

**Planning Application Nos. 23/03558/EFUL and 23/03559/LBA
Arena 1865 Ltd – Bath Recreation Ground**

Whilst FoBRA supports the principle of a new stadium proposal (subject to clarifications). We **Object** to this specific application unless there are conditions regulating commercial activity and protecting residential amenity through compliance/enforcement.

1. Context

The proposed development is within an allocated Development Site in the Local Plan and therefore has to comply with relevant Policies B1 and SB2 including:

- New sporting, cultural and leisure stadium that safeguards the valued assets and attributes of the WHS, including key views
- Respond sensitively and creatively to its sensitive context within the WHS.

2. Principles

- (a) FoBRA supports the replacement of the current rugby stadium by a new stadium that is appropriate to the heritage and residential setting.
- (b) FoBRA supports greater use for sports beyond the number of main fixtures currently played provided these additional sports events do not involve use of a tannoy system or amplified music.
- (c) Given that the additional non Rugby uses constitute an "Agent of change". It is vital that both any increased sports use and any other permitted uses are subject to clear and enforceable Conditions mitigating adverse impacts on surrounding areas. This cannot be left to individual event-specific Event Management Plans, TENs and Travel Plans. Thus additional clarification of these events and accompanying detailed Travel Plans with effective mitigation should be required. Indeed if mitigation is not possible then restriction of these new activities may be required.

3. Issues

(i) Business use not ancillary to stadium use/impact on city centre

The developer proposes substantial conference / function / banqueting / hospitality facilities for everyday use (not just matchdays). In B&NES's Pre-App opinion the Planning Officer stated:

of use of the building. This information is required as part of a planning application. These uses potentially fall within the definition of 'main town centre uses' in the NPPF and as the Recreation Ground lies outside the city centre it will need to be demonstrated that these uses are genuinely ancillary to the stadium. Limited and small scale A3 uses to serve members of the public could be acceptable but larger-scale or more extensive facilities that impact negatively on the vitality and viability of the city centre and other local parades would not be supported.

FoBRA supports the Planning Officer's statement and opposes inclusion of substantial commercial premises whose use is not ancillary to the stadium usage. Such inclusion being directly contrary to B&NES zoning policy and as such could pose a clear threat to the economic viability and future sustainability of the city centre.

(ii) Noise

Noise management needs to be appropriate to the setting in a residential area (Pulteney Estate and nearby parts of central Bath including the Empire which due to their heritage listing have little

acoustic insulation) and close to multiple venues where church services, classical concerts or literature events are held. The increased number of sports and other events requires clear, enforceable Conditions reflecting national law, policies and practice, including the Code of Practice on Environmental Noise Control at Concerts (CoP). This means that the decibel levels described in the application may already contravene the code in which case we expect the Planning Authority to seek specialist technical advice on the levels which would comply and commit to enforcement.

The events are defined as – one event for the purpose of the proposed scheme will be undertaken on a single day but events may occur on 2 concurrent days (we assume they mean consecutive). We support this clear definition of "event" duration as "day" and expect this to be confirmed in conditions.

The total Rugby related events are proposed at 64. The extra non-Rugby/sports use event days total 14, these would take place during summer months when residents have windows opened for ventilation and when they should reasonably expect some respite from amplified sound. Planning should also take into account the cumulative effect of the other events taking place on the outfield and in the city nearby. We recommend that the Planners reflect local views on the impact of additional amplified events and look to reduce and define this number, also consider that these events should not take place during the national exam series to respect the needs of school pupils sitting important examinations impacted by intrusive amplified sound. Also, that these events should finish by 10pm.

To enable proper application of these national policies and framing of Conditions, clear information on the proposed number and nature of events is essential (this being a critical element in application of the CoP), along with the addressing of other omissions in the current reports with regard to noise impacts in key locations. The CoP also requires consideration of cumulative impact with any events on the remaining parts of the Rec (the application appears under "previous events" to incorrectly conflate events held at the current stadium with events held on the outfield which are clearly not relevant).

