



Dudley Kingswinford Rugby Football Club
Swindon Road
Kingswinford
DY6 0AW

17th August, 2011

FAO: Matt Griffin
Planning Policy and Development Control
Staffordshire County Council
Riverway
Stafford
ST16 3TJ

CC: Maggie Taylor (Sport England)
Ross Baxter (Rugby Football Union)

Dear Mr. Griffin

APPLICATION NUMBERS SS.11/06/682 MW and SS.11/05/635 MW

I am writing as Club Chairman on behalf of Dudley Kingswinford Rugby Football Club, and more importantly our 800 members. The Club and members wish to formally object to both applications.

Introduction and interim Holding Objection to application SS.11/06/682 MW

We believe in the circumstances it is important to set some context to the basis for our formal objections.

For some time prior to September 2005, the Club had an informal agreement with Mr. Davis (the Applicant) in which we provided him with an access to his land from Swindon Road, and in return we were allowed to use a portion of his land for rugby pitches. In 2005, the Club formalised that relationship by signing a 5-year lease on the land used for pitches, and granting a Deed of Easement to Mr. Davis, for the right of way along one of our boundaries. At that time Mr. Davis' intention appeared to be to create and then operate a Golf Course. A sign at the Swindon Road entrance had been erected to that effect, and a detailed drawing of the proposed layout of the Course and remaining land for rugby pitches (which can be provided on request) was provided to us. We, as a Club, did not object to this intent, for which Planning Permission had already been granted in 2002. Unfortunately, in the process of granting the Deed of Easement, a document was created and executed that allows the person with access to use the right of way for whatever purpose they choose, and the Deed is in perpetuity. The Club did not receive monetary consideration for granting this Deed, nor was it requested.

In granting access to what we believed would become a Golf Course, the following considerations were accepted:

1. It was thought the use appropriate to the existing openness of the Green Belt, which the Rugby Club enjoyed. The visual impact of the proposal would have been of little significance from within the Club Grounds, and also from the elevated views on the A449 to the east.

2. A 10m access strip on the edge of the Club Grounds was made available to serve the Golf Course. It was land unlikely to be used for any other purpose by the Club and was appropriate for the light traffic intended. It bordered the edge of the embankment forming the boundary of our land and would be self-draining.
3. Motor car traffic anticipated to be using the access road would not be seen from the Rugby Club due to a difference in ground level at the Playing field boundary, thus the visual impact of a constant flow of traffic would have no impact on the members and visitors to DKRFC. The volume of traffic would not significantly increase any risk on the Swindon Road, nor would it affect access / egress to our Club.

The current Planning Application (SS.11/06/682 MW) is for a site of 9 hectares, which is 25% larger than the Rugby Club site itself. It is far removed from the Applicant's original proposals to the Club, on which our granting of access was made in good faith. Had the Club been presented with the quarry proposal prior to the signing of the Deed, then no Easement would have been granted. The reasons for that decision form the basis of this objection and are described later.

Additionally, however, we foresee issues that should also be brought into the public domain now, which may persuade the Council (through a holding objection in this instance) to ask for further clarification from the Applicant regarding the Transportation Strategy in the application.

The Deed of Easement allows for a 10m strip of our land to be made available on the boundary of our premises. In the context of the land's use as access to a Golf Course, the existing roadway would present no problems to any interested party in its current state. In the context of the use of the land as access to a working quarry, further widening to the extent of the Deed of Easement will most likely be necessary. The Club expects any widening to occur to the fullest extent of our boundary in the first instance. This poses issues.

Any widening would approach the embankment, which forms / is part of the edge of the Club's land. In the context of application SS.11/06/682 MW, the intended vehicle loading raises an unacceptable risk of land / vehicular slippage in these circumstances. This risk arises because the made-up ground is not designed for the duty (weight and frequency) stated in the Transportation Strategy within the application. Significant building work on the embankment / boundary of our premises would be needed to stabilise the ground to the quality now required. Such activities would not be acceptable to the Club. This work would undoubtedly require permission from the adjoining landowner, which has not been sought to date.

