

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **17th September 2025**

AGENDA
ITEM
NUMBER

RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

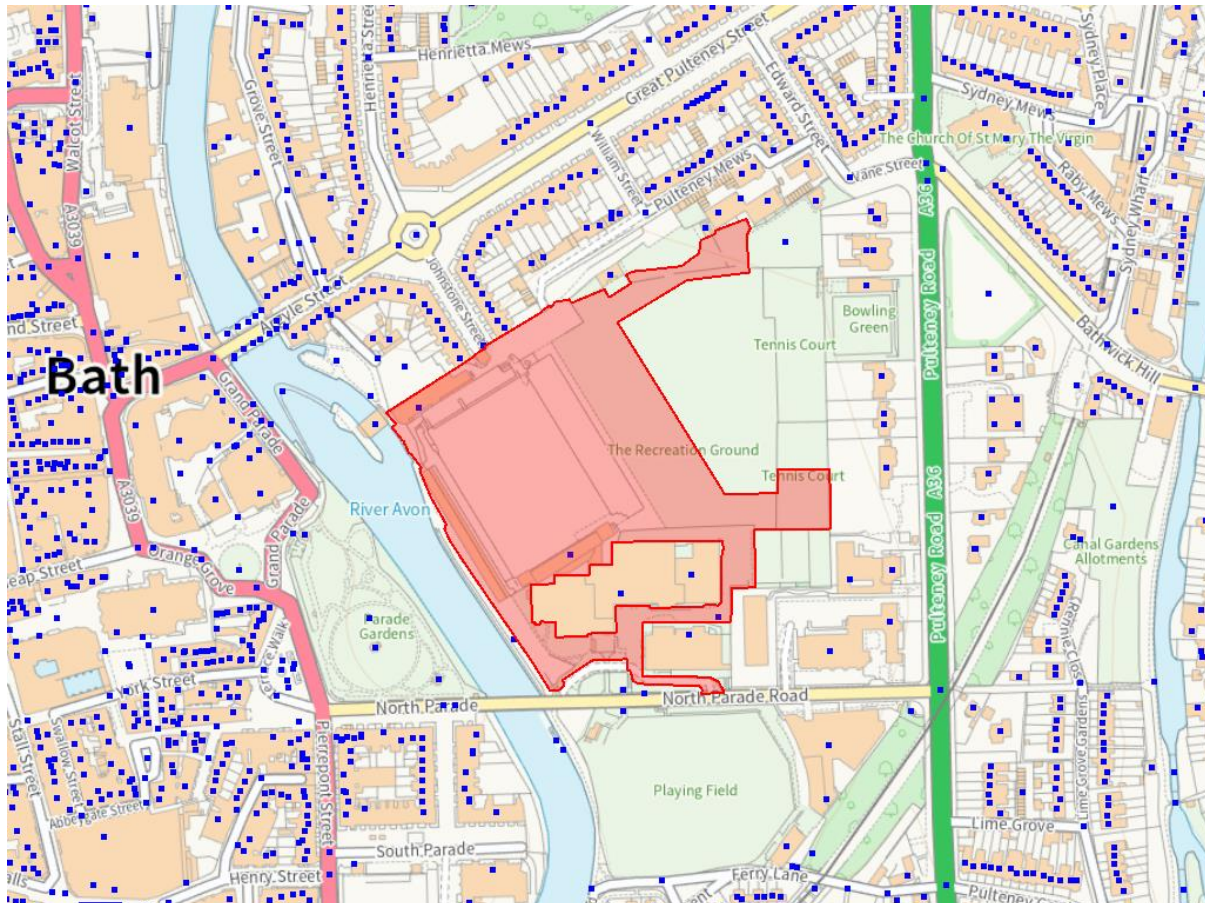
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/03558/EFUL 6 September 2024	<p>Arena 1865 Ltd. c/o Turley Bath Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset</p> <p>Full planning application for demolition of existing Clubhouse, west stand retained wall, and ancillary structures. Removal of all existing temporary structures.</p> <p>Phased comprehensive redevelopment to provide a new sporting, cultural and leisure stadium with hybrid sports pitch, including the retention of and refurbishment and extension to the South Stand, and construction of new permanent North, East and West Stands. Phased construction including the retention and relocation of temporary east stand to facilitate playing of sport during construction. Stadium to include ancillary facilities and structures including changing rooms, flood lights, television screens, scoreboards, camera gantries, media suite, matchday food and beverage outlets and hospitality suites, conference / function / banqueting / hospitality spaces, service and kitchen areas, flexible multi-use areas, offices, storage, plant and substation.</p> <p>Hard and soft landscaping works, flood alleviation works, tree planting, new steps and platform lift, infrastructure works, temporary construction compound and all associated construction works and operations.</p>	Bathwick	Gwilym Jones	Refer to Secretary of State

02	23/03559/LBA 17 November 2023	<p>Arena 1865 Ltd. c/o Turley Bath Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset</p> <p>Listed building consent for demolition of existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary), and construction of permanent North Stand within curtilage of listed wall structure and Presidents Lounge.</p>	Bathwick	Gwilym Jones	CONSENT
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REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 23/03558/EFUL
Site Location: Bath Recreation Ground Pulteney Mews Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Manda Rigby Councillor Toby Simon
Application Type: Full Application with an EIA attached
Proposal: Full planning application for demolition of existing Clubhouse, west stand retained wall, and ancillary structures. Removal of all existing temporary structures. Phased comprehensive redevelopment to provide a new sporting, cultural and leisure stadium with hybrid sports pitch, including the retention of and refurbishment and extension to the South Stand, and construction of new permanent North, East and West Stands. Phased construction including the retention and relocation of temporary east stand to facilitate playing of sport during construction. Stadium to include ancillary facilities and structures including changing rooms, flood lights, television screens, scoreboards, camera gantries, media suite, matchday food and beverage outlets and hospitality suites, conference / function / banqueting / hospitality spaces, service and kitchen areas, flexible

	multi-use areas, offices, storage, plant and substation. Hard and soft landscaping works, flood alleviation works, tree planting, new steps and platform lift, infrastructure works, temporary construction compound and all associated construction works and operations.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Arena 1865 Ltd. c/o Turley
Expiry Date:	6th September 2024
Case Officer:	Gwilym Jones
To view the case click on the link here .	

RECOMMENDATION

On 26 August 2025 the Council received a direction from the Secretary of State for Housing Communities and Local Government under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The letter states that the Secretary of State directs the Council not to grant permission on this application without specific authorisation. The direction is issued to enable her to consider whether she should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to her for determination.

The direction does not prevent the Council from considering the application, forming a view as to the merits or, if they are so minded, refusing permission.

In light of the direction, the Recommendation is:

- 1. To note the letter from the Secretary of State dated 26 August 2025 and the effect of the Article 31 direction.**
- 2. To advise the Secretary of State of the Council's intended decision on the application if the Article 33 direction had not been issued.**
- 3. To submit to the Secretary of State this report and any other papers requested by the Secretary of State.**

1. SITE DESCRIPTION

- 1.1 The Recreation Ground is located close to the centre of Bath, within the UNESCO City of Bath and Great Spa Towns of Europe World Heritage Sites and within the City of Bath Conservation Area. Within the planning application boundary is the

Grade II listed former Lime Kiln (referred to as 'The President's Lounge') and in the wider Recreation Ground there are two Grade II listed buildings: an entrance kiosk and gates (at the southern end of William Street) and a former sports pavilion.

- 1.2 The Recreation Ground is partly framed by and contributes to the setting of a number of designated heritage assets including:
 - Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north of the application site;
 - Grand Parade (Grade II listed) and Bath Abbey to the west, North Parade Road bridge (Grade II listed) to the south and villas along Pulteney Road (Grade II listed) to the east;
 - Parade Gardens (Grade II listed Registered Park and Garden) to the west.
- 1.3 To the south is the Sports and Leisure Centre constructed in the 1970's.
- 1.4 The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) and functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The site is located immediately to the east of the central area and city centre of Bath and the majority of the open area of the Recreation Ground (including the application site) is designated as Safeguarded Land for Sport and Recreational Facilities. Immediately to the north of the application site is the Beazer Maze.
- 1.5 The site is within Flood Zone 3a i.e. high probability of fluvial flooding (land which has a 1% or greater annual probability of flooding) and the site and wider Recreation Ground provides flood storage capacity for the River Avon.
- 1.6 Great Pulteney Street and Pulteney Road are identified as Active Travel Routes. The site is located within the Bath Clean Air Zone and Class N3 Euro 6 diesel HGV charging zone. The riverside path on the eastern side of the River Avon is an adopted footpath and public right of way, connecting with Spring Gardens to the north and continuing south beyond North Parade Road bridge. There is a permissive footpath (i.e. not a public right of way) between the riverside and Recreation Ground/William Street across the northern part of the site.
- 1.7 The site is located within Zone B of the County of Avon Act 1982, the provisions of which protect Bath's natural thermal springs against damage from excavation, piling operations or boreholes.
- 1.8 The existing stadium comprises temporary stands on the West (riverside), North (Johnstone Street) and East (open Recreation Ground) sides of the pitch and a permanent stand (with temporary extensions) to the south (adjacent to the Sports and Leisure Centre). There is also a permanent Clubhouse building on the north side of the pitch. The South Stand and majority of the West Stand are covered, with the North and East Stands uncovered.
- 1.9 The majority of the application site is owned by Bath Recreation Limited a registered charity, with a small part of the land within the application red line boundary owned by Bath and North East Somerset Council (B&NES). Bath Rugby

Limited lease the land on which the current stadium is located from Bath Recreation Limited. Originally granted in 1995 for a period of 75 years there are also short-term leases for temporary structures such as the East Stand. The area and terms of the lease will need to be amended to enable the development of the new stadium.

2. OVERVIEW OF THE PROPOSED DEVELOPMENT

2.1 The Description of Development is:

Full planning application for demolition of existing Clubhouse, West Stand retained wall, and ancillary structures. Removal of all existing temporary structures. Phased comprehensive redevelopment to provide a new sporting, cultural and leisure stadium with hybrid sports pitch, including the retention of and refurbishment and extension to the South Stand, and construction of new permanent North, East and West Stands. Phased construction including the retention and relocation of temporary East Stand to facilitate playing of sport during construction. Stadium to include ancillary facilities and structures including changing rooms, flood lights, television screens, scoreboards, camera gantries, media suite, matchday food and beverage outlets and hospitality suites, conference/function/banqueting/hospitality spaces, service and kitchen areas, flexible multi-use areas, offices, storage, plant and substation. Hard and soft landscaping works, flood alleviation works, tree planting, new steps and platform lift, infrastructure works, temporary construction compound and all associated construction works and operations.

2.2 There is an application for Listed Building Consent (23/03559/EFUL) associated with this current planning application. This is for:

Listed building consent for demolition of existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary), and construction of permanent North Stand within curtilage of listed wall structure and Presidents Lounge.

2.3 The Applicant for both applications is Arena 1865 Limited, a UK registered company. Together with Bath Rugby Limited (the rugby club) and Bath Rugby Foundation (a charity that works with young people and people with disabilities across B&NES Somerset and Wiltshire) they comprise the 'Stadium for Bath' project group that will deliver the stadium project. It is intended that, as is currently the case, Bath Rugby Limited will operate the stadium during construction and post-completion.

2.4 This application is for the demolition of the majority of the existing stands and associated buildings and structures other than the existing permanent South Stand, and the construction of an 18,000 capacity stadium. It is proposed that the demolition of existing stands and associated structures and construction of the stadium is phased to enable Bath Rugby to stay at the Recreation Ground throughout the process. The application documents set out a continuous three-year programme of construction and this has been adopted for the purposes of undertaking the assessment of likely significant effects of the proposed development reported in the ES. Works commence with the demolition of the West

Stand, moving of the pitch eastwards and construction of a new West Stand, culminating in the construction of a new East Stand. In the interim it is proposed that the existing temporary East Stand is retained and relocated eastwards on the site to maintain capacity during the construction phase. The delivery of the proposed development is considered in 7.290-7.294 below.

- 2.5 Pedestrian access to the stadium will remain as existing: from the riverside (accessed from the north via the steps from Pulteney Bridge and Spring Gardens Road/Grove Street, and from the south via the existing riverside path under North Parade Road and steps from North Parade Road); from William Street (via Great Pulteney Street); and from the existing Leisure Centre car park. Vehicular access, other than by emergency vehicles, will be from North Parade Road. Details of access to and into the stadium is considered in 7.215-7.244 below. Construction access would be from North Parade Road.
- 2.6 As well as the built structure of the stadium, a new hybrid reinforced natural grass pitch is proposed. The pitch playing surface will be natural grass with 'hybrid' referring to plastic fibres that are stitched into the root zone (below the grass cutting level) that allows the natural grass to bind its roots to the fibres adding strength and longevity to the playing surface. The level of the pitch will be raised 0.4m above the existing ground level.
- 2.7 It is proposed that the stadium is used for an increased number and wider range of rugby games.

Match Type	Existing	Proposed	Difference	Likely number of spectators*
First Team	16	18	+2	18,000
Shield	6	12	+6	5,000
Academy	1	4	+3	5,000
Open Training	3	6	+3	1,000
University	1	2	+1	7,000
Women's	0	12	+12	5,000
Minis	1	1	0	500
Schools	1	3	+2	500
Combination/County	1	3	+2	2,000
Other	1	3	+2	2,000
TOTAL	31	64	+33	

* Applicant's figures

- 2.8 In addition to rugby games it is proposed that the stadium is used for a range of other events.

Event Type	Existing	Proposed	Difference	Likely number of spectators*
Theatre	0	2	+2	3,000
Music and E-sport**	2	3	+1	2,000-10,000
Other Sport	0	4	+4	5,000
Other	1	4	+3	2,000

TOTAL	3	13	+10	
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* Applicant's figures

** Multi-player competitive video gaming

- 2.9 It is also proposed to make the first and second floor match day hospitality space in the West Stand available for use for other purposes on non-match days.

Location	Use	Area (GIA)*
West Stand (first floor)	Conference / meeting / banqueting	1,738m2
West Stand (second floor)	Restaurant (incl. open terraces)	987m2
South Stand (first floor)**	Conference / meeting / banqueting	1,119m2
South Stand (second floor)**	Conference / meeting / banqueting	1,011m2

* Gross Internal Area (GIA) includes associated kitchens, bars, w/cs, access, storage, plant (excludes stadium operations and services).

** Includes existing permanent South Stand (excludes temporary boxes to be removed)

- 2.10 The proposed non-match day use of the stadium including proposed hours of use are considered in 7.31-7.44 below.

Amendments

- 2.11 The application was originally submitted in September 2023. Amended drawings (including updated and amended supporting documents) were submitted in December 2024, with further submissions in response to consultee comments in May and June 2025. The amendments included changes to the design and roof profile of the West and East Stands, and to the form extent and height of the North Stand. A building proposed in the north west corner of the site (adjacent to the Beazer Maze) was omitted. The Description of Development has been amended accordingly.
- 2.12 As a consequence of the amendments the total floor area of the stadium has been marginally reduced . The floor areas of the proposed non-match day uses has also changed, with an increase in space for the display or retail sale of goods and for the sale of food and drink for consumption on the premises, and a reduction in office space and omission of space for learning and non-residential institutions.

Use Class	Original Application	Amended Application
E(a) Display or retail sale of goods	69m2	100m2
E(b) Sale of food and drink for consumption on the premises	487m2	1,001m2
E(g)(i) Offices to carry out any operational or administrative functions	1,266m2	1,051m2
F1 (Learning and non-residential institutions)	95m2	-
Sui Generis	12,960m2	11,787m2
TOTAL	14,877m2	13,939m2

'Sui Generis' includes spaces such as spectator seating, private boxes, corridors, WC's, kitchens, broadcast rooms, stores, telecoms, switch rooms, plant.

- 2.13 The amendments also include two external televisions screens, one positioned at the western end of the South Stand and the other behind the North Stand. The latter is designed to be retractable with the top of the screen below the height of the North Stand when not in use.
- 2.14 The application red-line boundary, capacity of the stadium and range of match day facilities remains as submitted with the original application. The impacts of the changes have been appropriately described and assessed (including in the EIA Supplement) and statutory notices were published allowing the public and other parties to review and comment on the application in accordance with the relevant regulations.
- 2.15 It is considered that the scope of the proposed changes do not alter the fundamental elements of the proposed development and can be accepted as amendments to the original application rather than requiring a new application.

3. PLANNING HISTORY

- 3.1 There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground over the last 10-15 years including a number for temporary stands and structures. These are included in Appendix A to this report.
- 3.2 A number of proposals for development of a stadium at the Recreation Ground have been progressed, and in some cases been the subject of public consultation, however there have been no previous planning applications for the comprehensive redevelopment of the existing stadium.

4. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 The proposed development does not fall within the description of any project listed in Schedule 1 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) but is a type of development listed in Schedule 2 specifically 10 (b), "urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas".
- 4.2 In summary, Schedule 2 means development where -
 - (a) any part of that development is to be carried out in a sensitive area; or
 - (b) any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development.
- 4.3 A 'sensitive area' is defined in the EIA Regulations as, amongst other designations, a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage. The application site is located within the City of Bath World Heritage Site and the transnational Great Spa Towns of Europe World Heritage Site and therefore in a sensitive area. Accordingly, the criteria and thresholds for the scale

of development that might require an EIA is not applicable. Nonetheless, given the likely significant effects on the environment of the proposed development the project constitutes EIA development and is subject to the EIA Regulations.

- 4.4 In accordance with Regulation 15 of the EIA Regulations, on 28th April 2023 the Applicant submitted to the Council a formal request for an EIA Scoping Opinion. The Council issued a Scoping Opinion on 16th June 2023 that sets out the topics to be included in the EIA and other relevant information for undertaking the assessment. A copy of the EIA Scoping Opinion is available to view on the Council's website (LPA ref. 23/01618/SCOPE).
- 4.5 An Environmental Statement (including Appendices and Non-Technical Summary) was submitted with the application. Together with the Environmental Statement Supplement these constitute the Environmental Statement (ES) for the purposes of the EIA Regulations.
- 4.6 The ES covers the following topics: Consideration of Alternatives; Landscape and Visual; Built Heritage; Transport and Access; Air Quality; Noise and Vibration; Lighting; Biodiversity; Socio-Economics and Human Health; Climate Change; Flood Risk and Hydrology; Ground Conditions, Soils and Land Contamination; Hydrogeology and Hot Springs; Cumulative Effects. These are considered in this report either as part of the general assessment of the proposed development or in Section 11 (Other Impacts). Major Accidents and Disasters; Waste; and Archaeology were scoped out of the EIA.
- 4.7 Likely significant effects as a result of the proposed development have been assessed in relation to the impact on and change from the baseline environment within the site and/or the relevant technical study areas. In terms of the application site, the baseline takes into account the fact that historically the East Stand was dismantled and removed from the site during the summer months and re-constructed before the following rugby season. This was in accordance with a planning condition relating to the temporary East Stand. However, in 2024 the condition was removed and the East Stand has remained on site during the summer of 2024 and 2025.
- 4.8 Amendments to the application and supporting documents including an ES Supplement were submitted in December 2024. These amounted to 'further information' under Regulation 25 of the EIA Regs i.e. additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the application to satisfy the requirements of Regulation 18(2) and (3). The further information was publicised in accordance with Regulation 25(3). The ES (September 2023) and ES Supplement (December 2024) constitute the Environmental Statement for the purposes of the EIA Regulations. It is considered that the ES includes the information for inclusion in an ES as set out in Schedule 4 of the EIA Regulations.