Design of the stadium/new tannoy could potentially improve the currently intrusive levels of tannoy announcements/music on matchdays – we welcome this, but clear, enforceable Conditions are needed to cover any exceedances. These conditions should include use of tannoys/music on non-match days such as set up and testing too to avoid unnecessary noise disturbance into nearby homes.

The assessment of noise (including predicted noise levels) from match days needs to include amplified music (played during and after the match) and use of the tannoy in addition to crowd noise levels and consideration needs to be given to these sources both individually and collectively as it is often these sources that are most intrusive. The application requires clarification on this.

A Condition limiting use of the tannoy to a set number of matches a year (which reflects the current number of matches) should be applied to avoid increased matchday noise cumulatively adding to the extra noise of other non-rugby events. (Of-course emergency use of the tannoy on additional days to comply with a health and safety compliance could be excepted)

(iii) Lighting

Policy D8 of the Local Plan states:

POLICY D8: LIGHTING

- 1) Proposals for artificial lighting will only be permitted where:
 - a) they would not give rise to an unacceptable level of illumination into the sky, open countryside, urban areas or villages;
 - b) it can be demonstrated that additional lighting on site will have no detrimental impact on visual and residential amenity, the historic environment or local ecology;
 - c) any adverse impact of lighting proposals in all new development, including light spill and energy use, is minimised through design or technological solutions (including the use of SMART lighting techniques) or by controlling the hours of use;
 - d) safety is not compromised in low lit or dark public areas.
- 2) Development will be expected to retain or improve the darkness of rivers, watercourse or other ecological corridors in particular to protect or provide a functional dark route for European protected species. Lighting must be designed to protect wildlife habitats following best practice as set out in current guidance including B&NES 2018 Waterspace Design Guidance and Bats and Lighting in the UK (ILP, 2018).
- 3) Lighting in public areas should be designed to a suitable level of illumination in accordance with BS 5489-1 2013 and where appropriate, ensure consistency with Bath Lighting Strategy and other relevant guidance and where necessary the hours of operation will be controlled by the use of conditions.

LPPU Policy

The lighting impacts will affect heritage/conservation, long-distance views (from Grand Parade out and from the WHS setting into the city), and local impacts (on homes, and on key historic buildings especially the abbey and Pulteney Bridge).

To mitigate all those impacts, FoBRA supports Conditions limiting the number of evenings and the hours of lighting usage on site (e.g. no later than 10pm).

There needs to be clarification on the pitch regeneration strategy and a condition which explicitly prohibits the use of accelerated regenerative 'grow' lighting (such as UV or similar).

Equally we would expect a prohibition on any illuminated advertising signage/hoardings surrounding the ground.

The extensive use of glazing along the riverside is of concern in potentially interfering with the relatively dark nightscape and sensitive ecology in the area. Proposals should conform to the newly issued Guidance Note GN08/23 Bats and Artificial Lighting At Night, noting that this addresses measures for reducing light spill from internal lighting and also explicitly points out that the fact that planting should never be relied on as the sole means of attenuating light spill because it may be removed, die back or be inadequately replaced over time.

(iv) Transport

(a) *Existing issues requiring to be regularised:* Great Pulteney Street, Laura Place and neighbouring roads form part of Bath's iconic Georgian public realm and are on a key walking route for tourists visiting the city. It is also a national cycle route. Such a prestigious public realm area should be considered as such and it must not be used as a car park or turning area for vehicles, including cars and coaches, dropping off/picking up from the venue for any type of permitted event.

(b) *Extra traffic generated for the current number of matchdays:* Ambition to achieve meaningful mode shift is largely absent, with responsibility apparently being attributed B&NES,

FirstBus etc. Matchdays already stretch Park & Ride services, deterring many from coming into Bath. Increased capacity and event numbers will exacerbate this. FoBRA considers the developer should take a more proactive approach to mode shift, with Conditions requiring the stadium operator to fund additional Park & Ride buses on event days (whether rugby matches or other events) and fund extended hours for evening events from the existing park and rides.