An alternative, to avoid this possible risk, and achieve the necessary width for access, would be to use more of the Club's land than the agreed 10m up to our boundary. This would certainly be the case in places, we believe. This alternative solution would also be unacceptable to the Club, because we would lose playing area that we currently utilize for sporting activities. With regard to this potential scenario, we would raise an objection in addition to those listed later, on the basis of the Playing Field Policy, on which Sport England has objected, and which we support in this document with regard to the land that we currently lease.

The risk of slippage is likely to be exacerbated unless the current hard-core surface is correctly surfaced. Proper storm drainage is also necessary. At some point – potentially along our access – we believe a connection to the water supply on our land may be needed

for wheel washing to keep the highways clean. None of this work would be acceptable to the Club.

The access strip is flanked by two tiered embankment slopes. Any lowering of the current access road level, to reduce the extreme embankment on the site boundary and overcome ground stability problems, would only serve to increase the height of the inner embankment adjacent to our playing pitches. This is unacceptable to the Club. Any major construction, such as a retaining wall, to achieve the same end, is also not acceptable to the Club. Both of these options present health and safety concerns to our members.

As stated, it was our belief at the time that the access would be used to create and then support the operation of a Golf Course, and we would continue to lease a portion of land for pitches while the access was in place. We wrote to Mr. Davis, on 26th July, 2011, requesting that the Deed of Easement, signed in good faith by the Club, be amended to reflect this understanding more clearly. We have not been able to discuss this matter further with Mr. Davis at the point of submitting this Objection, and we continue to seek legal advice on this matter.

While not directly related to our objection, we inadvertently appear to offer Mr. Davis the core of his Transportation Strategy. We therefore wanted the circumstances of this matter to be in the public domain, so the community clearly understands the Club's position. We also suggest that further clarification of this Transportation Strategy, based on the points raised herein, may be appropriate before any decision on the application is reached. The Club would be happy to provide photographs or support a site visit, if needed, to further clarify these points. The access strip in the Deed of Easement appears to be unfit for the now-intended purpose.

Objections

The Club would like to raise objections, with regard to the two applications, under the following categories, as they affect the Club itself, and also our members and visitors:

1. Dust - SS.11/06/682 MW and SS.11/05/635 MW
2. Traffic Risks - SS.11/06/682 MW and SS.11/05/635 MW
3. Noise - SS.11/06/682 MW and SS.11/05/635 MW
4. Visual Impact - SS.11/06/682 MW
5. Impact on Business - SS.11/06/682 MW
6. Drainage Issues - SS.11/06/682 MW
7. Loss of Pitches / South Staffordshire Local Plan and Emerging Local Development Framework - SS.11/06/682 MW

Dust

Recent media coverage and independent evidence of the existing Enville Road operation clearly demonstrates the operator cannot continuously deliver on the mitigation commitments and obligations to the community with regard to managing dust from a quarry. We do not believe similar commitments of mitigation in SS.11/06/682 MW can be upheld continuously and neither do we believe the extension of the Enville Road operation under SS.11/05/635 MW to be in the best interests of the community or our members on this basis.

Aside from the personal hardship issues associated with inconsistent dust-mitigation, in both applications, with specific reference to SS.11/06/682 MW, the Club's single biggest concern

in this area is with regard to the impact of undertaking significant physical exercise in a particle-laden environment. We have over 200 Youth Section members aging from 6-years upwards, as well as a similar number of senior rugby members, who would train in this potential environment throughout the week, and on every Sunday during the season, and play in the same conditions on Saturday. With the loss of the junior pitches, which form part of the four pitches created on the land we lease from Mr. Davis, two senior pitches that border the planned excavation will need to be used more for training and matches throughout the year. Mitigation, in terms of building a 3m-high dirt wall, or additional measures mentioned in other representations, e.g. Kinver Parish Council's proposal to add more trees (in this case to our boundary), would still not guarantee health issues might not arise.