5. SUMMARY OF CONSULTATIONS/REPRESENTATIONS

- 5.1 The original application and amendments to the application including further information in respect of the ES were publicised through the display and publication

of Site and Press Notices in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Regulations 19 and 25 of EIA Regulations 2017. Statutory consultees were notified of the application and a number of departments within the Council were consulted. Letters were also sent to neighbours and the application open for comment on the Council's website. The statutory consultation period expired on 8th February 2025.

5.2 A significant number of representations and consultation responses have been received on this application and are summarised below. Full details of responses are available on the Council's website.

5.3 ICOMOS International

Original application – the proposed scheme entails adverse effects on the Outstanding Universal Value (OUV) that are neither limited nor compensable. OUV is immutable and damage cannot be offset or balanced by public benefits. The Heritage Impact Assessment (HIA) does not sufficiently protect what are the inalienable attributes of the OUVs. The adverse effects cannot be classified as 'less than substantial' and pose a serious threat to the OUVs. Recommend a through re-examination of the proposal to reformulate it to make it more compatible with the townscape, reducing the heights that worsen the conditions of visibility compared to those of the current stadium and mitigating the prominence of the new stadium's architectural form that risks taking over from the more minute character of the historic city's built fabric.

Amendments – the adoption of an iterative Heritage Impact Assessment approach has contributed to achieving some significant design improvements. Efforts to reduce the height and the footprint of the proposed stadium have been rather successful. An undeniable contribution to containing the momentum of the new stadium is the creation of a green slope along the riverside walkway up to the West Stand which, leaning against the base of the building, reduces the height of the constructed part and contributes to "mitigate the presence of the new stadium's architectural form". The most significant improvements have been achieved through the curvature of the roofs of the East and West Stands. This curvilinear profile resonates with the curved forms of the hillsides beyond the roof and harmonises the new stadium with the natural setting of the city. Most importantly, the emerging scheme should result in the increased visibility of some parts of the landscape that in the previous proposal (the 2023 submitted Scheme) would have inevitably remained obscured by the new stands' greater height, as compared to the existing ones.

In other views where the central part of the roof predominates, its reduction in height appears insufficient to "achieve an improved relationship between the stadium and its townscape and landscape setting". ICOMOS considers that further work is needed on the overall height and to further mitigate the prominence of its architectural form. While the curvature of the roof has largely mitigated the barrier effect on the surrounding landscape, the dimensional and typological disproportion of the new stadium remains problematic in relation to the historic urban structure. Further refinements are still needed to reduce the prominence of the stadium's architectural form and to further slightly reduce the height, in order to achieve a satisfactory outcome that respects the highly sensitive landscape of the city and does not impact adversely on the OUV of both World Heritage properties. In its current condition, the site would continue to represent an unresolved source of

strong discontinuity with the distinctive features of the historic city, thereby posing a significant threat to the OUVs.

Further response – Taking into account all the constraints imposed by the standards with which new stadiums must comply, ICOMOS notes that its wish for a further reduction in the height of the roof cannot be accommodated, and therefore declares that it has no further objections to the revised proposal for the new Bath rugby stadium.

5.4 Historic England

Original application – While the proposals offer some heritage benefits, as proposed, the plans would result in a degree of harm to the OUV of the city's two World Heritage Sites, to the character and appearance of the Bath Conservation Area, and to the setting of a number of listed buildings. There is room for some design improvements, particularly in the design of the rear elevation to the proposed East stand. The Recreation Ground has been a venue for rugby for many years and is recognised as an important contributor to the character and culture of the City and the City of Bath Conservation Area. Consequently, Historic England welcomes the proposal for the Rugby Club to remain in this location, which is central both geographically and culturally to the City. Notwithstanding the contribution that rugby makes to the character and culture of the city, the existing ground is an eyesore. The west stand, which exists on a series of temporary planning consents, is dilapidated and lacks any animation to its river-facing elevation. The east stand is regularly dismantled outside the rugby season, but it has no architectural merit. The dilapidated appearance of the existing ground has a consequential negative impact upon the character of the conservation area and the OUV of the World Heritage Sites.

The proposed west stand is thoughtfully designed, using materials and proportion which refers to the classical language of Bath's townscape. It will engage with the riverside in a far more satisfactory manner than the present west stand. Provision of a well-designed new west stand, and the upgrading of the surrounding public realm, would provide some benefit, as would the continued provision of a venue for entertainment in the heart of the city. The proposed west stand will, however, impact on views from Grand Parade towards Bathwick Hill. The proposed stand is higher than the existing stand and will screen the lower slopes of Bathwick Hill in views from Grand Parade. While we acknowledge the operational requirements of the stadium make it difficult to further reduce the scale and mass, the height of the west stand would affect the green setting of the city, and the visual connection to a picturesque setting. The potentially monolithic appearance of the proposed east elevation of the east stand, as demonstrated in the supplied townscape and visual impact assessment, could possibly be mitigated though more landscaping between the façade and the recreation ground.

Amendments – the applicant has sought to minimise the visual impact of the proposed stadium by redesigning the stands with a curved and tapered roof profile. While the overall height of the amended scheme is comparable with the 2023 proposals, the roofline of the amended scheme now drops by over 3m at each end of the stands. The reduced massing of the amended scheme opens up more of the view towards Bathwick Hill from Grand Parade. Views from the area around the east end of Bath Abbey towards the wooded hillsides which surround the city make an important contribution to the OUV of both the World Heritage Sites and the

character and appearance of the conservation area. These views also contribute to the setting and thus significance of several listed buildings.

Further response – Historic England's view is that the proposals are a successful result of many years of negotiations. While there remains a degree of less-than-substantial harm, any adverse impact caused by the proposed development on the OUV of the city's twin World Heritage Sites, on the character and appearance of its conservation area, and on the setting of its listed buildings, has been minimised as far as possible through thoughtful design. Historic England have no objection to the proposals in their current form.

5.5 Environment Agency

Original application – the Flood Risk Assessment (FRA) fails to demonstrate that the site will be safe from flooding and without increasing flood risk elsewhere. The flood risk modelling shows a 50mm increase in flood levels on land close to the stadium but outside of the red line boundary, requiring design changes or written consent from the affected landowner. The FRA does not sufficiently demonstrate that the site will be safe from flooding, as required by NPPF para. 165. The EA requires a suitably sized safe refuge area above the flood level, accessible from all areas of the ground floor, in line with NPPF para. 173. The EA recommends consulting with emergency planners and services to ensure the safety of the proposals. A revised FRA is required. Object.

Amendments – further information required on flood risk modelling, updated Flood Warning and Evacuation Plan (FWEP), route of crane access, details of flood alleviation area, details of changes to land grading, and confirmation of structure design. The FRA indicates significant areas of increased flood extent outside of the development site with flood depth increase over 30mm. A revised FRA is required. An updated FWEP is required with details on trigger points, evacuation procedures, and safe refuge areas to ensure safety from flooding. The residual risk of FWEP failure must be addressed, and the plan should be precautionary in closing the stadium during flood risks. Clarification is needed on the capacity of proposed safe refuge areas and formal consideration of emergency planning implications is advised. Changes to the access route to the river require clarification on their impact on crane access. The presence of European beavers in the area necessitates their inclusion in the Environmental Statement, particularly regarding dispersal and genetic diversity. Maintain objection.

Further response – withdraw flood risk objection subject to the inclusion of conditions and informatives being included in any grant of planning permission.

5.6 Natural England

Amendments – the revised stadium design and lighting scheme significantly reduce light spill onto the river. The development is likely to avoid harm to the Bath and Bradford on Avon Bats SAC, however further agreement on mitigation measures is recommended. Full height automated blackout blinds are proposed to address light spill during hospitality mode. Their long-term effectiveness needs to be ensured and alternative solutions to blackout blinds should be explored to reduce light spill from internal sources. Agreement should be reached between the Council and the Applicant on points related to proposed lighting and modelling. The Applicant should collaborate with the Council to upgrade public realm lighting along the river corridor to reduce light spill.

5.7 National Highways

Original application – clarification is required with regard to both the existing Travel Plan and its success and the future Travel Plan, and the necessary measures that will need to be included to ensure the Travel Plan Targets are monitored, managed and achieved. It is considered that if not appropriately managed, transport issues arising on match days which coincide with the Christmas Market could impact on the safe and efficient operation of the strategic road network. Mitigation should form part of a comprehensive event / operational management plan and match day strategy. Park and Ride initiatives are welcomed in principle, however, there are uncertainties in terms of their delivery. Clarification is required on agreements between the necessary parties, whether permissions or consents are required and how they will be secured, the periods of operation, details of proposed bus services, and how the arrangement will be funded, secured and the timescales for its delivery. Detail also required on use of Variable Message Signs (VMS). Recommends that planning permission not be granted to provide time for the applicant to submit the necessary information to address concerns and for National Highways to determine the impact of the proposal on the safe and efficient operation of the strategic road network.

Amendments – the Transport Assessment and Travel Plan have been updated to address the issues raised by National Highways. Given the scale and occasional nature of the impact arising from the forecast increase in vehicle movements, particularly in the weekday peak, National Highways is satisfied with the evidence provided and does not consider that any further assessment of the strategic road network is required. The emerging Travel Plan is considered to be appropriate to support the proposed increase in stadium capacity and a condition should be imposed to secure a finalised Plan and any funding commitments. Park and Ride measures and funding can be secured as part of the Travel Plan. Content that the VMS locations and the strategy to manage parking demand should assist in preventing any unacceptable impacts on the strategic road network. The additional information requested by National Highways has been provided and National Highways raise no further objection to this application subject to conditions.

5.8 Active Travel England

Original application – a number of the conditions required to enable and embed sustainable travel patterns of travel to the Recreation Ground could be argued to be already in place, given the site's location within a city centre, which affords a number of opportunities to access via walking, cycling, bus and rail connections. However, there are issues including poor quality surfacing together with a number of pinch points, spectator congestion at accesses to stadium and poorly lit and unwelcoming access. In view of the further 3,500 spectators generated by a league fixture in addition to existing congestion, this would appear to generate a serious issue for concern in terms of congestion and on-street parking, both of which have the potential to detract from the quality and safety of the environment in and around the city centre, whether through reduced air quality, parking congestion or blockage to footways and crossing points. There would appear to be considerable opportunity to increase the level of walking and cycling to the site through improvements to infrastructure beyond the immediate vicinity of the stadium. The stadium proposals include for the provision of a total of 48 cycle parking spaces. This represents an increase from the existing provision but falls significantly below the aims of the Travel Plan and where additional cycle parking is unlikely to be

accommodated (or attractive) on surrounding streets. Not in a position to support the application and requests further assessment, evidence, revisions and/or dialogue.

Amendments – some progress has been made, the issues raised largely remain. The application has not put forward a convincing and robust case to alleviate concerns over the accessibility, promotion and securing of positive outcomes in line with the vision-led approach to transport planning. Specifically, cycle parking provision (on and off-site) remains deficient; off-site deficiencies in infrastructure remain and there does not appear to be a package of measures to address these issues; conflict along North Parade Bridge and North Parade Road remains of particular concern in respect of the lack of crossing facilities; the Travel Plan is yet to be updated to reflect the expanded stadium and lacks the necessary commitment, funding and comfort that effective remedial measures will be applied in the event it fails to meet its targets. Not in a position to support the application.

Further response – notwithstanding the provision of an additional 20 spaces cycle parking remains demonstrably and considerably short of the application's own baseline Travel Planning targets. Post-match temporary road closure on North Parade Road offers some benefit but does not address pre-match risks or prioritise pedestrians. Recommend a bond is put in place, to be drawn from for further investment sustainable transport measures in the event of a failure to either undertake the Travel Plan properly or meet its mode share targets. Not in a position to support the application.

5.9 The Gardens Trust

Original application – the assessment of impact to the setting of Parade Gardens Registered Park and Garden (RPG) appears to have been underestimated. The Trust is of the opinion that significant adverse effects could result from the development and therefore objects to the proposed development. Clarification should be provided as to the potential impacts to the settings of Sydney Gardens RPG and Prior Park RPG. We note that it is proposed to retain existing trees on the eastern bank of the river which would provide some screening to the proposed development in views from the west however there do not appear to be any details of management proposed for the trees to be retained or a commitment to replant them should they be lost for any reason.

Amendments – changes have been made to the design with a view to mitigating the potential impact of the proposals on the RPG and other visual receptors however we do not feel that the massing of the stand is sufficiently reduced to totally mitigate the extent of adverse visual impact. A moderate adverse level of impact would result from the increase in massing of the new stand over the existing and this is considered to be a significant adverse effect.

5.10 Sport England

Original application – not fully satisfied that the proposed development meets playing fields policy. Supports the scheme's benefits for rugby and community sport but need for a Community Use Agreement to secure community access to the new stadium pitch, financial contribution and enhancement of outfield at the Recreation ground and off-site mitigation measures, such as cricket investment and improved sports lighting, to compensate for the loss of playing field land. The Rugby Football Union supports the proposal for a hybrid pitch.

Amendments – proposal includes a Community Use Agreement for the stadium pitch, on-site improvements, off-site improvements (at Glasshouse Playing Field and Odd Down Sports ground) and a Sports Development Officer. While the application doesn't fully meet all policy tests, the benefits to community sport outweigh the loss of playing field. These benefits to community sport need to be secured by planning condition and or legal obligation.

5.11 Cotswold National Landscape Board

Original application – holding objection pending further assessment of the potential impact of the scheme on the dark skies of the Cotswolds National Landscape including nighttime views from selected viewpoints.

Amendments – ES includes an assessment of lighting on landscape character and visual receptors. The reduction in height serves to reduce the visual impact of the building in views from Grand Parade and Parade Gardens, including views back towards the Cotswold National Landscape. The application now demonstrates that the proposal would give rise to minor beneficial effects on landscape character and night time views from the Cotswold National Landscape and a reduction in light spill compared to the current floodlighting. This would further the purpose of designation of the Cotswold National Landscape (the conservation and enhancement of its natural beauty). If the LPA is minded to grant planning permission, we recommend that planning conditions should be imposed to limit frequency and length of floodlight use during events and a prohibition of use of Grow Lights at least from dusk to dawn inclusive. Withdraw holding objection.

5.12 National Trust

Original application – the proposed development is supported in principle in the Local Plan and would give rise to public benefits however this is a highly designated, constrained (and valued) context, and the proposed development involves a major and permanent intervention in the heart of a World Heritage city. We are concerned that the impacts and implications for cultural heritage, landscape, views, settings, and local character have not been clearly identified, comprehensively assessed, and minimised and mitigated as appropriate.

Amendments – the amended proposals represent an improvement on the original scheme however the proposed development would still give rise to harm to landscape and heritage interests. The changes would serve to enhance the visual integration of the proposed stadium and establishing a better relationship with the gentle curves of the river, the streetscape, and the undulating hills in the vicinity. The modifications made to the western elevation, and the way the building interacts with the ground on the riverside, serves to moderate the building's mass when viewed from the west, thereby reducing its scale and minimising its adverse impacts on the views, including those towards Bathwick Fields and the skyline. However, the proposed treatment of the eastern elevation and inclusion of small, decorative trees set in containers, raises concerns and they would not successfully filter views of the stadium from wider vantage points. The scale and permanence of the proposed stadium would still give rise to harm to landscape and visual amenities, and to designated heritage assets, including adverse impacts on local views in a core area of the WHS, and on the largely green and open character of the Recreation Ground.

5.13 Avon and Somerset Police

Original application – concerns about potential anti-social behaviour in the proposed colonnade during non-event times and the green-wall system potentially being used for unauthorised access. Concern at lighting and need for CCTV plans for the riverside footpath and cycle storage management details. Need for a comprehensive traffic management plan given the venue's various uses and potential for large crowds with impact on the surrounding highway network particularly North Parade.

Amendments – outstanding concerns regarding a green-wall cable system; lighting of riverside path; lack of CCTV plan; security arrangements for pedal cycles; proposed temporary traffic management plans for North Parade Road.

Further Response – the applicant has demonstrated due consideration for safety and security. Remain concerned that the proposed low level lighting in scope will be insufficient to illuminate safe egress or to satisfactorily support CCTV and match day control and coordination. Recommend a condition that a suitable lighting plan capable of providing sufficient match day illumination to facilitate the access and egress of the public both during normal match day and emergency and capable of supporting a CCTV system to produce identification quality images. Recommend proportionate vehicle mitigation is in place to prevent unintended or hostile vehicle access to the riverside area. Concerns raised from a traffic management perspective have been addressed.

5.14 B&NES Conservation Historic Environment/World Heritage Officer

Original application – existing permanent and temporary stands are detracting features within the World Heritage Sites, the Bath Conservation Area and to the settings of many very high status listed buildings. Change must be carefully managed to ensure that harm to the city's internally significant heritage status and celebrated historic environment is avoided so that development does not cause an adverse impact to the WHS's Outstanding Universal Value (OUV) and the attributes that convey it. The approach to architectural design has been thoughtful in attempting to address the significant challenges the site poses, of which heritage is one. However, the increase in height impedes some of the most important views out of the city centre to the green landscape. Further consideration of the stadium roof is required to remediate this element of the proposals in order to reduce its visual dominance and impact and more successfully assimilate it within the townscape. The current design of the East and West Stands requires amendment to mitigate their detrimental effects on the surrounding heritage assets. The assessment in the Heritage Impact Assessment is considered to significantly underplay the impact, not least to the WHS. In their current form the proposals cannot be supported. Holding objection.

Amendments – The proposed development has been amended to better respond to the historic environment, including the setting of heritage assets. The most substantive aspect of the amendments is the curved roof design, reducing the overall height and mitigating its impact on views and the historic setting. This allows greater views to the green setting of the WHSs from Grand Parade and also mitigates views into the city from an elevated position from the surrounding hillsides and visually softens its appearance. The appearance is less overbearing appearance and references and complements the sinuous topography of the hillsides that surround the city and WHSs. Further consideration is required regarding public realm enhancements that should be an important element of these proposals, especially to the western riverside area. The amended design responds

more positively and sensitively to the historic environment and the various heritage assets that it is made up of, including individual and groups of listed buildings, the Bath Conservation Area, and the Bath WHSs. There remains a degree of harm to the historic environment, however this is considered to be at the lower end of less than substantial and there is no objection on heritage grounds.

