

Friends of the Recreation Ground, Bath

E mail: friendsofbathrec@gmail.com

www.friendsofbathrec.org

Statement to the Cabinet meeting 6 June 2024

1 ICOMOS, the highest authority on world heritage, acting for UNESCO, has Objected to the planning Application for a Stadium on the Rec ; this is not exclusively a matter for your planning committee with its 3 minute objection protocol. This Committee, this Council, must take a position on the two reports. Any slight on Bath's World Heritage status would have wide repercussions, not in the least on the Bath's **Spa Towns of Europe** commitment.

2 The historic core of Bath cannot be moved. Bath Rugby can. Its ambition for an 18,000 seat premiership rugby stadium..... is now seen not to fit dimensionally on the Rec.

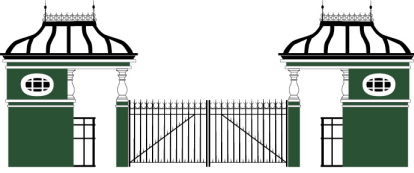
3 The **Vision** of both the Vendor and Purchaser of the 1956 Conveyance of the Rec to the Citizens of Bath, was for an **open green sward to the river** for amateur recreation, a true **public realm** benefit. That **Vision** is defined in the three key terms of the pre conveyance Agreement signed by the Council

- a- not to be used otherwise than as open space
- b- not to favour any single sport, club or body
- c-for ever hereinafter

High Court Judgement EWCA1623 (2002) recognised 1956 and stated the Rec was not part of the Council's estate, was a charitable gift and should be so managed by a separate body. There was no Appeal.

The Friends association has lobbied the Council for 20 years to sustain this **Vision**, and seeks a **Champion** within its elected Councillors.

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.



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5 The Council subsequently re-registered the Rec in the name of Bath Recreation Company Ltd. No premium was involved ; there was no onward conveyancing ; the terms of 1956 remain unchanged ; the Council retains the role of Guarantor of that **Vision**.

Bath Recreation Ltd holds the Rec as a Public Trustee (I quote) ‘**....under public trust.... for the benefit of the public at large**’. It is not (I quote) ‘effectively the Owner’

6 The terms of the Charity Commission’s Governing Document are the same as 1956, the **Scheme** specifically stating”not to be used otherwise than as an open space”. Subsequent changes need ratification at an **open agm**. The Trust has yet to hold the open agm’s required by the Charity Commission.

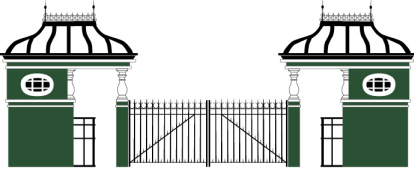
7 The Rec is a Designated Flood Alleviation Area, the effectiveness of which is compromised by the progressive extension of hard surfaces.

8 In the likely event of an enquiry as a result of the planning Application for a stadium, it would fall on the Council to explain how a **self funded citizens asset** and key part of the city’s **public realm** has become the site for a **privately owned commercial rugby stadium** ; personalities involved in this caesium on 1956 would be called to give evidence.

9 The **2018** Application for the Rec’s Designation as a Local Green Area and the **2022** Representation for the withdrawal of policy SB2 have been deferred for **engagement and determination** within the emerging Local Plan. Both applications are premised on compelling public interest, environmental and climate change issues. With the increasing footprint of new Consents, it is essential that existing green spaces, especially self financing one, are conserved

10 Whilst Bath Rugby Ltd serves to raise the profile of the city, heritage and retail tourism generate more income **by far** than a few home matches a season. This income could be added to by use of the Rec consistent with the **1956 Vision**.

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11 What is this association asking ?

Firstly, it asks the Council to re-affirm its role as Guarantor of the 1956 **Vision**

Secondly, to ensure that Council's protegee, Bath Recreation Ltd does not open itself up to an action under the Public Trustees Act.

Thirdly it suggests that, rather than continue down the rabbit hole of planning, the most elegant, least cost solution to the very evident conflict, is a Councillor's motion to put a hold on **the current Lease** with Bath Rugby Ltd, then relocating it to a more suitable site.

end

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