In line with the Pre-application advice (page 3) there must be a condition which confirms no additional car parking space provided at the venue over the current number for match days or additional events to remove any ambiguity.

(c) *Non-rugby events:* Without identifying the nature of non-rugby events, the application was unable to take account of the different demographic and travel patterns. This must be rectified and Conditions applied setting a framework commensurate with the nature and size of events. Leaving Travel Plans as a matter for each individual event is an unacceptable burden for residents unless there is at least a framework of key minimum requirements set.

(d) *Modelling:* The modelling of impact on main roads appears implausibly small and further explanation of modelling approach and modelling is needed especially for the non-Rugby extra usage envisaged. The non-Rugby extra use events therefore need definition to enable the TRICS modelling data to clarify the impact on the city's roads of these events.

FoBRA would expect the opportunity to submit a supplementary comment paper on traffic impact which we fear could be substantial once more comprehensive data is provided. We would expect a detailed mitigation plan or a reduction in the number of additional events if the impact cannot be mitigated adequately.

(v) Crowd Management/Security/Safety

Current arrangements for managing matchday crowds have evolved organically through serial use of temporary planning applications. They are not fit for purpose, but the application doesn't appear to envisage material change. In the interests of safety and security strict Conditions must be applied reflecting NPPF Para 97 to keep those attending matches and those moving around the area safe. The impending Martyn's Law principles should be embedded in such Conditions.

Safety in streets in the vicinity of the venue must also be reviewed against the letter of 21 February 2020 from the Chief Constable of Avon & Somerset Police to B&NES in which the Chief Constable advised the area is a "significantly crowded place", in which a "particular threat" from international terrorism is "acute", whilst also recommending that measures be put in place for the precautionary protection of this area. Bath Rec and Bath Rugby were explicitly cited in the list of risk factors:

There is an acknowledged threat to the United Kingdom from international terrorism and past experience has demonstrated that this particular threat is acute in intensely crowded places. The City of Bath is a UNESCO World Heritage site and major tourist destination, it has also been identified as a significant crowded place. It is home to Bath Abbey, the Roman Baths, Southgate Centre and the Rec (home of Bath Rugby) amongst many other culturally and natural significant sites. It is also known for events such as the Christmas Market, Bath Half Marathon and Remembrance Sunday parades as well as being home to two Universities.

The absence of any crowd management or traffic restrictions in very busy public realm spaces such as Great Pulteney Street, Laura Place, Pulteney Bridge open to traffic is incongruous with the security context of 2023. Many of those leaving the Rec (whatever the nature of the event at the stadium) will have been drinking which adds to the inherent risk.

Entrances on the northern side of the Rec are dangerous and/or do not conform to appropriate standards in terms of gradients as the application acknowledges. The steps from Pulteney Bridge down to the riverside are dangerous, with the worst pinch point of **just 100cm width** for two-way pedestrian traffic. Pavements on Pulteney Bridge are less than 2m wide, especially on the southern pavement which reduces from about 170cm at Grand Parade to as little as ca. 155 cm near the steps (with intermittent further narrowing of both pavements to ca. 1m due to A boards and shop paraphernalia). Before and after matches the roadway on Pulteney Bridge is full of pedestrians mingling with permitted traffic, which is incompatible with the Chief Constable's advice. Other users (local pedestrians, tourists and disabled people) should be able to move in the opposite direction without having to step into the road or feel overwhelmed by the the crowds moving in the opposite direction.

Pedestrian flows to the south side of the ground also need to be managed safely to control pedestrian flows on North Parade Road in a way that is compatible with maintaining it as vehicle access to the venue and maintaining its vital function as a key bus route.

It is essential that the application is used to address/regulate/regularise current failings as well as applying mitigations to impacts of additional events/capacity. The cost to be met by the developer.