5.15 B&NES Urban Design and Landscape

Original application – The design team has demonstrated a good understanding of the sensitive WHS context and many aspects of the proposed design have merit. However, the current proposals involve a significant increase in height and the findings of the LVIA demonstrate that the increased height, scale and mass would result in an unacceptable level of adverse visual impact. In addition, the proposals do not take full advantage of the opportunities for enhancement of the public realm along the riverside. In the event that no revisions to the scheme were made to address the above issues, object on grounds of unacceptable landscape and visual impact.

Amendments – a substantial improvement over the original proposals, particularly in respect of the revised roof profile, which significantly reduces the adverse effects on a number of important views including those that contribute to the OUV of the WHS. Whilst there are still some adverse landscape, visual and heritage effects, the balance of public benefit versus harm is now more favourable, although there remains scope for further design improvement and enhancement of public benefit. Further information/design development required prior to determination.

Further Response – a substantial improvement over the original proposals, but scope remains for further design improvement and enhancement of public benefit. In the event that the application were to be determined without further amendment, as a minimum it should be subject to s106 agreement to secure offsite public realm improvements along the riverside walkway and conditions covering hard and soft landscape design, implementation and management.

5.16 B&NES Planning Policy

Original application – the proposals are not acceptable in their current form and cause harm. The height and design of the West and East Stands need to be modified to reduce their impact on important views. Due to glazing the proposed top level hospitality suite in the West Stand will reflect afternoon and evening sun and will be illuminated during the hours of darkness. This will cause harm to views across to the hillsides beyond, and adversely affect the character and appearance of this part of the Conservation Area. It is suggested that all hospitality at this level is removed and for the roof design to be redesigned in a way that better responds to the sensitivity of the site and to important views. The use and proposed opening hours of the ancillary facilities are proposed to operate as independent elements to the remainder of the stadium, and beyond what might be reasonably expected. As these uses are outside of the defined town centre a sequential test and impact assessment is required. The proposed along the riverside results in a comprised public realm comprising of two linear strips, with only occasional connections between the two spaces.

Amendments – the design changes to the form of the roofs have helped to open up important views from Grand Parade, Orange Grove and Terrace Walk towards the hillsides beyond. This reduces the harm caused by the previous design iteration. There are still significant concerns with the proposal to use the top floor of the West

Stand for seven days a week due to the potential impacts of lighting on the view from the city centre across to the hillsides beyond. There is a risk that enforcement issues will arise with the proposed use of automatic blinds and the impact of solar glare on the glazing will not be resolved. The applicant has undertaken a sequential test and has sought to demonstrate that there are not any suitable alternatives within the town centre. Whilst it is accepted that there is a functional relationship between the restaurant and the stadium on match days, this changes on non-match days when there would clearly not be a functional relationship between the two elements of the proposed development.

5.17 B&NES Ecology

Amendments – a Shadow Habitats Regulations Assessment (HRA) has been submitted and is largely accepted. There are a number of potential difficulties with proposed use of blackout blinds and it is not demonstrated that this is a suitable long-term solution or one that can be adequately secured. A very high level of confidence is needed that all mitigation measures are realistic and enforceable, and will remain in use and effective, in perpetuity. Alternative mitigation proposals should be explored with comparative light spill calculations. More detail is required on retractable light shield to demonstrate that this is a feasible and acceptable solution and to provide confidence in its effectiveness. The applicant is requested to explore options and optimise the opportunities to upgrade standards of existing lighting and lighting controls, where existing riverside lighting and street lighting currently contributes to light spill levels onto the river in this area.

5.18 B&NES Drainage and Flooding

Original application – free discharge of surface water to the River Avon has previously been agreed in principle due to the risk of fluvial inundation/locking of any attenuation systems at this low lying site. It is noted that this approach will allow surface water from the site to drain down before the peak flow in the river arrives. A dedicated surface water system is proposed, removing any surface water flows from the foul system. A climate change allowance of 40% has been quoted for the surface water drainage design. This is appropriate for developments with a design life up to 2060 otherwise an allowance of 45% should be used. This needs to be clarified. Detailed design (including plans and calculations) of the surface water drainage system will be required via a condition as will an operation and maintenance plan.

Amendments – surface water strategy remains unaltered. The climate change allowance needs to be clarified. The Flood Warning and Evacuation Plan is to be updated although the triggers and evacuation routes will remain unaltered. A pre-occupation condition is requested.

Further Response – The principle of surface water management has been agreed, however there is an outstanding question regarding the design standard to be applied to the drainage serving the development, specifying the 1:100+45% climate change event would be accepted. A pre commencement condition regarding submission of detailed surface water design required.

5.19 B&NES Environmental Protection

Original application – recommend conditions on construction management, noise from fixed plant, limit on the number of concerts and a noise management plan.

Amendments – the survey methodology and scope of the assessment including the selection of noise sensitive receptors and the establishment of the baseline is acceptable. The assessment of match day use has considered noise from full capacity rugby matches, Public Address usage and half time entertainment. Minor increases in noise level are predicted at two of the receptors, however these are not considered to be significant. The impact of music concerts and E-Sports events has been modelled using a concert as reference for a typical setup and the assessment finds the predicted impact from such events to be significant at four receptors. This is a matter of judgement to be made in planning terms on weighting the benefits of the development as a sporting, cultural and leisure stadium with any disbenefits. A limit of three concert days is proposed and I have no objection to this and could be secured by condition. Further controls on terms of timings, durations and noise levels could be addressed via the Licensing Act. The predicted impact of other events with an attendance of 5,000 is not significant. Noise breakout from the proposed conference and banqueting events is assessed as 10dB below existing daytime and night time background noise levels and clarification is required on how this will be achieved through either the design of the façade or via internal noise limits

5.20 B&NES Environmental Monitoring

Original application – clarification needed on assumptions regarding the traffic flows due to the Cleveland Bridge closure for vehicles over 18t. Concern regarding the adequacy of city centre car park capacity and potential impact of other city centre events and the lack of formal agreement for using the Lansdown Park & Ride overflow. Further information needed to support the assumption that the mode of transport to rugby and non-rugby events are the same and on the impact of the on-site generator on air quality. The applicant is required to submit a Gull Management Plan before planning permission is granted. Object.

Amendments – the overall approach to the air quality assessment is acceptable however clarification needed on modelled baseline flows and future scenarios included the removal of the temporary weight limit on Cleveland Bridge, and HGV construction traffic movements. Subject to acceptable clarifications, no objection subject to conditions.

5.21 B&NES Archaeology

Original application – The site lies near the centre of the city across the river from the Roman walled town, between the east gate and the Roman cemetery at Bathwick. The results of an assessment of the site submitted by the Applicant indicate that there is some potential for the proposed development to impact on archaeology relating to the 18th century use of the site as the Spring Gardens and late 18th century kitchen gardens. The 18th century gardens are an important cultural asset but the condition of the archaeological features are not well preserved and are fragmentary. The remains fall within the World Heritage Site Statement of Outstanding Universal Value (OUV) however their relatively poor state of preservation means that the potential for information is limited and lowers the significance of the asset as sources of information. The fact that the archaeological remains relate to the OUV statement does mean that any impacts on the remains needs to be fully mitigated and all information should be extracted from the archaeology. This will require careful assessment of the potential for environmental

information pertaining to Spring Gardens as well as fully recording the physical features prior to any impacts.

5.22 B&NES Leisure and Physical Activity

Amendments – fully endorse the project, recognising its potential benefits for the community and its role in addressing health inequalities and improvements to the public realm around the Sports and Leisure Centre. Recommend a Community Use Agreement for facilities to be in place and impact of any change to river flooding bund on the Bath Sport and Leisure Centre to be assessed.

5.23 Over 6,000 representations on the application have been received from members of the public and local organisations. This covers representations made in respect of the original application submitted in September 2023 and the amendments submitted in December 2024 and includes multiple representations by the same persons or organisations. Comments have also been received from organisations such as Pulteney Estate Residents Association, Federation of Bath Residents Associations, Bath Preservation Trust and Friends of the Recreation Ground.

5.24 Over 5,400 representations have been received on this application, 5,085 in support of the application and 368 objecting to the application. In addition, 136 other representations were submitted, some giving qualified support others stating a preference for other designs. It is important to note that the weight to be given to representations is not the number submitted, but the relevant and material planning considerations that they raise.

5.25 Given the very large number of representations submitted via the Council's on-line comments form these have been reviewed and summarised by Microsoft Copilot. This is an Artificial Intelligence tool that was instructed to identify reasons for objection/support. The programme reviewed all comments received since the application was submitted. The topics below are derived from those generated by Copilot and subsequently refined by the Case Officer based on a review of a sample of comments. Representations sent directly to the Case Officer (i.e. not via the on-line comments form) have been read individually and also summarised by Microsoft Copilot. The summary below is not in any particular order or reflective of the relative merits or otherwise of the comments and has been edited by the Case Officer from the generated text.

Reasons for Objection

Planning Policy – fails to meet requirements of Local Plan policies B1(8) and SB2; lack of a Development Brief and proper stakeholder engagement; fails to provide a 'sporting, cultural leisure stadium'.	See 7.13-7.30
World Heritage Site/Heritage Impacts – development will intrude on iconic views including from Grand Parade, Orange Grove, and North Parade Bridge; disrupts the historic cityscape and impacts adversely on Grade I listed buildings; design incompatible with and a threat to Bath's historic character and World Heritage Site status.	See 7.115-7.159
Scale and Design – design lacks architectural merit and fails to enhance the cityscape; excessively large and	See 7.84-7.108

architecturally incongruent with Bath's Georgian character; an intrusion into Bath's civic landscape and undermining its aesthetic and cultural value	
Access and Transport – inadequate access arrangements, especially for large crowds with pinch points; insufficient pedestrian infrastructure; speculative Travel Plans that lack enforceability; increased congestion and pollution from larger crowds and events.	See 7.215-7.244
Security and Safety – concerns about the adequacy of safety and security planning, particularly in relation to crowd management.	See 7.246-7.255
Noise and Disturbance – increased noise, disruption, lighting and anti-social behaviour from frequent events and lack of mitigation for extended hours of use the stadium.	See 7.263-7.270
Flood Risk – increased flood risk off site affecting nearby homes.	See 7.180-7.190
Environmental Impacts – disruption to wildlife habitats (bats, otters, birds) due to lighting and noise and broader environmental degradation; loss of trees and impact on (off-site) Copper Beech.	See 7.194-7.209
Open Space – loss of public open space and recreational facilities, limiting access for the broader community.	See 7.66-7.73
Economic and Community Benefits – scepticism regarding the claimed public benefits of the stadium, offering little to the wider community.	See 7.277-7.282
Legal Issues – a 1952 covenant protects the Recreation Ground for public use and prohibits exclusive use or commercial development.	See 7.3-7.7

Reasons for Support

Economic Regeneration – the stadium's potential to boost Bath's economy, particularly through increased footfall to local businesses on matchdays and during events.	See 7.277-7.282
Modernisation of Facilities – replacing the outdated stadium with a modern, accessible venue that meets current safety and comfort standards.	See 7.47-7.55
Community Use and Engagement – the potential to host community events and educational programmes, positioning it as a civic asset beyond rugby.	See 7.32-7.39
Sustainability Commitments – the inclusion of sustainable construction methods and climate-conscious design, including energy efficiency and low-carbon materials.	See 7.287-7.289
Improved Accessibility – the inclusion of enhanced facilities for disabled spectators and better pedestrian access routes is seen as a major improvement.	See 7.245-7.255
Transport Enhancements – the proposed travel plan and cycle parking improvements are steps towards more sustainable transport options.	See 7.215-7.232
Civic Pride and Identity – the stadium as a symbol of	See 7.32

Bath's sporting heritage and civic pride reflecting the city's status.	
Job Creation – the potential for construction-phase and long-term operational employment opportunities.	See 7.277
Public Realm Improvements – enhancements to the surrounding public realm, including landscaping and riverside improvements.	See 7.110

The full text of all representations is available online.

6. POLICIES/LEGISLATION

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in dealing with an application for planning permission the authority shall have regard, so far as is material to the application, to the provisions of the development plan and any local finance considerations, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if regard is to be had to the development plan the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 6.2 The Development Plan for Bath and North East Somerset comprises:
- Bath & North East Somerset Core Strategy (July 2014)
 - Bath & North East Somerset Placemaking Plan (July 2017)
 - Bath & North East Somerset Local Plan Partial Update (2023)
 - West of England Joint Waste Core Strategy (2011)
 - Made Neighbourhood Plans
- 6.3 The West of England Joint Waste Core Strategy and Made Neighbourhood Plans are not relevant to the determination of this application.
- 6.4 The following policies are of particular relevance to the determination of this planning application:

Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update

Strategic Policies

- SD1 Presumption in favour of sustainable development
- SCR7 Sustainable Construction Policy for New Build Non-Residential Development
- SCR8 Embodied carbon
- SCR2 Roof Mounted/Building Integrated Scale Solar PV
- CP5 Flood Risk Management
- CP6 Environmental Quality
- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design

- D8 Lighting
- D10 Public Realm
- HE1 Historic Environment
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE3 Sites, Habitats and Species
- NE3A Biodiversity Net Gain
- NE6 Trees and Woodland Conservation
- CP7 Green Infrastructure
- NE1 Development and Green Infrastructure
- PCS2 Noise and vibration
- PCS3 Air Quality
- PCS8 Bath Hot Springs
- LCR5 Safeguarding Existing Sport and Recreational Facilities
- LCR6 New and Replacement Sports and Recreational Facilities
- CP12 Centres and Retailing
- CR1 Sequential Test
- CR2 Impact Assessments
- ST1 Promoting Sustainable Travel and Healthy Streets
- ST7 Transport Requirements For Managing Development

Bath

- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site and its Setting
- BD1 Bath Design Policy
- SB2 Central Riverside and Recreation Ground

- 6.5 The Council is in the process of preparing a new Local Plan for the period 2024-2043. Consultation on Local Plan Options, under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, took place from 12th February to 8th April 2024, with an extension until 16th April 2024. Over 7,000 representations were received and a summary report published by the Council in July 2024. Representations included comments on policies relevant to the determination of this application including Policy SB2 which refers specifically to the development of a permanent stadium at the Recreation Ground.
- 6.6 In December 2024 the Government published a new NPPF resulting in changes to national planning policy, in particular a new standard methodology for calculating housing need resulting in revised house-building targets and measures aiming to stimulate economic growth. Given the changes, in February 2025 the Council decided to reset the Local Plan to align with the new NPPF. As a consequence the timetable for further stages of the Local Plan preparation process has been revised. This is set out in the Council's Local Development Scheme 2024-2027 with a new Regulation 18 consultation programmed for August-September 2025 and Regulation 19 (Draft for Submission) consultation in April-May 2026. Public Hearings are programmed for December 2026/January 2027 with adoption forecast for June-July 2027.
- 6.7 The NPPF (para 50-51) refers to the issue of prematurity in the determination of planning applications. Para. 50 states [emphasis added] “... *in the context of the Framework – and in particular the presumption in favour of sustainable*

development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

6.8 NPPF para.51 states “refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

6.9 Notwithstanding the scale of the proposed development, the new Local Plan is at a very early stage of its preparation and yet to progress through Regulation 18 or 19 consultation stages. Given that the Draft Local Plan is over 12 months away from being submitted for Examination, the circumstances in para. 50 and 51 are not met and it is considered that refusal of planning permission on grounds of prematurity would not be not justified.

6.10 References in this report to the ‘Local Plan’ are to policies set out in the Core Strategy (July 2014) Placemaking Plan (July 2017) and Local Plan Partial Update (January 2023).

NATIONAL POLICY

6.11 National Planning Policy Framework (December 2024) and the National Planning Practice Guidance are material considerations in the determination of this application. Of particular relevance are the following chapters:

- 2. Achieving sustainable development
- 4. Decision-making
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

6.12 The NPPF establishes a presumption in favour of sustainable development. Para. 11c) of the NPPF states that in determining planning applications that means approving development proposals that accord with an up-to-date development plan without delay. In this case, the policies that are most important for determining the application are up-to-date, namely site specific policies B1 8(b) and SB2 and other policies listed in 6.4 above.

CLIMATE EMERGENCY

6.13 The Council declared a climate emergency in March 2019. This is a material consideration in the determination of this application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

- 6.14 The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OTHER LEGISLATION

- 6.15 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that 'in considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' There is also a duty placed on the Council under Section 72 of the same Act when considering development within a conservation area to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area.'

7. OFFICER ASSESSMENT

Introduction

- 7.1 The main issues relevant in the assessment of this application are:

1. 'Unique legal issues and constraints'
2. Principle of the Development
3. Land Uses
4. Layout and Scale
5. Design
6. Heritage Impacts
7. Visual Impact
8. Flood Risk
9. Ecology and Biodiversity
10. Access and Highways (including Public Safety)
11. Other Impacts
12. Energy and Sustainability
13. Implementation
14. Planning Balance: Heritage Assessment
15. Overall Planning Balance
16. Planning Obligations
17. Local Finance Considerations
18. Public Sector Equality Duty

1. 'UNIQUE LEGAL ISSUES AND CONSTRAINTS'

- 7.2 Policy B1 of the Local Plan sets out the spatial strategy for Bath. In respect of Tourism, Culture and Sport, para. B1 8(b) states "At the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure stadium."