Traffic Risks

Many of our 800 members live in and around the sites of both applications. Many of our Youth Section members walk to and from schools in the neighbourhood. With regard to applications SS.11/06/682 MW and SS.11/05/635 MW, the intended increase in the volume of traffic relating to the Swindon Road entrance /exit significantly raises the risk to the safety of our children. The objection from both Dudley MBC Planning and Highways Authorities clearly identifies a significant threat from the width of vehicles proposed for use, the width of the road and the size of adjoining pavements. We support their objections on that basis, on behalf of our members, for the reason stated.

The increased levels of traffic in our neighbourhood will also undoubtedly create issues with access and egress to our property for members and visitors alike, inherent in which are increased risks from road traffic incidents and a reduction in traffic to and from our Club as a consequence.

Noise

Many of our members already complain about the issues of noise associated with the operation of the Enville Road quarry. The noise issue will continue to affect our members in this instance in relation to SS.11/05/635 MW, and we support the Dudley MBC Planning Authority objection on this basis. With regard to application SS.11/06/682 MW, while the stated hours of operation will in theory cease before we use the Club on weekdays and weekends, there are specific activities that begin on Thursday night and run through Friday, Saturday and Sunday. In the region of five outdoor, non-sporting events were hosted last season, organised by the community and commercial groups, bringing in thousands of visitors to the Club. The Club also organised ten events (sporting and non-sporting) bringing a similar number of members and visitors to the Club. The levels of noise during planned Friday and Saturday operation of a quarry will affect the quality of these events and impact members and visitors alike, as will the increased levels of traffic and dust mentioned previously.

Visual Impact

We are very fortunate that our facilities are situated in a beautiful area. Our members, the local community and other visitors enjoy our facilities, sporting opportunities provided, and the quality of First XV rugby at the Club. They also recognise the beauty of the landscape and location in which we are situated. A large percentage of our membership are second or third generation family members at the Club, which is over seventy-five years old. With regard to application SS.11/06/682 MW, a quarry on our boundary will undoubtedly negatively impact the visual benefits we offer for a significant number of years to come. The

height of quarry vehicles passing along the boundary of our land also contributes to this objection as they would be visible from our buildings and land, where lighter traffic such as cars would not. A quarry may cause members to resign from our Club, losing the generational link in certain circumstances, and the valued history within our Club that we retain today.

Perhaps more significantly, the Club applied for planning permission to redevelop our Club and Changing Rooms and incorporate a new gymnasium. The initial application was rejected, and subsequently (under appeal APP/C3430/A/06/2014098/NWF) was taken to the Secretary of State. In a letter to our architects on 6th March, 2007, on behalf of the Secretary of State at the time, and in overruling the appeal, it was written that:

“The Secretary of State considers that the proposal is inappropriate development of the Green Belt, which is harmful by definition. She considers that the proposal does further specific harm to the Green Belt in terms of loss of openness and may cause adverse visual impact.”

Both of the aforementioned documents are submitted alongside this objection for reference. Our application was for a building no bigger than our existing facility's footprint. The new building would have been an upgrade for the benefit of our members and the community alike. The basis of the ruling against our appeal must surely be considered (regardless of the 4-years that have passed) with respect to application SS.11/06/682 MW, in terms of similar issues – but of a more significant extent, based on the scope of the application.

Drainage Issues

With regard to application SS.11/06/682 MW, South Staffordshire Water and the Environmental Agency have already made representations relating to varying groundwater levels and threats to nearby water supply infrastructure, and we support the objection and the holding objection made on the basis of the impact that quarrying activities will have on our pitches closest to the boundary. Our Club is recognised nationally for the quality of our grounds and facilities, and we promote our First XV pitch as being equal to or better than any Premier League equivalent. Our land is already very fast draining. Accelerated drainage of the ground closest to our boundary due to neighbouring quarrying activities, will have a negative impact on the quality of our pitches, potentially at times making them too hard to play on safely. The land specified contains two senior pitches including our First XV pitch. Using alternate pitches would not be an option in these circumstances, disrupting our normal routine and fixture lists.

Impact on Business

The Club recognises that in situations where an objection is raised to a planning application on the grounds of personal financial hardship, e.g. the potential devaluation of a property, such an objection does not necessarily carry significant impact in the application decision-making process.

