

Planning Report for FoBRA Committee Meeting 7 November 2019

The Recreation Ground, Bath, Scoping Opinion (19/03133/SCOPE)

Following the Developer's (Arena 1865) request for a scoping opinion in respect of the proposed development of the Recreation Ground as set out in their Scoping Report, B&NES Council submitted their formal Scoping Opinion in accordance with the Environmental Impact Assessment (EIA) Regulations on 13 September 2019. While the Council's Scoping Opinion absorbs most of the formal responses from Statutory Consultees such as The Environment Agency, Historic England, Canal & Rivers Trust and Sport England, plus Natural England, Gardens Trust and many Council departments, it also reflects many, but of course, not all of the comments and objections raised by PERA, WA and FoBRA, although we 'third parties' are not of course recognised by name. All statutory consultee responses are in the appendix to the Scoping Opinion which can be accessed from the Council's planning portal.

Before publishing their Scoping Opinion, the Council asked Turley, the developer's agents, to provide further information in respect the following specific characteristics of the proposed development. Turley's typically opaque answers are in italics:

i) The overall dimensions of the proposed development (including building footprint and maximum height)? *"The building footprint within that area would likely be in the region of 17,500 sqm. We are not in a position to confirm the maximum height at this stage, and nonetheless do not consider you need it to satisfy the Regulations."*

ii) The total floor space (by use) of the proposed development that will be available for use on non-match days? *The proposed 'commercial floor space' within the west stand would amount to approximately 1,750 sqm in total, comprising of a new Bath Rugby shop, fixed concessions, retail pop ups and seating areas, restaurants and lounges. These will be available on non-match and match days... In addition, there will be 'main town centre uses' such as a lounge for hospitality, event areas for community, charity and rugby club exhibition spaces on non-match days and back of house areas.. altogether c4,000 sqm in total..."*

iii) The operational hours of the proposed development on non-match days? *"The uses open to the public in the new west stand will be subject to normal licencing requirementsand will no doubt require appropriate planning conditions. Again, full details of the hours of use will be confirmed at application stage. Other parts of the stadium not open to the public will be open 24 hours a day, 365 days a year, with on-site security."*

iv) The number of non-match day events within the stadium?" *We are not in a position to confirm at this stage, but it is envisaged that the pitch will be open for community uses throughout the week, likely to be c.30 hours per week. The stadium will of course be used for other cultural, sporting and leisure events, as it (and the wider Recreation Ground) is currently."*

v) The operational hours of the car park? *"... It is likely that the car park will be open to the public 24 hours a day, 365 days a year, albeit it will be closed to the public on match days."*

Aside from the above, The Council recognises that, importantly, the majority of the stands are temporary, each having been granted separately limited period planning permissions, and has concluded that the baseline scenario for the EIA of the proposed development will be the 2015 stand heights: Club House, South, West and North stands (including hospitality boxes in the CH) but NOT the East Stand.

There are some comments about required views, the list of receptors having been generally agreed but the value, susceptibility and the sensitivity of the receptors have NOT been agreed as the baseline for the Landscape & Visual Impact Assessment (LVIA). As far as the Built Heritage is concerned there are also what appears to be disappointingly weak comments on the suggested 500m zone as well as various other points under various standard headings of Archaeology, Ecology and Nature Conservation, Hydrology, Flood Risk and Surface Water Drainage, Hydrogeology and Hot Springs, Traffic and Access, Socio-economic Effects, Air Quality, Noise and Vibration, Ground Conditions, Soils and Contaminated Lands, Lighting and Light Pollution, Waste and Climate Change – phew! For the gory detail, please access the Council's planning portal.

Finally, members will wish to know that the Scoping Opinion concludes:

"In the absence of certain information regarding the proposed development, such as construction method and building height, this Scoping Opinion identifies a number of areas where clarification is required and/or further assessment may be required to ensure the EIA provides a full and appropriate assessment of the likely significant effects of the proposed development".

The developers have not yet responded to the Scoping Opinion so we must await their response or, indeed, their planning application that is expected to be submitted early in the New Year. However, on 22 October 2019, Stadium for Bath announced key "...revisions to the detailed design stage..." that include:

- Overall height reduction of 5.1m [from July 2018 consultation height baseline]
- 550 space car park providing blueprint for electric vehicle usage in the city [from 700]
- Mature trees retained along riverside with enhanced public realm design
- Enhancements to West, East and North stands which maintain views to local landmarks including St Mary's Church, Bathwick and the hills beyond
- State of the art hybrid playing surface available for use all year round

Removal of PERA, WA and FoBRA Comments on EIA Scoping Report from B&NES Planning Portal – Exchange of Emails

As directed, after the last FoBRA meeting on 19 September, I wrote to the Head of Planning as follows:

"You will be aware that PERA, WA and FoBRA each commented on what we saw as the astonishing shortcomings of the Arena 1865's EIA Scoping Report that was written by Turley on their behalf and published under 19/03133/SCOPE. We appreciate that we were not Statutory Consultees and therefore, according to the planning consultant, Gwilym Jones (whom we note is not a Council Officer), were not formally to be consulted. But we were grateful nevertheless that our comments were published on the Council's planning portal - albeit briefly - and may have had some influence in the comments/decision reached and published by the Council on 12 September 2019. That said, we have also noted that our comments/objections have now been arbitrarily removed from the 'Documents' section of 19/03133/SCOPE, although your planning consultant's letters to PERA and WA are still posted. This surprised us because anyone accessing this portal would have had no or little idea what letters Mr Jones [the case officer] was referring to and thus would not be privy to our concerns. At the last FoBRA Committee meeting on 19 September 2019, representatives invited me on their behalf to express their disappointment at the deletion of PERA's, WA's and FoBRA's comments from the planning portal. We would be grateful for the reinstatement of our [and others'] comments because without these the portal is unbalanced and stakeholders will not be fully aware of all of the background that influenced the Council's decision. They should be"

The Head of Planning's response was:

"In response to your query, we take down public comments from the web site once a decision is made in relation to planning applications in order to comply with GDPR regulations. In this case, whilst the Scoping Request is not a planning application and as such we did not seek comments, those comments that were submitted and which are held on the file have been taken down from the web site for the same reason. Should a planning application be submitted those contributors who made comments will be able to see the Environmental Statement that is required to support the planning application and submit their views which will be taken into account when a recommendation and decision is made on the planning application proposals. These contributions will also be taken down from the public web site once a decision is made."

I replied:

"Thank you for your response which I, and others no doubt, have noted. That said may I respectfully suggest that the letters the Case Officer sent to both the Pulteney Estate Residents Association (PERA) and the Widcombe Association (WA) are also taken down because without the submissions they refer to they are meaningless."

This matter was then delegated to the Deputy Head of Planning who observed:

"This department and the planning system generally operates on the basis of transparency and would only seek to limit information where there are justifiable reasons to do so. In the case of third party contributors we remove these from the public web for data protection reasons and apply this practice to all our applications. The same does not apply to the case officer letters. In respect of the meaning of the case officers' letters being lost these letters provide context and make it clear that letters have been submitted. To that end such letters could be subject to an FOI and through that process they may be released. In a comparable way our officer planning application reports refer to third party contributions and sometimes our officer correspondence does as well however they are also removed from the web post decision. To arbitrarily remove the case officers' letters for the reasons you suggest would lead to a wider point about what else should be removed. This is a decision for the authority and whilst I acknowledge the reasons behind your suggestion having giving this point consideration I am satisfied that case officer letters should remain available to the public to view."

Kafkaesque or obfuscation or both but it would seem Council policy is an odd approach to transparency! Nevertheless, with Council policy in mind FoBRA will continue to retain copies of planning comments and objections on its website. No doubt RAs will do the same.

FoBRA's Objection to the Expansion of Bristol Airport (NSC/18/P/5118/OUT)

As directed at the last FoBRA Committee meeting, an objection was submitted on 23 September and posted on the North Somerset Council's planning portal on 30 September. This objection has also been posted on the FoBRA website.

Building Better, Building Beautiful (BBBB) Commission

It is expected that Robert Jenrick, the Housing Secretary, will publish in January 2020 a model design code based on recommendations of the BBBB Commission that will set out the minimum new housing design requirements. This will mean that communities will get the legal right to oppose ugly buildings and poorly designed new homes. The BBBB Commission, co-chaired by Sir Robert Scruton and Nicholas Boys Smith, have drawn up a number of highly welcome recommendations and guidance for Local Authorities to publish their own design code.

Bath Christmas Market 2019

This year's Christmas Market will take place from Thursday 28th November—Sunday 15th December – 18 days, the same duration as 2018. Begged questions with answers in *italics* are hereunder

- How many chalets will there be?

This year we will have 152 chalets including two charity chalets and one community projects promotion pitch.

- Will they be erected where they were last year (e.g. including Milsom Street) or is VB planning to extend the market footprint, say into Queen Square?

All the locations are the same as last year and no changes in duration this year or next. The Artisan makers market will be in Queen Square at the weekends only.

- What are the set up and take down dates?

We will be setting up around York street from Monday the 18th November. We start in Milsom Street on Monday 25th November. The take down will start in Milsom Street on Sunday 15th December and clear of Milson Street by Monday 16th circa 16:00.

- Will there be a residents' evening?

Yes, Residents evening will be Wednesday 27th November 17:00 – 19:00. There will be a service in the Abbey from 19:30 and the tree lights will be switched on after. (you will receive an official invite for the service) and then Thursday 28th November to Sunday 15th December for the nationally advertised event.

- Are there any significant differences that residents should be made aware of?

It's pretty much the same as 2018 although we will be closing the bottom of Milson Street/New Bond Street so people can walk safely from the bottom end of Milsom Street and continue onto Burton Street without encountering any vehicles. We will have some activity in New Bond Street such as Glass blowing demonstrations.

Planning Application to redevelop of Bath City Football Club (19/02276/FUL)

Awaiting consideration by the Planning Committee.

Planning Application 19/01854/OUT- Hartwell's Garage Site Newbridge Road

Awaiting consideration by the Planning committee.

NJT/JS/CC/PG

25 October 2019