- 7.3 It is considered that reference to 'resolution of any unique legal issues and constraints' is principally in respect of various matters relating to possible legal constraints that might affect delivery of development at the Recreation Ground, including those cited by third parties in representations to the Core Strategy and at the Core Strategy Examination in 2011-2012 and are also referred to in objections to the current application. It is noted that this includes covenants put in place when the land was conveyed from the Bathwick Estate to the Bath and County Recreation Ground Company Ltd in 1922, which applied to the purchaser and their successors including the 1956 acquisition of the site by Mayor, Alderman and Citizens of the City of Bath. Objectors also refer to the charitable status of the Recreation Ground and the objects of Bath Recreation Ground Trust (a linked charity of Bath Recreation Limited and the current freehold owners of the Recreation Ground).
- 7.4 At the time of the Core Strategy Examination in 2011-2012, the status and enforceability of covenants relating to the site its charitable status and other matters had not been resolved and accordingly were considered to be 'live' issues raised by parties in representations. The Inspector's Report noted (para. 272) "I accept that the proposed reference to the resolution of any unique legal issues and constraints is not necessary for soundness (since such legal issues would need to be addressed in any case), although I had suggested it in ID30 partly to indicate the uncertainty about progress at that time. I have retained this wording as part of the overall change proposed by the Council in accordance with my general approach to published changes, as explained at the beginning of the report." Since the adoption of the Core Strategy, there have been legal challenges in respect of the enforceability of the covenants on the land. Following a High Court judgement and subsequent appeal to the Supreme Court, in 2022 it was held that a covenant relating to the Recreation Ground (and who the beneficiaries of that covenant were) was imprecise and unenforceable.
- 7.5 It is important to note that neither Local Plan Policy B1 nor SB2 were subject to review as part of the Local Plan Partial Update. The wording of these policies remains as originally drafted in the Core Strategy and Placemaking Plan. They form part of the development plan.
- 7.6 Legal issues and constraints that might impact on the successful implementation of a planning permission, or otherwise prevent or fetter the delivery of a policy in the development plan, can be a material consideration. The issue of whether deliverability is a material planning consideration in the determination of a planning application was considered in a recent High Court judgment (*R (Save Wimbledon Park Ltd) v Mayor of London* (2025) EWHC 1856). In that case it was held that: "In short, the Defendant's decision on the relevance of deliverability (applying to both the Statutory Trust and the Restrictive Covenants) was a planning judgment rationally exercised and having regard to appropriate and relevant factors. Given that I have found it was rational for the Defendant to find that deliverability of the development did not in the particular circumstances affect the merits of granting planning permission, then the means for overcoming potential obstacles in the way of development did not fall for consideration." When this case is considered together with other relevant cases, it is clear that the decision-maker is required to assess or test the land use planning acceptability of a proposal which has been the

subject of a duly made application, and must do so on the basis that they are testing both the benefits and harms of the proposal as they are proposed to be delivered. On appropriate facts, such as in this instance, a local planning authority may lawfully conclude that a development is acceptable in land use planning terms and grant planning permission even if the development is incompatible with a different (non-planning) restriction on the use of land.

- 7.7 For the current application this matter is specifically referenced in the site specific policy in relation to the development of a stadium at the Recreation Ground and is a material consideration. However, Policy B1 8(b) is explicit in its purpose, that is to enable the development of a stadium at the site and as the Inspector noted in their Report on the Core Strategy Examination, any such legal issues would need to be addressed in any case. They do not prevent the local planning authority from determining the current application.

2. PRINCIPLE OF DEVELOPMENT

- 7.8 The NPPF (para. 10) states that at the heart of the Framework is a presumption in favour of sustainable development. NPPF (para.11) states that decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. However, NPPF para. 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. For the reasons set out in this report it is considered that the proposed development is in accordance with the development plan.
- 7.9 The presumption in favour of sustainable development is reflected in Local Plan Policy SD1 which states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning applications that accord with the policies in this Core Strategy will be approved without delay unless material considerations indicate otherwise.
- 7.10 In this instance, there are two site-specific Local Plan policies of relevance in the determination of this application, B1 8(b) and Policy SB2. As noted above, neither policy was amended as part of the Local Plan Partial Update and therefore both remain part of the development plan.
- 7.11 The purpose of Policy B1 8(b) is (subject to the resolution of any unique legal issues and constraints) to enable the development of a sporting, cultural and leisure stadium. Accordingly, the principle of the development of a stadium at the Recreation Ground is in accordance with the development plan.

- 7.12 Policy SB2 refers to a 'permanent' stadium at the Recreation Ground and provides further guidance ('Development Requirements and Design Principles') against which proposals for a stadium will be assessed. There are also other policies in the development plan that are material to the determination of this application and these are identified and considered elsewhere in this report.
- 7.13 Policy SB2 sets out ten Development Requirements and Design Principles. These relate to 'Riverside East (The Rec, including Bath Rugby Club, Bath Sports and Leisure Centre, the Pavilion, and other associated areas)'.

Development Requirement and Design Principle 1

"The preparation of a Development Brief, in conjunction with stakeholders, the local community and statutory consultees, will provide the detailed framework which will enable the development of a permanent sporting, cultural and leisure stadium, in accordance with Core Strategy policy B1 8(b)."

- 7.14 The policy refers to the preparation of the Development Brief but does not specify which organisation is responsible, is not prescriptive about the scope or content of the document, does not specify the form or timing of consultation and engagement, and does not require the Development Brief to be formally adopted or endorsed by the Council.
- 7.15 In 2017, 'Stadium for Bath' (comprising Bath Rugby, Bath Rugby Foundation and Arena 1865) commenced drafting a Development Brief to enable the development of stadium at the Recreation Ground. In November 2017 Stadium for Bath published a document ('Exploring the Opportunity') which set out the background for development of a stadium at the Recreation Ground including the setting of the site and the heritage context, and considerations to inform the design and operation of a stadium. In April 2018, Stadium for Bath published a 'Draft for Consultation' Development Brief. This provided a more detailed assessment of the site and its constraints and opportunities, development principles and parameters, and potential design responses for the siting and design of the stadium. In June 2023, a 'Final Draft for Consultation' was published and in July 2023 a 'Final Version' was published prior to the submission of the current application in September 2023. As part of the process, Stadium for Bath consulted with the Council, Historic England and Bath Preservation Trust and the document was issued for public comment at each stage. Written comments were submitted by, amongst others, Pulteney Estate Resident's Association (PERA) and Friends of Bath Recreation Ground.
- 7.16 Concern has been raised about the scope and content of the Development Brief, whether it provides sufficient and appropriate guidance on various topics and also whether its drafting and the associated consultation reflects the process described in the Local Plan. In terms of its geographic extent, whilst specific guidance is primarily in respect of the area of the Recreation Ground currently leased by Bath Rugby (plus additional land they intend to lease to deliver a new stadium), the Development Brief considers the area of 'Riverside East' in the context of the city as a whole, its immediate context and individual elements of the area. Given that the stated purpose of the Development Brief is to "provide the detailed framework which will enable the development of a permanent sporting, cultural and leisure stadium, in accordance with Core Strategy policy B1 8(b)", rather than provide a

masterplan for the whole of the Riverside East area, the spatial coverage of the Development Brief is considered appropriate.

- 7.17 Regarding the scope of the Development Brief, the document states that its purpose is to “support and supplement the development plan, to inform and guide development, but not to prescribe design or inhibit innovation” i.e. it seeks to establish the framework for a design to be developed and progressed rather than specifying a particular design solution. It is considered that the document appropriately identifies and describes the relevant constraints, opportunities, parameters and design cues to inform the design of a stadium. In this context it leaves open the specific design solution and this approach is considered to be appropriate and reasonable.
- 7.18 In terms of community consultation and engagement in the preparation of the Development Brief, the policy states that this is to be ‘in conjunction with’ stakeholders, the local community and statutory consultees. No further guidance is provided on who the parties might be, nor the mechanism by which this process might take place, the role and status of participants nor the weight to be given to representations from different stakeholders. Given that there is also no formal ‘sign-off’ process for the Development Brief it is considered that the published document is consistent with the objectives of the policy i.e. there is a framework within which a scheme can be progressed on an informed basis and on which various parties have had an opportunity to comment. Notwithstanding the reservations and concerns raised by some parties, it is considered that the Development Brief accords with the objectives on Development Requirement and Design Principle 1

Development Requirement and Design Principle 2

The design will respond appropriately and creatively to its sensitive context within the World Heritage Site, including the importance of open views for example from Grand Parade, Orange Grove and Terrace Walk to the hillsides beyond, and the iconic view from North Parade Bridge to Pulteney Bridge and Weir. The range of views is to be agreed through the Development Brief and Landscape and Visual Impact Assessment process.

- 7.19 The design of the stadium is considered in detail in 7.84-7.108. However, it is considered that it responds appropriately and creatively to its sensitive context. A range of potential viewpoints was set out in the Development Brief and this has been refined through the EIA Scoping exercise. The design response and impact on the World Heritage Site and views are considered in 7.119-7.134 / 7.166-7.175 below. For the reasons set out below it is considered that the proposed development is in accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 3

Development proposals will enhance and intensify the leisure offer with more variety and year round use.

- 7.20 The application proposes that, in addition to Premiership and Cup competition rugby matches that already take place at the stadium, it is used for a range of other

sporting activities. This includes making the stadium available for additional rugby matches including women's rugby, university and schools matches and other pitch-based sports as well as other events such as theatre and music events. Part of the East Stand will also be made available as changing rooms and storage for activities taking place on the wider Recreation Ground, secured through a Community Use Agreement between the Club and the Council. This is considered further in 7.281. The range of other uses of the stadium is considered below. However it is considered that the proposed uses of the stadium is in accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 4

The safety and convenience of access to and from the Rec will be improved.

- 7.21 Access and transport issues are considered in 7.215-7.245. This includes measures to address pedestrian safety issues, pedestrian routes to and from the stadium as well as measures to mitigate the impact of additional spectators on the operation of the local road network. For the reasons set out in 7.233-7.244 / 7.251-7.255, it is considered that the proposed development is in accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 5

Ensuring landscape, tree planting and public realm enhancements along the river corridor contribute positively to its character, and that development alongside the riverside provides a positive relationship to it.

- 7.22 The application proposes the removal of a number of existing mature trees along the riverside to facilitate access to the stadium. Some limited re-planting is proposed at the north-west and south-west entrances to the stadium. An extension to the depth and height of the green bund along the western side of the stadium is also proposed. The application redline boundary encompasses the land and works required to deliver the proposed stadium but excludes the existing riverside path. However, the Applicant has undertaken to carry out improvements to the riverside path, including re-surfacing and new lighting to a specification agreed with the Council and secured by a s.106 planning obligation.
- 7.23 Landscaping and the relationship of the development to the riverside are considered below (7.110). It is considered that removal of the existing poor quality and unsightly temporary stands and improvements to the riverside footpath together with the activation of the riverside path will contribute positively to the character of the riverside and achieve a positive relationship to it. This is to be balanced with the loss of the mature trees along the riverside. Therefore, it is considered that this aspect of the proposed development is partially in accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 6

Where practicable, introduce measures that enhance Green Infrastructure including the biodiversity and character of the river, and the provision of habitats for important species. It is a requirement for a biodiversity study to be commissioned to inform the development of a new stadium, and this should consider the impact of lighting, particularly in relation to bats.

- 7.24 A Biodiversity Net Gain assessment has been submitted with the application. The removal of trees along the riverside and the loss of a currently open (grassed) area of the Recreation Ground (due to the larger footprint of the proposed stadium) results in a 20% net reduction in biodiversity as a consequence of the development. It is proposed that biodiversity enhancement measures, to achieve a net 10% biodiversity net gain are to be provided off-site with some on-site provision of habitats for birds and bats. Impacts on biodiversity are considered in 7.194-7.209 below. Lighting impacts of the stadium, including on non-match day use, have been considered and potential mitigation identified. Given the significant reduction in on-site biodiversity, this aspect of the proposed development is considered to be in partial accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 7

Providing the opportunity for the leisure centre to be refurbished and improved.

- 7.25 The Leisure Centre was built in the mid-1970's at the same time as the South Stand, although they are largely physically separate buildings. Recent proposals for the development of a new stadium, including the current application, have proposed the retention of the existing Leisure Centre and this has enabled the refurbishment and improvement of the interior of the Leisure Centre in accordance with this Development Requirement and Design Principle. This approach also allows for the potential redevelopment of the South Stand as part of a wider masterplan with the Leisure Centre should that be considered appropriate at some point in the future.

Development Requirement and Design Principle 8

In discussion with landowners explore options for parking in this area or on adjacent sites.

- 7.26 Although the Applicant has not engaged with landowners to explore options for vehicle parking, opportunities for additional provision for cyclists and Blue Badge holders has been explored with Bath Recreation Limited. Notwithstanding this specific Development Requirement and Design Principle, given the objective set out in planning policy documents at the national and local level of reducing car use and promoting sustainable travel modes, this approach is considered to be appropriate and in accordance with sustainable development objectives.

Development Requirement and Design Principle 9

Ensure no net loss of floodplain storage.

- 7.27 A Flood Risk Assessment (FRA) was submitted with the original 2023 application. This was replaced by a new FRA that assessed the impact of the 2024 amended scheme and clarifications were submitted in July 2025. Flood risk is considered in more detail in 7.178-7.189 below and it is considered that the submitted information is in accordance with this Development Requirement and Design Principle.

Development Requirement and Design Principle 10

Undertake a detailed historic environment assessment, and where necessary evaluation, in order to identify and implement appropriate mitigation.

- 7.28 The application is supported by a Heritage Assessment which also forms part of the 'Built Heritage' chapter of the ES. This provides a detailed assessment of the site and its context in terms of heritage assets including the World Heritage Site designations, listed buildings, Registered Parks and Gardens and conservation area. This describes the various assets, identifies the features that contribute to their significance, assesses the impact of the proposed development on them, and where relevant and feasible, identifies measures to mitigate the impacts. This is informed by a Landscape and Visual Impact Assessment that also forms part of the ES. This information was updated as part of the December 2024 amendments.
- 7.29 This is considered in more detail in 7.15-7.159 below and it is considered that the submitted information is in accordance with this Development Requirement and Design Principle.
- 7.30 In summary, and as set out in more detail elsewhere in this report, it is considered that the proposed development is in general accordance with site specific policies B1 8(b) and SB2 in the development plan.

3. LAND USES

A Sporting, Cultural and Leisure Stadium

- 7.31 Local Plan Policy B1 8(b) refers to the development of a "sporting, cultural and leisure stadium" and Policy SB2 states that "development proposals will enhance and intensify the leisure offer with more variety and year round use." No further definition or explanation is provided in terms of what might be considered to be 'sporting' 'cultural' or 'leisure' uses.
- 7.32 Sport plays a key role in the culture of Bath, with Bath Rugby and Bath City Football clubs prominent forces in the city and the world class training facilities and athletes at the University of Bath. The Recreation Ground has been the 'home' of Bath Rugby for over 130 years and the proposed stadium will provide a modern, high quality sporting venue capable of use by elite level sports teams. It is proposed that the stadium would also host other sports and activities as well as providing support facilities for events and activities on the wider Recreation Ground. The application also proposes a number of other sporting uses of the stadium as well as 'non-match day' uses of spaces within the building set out in para. 2.6 and 2.7 above.
- 7.33 The proposal is to more than double the number of rugby matches taking place in the stadium from 31 to 64 a year, although the number of First Team matches where the stadium is expected to be at full capacity will be similar to existing (18 proposed compared with 16 existing). The majority of other matches are expected to attract smaller crowds. The application proposes a limit on the number of matches played in the stadium but does not explicitly propose a limit on spectator numbers i.e. without controls being put in place they could exceed the indicative attendance figures. However, the indicative number of spectators set out in the Development Specification (Chapter 4 of the ES) is the basis for the assessment of development impacts reported in the ES and accordingly it is considered reasonable and appropriate to limit capacity for these other sporting activities to the

numbers set out in the Development Specification. This would be secured by planning condition.

7.34 At present, the stadium itself is used occasionally for non-rugby events such as carol services and firework displays. Other events also take place on the open area of the wider Recreation Ground and in the Pavilion which is within the boundary of Policy SB2. The application proposes that the stadium is available for use outside the playing season (i.e. June – August) for a range of cultural or leisure events. In the Development Specification this is stated as two theatre events, three music events and four ‘other’ events (e.g. food festival) as well as four ‘other sport’ events. The Applicant estimates that these events will attract attendance well below the full capacity of the stadium. The basis for the assessment of likely significant environmental effects reported in the ES is set out in a ‘Development Specification’ and it is therefore considered reasonable and appropriate to specify maximum attendance numbers at non-rugby events to reflect this. This would be secured by planning condition.

7.35 Outside the rugby playing season, an event could take place on any day of the week, with an ‘event’ defined as taking place on a single day within the prescribed hours, although events may occur on two concurrent days.

Event	Proposed Hours		Limit
	Monday-Saturday	Sunday/Bank Holiday	Max. one Bank Holiday per year
Music and E-Sports	12.00-22.30	12.00-22.00	Max 4 hours (plus set up)
Theatre	08.00-23.00		Max 4 hours (plus set up)
Other/Other Sports	08.00-23.00		

7.36 Stadium-related office activities will be 08.00-18.00. First Team rugby matches are generally played on weekend afternoons/early evening, with evening matches having a kick-off time around 20:00 and finishing by 22:00. The application proposes that hospitality lounges stay open for up to 90 minutes following the final whistle.

7.37 In terms of delivering leisure activities other than Premiership rugby matches, the Applicant has drafted a Community Use Agreement between the Club and the Council that would be secured as part of a s.106 Agreement. This proposes minimum levels of use as well as provisions relating to community access, management and charges. The CUA has been reviewed by B&NES Leisure and Physical Activity team who are generally supportive of the proposals subject to details and refinements to the draft.

7.38 The application also proposes that match day hospitality spaces in the stadium are used on non-match days for other commercial uses. The top floor of the West Stand is proposed to be used as a public restaurant with the first floor of the West Stand and first and second floors of the South Stand being available for hire as conference/banqueting/community events/meeting rooms. The capacity and number of people using these spaces will depend on the type of function and layout of the space. The Development Specification proposes the following uses:

Use	Maximum Floorspace (GIA)	Proposed Uses per year	Proposed Hours (up to 7 days/week)
Restaurant External terraces	697m2 185m2	unlimited unlimited	10.00-23.00
Conference / Banqueting	Small: 86m2	48	08.00-24.00
	Medium: 150m2	36	
	Large: 500m2	24	
	Full: 994m2	6	
Community	218m2		08.00-23.00
Retail	87m2		08.00-23.00

- 7.39 Given the range of proposed uses of the stadium, although the predominant use will be by Bath Rugby for a range of matches, the stadium is capable of use for other purposes and the application identifies what these could be. On this basis, it is considered that the stadium would function as a “sporting, cultural and leisure” venue. In addition, the range and number of activities means that it would “enhance and intensify the leisure offer with more variety and year round use.”

Other Uses of the Stadium

- 7.40 In terms of the non-match day commercial uses of the stadium, these fall within the definition of ‘main town centre uses’ in the NPPF Glossary. The application site is not located within the city centre and NPPF (para. 91) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Accordingly, main town centre uses should be located in town centres, then in edge of centre locations. When considering edge of centre and out of centre proposals, the NPPF (para. 92) states that preference should be given to accessible sites which are well connected to the town centre. The NPPF (para. 95) goes on to state that “where an application fails to satisfy the sequential test or is likely to have significant adverse impact ... it should be refused.”
- 7.41 Local Plan Policy CP12 (Centres and retailing) states that retail, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located in town centres, or where appropriate in locations adjoining the centres, as required by Policy CR1 (Sequential Test). Policy CR2 (Impact Assessments) states that retail and commercial leisure development outside of centres will not be permitted if it would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or it would have a significant adverse impact on existing, committed or planned investment in a centre or centres in the catchment area of the proposal. The policy goes on to state that within Bath, an Impact Assessment will be required for retail proposals over 500sqm (gross) that are located outside of the designated town centres and not in accordance with the Local Plan. In this case the retail floorspace amounts to 87m2 i.e. below the threshold for requiring an Impact Assessment.
- 7.42 For the purposes of Policy CP12 the Recreation Ground is an ‘edge of centre’ location and the Applicant has submitted a Sequential Test for the main town centre uses. They contend that the various non-match day uses are an integral part of, and cannot be disaggregated from, the main use of the stadium. This argument is

not accepted as the proposed uses are unrelated to the main use of the stadium and simply occupying available space that would otherwise be empty for the majority of the time. This is an effective use of the available space and would contribute to animating the currently blank riverside frontage, but is not integral to the main use of the stadium. The Recreation Ground is in a sustainable location close to the city centre, is reasonably accessible and well connected (with the provision of a lift as part of the development improving access for the less mobile). Therefore, although the site is considered to fail the sequential test, and weight should be given to this, in the circumstances this does not amount to a strong reason for refusal of planning permission.

