by Mr Fitzgerald, vide CD17.25, para. 1.5) then the noise scenarios which include their use in scenarios 8a and 8b must be revised and re-tested.

As things stand the applicants will be unable to comply with planning condition 23 without using pitch AP1 several times during a weekend and, as a result cause significant additional harm by way of noise for the visitors to the Cemetery.

In order to achieve clarity in the matter of pitch use and the concomitant implications for noise and disturbance both to Cemetery visitors and residents of Russet Avenue, Stirling Avenue and The Crofts, the following propositions which were given in evidence at Public Inquiry require to be put to London Irish before determination of this application at Planning Committee:

1. LI have 30 teams that play 15 a side rugby at the weekend.
2. LI have 5 teams that play on Saturday afternoons, which means that 25 teams from the U13-to U18 boys and U19 and U15 girls teams play on Sunday mornings and afternoons.
3. At the current ground the U13-U18 boys teams all play on Sunday mornings and the U19 and U15 girls play on Sunday afternoons.
4. Every Sunday morning there will also be 8 junior pitches being used by age groups up to U12.
5. Mr Fitzgerald stated in evidence that there were on average 10 games each weekend on adult pitches.
6. Mr Petherick created a scenario showing how the 10 games would be played (see tabulated evidence summary below).
7. Mr Fitzgerald created a scenario which showed how 7 of the 10 games would be played. (see tabulated evidence summary below).
8. The Noise Scenarios used in evidence included only 2, 6b and 9, which covered matches on adult pitches on Saturday and Sunday. The noise scenarios were therefore extremely misleading as they in no way adequately reflected the actual pitch use on Saturdays and Sundays.
9. In relation to Noise Scenario 9, i.e. 2 matches being played on adult pitches at the same time, the noise created was considered harmful to the residents in Russet Avenue. In mitigation it was agreed that when 2 matches were being played on the site at the same time, one would be played on pitch AP1. This was subsequently included as Planning Condition 23. NB. The important thing to note here is that in order to comply with this condition London Irish will never be able to play more than 2 games on pitches AP1, AP3, AP4 or AP5 at the same time when pitch AP2 is being used by the Community.
10. With regard to Scenario 6b, i.e. 2 matches being played at the same time on Saturday afternoon with one on pitch AP1, the Inspector in paragraph 321 of his conclusions stated that '*visitors to the cemetery are likely to be adversely affected by noise arising from the Appeal site'.* As a result of the highly misleading Noise Scenarios which lead him to believe that this situation would only occur 15 times a year for a limited time duration, he concluded that '*taken overall this lessons the severity of the harm'* and that '*On balance I therefore only attribute a modest amount of weight to this harm'.*
11. In their evidence to the inquiry both Mr Petherick and Mr Fitzgerald stated that there would in fact be at least 2 games played at the same time every Saturday afternoon. In order to comply with Planning Condition 23, one of these would have to be played on pitch AP1, thereby increasing the occurrences from 15 to 30-35 times during the year.
12. The Inspector also failed to recognise that in order to mitigate the harm caused to the residents of Russet Avenue under Scenario 9 and comply with Condition 23, pitch AP1 would need to be used every Sunday afternoon, thus giving rise to Scenario 6b and increasing the occurrences by a further 30-35 times during the year.
13. Paragraphs 11 and 12 above account for only four of the ten matches played over the weekend. Of the remaining six, one will be played on a Friday evening leaving five to be played on either Saturday or Sunday.
14. Traditionally London Irish, in common with most clubs, would play in U13 – U18 boys matches on a Sunday morning, it must be concluded that any other matches played on a Saturday would be by one of the 5 senior teams. This conclusion is supported by Mr Fitzgerald's breakdown (see tabulated evidence summary below) which shows 3 matches being played on a Saturday

afternoon. This match could be played on either pitch AP3, AP4 or AP5 and would not cause any harmful noise.

