

Submission by Rachael Hushon, City of Bath Resident  
Date: 4.3.2012

Dear Members of the Council and Public,

As a local, Bath Resident I attended the BANES core strategy examination January 2012. My objections were concerned with the policy B1.8, an unjustified site specific allocation of a stadium on the Recreation Ground, 'unsound' proposals to introduce commercial "associated uses", 'mixed-uses', 'active frontages' on the Recreation Ground, and the inclusion of the East side of the riverside and the Recreation Ground in the Central boundary.

The Inspector also had concerns about the clarity and effectiveness of the plan in relation to the central area boundary diagram 7 and the sports stadium.

During that examination the attendees agreed with the inspector that all parties would share their feedback with the Planning Officer responsible for the redraft.

I submitted my further comments to BANES and to the Inspector in relation to the Rolling Changes in February 2012. I believe that what is now being proposed regarding the above remains unsound.

The phrasing in the proposed new wording is deliberately vague, what appears innocuous at this stage, from a planning policy perspective makes the Recreation Ground vulnerable to commercial intensification and commercial exploitation which could be independent of any stadium development. The use of the phrase "associated uses" and the use of the word "arena" in particular would result in a situation where any future development control committee would find it difficult to reject stand alone commercial applications which are independent of a "sporting stadium", these could include hotels, offices, retail, restaurants, cafes, bars, and clubs. Future local consultation on these individual uses would then be a token exercise, meaningless because B&NES have provided Arena 1865 Ltd (or any other Developer) with a perfectly crafted planning policy framework that enables them to develop commercial applications independent of their stated core purpose i.e. a rugby club, and to do this in the heart of a 98% residential neighbourhood and on encumbered open green space.

Putting aside personal views of the legal status of the land, (which is currently subject to a Charity Commission Decision Review) I object to the following on planning grounds:

**1. The 'unsound' site specific development policy for a stadium on the Recreation Ground.**

The continued inclusion of such an 'unsound' site allocation in the Draft Core Strategy pre-empts the proper consideration and consultation on any detailed and specific stadium plans for the BANES area. The proper process would be non site specific and then to progress **within approved and consulted upon policies**. The site of the Recreation Ground, is part of the River Valley Flood Plain and should be subject to the "sequential" test for development . BANES has not submitted any adequate justification for development at this location.

**2. The use of the term "Arena"** is not recognised as a term with Planning Policy Guidance and by adopting this term, rather than "stadium", the policy becomes too vague. In putting forward such proposals the Council has not been objective as a planning authority, has possibly been impartial in its role as a joint venture developer with Arena 1865 Ltd.

The use of the words "sporting, cultural and leisure arena" rather than just "stadium" is too wide ranging in terms of possible land uses. This term should be deleted in favour of "stadium".

**3. The use of the phrase "associated uses" is UNSOUND.** It could mean any intensity, commercial mixed-use activity and is too vague. This view is also supported by PPG17 which states (Section 11), that "open spaces and sites of sports and recreational facilities ... of particular value to

the community, should be recognised and given protection by Local Authorities through appropriate plan policies”.

I support the view proposed by PERA that the core strategy should contain the following non site specific statement regarding a stadium for Bath:

**“Enable the development of a stadium with ancillary uses.”To regard a Stadium proposal as a ‘sui-generis’ use for outdoor sports and recreation use only and for this to be non-site specific pending a more detailed justification in accordance with an approved Core Strategy.**

**4. Central boundary** I support the BANES amendment to the Central Area boundary such that it will not encompass the Recreation Ground/North Parade Road.

However, the Central Area boundary is still proposed as drawn along the river walkway between Pulteney Bridge and North Parade Bridge (on the EASTERN side of the river).

This boundary still leaves open the introduction of unspecified commercial ‘mixed-uses’ along the river as part of an extended Central Area encroaching into a residential neighbourhood.

This boundary creep could lead to the introduction of bars, clubs, hotels, and retail uses, along the ‘active river frontage’. Again such a proposal is **UNSOUND**, as commercial uses have not been consulted upon or justified in the Draft Core Strategy.

**No reference to the “east” side of the river in this policy is now needed.**

**Finally** I would like to re-emphasise that regardless of one’s perspective on the proposed extended lease to Arena 1865 Ltd, the existence of enforceable restrictive covenants on the land, or the current legal complexity surrounding the charitable status, it is unsound to be vague in planning policy with a deliberate purpose of providing future, one way flexibility for developers at the expense of residential neighbourhoods and proper, correct local consultation.

To provide this planning policy framework for a Developer , which could ultimately be a JV partner of BANES (detailed in the proposed Heads of Terms lease) is unsound and has not involved the correct level of consultation.

Thank you for your consideration of these issues.