- 7.43 There are alternative, vacant premises in the city centre where these uses could be accommodated and the Pulteney Estate Resident's Association (PERA), the Federation of Bath Residents Associations (FOBRA) and others have raised concerns about the non-match day uses and the threat they could pose to the economic viability and future sustainability of the city centre. For 'commercial leisure proposals', Policy CR2 states that an Impact Assessment will be required for schemes over 1,000m² (gross) located outside a designated town centre and not in accordance with the Local Plan. Although 'commercial leisure' is not defined in Policy CR2, in the context of main town centre uses the NPPF Glossary refers to 'leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls). The floor area of the proposed restaurant (including supporting services and external terraces) is 882m² (GIA) i.e. below the threshold for requiring an Impact Assessment. As noted above, Development Requirement and Design Principle 3 of Policy SB2 states that development proposals will enhance and intensify the leisure offer with more variety and year round use. In this context, whilst located outside the defined town centre area, the proposed restaurant use is in accordance relevant Local Plan policies.
- 7.44 The cumulative impact on the local neighbourhood from the use of the stadium for a wider range of sporting and non-sporting activities, more frequently and for an extended period during the day is considered in 7.262-7.270 below.

4. LAYOUT AND SCALE

Stadium Dimensions

- 7.45 The Rugby Football Union (RFU) sets Minimum Standards Criteria for teams to play in the Rugby Premiership. This is currently a capacity of at least 10,001 and a full statutory general safety certificate as well as meeting conditions such as governance, pitch dimensions, player facilities and medical services, media facilities and accessibility. Whilst the existing stadium meets relevant standards sufficient to obtain a Safety Certificate under the Safety of Sports Grounds Act 1975, the layout of the stands and facilities for players as well as spectators are generally poor. The new stadium has been designed to meet current stadia design and operational standards in terms of the pitch dimensions (including run-off areas); seating layout, angle/rake of the stands and sight-lines to the pitch ('C-value'); access into and around the stadium; and stadium support facilities.

7.46 Issues of spectator and operator safety are controlled through the Safety of Sports Grounds Act 1975 rather than under planning legislation and an application will need to be made to the Council for a Safety Certificate. In addition, the operation of the stadium will need to be assessed against the recently enacted Terrorism (Protection of Premises) Act 2025, also known as 'Martyn's Law'. This is considered further below 7.247-7.250.

7.47 The existing capacity of the stadium is 14,500 and the application proposes an increase of 3,500 to 18,000 spectators (including hospitality boxes):

STAND	EXISTING CAPACITY	PROPOSED CAPACITY
North	2,013 (incl. 1,392 standing)	4,451 (incl. 2,672 standing)
East	6,400	5,990
South	1,900	1,938
West	4,200	5,468
TOTAL	14,500	17,847

7.48 This compares with other Premiership Grounds which range from 10,500 at the StoneX stadium (Saracens) to 25,849 at Welford Road (Leicester). Ashton Gate (Bristol Bears) with a capacity of 27,000 is a shared ground with Bristol City Football Club. It is important to note however, that the matter for consideration in the determination of this application is not the capacity of the stadium per se, and the application is to be determined in the form it is submitted rather than an alternative proposal or different capacity.

7.49 The proposed new stadium would be located on the western side of the Recreation Ground (as existing). However, the West Stand would be sited 9.5m to the east (i.e. away from the river edge/further into the Recreation Ground) than the existing stand when measured at the midpoint of the existing and proposed. The scheme (as amended) extends the existing bund in width and height up to the face of the new West Stand.

7.50 As well as adopting modern seating layouts (with a slightly steeper rake to improve sight lines to the pitch), the number of rows of seats in the West Stand at the highest point (centre line of the pitch) is increased from 23 to 28 rows. The covered area of the existing West Stand is shorter in length than the proposed West Stand, with uncovered seating at its northern end. The proposed East Stand at the highest point (centre line of the pitch) has 30 rows as existing. However, whereas the existing East Stand has a consistent number of rows along the majority of its length, the curved roof of the proposed East Stand means that the number of rows decreases to the north and south of the centre line.

7.51 It is also proposed that the concourse areas of these stands is located beyond the back line of the seating, rather than under the seating as at present. Taken together this results in the depth of the West Stand increasing from the current 17.5m to 32.5m and the temporary East Stand from 22m to 30.5m. Combined with the repositioning of the West Stand, the back of the proposed East Stand (excluding the external seating) extends 37.5m further into the Recreation Ground than the existing arrangements. The loss of part of the existing outfield area of the Recreation Ground as a consequence of the enlarged stadium footprint (and to a

lesser extent its re-positioning away from the river edge) is a negative impact of the development and this is considered further below (7.68-7.73).

- 7.52 The proposed East and West Stands would not extend beyond the line of the existing at the southern (Leisure Centre) end of the ground. However it is proposed to install seating in the north east and north west corners of the stadium as part of the new North Stand that will close off the currently open corners to the ground. The proposed North Stand comprises 20 rows of terracing and between 7 (central section) and 10 (corner sections) rows of seats. This compares with 15 rows of terracing (excluding barriers) and 5 rows of seating in the existing stand. The depth of proposed North Stand (edge of pitch to rear of stand) would be 16.3m and located approximately 5m closer to the properties in Johnstone Street (7m at staircases, 9.5m to rear of seating). It will also extend approximately 35m beyond the line of the existing stand to the east i.e. into the existing open area of the Recreation Ground to connect with the new East Stand.
- 7.53 The depth of the South Stand is constrained by the existing Leisure Centre and the proposed extension would be on the same alignment as the existing, with a new building located at its eastern end.
- 7.54 Currently on match days temporary food and beverage stalls and a marquee ('The Swift Half') are located on the open area of the Recreation Ground to the east of the East Stand. Under the proposed development all hospitality, food and beverage concessions would be located within the stadium rather than occupying parts of the outfield area.
- 7.55 Wheelchair accessible seating is provided at pitch level in the East and West Stands as well as at the upper levels in the East, West, South and corners of the North Stands. Step free access is provided to the stadium and concourse level and wheelchair accessible toilets are provided within the stadium. A new lift from the existing pedestrian bridge linking North Parade Road to the Leisure Centre would provide step free access to the riverside level.
- 7.56 The existing pitch is not entirely level and varies between 17.70m-18.35m AOD (Above Ordnance Datum). For the purposes of comparing the existing and proposed heights of the stands a pitch level of 18m AOD has been adopted. For reference, the road surface Johnstone Street is 6.6m above the existing pitch level (24.6m AOD) and the parapet to the Lime Kiln is 7.5m above pitch level (25.5m AOD). The ridge of the existing Clubhouse building is 10.5m above the existing pitch level (28.5m AOD). The roof of the Leisure Centre is 14.3m above existing pitch level (32.3m AOD).

Stand	Proposed Height	Existing Stand	Proposed	Existing
	Above Existing Pitch Level		AOD	
West				
Eaves (max)	13.0m	Eaves 9.4m	31.0m	27.4m
Pitch side (max)	16.0m	Ridge 11.1m	34.0m	29.1m
Riverside (north)	13.0m		31.0m	
Riverside (south)	14.3m		32.3m	
East				

Eaves (max)	13.0m	Guard Rail 9.3m	31.0m	27.3m
Pitch side (max)	16.0m		34.0m	
North				
East/West (max)	8.6m	7.4m	26.6m	25.4m
Mid section	7.4m	7.4m	25.4m	25.4m
South Stand*				
Eaves (max)	10.2m	10.2m	28.2m	28.2m

* excluding the roof structure

- 7.57 The roof to the East and West Stands have the same height and profile, which extends 33.0m from external gutter to pitch-side leading edge. This compares with 10.5m for the existing West Stand roof (the existing East Stand does not have a roof). It is also relevant to note that the roofed section of the existing West Stand does not extend as far north as the proposed.
- 7.58 The impact of the new stadium on views to and from the city is considered further in 7.164-7.175 below.
- 7.59 The height and profile of the roof to the proposed West and East Stands is informed by the proposed pitch lighting strategy and design which locates the floodlights in the leading edge of the roof of the stands (with supplementary lighting in the South Stand and retractable lighting columns adjacent next to the North Stand). This provides coverage of the pitch to support high definition, slow motion content for broadcasting without compromising the spectator or player experience. This approach largely contains light spill beyond the stadium and significantly reduces the uncontrolled glare of the existing free-standing lighting columns around the pitch and mobile lighting units brought in for evening matches. A retractable screen is proposed in the north west corner of the stadium to reduce light spill onto the riverside.
- 7.60 Alternative forms of floodlighting such as roof mounted columns or gantries have been explored. Locating the floodlights in the leading edge of the stands is considered the optimum solution in terms of light containment, avoiding lighting structures above roof level and achieving an uncluttered roof profile and is supported. Lighting impacts of the stadium (when in use for evening matches as well as during other times including use of parts of the stadium as a restaurant or for conferences) is considered further in 7.201-7.204 below.
- 7.61 Entrances to the stadium are broadly similar to the existing arrangements: from the north west (adjacent to the Radial Gate), north east (William Street), west (riverside) and south/south west (Leisure Centre). There are currently two doors into the existing West Stand from the riverside, with access via paths that 'cut through' the bund. The proposal is to enlarge the northern of the two entrances (located in the centre of the frontage) from around 2.5m to a maximum of 16.5m, providing an enlarged entrance portal to the stadium. It is also proposed to create a new route through the bund closer to the Leisure Centre (to facilitate pedestrian access from the riverside to the south western entrance of the new stadium) as well as adjacent to the existing steps over the bund to provide additional level access to/from the riverside.

- 7.62 The new central entrance would require the removal of five Category C trees (four Silver Birch and one Tulip tree) and the new southern route would require the removal of two Category B and one Category C trees (two Tulip trees and one Crack Willow). The provision of the lift from the Leisure Centre access bridge from North Parade Road would require the removal of a Category A tree (Silver Birch). Local Plan Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and it includes the appropriate retention and new planting of trees and woodlands. If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD on replacement tree planting.
- 7.63 The Council's Arboriculturist advises that the appearance of the loss of trees along the riverside (to enable the central access route to be created) would, to some extent, be offset by two existing sycamores within the riverside path. Opportunities may exist to include replacement planting on either side of the southern access to mitigate for losses once works are completed. However, there is insufficient space to provide full replacement planting on site. A scheme for tree replacement will therefore need to be secured by s.106 planning obligation. The loss of trees to facilitate entrances to the West Stand (and replacement planting off site) is to be weighed in the overall planning balance.
- 7.64 There are also two tree stumps in the riverside path, located close to the north west entrance to the existing stadium. The application proposes the re-surfacing of this area, with some limited small-scale planting at the steps/ramp down from the riverside to the new stadium concourse but does not propose the re-planting of these trees in this area. This area is Council land and a public right of way and the Council's Parks and Greenspaces Team have requested re-planting in this area. Given the limited available space (even with the existing stadium) this may not be achievable and alternative provision elsewhere on Council-land in the vicinity would be required. This would need to be secured by s.106 planning obligation or other agreement with the Council as part of the proposed landscaping of this area.
- 7.65 It is considered that the siting of the stadium further from the river edge combined with an extension of the existing bund are positive moves, providing a more generous space along the riverside with opportunities for additional planting. The height of the existing bund varies from 19.3m-19.8m AOD and will be raised by approximately 2.0m and extended to the face of the proposed West Stand. With the internal ground floor (Concourse) level of the proposed stadium at 18.0m AOD a large part of the ground floor riverside frontage of the new West Stand will be obscured by the extended bund. The introduction of a path on the bund also provides an alternative route for pedestrians along the riverside path and for spectators leaving the stadium.

Loss of Open Space at the Recreation Ground

- 7.66 The enlarged footprint of the stadium will reduce the existing open area of the Recreation Ground, resulting in a loss of approximately 5,000m² of playing field. NPPF (para. 104) states that existing open space, sports and recreational buildings and land including playing fields and formal play spaces should not be built on

unless one of three conditions is met: a) the open space, buildings or land is surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision the benefits of which clearly outweigh the loss of the current or former use.

- 7.67 Local Plan Policy LCR5 safeguards against the loss of open space (amenity green space, parks and recreation grounds, outdoor sports space, play space for children and youth, accessible natural green space), land and buildings of value for sports and recreation. Any loss will only be permitted if it can be demonstrated that one of five tests are met: i) there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this area; ii) the proposed development only affects land which is incapable of being used for sport and recreation; iii) suitable replacement facilities of at least equivalent quality, quantity and community value are provided in locations accessible by sustainable transport modes; iv) the proposed development is for an indoor or outdoor sports facility with at least equal benefit to the development of sport and community access to sport to outweigh the loss of the existing or former recreational use; or v) in the case of open space, it is not critical component of eco/green infrastructure networks and any redevelopment improves habitat connectivity.
- 7.68 In this case, NPPF para 104 a) and c) and Local Plan Policy LCR5 i) and ii) do not apply. The river corridor and part of the Recreation Ground (including the application site) lies within an area designated in the Local Plan as 'Green Infrastructure' (Local Plan Policy NE1) and is also part of a very widely drawn Ecological Network (Local Plan Policy NE5) which covers most of the east and south of the city to Bathford, Warleigh and Wellow. This area also includes Henrietta Park and the Cricket Ground but excludes Sydney Gardens. However, given the location and nature of the Recreation Ground and the affected area (predominately mown grass) it is not considered to be a 'critical component' of the wider eco/green infrastructure network.
- 7.69 Accordingly the relevant tests are whether suitable replacement facilities of at least equivalent quality, quantity and community value are provided in a suitable and accessible location; or the proposed development is for an indoor or outdoor sports facility with at least equal benefit to the development of sport and community access to sport to outweigh the loss of the existing or former recreational use.
- 7.70 It is considered that the proposed new stadium will support the development of sport and community use with improved facilities available for use by the community and for a wider range of activities. This will be secured through a Community Use Agreement between the Club and the Council. In addition, the application proposes compensation for the loss of area from the wider Recreation Ground through improvements to parts of the existing sports provision at the Recreation Ground as well as off-site investment in Bath Recreation Limited and Council sites elsewhere in Bath. Accordingly, whilst there will be a loss of outdoor space for sporting activities on the Recreation Ground, the balance of the space is

capable of accommodating a range of sports and facilities and together with an improvement to facilities on and off site it is considered that an acceptable balance is achieved.

- 7.71 Sport England are a statutory consultee and its Playing Fields Policy and Guidance states that it will oppose the granting of planning permission for any development which would lead to the loss of all or any part of a playing fields; land which has been used as a playing field and remains undeveloped; or land allocated for use as a playing field unless the development as a whole meets with one or more of five specific exceptions. Sport England initially objected to the application but subsequently withdrew the objection, advising that whilst the proposals do not fully accord with the exceptions policy, taken overall and in light of the NPPF (para. 104) the benefits to sport are considered to outweigh the detriment caused by the loss of playing field. B&NES Leisure and Physical Activity Team support the application.
- 7.72 In terms of access to open space within the area, the B&NES Green Space Strategy (2015-2029) includes an audit at ward level of the provision, accessibility and quality of different types of open space (such as allotments, amenity green space, parks and recreation grounds and play space). It also calculates whether there is a surplus or deficit based on the number of people living in the ward against national and local standards. It should be noted that ward boundaries covering the Recreation Ground have changed since the audit was carried out, and there may also have been some changes to the level of provision and resident population, however the overall position in terms of the areas of open space is broadly the same.
- 7.73 The audit records that in Abbey ward there is access to 'park and recreation ground' and 'amenity green space', however based on the population of the ward there is a deficit of 4.07ha and 1.03ha respectively. These categories exclude the Recreation Ground which is owned and managed by Bath Recreation Limited rather than being openly available to the general public to use at any time. For the purposes of the audit the Recreation Ground is therefore defined as 'outdoor sport (private)' . Abbey Ward has a surplus of 4.33ha of this type of space and the loss of 0.5ha of the Recreation Ground (with no compensatory new space being proposed) as a result of the proposed development will be from this category of space. Accordingly, although there is a deficit of public open space in the former Abbey ward, and to a lesser extent in the former Bathwick ward, the area of public open space across these areas will not be diminished as a consequence of the proposed development.

New Sports and Recreational Facilities

- 7.74 Local Plan Policy LCR6 states that new and replacement sports and recreational facilities within a town will be permitted provided it complements the existing pattern of recreational facilities and is accessible by sustainable transport modes. The Recreation Ground is accessible by a range of sustainable transport modes including by foot, bus, train and bicycle and it is considered that the proposed new stadium will complement existing facilities at the Recreation Ground including the existing Leisure Centre. LCR6 also requires that the proposal do not give rise to significant adverse environmental conditions including the impact of air, noise, soil, water quality and light pollution or be detrimental to public safety and the amenities

of local residents; that vehicle access and on-site vehicle parking would be provided to an appropriate standard; and that adequate access to and between the facilities would be provided for people with disabilities. Impacts on the amenities of local residents are considered in 7.262-7.269 below. Matters relating to access are considered in 7.233-7.245 below.

- 7.75 Policy LCR6 states that where a new artificial grass pitch is proposed a management plan should be submitted with the application. A Pitch Management Plan has been submitted with the application and this addresses the topics set out in the Policy including end of life removal as well as day-to-day maintenance. The Pitch Management Plan states that proposed hybrid pitch playing surface comprises a 95% natural grass surface with polyethylene fibres stitched into the root zone. To avoid fibres being cut or damaged by the mower blades the fibres will be installed below the agreed minimum height of cut. The pitch also includes a 2.5m wide 'run-off' area around the perimeter of the playing surface. This is to be constructed using longer pile artificial (polyethylene or polypropylene) grass with a natural crumb filling made from woodchip or cork. If the ground is flooded the material lost in a receding floodwater would be natural wood-based products rather than plastics.
- 7.76 The Pitch Management Plan states that a well maintained stitched hybrid grass pitch should have a lifespan of 8 to 10 years depending on use. When the pitch surface needs replacing the gravel and drainage layer can be retained and a new pitch installed. Alternatively, all materials can be removed, cleaned and re-used in other pitch construction or general construction works. Plastics, including drainage and irrigation pipes, stitched fibres and 3G carpets can also be cleaned and recycled and biodegradable 3G fill material recycled or composted. Any items which cannot be re-used or recycled would be disposed of in accordance with relevant legislation, statutory requirements and good practice. It is proposed that a condition is included to ensure that the specification and maintenance regime set out in the Pitch Management Plan are implemented.