(vi) Heritage/Conservation

Many key views do not appear to have been considered in the application documents, particularly views from the WHS Setting into the city, or views to/from the Pulteney Estate. These need to be provided to enable complete understanding of impact on the WHS and Setting. This applies also at night, where the impact threatens to be major (see Lighting above).

Stated data asserting increased visitor numbers, even if achieved, need to be seen in perspective relative to the vastly higher numbers of visitors who visit for Bath's historic buildings and heritage, of which the views and enjoyment of the surrounding green setting are an integral part as reflected in the Double World Heritage Site UNESCO inscriptions – the City of Bath and one of the Great Spas of Europe. The potential for failure of the tenant which would leave an unused and decaying stadium that would pose a threat to the more important heritage tourism is a material concern and should be dealt with by requiring an indemnity from the developer to protect the council and the city from the worst aspects of this risk should professional Rugby cease to be a viable use at the facility.

Given the landmark nature of the project, the quality of the detailed design of the stadium and public realm should be embedded through construction phases by the appointment of a design review panel to approve material selection and ensure no value engineering/cost cutting amendments which could diminish the design and material integrity of the resulting built stadium. This panel should be made up of professionals with experience in landmark schemes and should be given "sign off/advisory" role.

(vii) Loss of Green Space and treescape

The proposed development will extend significantly beyond the current rugby stadium, extending around 37metres further into the playing fields. This represents a significant loss of green open space in central Bath and B&NES need to be vigilant to ensure that this loss is mitigated and that the remaining area of the Rec remains available for a variety of sports considering gender and social inclusion, not solely for rugby.

We would like more protection of the tree canopy and a clear condition that trees will not be removed along the riverside walk. The non-symmetrical quality of the riverside trees does not

qualify any of them for removal and we would like this as a clear condition and for them to have additional protection against further damage or interference.

(viii) Flood risk

It is unacceptable that neighbouring homes can be under Environment Agency Flood Warning (with official advice to evacuate their homes) whilst the stadium operator continues planning for a match notwithstanding that the arriving crowd will be using the evacuation routes available to residents. [See e.g. January 2023 when a Flood Warning was issued to neighbouring homes in the early hours of 13 January 2023 but plans to hold a match on 14 January with a full capacity crowd of 14,500 people continued for over 24 hours until called off for apparently unrelated reasons relating to the state of the pitch.] A comprehensive Flood Emergency Plan should be required as part of the planning application to ensure proper scrutiny is possible by impacted local people as well as by relevant statutory consultees. This Flood Emergency Plan should encompass the responsibility of considering the safeguarding of spectators within the ground and in the surrounding vicinity given the "bottle neck" nature of the exits.

We expect, given local and national policy framework for these issues to be addressed through more detailed information defined and provided by the applicant and through formalised planning conditions set by B&NES Planning Authority.

(ix) Construction Management Plan

We expect a full Construction Management Plan dealing with all key construction-related issues to be submitted **within** the Planning Application, **not** merely required as a Condition. This is essential due to the constrained nature of the site and access, the constrained nature of Bath's highways layout, the extremely close proximity to a quiet residential area, the inevitable impacts of heavy site vehicles on pedestrian, cycle and car access to the city centre, and the Georgian architecture across the city with common occurrence of under-road vaults that are often structurally linked to those road-side heritage buildings. We suggest:

The Construction Management Plan to include (but not limited to):

- **All** site traffic (including vans and cars as well as heavy vehicles) to use the North Parade Road entrance only
- **All** site traffic to use the Main Delivery Route (Vehicles 18T & over), Main Delivery Route (Vehicles under 18T) and Minor Delivery Route as defined in Figure 4.5 Construction Vehicle Access Routes of Chapter 4 Development Specification within the Environmental Statement (ie only A36, A4 East and A367 respectively). **No site traffic should enter any residential road.**
- There should be **no** work on Saturdays
- There should be no reversing alarms used on site – "reversing operations should be carried out under supervision of a banksman at all times."

FoBRA Committee

23rd October 2023