Our Club is non-profit-making, providing an invaluable service to our members and other visitors, the majority of who come from the local community. We would therefore ask that the financial losses that could result (described below) from a successful application, be assessed on that basis and not in line with “personal” loss.

As described above, fundraising is a critical element in the collection of revenue to continue to operate, maintain and improve the Club and its facilities. With regard to application SS.11/06/682 MW the Club estimates a threat amounting to £20,000 – 30,000 of annual revenue for reasons of increased traffic, noise, dust and visual impact. We believe that not only will this situation deter turnout at events, but those outside bodies who lease our facilities could well discontinue their relationship with us, were a quarry to go ahead, in favour of alternate venues. The volume of revenue indicated is 10 – 20% of the income needed to operate our Club today. Its loss would threaten our survival.

While we have not put a number on the potential lost revenue from reduced membership, which is less easily identified, this also has to be taken into consideration.

One option to address the potential drainage issue would be to water the ground regularly. The Club's water is metered and we do not need to water our pitches today. We cannot sustainably afford this new additional cost.

Loss of Pitches / South Staffordshire Local Plan and Emerging Local Development Framework

We are familiar with the Playing Field Policy on which Sport England has raised its objection to application SS.11/06/682 MW. We are not just a Rugby Club, but also have approximately three hundred Running Club members, forty Squash members, Flying Club members and a large number of social members.

Our Youth Rugby Section has been at the heart of the Club's Sustainability and Development strategy over many years. Our First XV was promoted last season and 90% of that squad came through our Youth Section. With our focus on development and sustainability it is not surprising that we entered into an agreement to lease Mr. Davis' land for additional playing space, when given the opportunity, as it supports one of our strategies.

What this additional space has also allowed us to do is support a number of local schools, at no cost, who also use our facilities for sporting events – rugby primarily but also cross country – because they do not have facilities of their own. We can provide a list of schools and tournaments that we have hosted, should this be required, but Kingswinford School use our facilities at least 2 – 3 times per month bringing down 20 – 30 pupils at a time, and in total last season we estimate (outside of this and other regular smaller visiting parties) we hosted 5 events for over 1,000 pupils from local schools, including a cross country event and a multi-school rugby tournament.

If the current application (SS.11/06/682 MW) were successful, it is unlikely that such outside events and successful, sustainable youth development could continue at today's levels or at the current rate, due to the loss of available space.

Accepting the flawed assumptions made in the legal process described in our Introduction, our sole focus has been and remains to provide excellent facilities for all of the community, particularly its youth. We use the additional land we lease, in conjunction with our own, for rugby, football and running activities on a regular basis.

Our relationship with Mr. Davis has, to this point, enabled us to achieve our goals and the much-needed space that we lease has been invaluable to date. We are very grateful to Mr. Davis for the opportunity to lease his land to this point. We recognise that this formal objection could jeopardise that relationship moving forward. We believe the other factors we bring out in this letter make this objection necessary.

If possible, we wish to maintain a relationship with Mr. Davis that allows the Club to continue to lease a portion of his adjoining land over the long-term, to be used for rugby and other sporting activities. We believe this would have been the case today, had the Golf Course been created and in operation, which we understood to be the original intention. The Golf Course is an option far more in line with the South Staffordshire Local Plan and Emerging Local Development Framework, than the current application SS.11/06/682 MW, and has significant relevance in this instance considering our location.

We recognise this is Mr. Davis' land and he can use it as he sees fit, subject to having the requisite planning use and any necessary planning permission, but we support the Sport England objection to application SS.11/06/682 MW, on the basis that the playing fields that we lease would disappear by 2013, were a quarry approved. Their use would not return for between 15 - 25 years according to the application phasing (or potentially longer based on the experiences at the Enville Road quarry). This would remove from the community four high-quality rugby pitches and associated land from which a variety of sporting benefits have been derived in the manner described above for 6 – 7 years now.

We would ask that all points raised be taken into account as you register the Club's objection to these applications on behalf of both the Club and our 800 members.

Yours Sincerely

Simon Dowding (Club Chairman)