5. DESIGN

- 7.77 The NPPF (para. 8) identifies three overarching objectives of the planning system in achieving sustainable development (economic, social and environmental) of which the social objective includes fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 7.78 Para. 135 states that planning decisions should ensure that developments are, amongst other objectives, visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Development that is not well designed should be refused, especially where it fails to reflect local design policies (para.139).
- 7.79 Local Plan Policy CP6 sets out strategic objectives in respect of promoting high quality design, a sensitive response to the historic environment and conserving and

enhancing the distinctive character and quality of the landscape. Local Plan Policy D1, D2, D3, D4 and D5 set out more specific design requirements for new development and the built environment. Also of particular relevance is Policy B1 and the associated 'design values for new development in Bath' and BD1 which requires that all significant or sensitive development proposals within Bath must address particular design matters in the Design and Access Statement. Policy SB2 states that the design of a permanent stadium at the Recreation Ground will respond 'appropriately and creatively to its sensitive context (including the importance of open views)'.

- 7.80 The existing temporary East, West and North Stands are poor quality, utilitarian structures. They are described by Historic England as "an eyesore", the West Stand as "dilapidated" and the East Stand as having "no architectural merit". ICOMOS International notes the "low key built form in poor condition" of the existing stands and that "in its current condition, the site would continue to represent an unresolved source of strong discontinuity with the distinctive features of the historic city, thereby posing a significant threat to the OUV of the property."
- 7.81 These temporary structures have been on the site for a number of years pending redevelopment of the stadium. The current application proposes to replace these temporary structures with a comprehensively designed stadium that will sit more harmoniously on the site and within its historic setting.
- 7.82 Objectors to the application have raised a number of concerns about the design and appearance of the proposed stadium, the choice of materials, the roof form and its visibility and impact on key views out from and into the city. In contrast a number of supporters comment positively on the design and ICOMOS describe the proposals as a "a high quality, comprehensively designed stadium/facility" as an "undoubted enrichment of the city's architectural heritage with the addition of a contemporary age structure of great iconic value".
- 7.83 The impact of the stadium on the attributes of OUV of the World Heritage Sites, Conservation Area and setting of listed buildings key views out from the considered in 7.115-7.157 / 7.164-7.175 below.

West Stand

- 7.84 The West Stand comprises three main components: a Concourse at pitch level screened along part of its length by an extension to the existing bund; an Intermediate level with a Bath stone ashlar frame and metal fins; and an Upper/Box level with the capping of the stone frame running across this level and a lighter exposed steel frame beneath the roof and metal soffit. Behind the frame is a glazed wall with continuous aluminium louvred panels at the Intermediate and Upper floor levels. The overall effect of raising the bund and the main frame extending across two floors with a lighter top level, combined with the depth achieved by the glazing being set behind the frame is to successfully break up the apparent scale of the stand. The dimensions and spacing of the main frame and fins, with the upper level frame aligning with the stone columns, creates a harmonious form with references to more classical proportions in a modern and contemporary form.

- 7.85 In more detail, at the Concourse level of the West Stand the raised bund extends to cover most of this part of the elevation, other than a large centrally located full height glazed entrance and in the north west corner where the bund terminates. Where the ground floor level is revealed, this is glazed, with the retaining walls to the bund being predominately grey brick. The raising of the bund allows for the existing green fringe to the riverside edge to be extended and contributes to reducing the apparent height of the overall structure. Existing mature trees in the bund along the majority of the frontage will partially screen the building particularly when in leaf, further contributing breaking up view of the entire length of the West Stand.
- 7.86 The first and second floor levels of the stand comprise a deep matt bronze glazed aluminium curtain wall system with projecting metal fins set behind a Bath stone ashlar frame. These connect with the raised bund or the base of the stone frame. The shape of the frame broadly follows that of the roof which curves gently down from the midpoint of the stand with the northern end of the roof slightly lower than the south. The Bath stone ashlar frame of the main elevation is continued round the north west corner of the stadium onto the northern elevation which fills in the existing open corner of the stadium. At the northern and southern end of the upper level the roof over sails an open terrace.
- 7.87 The Bath stone frame creates a series of bays with three glazed panels to each bay but does not extend to the full height of the stand to connect with the roof where a more slender exposed steel frame connects to roof level. The facade is further broken by two bands of deep matt bronze ventilation louvres that run the length of the stand at first and second floor levels, above the bund and below the Bath Stone ashlar frame. This approach breaks the elevation horizontally into three main parts: predominately green base, Bath stone ashlar framed glazed mid-section and lighter top level to the roof parapet. The rhythm of the primary and secondary elements in the elevation seeks to present a contemporary interpretation of the structural grid of the colonnade on the opposite side of the river and the classical proportions of buildings across Bath with a defined 'rusticated' base, piano nobile, entablature and attic storey.
- 7.88 The highly visible location of the site, situated in the heart of the city presents a challenging setting for a new stadium. A number of different design approaches have been considered over recent years, presented at Design Review Panels and tested in previous iterations for a stadium on the site. The current application has been amended from an elevation with a more formal horizontal emphasis with squared ends to the stands to the current curved form. The amendments have been in response to comments from a range of consultees including ICOMOS, Historic England and the Council. The current approach, with the curving ashlar frame (and roof) softens the overall appearance of the stadium and the simple glazed curtain wall system behind the frame presents a simple and contemporary response to the historic location. It also addresses concerns regarding the impact of the building on views from the city including from Grand Parade towards Bathwick Hill and Bathampton Down.

East Stand

- 7.89 The East Stand adopts the same roof profile as the West Stand however the elevation is broken into a series of full height sections of metal profiled fins, timber panels and vertical planting/'green wall' set within a matt bronze exposed metal frame and with a grey brick base. The south east corner (adjacent to the Leisure Centre) continues the form of the South Stand extension with glazing and louvred panels in a Bath stone ashlar frame, otherwise there is no glazing in the East Stand. The upper level is generally left open other than access cores and a metal safety barrier. In the north east corner (adjacent to the listed Cricket Pavilion) the structure of the stands is exposed rather than clad, revealing the metal frame and concrete underside of this part of the Stand. Part of the lower level will be obscured by tiered seating that faces towards the open part of the Recreation Ground.
- 7.90 The East Stand will be visible in local views such as from Pulteney Road and more particularly from within the Recreation Ground where the lack of screening by existing trees will expose the full elevation across the open part of the Recreation Ground.
- 7.91 Whilst the principle of vertical planting is supported this needs to be subject to a failsafe mechanisms and long-term management and maintenance. The landscape drawings also include trees in planters integrated into the external seating (with the tree pit extending below the elevated level of the seating). As shown, they are small in scale and contribute little to the elevation in contrast to the larger sections of green wall and timber cladding. Their growth is also likely to be limited by being in planters rather than rooted in the ground.
- 7.92 The Council's Urban Design adviser has commented that the East Stand fails to capture the imagination of the West Stand and does not appear to offer a commensurate quality of design. The East Stand is a much simpler design than the West Stand however the amended scheme introduces a mix of materials and treatments to this elevation (rather than the predominant green wall in the original submission). It also removes a heavy frame to the upper part of the stand. In combination with external seating it is considered that the overall mass is successfully broken down and softened. Further detail on materials, landscape design and the management and maintenance of planting and hard landscape elements and structures can be secured by condition.

South Stand

- 7.93 The south elevation of the South Stand extension, facing and largely obscured by the Leisure Centre, would match the existing stand and roof with coursed Bath stone-toned blockwork and a tensile membrane canopy. The western (river-facing) and eastern elements would comprise a two level Bath stone ashlar frame above a stone and brick ground floor base. The elevation incorporates an aluminium curtain wall system with spandrel panels set within the frame. Bronze aluminium louvred screens will obscure plant within the building and at roof level. The aluminium framed louvred screen to the extension of the Stand would be visible above the parapet level of the Stand but below that of the Leisure Centre. A panelled fence and gates control access to the stands.
- 7.94 The approach of mirroring the existing stand in its scale, form and general proportions as well as materials palette is considered appropriate. The Bath stone

frame to the eastern elevation of the stand (facing onto the outfield area of the Recreation Ground) with metal framed windows set within the frame is simple and unobtrusive and the introduction of louvres to the elevation is limited in extent. Subject to the submission and approval of materials samples, the design approach is considered acceptable.

North Stand

7.95 The North Stand would be constructed of coursed rubble stone with external metal staircases and safety rails from the concourse level to the seating areas. The central section is at approximately the height of Johnstone Street road level, rising at its western and eastern ends although remaining below the height of the existing Club House building. The repositioning of the pitch and increased depth of the East Stand means that the North Stand now extends in front of and beyond the gardens at the rear of eastern terrace of Johnstone Street. Retractable floodlights and a television screen (to below the height of the Stand when not in use) are located between the stand and Johnstone Street. Whereas the north west (and north east) corners of the existing stadium are open, allowing views into and across the Recreation Ground from some viewpoints, the application proposes these are filled in with seating. This will be at a lower level than the main roof but will enclose the stadium at these locations.

7.96 The application proposes the removal of the existing Clubhouse and changing room building which currently sits between the existing North Stand and the western terrace of Johnston Street, with the proposed North Stand occupying some of that space. An open (unroofed) concourse runs the length of the North Stand linking the riverside and the wider Recreation Ground, with food and beverage outlets set into the stand. The rear of the new North Stand would be located closer to Johnstone Street than the existing. The effect on the setting of the listed Lime Kiln and Johnstone Street are considered below (7.145-7.148).

7.97 The return elevations of the West and East Stands extend the form and materials of those elevations into the North Stand. However, the treatment of the majority of the elevation and materials for the North Stand lack the features or interest of these other stands. The stand presents a largely blank façade towards the gable end of Johnstone Street although public views of this elevation are generally limited by the Johnstone Street properties. Whilst the elevational treatment is functional and utilitarian, given its limited visibility and subject to details of the materials this is considered to be an acceptable solution in this location.

Internal Elevations/Stadium Bowl

7.98 The interior of the stadium is a stepped pre-cast concrete bowl with seating levels to the East and West Stands rising towards the centre of the stands. The South and North Stands largely replicate the existing with two levels of seating in front of hospitality boxes in the South Stand, terraced seating at pitch level and a mix of seating and standing terracing in the North Stand.

7.99 The interior of the stadium will be visible in certain elevated views such as from Johnstone Street and Orange Grove although the 'in-filling' of the north west corner of the stadium will limit these views compared to the existing situation. Similarly views of the interior of the stadium from locations such as Bathwick Fields and

Beechen Cliff will be more restricted largely due to the roofs to the West and East Stands. Notwithstanding the more restricted visibility of the interior of the stadium from certain viewpoints, the seating will be visible. Although no colour for the seating is specified in the application (submitted drawings and images suggest a matt 'duck egg' green) a matt/toned-down colour, rather than the current bright green gloss of the existing temporary East Stand, would be more appropriate with details secured via a materials condition.

Roof

- 7.100 The proposed roof to the West and East Stands comprises a blue-grey standing seam exterior with integrated photo voltaic panels along the outer edge and a matt gold-coloured metal fascia. The underside to the roof would not be clad so the structural beams would be visible. The roof rises to a maximum height of 34m (AOD) at the centre of the stand, reducing to 31m and 32.3m at the northern and southern end respectively. This compares with the ridge of the existing temporary West Stand at 29.1m and to the top of the existing temporary East Stand safety rail at 27.3m. The roof would be 33m from the exterior of the stands to the pitch-side edge.
- 7.101 Reducing the height of the northern edge of both West and East Stands from the original submission allows for a greater amount of the landscaped setting of the city to be visible. Whilst the existing view will be partially obscured, compared to the original submission the amended form of the stadium is more sympathetic to the topography of the hillsides beyond.
- 7.102 The roof will present a continuous expanse above the main elevation and will be visible in a number of views. This is considered further below in terms of the landscape and visual impact of the proposed development. For the reasons set out below regarding the impact of the roof on a range of designated heritage assets the principle of the roof form and materials are considered acceptable. However, further information is required on the detailing and specification of the different elements. These would be secured by condition.

Materials

- 7.103 The stadium is a modern insertion into the historic fabric of the city and there are references in the form and proportions of the West Stand to the architecture of the wider Georgian city. However, rather than pastiche or an over reliance on neo-classical features, the stadium adopts a modern, contemporary design approach and together with the proposed palette of materials, in particular for the West Stand, this is considered an appropriate response to its setting.
- 7.104 Bath stone ashlar is used sparingly in the frame and columns to the West elevation (and the extension to the South Stand) with glazing and gold/bronze coloured metal being the predominant material. Dark grey brick and concrete is proposed for the retaining walls to the bund and Bath stone coloured blockwork ties in with the South Stand/Leisure Centre. Given the extent of glazing on the West elevation it will be important that the risk of glare from sunlight reflecting off the glass is minimised and therefore the specification of the glazing will be an important consideration when materials are selected.

- 7.105 In contrast to the West Stand, the East Stand comprises full height panels of timber and metal cladding and a green/planted wall. The East Stand does not have any hospitality space (other than at Concourse level) and the interior space is either voids or stair/lift access to the Intermediate and Upper levels. Given the scale of the elevation with no glazing or other features, the use of a number of panels, with a central element of metal cladding and panels of timber cladding and green/planted wall repeated either side, provides variation and breaks down the overall mass.
- 7.106 The predominant material for the external elevation of the South Stand would be coursed Bath stone-toned blockwork to match the existing stand. The more visible parts at the western and eastern ends of the stand would be a Bath stone ashlar frame with blockwork base. Given that the rear of the stand is mainly obscured by the existing Leisure Centre, this approach is considered acceptable.
- 7.107 The low profile of the North Stand, generally at or below the height of road level on Johnstone Street, means that it is less prominent than the principal West and East elevations and will rarely be viewed in its entirety. Nonetheless, whereas the South Stand is an extension to an existing retained building the North Stand is a new structure and its immediate setting is the coursed Bath stone elevations of the listed Johnstone Street properties and the Lime Kiln. Coursed stone rubble is typically used on the 'rear' elevations of Georgian buildings (such as the rear of the properties immediately adjoining the Recreation Ground on Johnstone Street and Great Pulteney Street). Given this context it is considered that the use of natural Bath stone rubble rather than a manufactured 'Bath stone-tone coloured' blockwork would be appropriate on this elevation.
- 7.108 The interior of the stadium will be visible in a number of local and longer distance views and it is proposed that the structure is painted in recessive dark grey/black tones to match the surrounding metalwork of balconies and railings to avoid strong contrasts in colour.

Landscape and Public Realm

- 7.109 Local Plan Policy D10 states that development proposals must be designed to enhance the public realm and should contribute towards achieving public realm infrastructure improvements. The application proposes limited works to the public realm beyond resurfacing at the north west entrance and the extension to the bund which will incorporate a footpath along its length.
- 7.110 Development Requirement and Design Principle 5 in Policy SB2 refers specifically to public realm enhancements along the river corridor. The riverside path forms a key part of the setting for the new stadium however the surface, benches and street furniture are in a poor condition. Given the other interventions along the western edge of the site including the extension of the bund and creating new links through the bund, the Applicant has agreed to extend the resurfacing at the north west entrance to encompass the whole section of the riverside path to North Parade Road Bridge. This would include new lighting to replace the existing columns. This is considered to be a wider public benefit of the scheme and is welcomed. The works would be secured by a s.106 planning obligation.

6. HERITAGE IMPACTS

- 7.111 The NPPF (para. 212) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (para. 213). Substantial harm to or loss of assets of the highest significance (Grade I and II* listed buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites) should be wholly exceptional. Substantial harm to or loss of other designated heritage assets (Grade II listed buildings or Grade II Registered Parks and Gardens) should be exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal (para. 215).
- 7.112 The application site is located within two World Heritage Sites (WHS): City of Bath and the Great Spa Towns of Europe World Heritage Site (GSTSE). GSTSE is a component part of a transnational UNESCO World Heritage inscription made up of 11 European spa towns. The application site is also adjacent to Grade I and II listed buildings, the wider setting of a Grade II Registered Park and Garden and within the City of Bath Conservation Area. The World Heritage Site inscriptions, Grade I listed Pulteney Bridge, the listed buildings in Johnstone Street, and Bath Abbey just to the west of the application site are of the highest significance and considerable weight should therefore be given to the potential impact on their setting. The Grade II President's Lounge within the application site and Grade II listed Pavilion building immediately adjoining are considered to be of moderate significance. The City of Bath Conservation Area is widely drawn, however the application site is located adjacent to the historic city centre and the Conservation Area is considered to be of major significance.
- 7.113 The application is supported by two separate HIAs. These assess the impact of the proposed development on the OUV of the City of Bath WHS and the GSTSE WHS and have been prepared in accordance with the UNESCO (2022) World Heritage Resource Manual Guidance and Toolkit for Impact Assessments in a World Heritage Context. As part of the determination process, ICOMOS International (UNESCO's advisor for cultural World Heritage Sites) were notified of the application under section 172 of the UNESCO Operational Guidelines (2024) for the Implementation of the World Heritage Convention (1972). ICOMOS undertook three reviews of the proposed development: the original September 2023 application (Technical Review report dated January 2024), draft amendments (Technical Review report dated January 2025) and the final December 2024 amendments (Technical Review report dated May 2025). Historic England and the Council's Bath World Heritage Site Manager have also reviewed and commented on the original application and amendments.

World Heritage Sites

- 7.114 Local Plan Policy B4 states that there is a strong presumption against development that would result in harm to the OUV of the WHS, its authenticity or integrity. An

iterative Heritage Impact Assessment (HIA) process has been undertaken by the Applicant in accordance with UNESCO's 2022 World Heritage Resource Manual. Guidance and Toolkit for Impact Assessments in a World Heritage Context (the 'UNESCO Guidance').