15. If as stated by Mr Petherick in his breakdown of the 10 matches in Appendix 1, there were to be a further two games played on a Saturday afternoon at a different start time to the other two, this would give rise to a further Scenario 6b situation and increase the number of times visitors to the cemetery would be adversely affected by noise by a further 30-35 occurrences. As it is very rare for any team to play 80% of their games at home, it is probable that the breakdown provided by Mr Fitzgerald is the more accurate.
16. This would therefore mean that a further 4 games would require to be played on Sunday. As stated in paragraph 14 above, U13 – U18 boys' matches are traditionally played on a Sunday morning. If London Irish chose to play some of their matches on a Sunday afternoon, they would find it extremely difficult to find any opposition. Mr Fitzgerald has recognised this fact by stating in his breakdown that 3 amateur matches would be played at the same time on a Sunday morning. However in order to comply with Condition 23 only 2 matches can be played at any one time and one of these must be on pitch AP1, therefore giving rise to a further 30-35 occurrences of Scenario 6b
17. It must also be noted that whilst these matches are taking place on a Sunday morning, those U13-18 teams which are not playing away matches will be training on the remaining adult pitches and the 3G pitch and at least eight of the junior pitches are being also used for training or matches (Noise Scenario 8a or 8b).
18. It is therefore probable that on a Sunday morning, when the Cemetery is likely to have the most visitors, a minimum of twelve of the seventeen pitches will be used, including pitch AP1. As a result the residents of Russet Avenue, Stirling Avenue and The Crofts and visitors to the Cemetery are more likely to be adversely affected by noise from the appeal site than at any other time, but because of the misleading noise scenarios proposed by London Irish, this was never tested.

Question Relating to Alternative Adult Pitch Use Scenarios Provided in Evidence by Mr Petherick and Mr Fitzgerald				
A	**Breakdown of 10 Weekend Matches on Adult Pitches given in oral evidence by Mr Petherick**			
Scenario	**Day & Time**	**Adult Pitches**	**Junior Pitches**	**3G Pitch**
1	Fiday 19:00-21:30	1 Amateur match		Community use
2	Saturday 13:00-15:00	2 Amateur matches		Community use
3	Saturday 15:00-	2 Amateur matches		Community use

	17:00			
4a	Sunday 10:00-12:00		8 Pitches , 4 matches, 4 training	Amateur training
4b	Sunday 10:00-12:00		8 Pitches , 8 matches	Amateur training
5	Sunday 13:00-15:00	2 Amateur matches		1 Amateur match / Community use
6	Sunday 15:00-17:00	2 Amateur matches		Community use
B	**Breakdown of 7 Weekend Matches on Adult Pitches given in oral evidence by Mr Fitzgerald**			
Scenario	**Day & Time**	**Adult Pitches**	**Junior Pitches**	**3G Pitch**
1	Fiday 19:00-21:30	1 Amateur match (occasional)		Community use
2	Saturday 15:00-17:00	3 Amateur matches		Community use
3a	Sunday 10:00-12:00	3 Amateur matches	8 Pitches , 4 matches, 4 training	Amateur training
3b	Sunday 10:00-12:00	3 Amateur matches	8 Pitches , 8 matches	Amateur training
Note 1:	In Mr Petherick's breakdown one of the adult matches in scenario 5 would be on the 3G pitch instead of Community use			
Note 2:	The number of adult matches in Mr Fitzgerald's breakdown is 7 not 10 as stated in paragraph 1.5 of his Proof of Evidence (CD17.25). The 3 other matches, although agreed as taking place, were not specified in his oral evidence			

Note 3:	The use of the junior pitches is based on scenarios 8a & 8b in Appendix G of Mr Sharps Proof of Evidence (CD17.17)
Note 4:	The use of the 3G pitch is based upon the Anticipated Typical Weekly Programme for Use of the Hazelwood Pitches in Appendix 7 of the Sporting and Business Case (CD02.04)

CONCLUSION

In order to play the ten matches each weekend, the number of times that pitch AP1 must be used on Saturday afternoon, Sunday Morning and Sunday afternoon increases from 15 to at least 90-105 – with the prospect of being as high as high as 125-140 times per year. Whichever way this is viewed, compliance with Planning Condition 23, agreed by all parties at the Inquiry, cannot be achieved. If is on this basis that this Association **strongly opposes the application.** It is emphasised that this is a new application and it is for the applicants to counter the propositions described at 1 – 18 above and in the tabulated evidence summary.

Alternative Site Selection

It is noted that no new Alternative Site selection has been attached to the application. The original evidence provided at Public Inquiry, incomplete though it was, had been researched some four years earlier. This is a new application and the Inspector pointed out that no alternative sites had been suggested to the appellants. It is arguable that this is indeed the responsibility of the LPA, but the Inspector nevertheless made a reference to it. Whether the responsibility of the LPA, or the Applicants, we have a right to expect that a full, rigorous and up-to-date alternative site search to have been completed; and the application should not proceed to Committee until this has been done.

Yours sincerely,

John Hirsh,
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