City of Bath WHS

- 7.115 The headline attributes of OUV for the City of Bath WHS are summarised in the Combined City of Bath and Great Spa Towns of Europe World Heritage Sites Management Plan (2024-2030) (the Plan): Roman archaeology; the hot springs; Georgian town planning; Georgian architecture; the green setting of the City in a hollow in the hills; and Georgian architecture reflecting 18th century social ambitions.
- 7.116 The submitted HIA identifies that there is a potential impact from the proposed development on each attribute other than Roman archaeology and the hot springs. In the case of Roman archaeology it is noted that the application site sits beyond the city walls and as such there will be no direct effect on the archaeological remains of the Roman temple of Goddess Sulis Minerva and baths complex, or on Roman archaeological remains within the city wall. Although archaeological investigation on the site revealed no evidence of Roman remains, it is proposed that a condition is imposed requiring any archaeological remains discovered during the construction of the stadium to be recorded and archived. In the case of the hot springs, the County of Avon Act 1982 protects the mineral springs and should groundworks and piling exceed a depth of 15m consent will be required from the Council. This would be highlighted in an Informative.
- 7.117 In their review of the original application, ICOMOS International concluded that the adverse effects of the development on the World heritage Sites could not be classified as "less than substantial harm" noting that in their opinion they pose a serious threat to the OUV of the property. ICOMOS recommended a thorough re-examination of the proposal in order to make it more compatible with the townscape of the City of Bath and the Great Spa Towns of Europe, reduce the heights that worsen the conditions of visibility compared to those of the current stadium, and mitigate the prominence of the new stadium's architectural form that risks taking over from the more minute character of the historic city's built fabric. Historic England concluded that as originally submitted the plans would result in a degree of harm to the OUV of the city's two World Heritage Sites (and to other designated heritage assets). Accordingly the proposals should not be approved and required further refinement and/or adjustment to soften the impact of the proposals, particularly the East Stand. The Bath World Heritage Site Manager advised that the proposed development would cause an unacceptable degree of harm to heritage assets, including to certain aspects of Attributes of the OUV of the Bath World Heritage Sites, with the harm being at the middle to higher end of less than substantial.
- 7.118 In the light of comments from heritage bodies as well as other parties the Applicant undertook a review of the submitted scheme. Following consultation with ICOMOS International, Historic England and the Council on draft amendments, in December 2024 they submitted formal amendments to the application. The amendments comprise the reconfiguration of the stadium layout and design including the

introduction of a curved roof to the West and East Stands resulting in a lowering in height at their northern end of 3m and 1.7m at the southern end; redesign of the West and East Stand elevations and introduction of a central entrance to the West Stand; 'infilling' of the north and north west corners of the stands; removal of the internal walkway and extension of the existing bund to the face of the building. The following assessment is based on the December 2024 amendments.

Georgian Town Planning

- 7.119 Although the termination of the uncompleted Johnstone Street signifies unfulfilled ambitions for the street to be extended as part of the larger Pulteney Estate across what is now the Recreation Ground, the application site does not form part of a town planning ensemble or grouping such as a crescent, square or terrace. The Georgian plans for the Bathwick Estate included a vista between Bath Abbey and St Mary's Church but they were never realised and the visual link between the Church and city centre is glimpsed and coincidental rather than deliberate. The views of the Georgian city from the front of the church (and vice versa) will be reduced as a consequence of the proposed development, with only the church tower remaining visible when viewed from the city centre. Whilst the proposed development will have no direct impact on, or the ability to appreciate, the architecture of the church from its immediate surroundings, views of the church from the city centre are obscured, and therefore the appreciation of the building will be diminished. Amendments to the design of the stadium involving lowering and curving the roof have reduced the extent to which the view is obscured and the impact is considered to be low.
- 7.120 It is considered that the proposed development will not directly affect this attribute although there is potential for the visual homogeneity of the city to be affected. The removal of the ad hoc assemblage of buildings and structures currently on the site and the form, proportions and materials of the proposed development will provide a greater degree of consistency and visual homogeneity. The HIA concludes that the proposed development will have a minor positive impact on this attribute. Given the scale of the proposed development and its unique form within its wider setting, the impact is considered to be neutral rather than minor positive.

Georgian Architecture

- 7.121 There will be no direct effects on the Georgian architecture of the city. However, the appreciation and experience of aspects of Georgian architecture will be affected as a result of change within their setting and views to and from these buildings. This includes listed buildings within the Pulteney Estate, the Church of St Mary Bathwick, and Bath Abbey which is identified as a key part of the urban form of the Georgian city. In the case of the Pulteney Estate, the Recreation Ground is at a lower level to the majority of the listed buildings. Accordingly, the ability to appreciate the architectural and historic interest of these buildings, their group value and the key views in which these assets are principally appreciated will not be significantly affected by the proposed development. However, given the increased built form of the stadium, in particular the increasing presence of the roofs to the East and West Stands in currently largely uninterrupted views along Johnstone Street towards Prior Park (and to a lesser extent from the rear of buildings in Great Pulteney Street) the proposed development will impact on the significance of the Pulteney Estate.

- 7.122 The greater height and extent of the West Stand will impact on the open setting of Parade Gardens. However, this is partly offset by the removal of the unsightly temporary stand together with improvements to the riverside path which will allow for a better environment to view and appreciate Parade Gardens. It is concluded that there will be a low level of impact on the significance of Parade Gardens and associated and nearby buildings.
- 7.123 The HIA concludes that whilst the proposed development will interrupt and change views of Bath Abbey from the Recreation Ground and from Pulteney Road, the extent to which the Abbey is understood as a key element of the urban form of the Georgian City in these views is limited and not the principal means by which to understand its significance and contribution to the OUV of the WHS. On that basis the impact is assessed as negligible. From elevated viewpoints such as Bathwick Fields and Sham Castle the Abbey is a prominent feature within panoramic views and is legible as a key element of the urban form of the Georgian city. As the stadium will not obscure the Abbey in these views the ability to appreciate the Abbey as a key element of the Georgian townscape of the city in these views would be sustained. Nonetheless, due to the expanse of the roofs of the East and West Stands, the stadium will be clearly identifiable in these views although being located on lower ground and set within a much wider view across the city, it will not impact on an appreciation of the Abbey.
- 7.124 In their review of the amended application, ICOMOS International noted that a divided form comprised of individual yet related stands was the preferred solution, but raised concerns regarding the typological disproportion of the stadium in relation to the historic urban structure. To avoid the appearance of a monolithic structure, ICOMOS International recommended options be explored to further mitigate the prominence of the architectural form such as a stepped rather than a curved roof. A stepped roof form was explored by the Council, Historic England and the Applicant following ICOMOS International's comments on the original design. Whilst this would break down the continuous span of the roof, given the overall dimensions of the stadium it would remain atypical of the historic urban fabric and roof form which is characterised by shorter spans separated by party walls. It was considered that a stepped form would also increase the assertiveness of the roof whereas a larger continuous span would achieve a more harmonious relationship with the wider landscape. This was conveyed to ICOMOS International, including images of the stepped roof form, who raised no further objection to the proposals.
- 7.125 Taken with the replacement of the existing poor quality structures with a coherent form of the new stadium the HIA concludes that the impact on this attribute is minor negative. This is considered to be an appropriate evaluation of the impact.

Green Setting of the City in a Hollow in the Hills

- 7.126 The proposed development will not directly affect the green, undeveloped hillsides within and surrounding the city or the skyline woodland. However, as a consequence of the increased height of the West and East Stands and the roofs to these stands the stadium will impact on views out of the city to the surrounding hillsides in which the city's green setting is appreciated and the extent to which the

'green setting' is appreciable and visible from within the city. The HIA concludes that the impact ranges from neutral to minor positive.

- 7.127 Amendments to the application were submitted in December 2024 to seek to address this issue, with the northern and southern ends of the roofs to the West and East Stands being reduced in height, introducing a gentle curve to the form. This has allowed for more of the green hillside to the east of the city to be visible as well as the tower of St Mary's Church, Bathwick. Whereas the original application incorporated roofs that ran the length of the stands at a consistent height, the gentle curve of the amended roof form reflects the curve of the hillside beyond when viewed from Grand Parade. ICOMOS International describe the curvilinear profile as resonating with the curved forms of the hillsides beyond the roof and harmonizing the new stadium with the natural setting of the city.
- 7.128 Nonetheless, these views will be diminished as a consequence of the proposed development. In their review of the amended scheme ICOMOS International considered that while the curvature of the roof had largely mitigated the barrier effect on the surrounding landscape. However, they considered that the dimensions of the new stadium remained problematic and ICOMOS recommended that further work was needed on the overall height of the stadium. Specifically, ICOMOS recommended exploring the possibility of reducing the headroom in the central part of the roofs in order to achieve a containment of the maximum height.
- 7.129 In terms of the height of the East and West Stand roofs, the application proposes that the current freestanding floodlights are largely replaced by floodlights located within the leading edge of the roof of the stands. Thus, the height of the roof is influenced by the need to achieve full floodlight coverage of the pitch in a manner that meets the standards for high definition filming/tv coverage and without compromising spectator or player experience. Other options sufficient to provide full coverage of the pitch such as free-standing masts or roof mounted gantries would be visually intrusive and would not address the current visual intrusion caused by light spill when in use. By contrast, locating the lights in the leading edge/soffit of the roof (combined with the design/orientation of luminaires) can provide full coverage of the pitch whilst emitting no direct light above the horizontal plane/into the sky (other than for occasional ball-tracking lighting). The incorporation of a 'light shield' in the north west corner of the stadium (integrated into the lighting control system such that the floodlights can only be turned on if the light shield is erected) is also proposed that will reduce light spill from the units when in use.
- 7.130 These options were presented to ICOMOS International who advised that "taking into account all the constraints imposed by the standards with which new stadiums must comply, ICOMOS notes that its wish for a further reduction in the height of the roof cannot be accommodated, and therefore declares that it has no further objections to the revised proposal for the new Bath rugby stadium." Historic England raises no objection to the amended proposals on heritage grounds, noting that while there remains a degree of less-than-substantial harm, any adverse impact caused by the proposed development on the OUV of the city's twin World Heritage Sites has been minimised as far as possible through thoughtful design. Views from the area around the east end of Bath Abbey towards the wooded

hillsides which surround the city make an important contribution to the OUV of both the World Heritage Sites and the reduced massing of the amended scheme opens up more of the view towards Bathwick Hill from Grand Parade.

7.131 The Council's Bath World Heritage Site Manager advises that the curved roof design, that incorporates the stadium lighting to avoid the visual clutter of lighting gantries, has resulted in a less overbearing appearance and impact and references and complements the sinuous topography of the hillsides that surround the city and WHSs. The reduction in height at either end of the curved roofs is welcomed and, when compared to the previous scheme as initially submitted, allows greater views to the green setting of the WHSs from Grand Parade which is an important aspect of their respective Attributes of OUV. This amendment also mitigates views into the city from an elevated position from the surrounding hillsides and visually softens its appearance. Nonetheless, the height of the middle parts of the roofs remain relatively high. As such the West Stand still partially impedes views both from Grand Parade, especially to the green setting and Bathwick Hill to the southeast and the East Stand also impedes views east/west towards the Abbey and the city centre.

7.132 The planned, but never realised, expansion of the Pulteney Estate (with terraces of greater height than the proposed development) would have enclosed the open views towards the green hillside from Grand Parade and looking south from Johnstone Street. However, these views are a feature of the current landscape and setting of the city and the application as amended has sought to mitigate the impacts within operational and design constraints of a modern stadium. It is considered that the amended scheme satisfactorily addresses these matters and the issues identified by ICOMOS, Historic England and the Council's Bath World Heritage Site Manager. Accordingly, whilst there will be an impact on the green setting of the city in a hollow in the hills, it is considered that in the context of the city as a whole the appreciation of the green hillsides and from multiple viewpoints across the city is maintained. Whilst there remains a degree of harm to the historic environment, including to the WHS, the overall impact is considered to be neutral.

Georgian Architecture Reflecting 18th Century Social Ambitions

7.133 This includes Bath's history and the custom and practices associated with 'taking the waters', including promenading. It is considered that the proposed development will not affect the ability to appreciate this attribute and with the retention of the riverside walk and improvements to this public space (to be secured through planning obligations) the proposed development will contribute have a minor positive impact on this attribute of the OUVs.

7.134 In conclusion, it is considered that there is some variance in the conclusions regarding the impact of the proposed development on the attributes of the City of Bath WHS OUVs. However, notwithstanding this variance, including minor negative impacts, it is considered that the integrity (the overall coherence, wholeness and intactness of the WHS and its attributes) and authenticity (the degree to which knowledge and understanding of the property's heritage values are understood and believed to be credible) of the WHS will be sustained.

Great Spa Towns of Europe

- 7.135 In respect of the GSTE WHS, the selected locations represent the most fashionable, dynamic and international of the spa towns that contributed to the highpoint of the 18th to 20th century European spa phenomenon. Each is centred on natural geothermal and mineral springs, which were the catalysts for the creation of an urban form and typology dedicated to curative, therapeutic, recreational and social functions. Seven attributes are identified in the Plan: mineral springs; spa spatial ensemble; spa architecture; therapeutic spa landscape; spa infrastructure; continuing spa function; and internationalism, scientific, artistic and literary values, events and cultural tradition.
- 7.136 Historically, the application site formed part of an extensive meadow (known as West Mead) before being occupied by pleasure gardens (Spring Gardens) until their closure in the late 18th century. Whilst the majority of the attributes will not be affected, it is considered that the proposed development will impact on the therapeutic spa landscape as well as on the appreciation of spa architecture and spa spatial ensemble.
- 7.137 Buildings and structures designed for leisure, meeting and communicating or accommodation for spa clientele and the architecture representative of buildings developed for medicinal and curative purposes will not be directly affected by the proposed development. However, the HIA acknowledges that as a result of the proposed development there will be changes to views to and from religious buildings and accommodation (private and hotels) and that this will have a limited adverse impact on this attribute. The removal the existing temporary structures on the site and improvements to the riverside walkway with a more active frontage along the riverside, thereby encouraging its greater use by visitors to the city, will have a marginal positive effect on this attribute.

Spa Spatial Ensemble

- 7.138 This attribute refers to the buildings associated with 'taking the waters' as well as the wider urban plan form and associated spaces and activities such as exercise, leisure and pleasure, parks and gardens, accommodation, and religious activity. Plans to incorporate the Recreation Ground into a wider urban plan as part of an extension to the Pulteney Estate were not fulfilled and as a consequence the application site does not form part of an urban town planning ensemble. Instead, there has been piecemeal development from the mid-19th associated with its use as a sporting and cultural adjunct to the spa town. The removal of the existing temporary structures on the site and formalisation of sporting, cultural and leisure activities will have a neutral effect on this attribute.

Spa Architecture

- 7.139 In terms of the therapeutic spa landscape the growth of Bath as a spa town during the 18th century was developed on picturesque principles and the wider landscape was utilised for therapeutic walks and leisure. As part of this, the application site and wider Recreation Ground features within picturesque and panoramic views looking east from the city centre and from the surrounding hillsides and contributes to this picturesque quality. Whilst the principle of, and opportunity to use, the landscape as part of a therapeutic and social experience will not be removed by the proposed development, by virtue of its scale the proposed development will impact on views of the wider landscape from local viewpoints overlooking the site. As a

consequence, there will be an impact on an aspect of the therapeutic spa landscape. Given the wider context of the spa town as a whole this is considered to be a minor negative effect.

- 7.140 In conclusion, the relevant attributes of the GSTE WHS have been appropriately assessed and ICOMOS International, Historic England and the Council's Bath World Heritage Site Manager have not raised objection to the impact of the proposed development on the GTSE WHS. Notwithstanding limited impacts on the key attributes of the OUV, it is considered that the integrity and authenticity of the GTSE WHS will be sustained.

Listed Buildings and Registered Parks and Gardens

- 7.141 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that 'in considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' NPPF (para. 212) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 7.142 The listed buildings within the application site and within 500m of the site are identified in the HIA either individually or as groups. Whilst the 500m radius is an arbitrary distance, and there are a significant number of designated assets beyond this area, it is considered that the Applicant has described the significance of heritage assets likely to be affected, including any contribution made by their setting in accordance with NPPF para. 207. The following identifies key heritage assets likely to be directly affected by the proposed development but is not exhaustive. Full details are set out in the HIA.
- 7.143 Located within the application site is the Grade II listed 'President's Lounge', described in the Official Listing as 'Lime Kiln, now club house. Late C18, converted c1965'. The two storey building was listed as a 'very unusual survival of a late-C18 lime kiln in a city centre setting' although the HIA suggests that the structure was part of a 'double row of basements' and of significance in representing an element in the expansion of the Bathwick estate and illustrates the unexpected termination of development at the estate. The official listing description notes the various works that have been carried out to the building.
- 7.144 To the north of the application site are the Grade II Sports Pavilion and Entrance kiosk and gates to Recreation Ground at the southern end of William Street. The official description of the Sport Pavilion notes its architectural interest (as a relatively early example of a late-Victorian cricket pavilion by a well-known local architect which displays good quality architectural detailing); intactness (the building has survived mostly intact, and the level of survival of its interior is remarkable); historic interest (it forms part of the late-19th century development of the Bath Recreation Ground as a communal sports ground, thus making an important contribution to the history of community based sports in the City of Bath); and group

value (with the Grade II listed late Victorian gates and entrance kiosks to the Bath Recreation Ground).

- 7.145 The new stadium will introduce a significantly larger, permanent structure into the setting of these designated heritage assets. Whilst the removal from their setting of the temporary stands is considered to be a benefit of the proposed development, the new stands will be located closer to them than the existing Clubhouse and temporary stands. In the case of the Lime Kiln, the proposed North Stand is within 2.25m at its closest point (the upper tier of the stand) although at Concourse level this is 3.75m at its closest point (widening to 7.0m) to allow for pedestrians to walk around the Lime Kiln. The HIA identifies 'no harm' to this heritage asset. Whilst the significance of this heritage asset will be maintained, the proximity of the new stand will affect its setting and accordingly it is considered that there will be harm to its significance, albeit at the lower end of less than substantial.
- 7.146 The HIA also identifies 'no harm' to the significance of the Sports Pavilion building. Again, given the proximity of the new and larger North and East Stands to the Pavilion it is considered that there will be harm to its setting, at the lower end of less than substantial. The entrance gates are to the east of the Sports Pavilion and it is considered that there will be no harm to their significance or their setting.
- 7.147 Buildings in Johnstone Street and Great Pulteney Street are Grade 1 listed. The proposed development will not impact on the fabric and plan form which make a very strong contribution to the overall significance of these important heritage assets. The ability to appreciate the architectural and historic interest of the buildings, their group value as part of the Pulteney Estate and the quality and contribution of key views in which the majority of these assets are principally appreciated (such as along the axis of Great Pulteney Street) will also not be affected by the proposed development.
- 7.148 The setting of Johnstone Street includes the Recreation Ground, with views across the open outfield area towards the southern end of the terraces. Currently, the height and form of the West and East Stands (the latter without a roof) means that there is a generally open aspect to (and from) the end of Johnstone Street. The height and extent of the roofs to the proposed West and East Stands will impinge on these views and will harm the setting of Johnstone Street. The HIA assesses the level of harm as less than substantial (negligible). Whilst much of the significance of these buildings is derived from their fabric and plan form as well as street elevations, and this will not change as a consequence of the proposed development, an aspect of their setting will be harmed. Overall it is considered that the level of harm is less than substantial (minor/slight).
- 7.149 Pulteney Bridge is listed Grade 1 and North Parade Bridge Grade II. Both are seen along the river corridor from the south and north respectively. The existing trees lining the Recreation Ground and temporary West Stand form the eastern edge of the riverside and contain the view, in contrast to the more open aspect of Parade Gardens. The setting and appreciation of these heritage assets will change as a consequence of the proposed development, introducing a larger building that will be more visible than the existing stand, particularly when the trees are not in leaf. However, it is considered that the scale and form of the proposed West Stand is

balanced by the removal of the discordant elements of the existing temporary stand and boundary treatments. The overall effect is considered to be neutral.

- 7.150 The application site forms part of the fore- to middle-ground in views from the city centre to the surrounding hills and back towards the city centre. There are individual listed buildings (including The Empire, Bath Abbey, St John's Church Bathwick, Sham Castle, properties on Pulteney Road) and groups of buildings (including properties on the lower slopes of Bathwick Hill) that are within the wider setting of the application site and are visible across the Recreation Ground. The particular features that contribute to their significance will not be affected; however the East and West Stands (and roofs to these stands) will limit views of the buildings and an appreciation of them will be diminished as a consequence. Overall this harm is considered to be less than substantial (negligible to minor/slight) although the impact on individual heritage assets is informed by the significance of the asset, the viewpoint and the distance from the site.

Bath Conservation Area

- 7.151 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty placed on the Council when considering development within a conservation area to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area.' Local Plan Policy HE1 states that development within or affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area. In addition, the Council will look for opportunities from new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.152 The Bath Conservation Area is widely drawn, covering much of the city. The application site is located in the Pulteney Road Character Area which follows the River Avon to the west and extends to the Kennet and Avon Canal to the east and south. The Character Area Appraisal identifies the extent of its open green spaces as one of the outstanding qualities of the Area, providing a green lung for the city as well as facilities for exercise and sports at amateur and professional levels. The Character Area Appraisal notes that the spacious open feel and green boundaries of the area contribute significantly to Bath's green setting and thus to its status as a WHS. The sports grounds, referred to as the 'green heart' of the Character Area, are identified as 'crucial' to views within the area and to views into the city from the surrounding hills 'forming the foreground to some of the best views of Bath Abbey and the city centre from the eastern slopes'.
- 7.153 The Lime Kiln/President's Lounge, Sports Pavilion and gates to the Recreation Ground are identified as being of historical/townscape significance. The space by Pulteney Weir is described as one of the most important riverside areas in the city. The Character Area Appraisal acknowledges the social significance of the existing stadium and the contribution that Bath Rugby makes to the sporting life of the city, but also notes that the 20th century stands, with their 'utilitarian design and materials' contribute negatively to the highly sensitive setting of Great Pulteney Street, Pulteney Bridge and the setting of Bath Abbey.

- 7.154 The proposed development will extend the footprint of the stadium into the open area of the Recreation Ground, occupying an additional 0.5ha of the current undeveloped area. As well as the larger overall footprint of the stadium, the stands are of greater height and extent with impacts on views across the Recreation Ground to and from the city.
- 7.155 The submitted HIA acknowledges that the development will have an adverse impact on the extent of the open green spaces that are an outstanding quality of the Character Area. The HIA also notes that the remainder of the Recreation Ground will remain undeveloped as green playing fields, as will the Cricket Ground to the south. In the context of the extent of open green space within the Character Area as a whole the HIA describes the loss of open space as a 'slight reduction'. The HIA notes the loss of trees along the riverside, but that the majority of trees are to be retained and the verdant quality of the river corridor will be maintained. The proposed green wall to the East Stand and trees is described as providing a 'green enclosure' to the Recreation Ground. The HIA concludes that whilst there will be a small reduction in the area's open green space, the mitigation measures will greatly limit any adverse effect on the area's character and it will retain its green quality.
- 7.156 In respect of the impact on views, the HIA acknowledges that these are a significant feature of the area, but also that the poor quality of the current spectator stands detract from the aesthetic quality of the buildings and landscapes in these views. Due to the increased height and scale of the stadium, relative to the current spectator stands, the proposed development will increase built form within these views. The built form of the new stands are described as being a more considered design, informed by the classical proportions and rhythm of the surrounding Georgian architecture, and the materials and colour palette appropriate for its context. The curvature of the roof is described as minimising the impact on views across the site and resonating with the landscape. Overall, the HIA concludes that the harm is negligible.
- 7.157 It is considered that the HIA appropriately identifies the features that contribute to the significance of the conservation area and the likely effect of the proposed development on those features. The overall dimensions of the proposed stadium (footprint, extent of stands and height) will reduce the open area of the Recreation Ground, impact on a key characteristic and outstanding quality of this part of the Conservation Area. This is also evident in views of the city from the adjoining hillsides where the roofs to the proposed stadium will extend the built form into the Recreation Ground as well as restrict views of the pitch. Whilst a large part of the Recreation Ground will remain open and available for a range of outdoor sports, the extension of the built form and loss of the existing green space will result in harm to a key feature of this part of the Conservation Area. The replacement of the existing unsightly temporary stands with a modern purpose-built stadium will however improve the appearance of the riverside and the stadium has been designed to sit more harmoniously within the wider landscape. It is considered that the harm to the Bath Conservation Area as a whole is minor rather than negligible.
- 7.158 Archaeological investigations have been undertaken including desktop studies and LIDAR analysis of the site. The submitted assessment concludes that there is a low potential for archaeological deposits from Prehistoric to Medieval date but a

higher potential for 19th century structures in the north west corner and west edge of the site. The assessment concludes that these are likely to be highly truncated and the impact of the proposals is assessed as low, with mitigation reducing it to negligible. Given the earlier survey work it is recommended that a condition is imposed to ensure the recording of any findings during construction.

- 7.159 Concern has been raised about the potential effect on the structural stability of adjoining listed properties in Johnstone Street of construction activities such as piling and changes to ground conditions. Whilst the protection of purely private interests is not a material planning consideration, the Applicant is cognisant of the concerns and has submitted a 'Structural Stability of Adjoining Buildings Briefing Note' to address those concerns. This states, amongst other measures, the developer and/or contractor will establish a Communication Forum, including owners of adjoining properties, to ensure satisfactory communication with residents, businesses and local stakeholders throughout the construction of the development; undertake pre-construction condition surveys of properties; monitor any be identified faults/cracks throughout the construction; hold insurance cover for any damage to the adjacent properties for the duration of the construction of the stadium including landscaping works; and adhere to all provisions under the Party Wall Act (1996). Given that this relates to private interests, it is for the parties to agree details.

7. VISUAL IMPACT

- 7.160 The Local Plan emphasises the importance of views and their contribution to the distinctive character of Bath. These range from deliberately planned views to everyday views experienced by residents and visitors, and can be panoramic or glimpsed. They include views from outside the city (such as from Little Solsbury Hill or Dean Hill), views looking across the city from open spaces such as from Kelston, the City Farm or Alexandra Park), views from developed areas on the hillsides such as Widcombe or Lansdown, and views from the city centre (which are often framed such as along the river or along streets to the hillsides beyond).
- 7.161 The Local Plan goes on to identify three broad types of views (high, intermediate and low) noting that proposals for new interventions must be supported by an understanding of the importance of views to the significance and value of the place and its heritage assets and that this understanding must be used to minimise conflict with heritage conservation. High level views provide expansive fields of visibility, providing a good panorama of the city, demonstrating the relationship of buildings to the surrounding landscape and showing the hierarchy of buildings and the main periods of development. Intermediate level views encompass some or all of architectural detailing in the near distance and the placing of the buildings within their landscape setting as they rise up the hills and the wooded skyline and hills in the distance. Low level views are from within the developed areas, providing views of buildings as they rise from the valley floor, often separated by open spaces and trees and typically leading to green hillsides and a wooded skyline.
- 7.162 Policy SB2 (Central Riverside & Recreation Ground) notes that the views available are varied, with certain locations providing spectacular views, noting in particular those from Grand Parade over the river to Widcombe, Bathampton Downs, the folly

of Sham Castle, and the green hillsides beyond; from North Parade Bridge to Pulteney Bridge and from the river walk, and from the Recreation Ground to the Abbey. Diagram 5 in the Local Plan that delineates the SB2 policy area identifies 6 viewpoints. These are located on Grand Parade and Terrace Walk (indicating views north and south along the river and east across the Recreation Ground), North Parade (views north west towards the Abbey and north and east across Parade Gardens and the Recreation Ground), North Parade Road bridge (north along the river and across Parade Gardens and the Recreation Ground), within the eastern part of the Recreation Ground (west across the Recreation Ground towards the Abbey and taking in Johnstone Street and the Empire building), and at the southern end of Johnstone Street (south across the Recreation Ground towards Prior Park).

- 7.163 Policy SB2 states that the range of views is to be agreed through the Development Brief and Landscape and Visual Impact Assessment process. Accordingly, rather than identifying the only views to be considered when assessing proposals or precise locations for the views the viewpoints shown in Diagram 5 are illustrative of the range of views available within the area. As part of the EIA Scoping process, a number of landscape and visual receptors were identified including the two World Heritage Site designations; Bath Conservation Area; Cotswold National Landscape (former AONB); river corridor; local landscape character areas; Johnstone Street/Laura Place; Great Pulteney Street; North Parade Road and bridge. From this, 37 viewpoints were identified and agreed with the Council that are considered to provide a comprehensive and representative sample of short, medium and longer distance views of the application site and proposed development.
- 7.164 The submitted ES includes a comprehensive landscape and visual impact assessment (LVIA) prepared in accordance with 'Guidance for Landscape and Visual Assessment1' (Landscape Institute and Institute of Environmental Management and Assessment 2013 3rd Ed.) together with further notes and clarifications provided in the Landscape Institute Technical Guidance Note LITGN-2024-01. The assessment considered the impacts against the baseline situation during construction and operation of the stadium, with the operational phase assessed for match and non-match day conditions and match day night time. Verified Visual Montages (VVMs) were prepared for the 37 viewpoints illustrating the proposed development to Accurate Visual Representation (AVR) Level 3 (fully rendered photomontages) for 22 locations, and to AVR Level 2 with the location and extent of the proposed stadium outlined for the other 15 viewpoints. In addition, illustrative night-time views were prepared for 7 selected locations. The LVIA was reviewed and updated in December 2024 to reflect the revised design proposals.
- 7.165 The LVIA describes and assesses each of the views for the construction and operational phases of the development, identifying the key values of the views, the sensitivity of the view, the magnitude of change as a consequence of the proposed development, the level of effect (adverse or beneficial) and whether the effect is assessed as significant (defined in the LVIA as 'above moderate' i.e. 'moderate/major' or 'major'). In terms of the assessment framework it is considered that, given that the value of many of the landscape and visual receptors is exceptionally high and susceptibility to change for many of the receptors is also

exceptionally high, a sensitivity judgement of 'high' needs to be understood to encompass 'exceptionally high'. In the light of this, it is considered that the threshold for significance should more appropriately be set at 'moderate or above' rather than 'above moderate' as employed in the LVIA.

- 7.166 The LVIA identifies 6 viewpoints where, as a result of an increase in the height/scale of the proposed stadium when compared with the baseline condition and consequential obstructing or concealing of existing views, the effect is assessed as significant ('moderate/major adverse'). These views are Views 2, 3 and 4 (Grand Parade/Orange Grove); 8 (Parade Gardens); 21 (Johnstone Street); and 23 (Great Pulteney Street/William Street). It should be noted that in each of these locations the removal of the existing temporary stands is identified as a beneficial effect albeit at a lower level ('Minor/moderate'). In addition to these six views it is considered that there are a number of other viewpoints where a 'moderate' adverse effect is identified that could reasonably be classified as likely to be significant. These are Views 1, 5, 6 (from Grand Parade, Terrace Walk and east end of Abbey/Orange Grove); 9, 10 (Parade Gardens); 13, 14, 15, 16, 17 (Riverside footpath adjacent to Beazer Maze and to the south); 24, 25, 26, 27 (Vane Street, Recreation Ground looking west, St Mary's Church Bathwick, Pulteney Road); and 29 (Bathwick Fields).
- 7.167 Impacts on longer distance views are generally assessed in the LVIA as negligible or minor adverse. In long distance views such as from Little Solsbury Hill, Prior Park and Twerton Round Hill, the proposed development generally sits behind or below surrounding buildings and impact of the proposed development is considered to be negligible.
- 7.168 From elevated locations within the city such as Bathwick Fields, Sham Castle and Alexandra Park, the proposed development is seen in the context of the wider city but is much more visible. This is assessed in the LVIA as a generally 'minor/moderate' adverse effect in landmark views. What is apparent in these views is the expanse of the roof and in the images the roof appears as an anomalous feature in the pattern of development across the city. This contrasts with the roofscape of, for example, Great Pulteney Street which despite its length is broken by party walls, chimneys and dormer as well as being of shallower depth. However, given the site's location adjacent to the river the proposed development does not obscure views of other key features or buildings across the city and it is considered that the significance of the effect from longer and medium distance viewpoints locations has generally been appropriately assessed. However the effect on views from Smallcombe Vale and Sham Castle are considered to tend towards 'moderate' rather than 'minor/moderate' adverse.
- 7.169 The detail of the proposed blue/grey standing seam roof and photovoltaic panels is not evident in the images and it is considered that further resolution of the roof design and materials specification would enable the expanse to be broken down. Local Plan Policy SCR2 also states that photovoltaic materials should be considered as part of the overall scheme design and use of monochrome, non-reflective photovoltaic materials. Details of the roof including materials, colours and details of the proposed photovoltaic panels would be secured by condition.

- 7.170 From locations within the city, where the viewpoints provide views out towards the hillside and sense of the 'city in a hollow in the hills' the effect of the development on views is more evident and marked. Whilst there will be a minor beneficial effect of removing the existing temporary stands this must be set against the greater height and length of the roofed parts of the West Stand as well as the introduction of a roof over the East Stand. These changes will also be permanent. These changes are assessed in the LVIA as moderate/major and this assessment is considered to reasonably reflect the significance of the of impact taking account of the sensitivity of the receptor and the magnitude of the effect.
- 7.171 In views from Grand Parade/Orange Grove, the West Stand and 'infills' of the north west corner will be clearly visible, replacing the existing poor quality stands with a well-designed building that echoes features of the architecture in the city as well as a roof form that references and complements the sinuous topography of the hillsides that surround the city. The West Stand will reduce visibility of the hillside beyond and the properties of Bathwick and on Bathwick Hill, diminishing this feature of the city. However, the extent to which the views are affected varies depending on the location, with viewpoints towards Pulteney Bridge being less obstructed than those from Terrace Walk. The amended (December 2024) proposals with the curved roof form and lowering of the north west corner of the West Stand in particular allows more of the hillside to be visible as well as revealing a greater part of St Mary's Bathwick. When in leaf the trees along the riverside provide some screening of the building and part of the view, although this is a seasonal effect only. Views from within Parade Gardens are from a lower level where views to the hillside are generally not available, although a view exists at the northern end of Parade Gardens and this will be obscured by the proposed development. Overall, the impact on these views is considered to vary between moderate and moderate/major adverse.
- 7.172 The LVIA includes two views from Johnstone Street where the proposed West and East Stand roofs are visible and obstruct the existing views towards Beechen Cliff and to a lesser extent Bathwick Fields. The seating in the West Stand is also more visible, in part due to the repositioning of the pitch further into the Recreation Ground. Looking south, the extension to the South Stand screens the Leisure Centre to a greater extent but views towards Prior Park remain unobstructed. In the view from Great Pulteney Street/William Street, the new East Stand will be visible, occupying what is currently part of the outfield area of the Recreation Ground. The stand will screen the existing Leisure Centre and views across to Prior Park/Beechen Cliff remaining unobstructed from this viewpoint. Existing mature trees around the perimeter provide a degree of screening of the new stadium. Overall, the impact on these views is considered to be moderate/major adverse.
- 7.173 Although the 2024 design changes, including the curved roof form and the reduction in height at the northern and southern ends of the East and West Stands, are strongly supported and do improve the landscape and visual integration of the proposals into the immediate and wider urban and landscape context, the extent of the changes is not so great as to change the original 2023 LVIA assessments of levels and significance of landscape and visual impacts when it was reviewed and updated in December 2024. It remains the case that a range of landscape and

visual impacts, including a number of significant adverse impacts but also a number of beneficial impacts, would arise from the proposed development. However, this is not surprising given the scale of the proposed stadium and the sensitivity of its location. It is considered that, subject to appropriate conditions and s106 obligations, all reasonable and practical measures have been taken to minimise and mitigate adverse impacts, that clear information has been provided on the extent and nature of these impacts and that there is therefore an informed basis on which to balance these impacts against the wider benefits of the scheme as considered in 7.304 below.

- 7.174 It is considered that there will be a substantial beneficial effect from the installation of floodlights into the leading edge of the roof of the West and East Stands. The integration of lighting into the roof design will avoid the need for visually obtrusive freestanding floodlights and reduce the glare from the stadium on match days particularly in longer distance views. In local views that benefit will be less apparent due to the need for freestanding floodlights at the northern end of the ground where there is no roof to the stand and retractable lighting columns will be used. A 'light shield' will reduce light spill onto the river when the floodlights are in use. The LVIA identifies negligible to minor/moderate beneficial effects due to the containment of light spillage and glare from floodlighting in local, intermediate and longer distance views.
- 7.175 There will be impacts during construction of the proposed stadium that have been assessed in the ES as ranging from 'negligible' to 'moderate adverse'. Given the varying impacts during the construction stage, depending on the scope of works being undertaken, duration and phase of the development this is considered to be a reasonable assessment of likely impacts.

8. FLOOD RISK

- 7.176 NPPF (para. 181) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment and development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.177 Policy SB2 states that any built development proposals (within the Central Riverside and Recreation Ground area) would need to ensure that proposals coming forward are safe, do not result in a net loss of floodplain, and do not result in an increased flood risk elsewhere. Local Plan CP5 states that development will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from

areas at highest risk in line with Government policy. Any development in areas at risk of flooding will be expected to be made safe throughout its lifetime; be expected to incorporate sustainable drainage systems (SuDs) to reduce surface water run-off and minimise its contribution to flood risks elsewhere. Policy SU1 relates specifically to the use of SuDs for the management of runoff from major developments.

- 7.178 The Recreation Ground lies adjacent to the River Avon and within Flood Zone 3a i.e. a high probability (a 1 in 100 or greater annual probability) of river flooding and functions as a storage area during extreme flood events. The Council's 2018 Strategic Flood Risk Assessment (SFRA) notes that the flood storage volume of the Recreation Ground and Cricket Ground is approximately 1% of total flood volume of the 5% Annual Exceedance Probability (AEP) flood event. Whilst the maximum flood depth is relatively deep in this area (2m), the velocity is slow and does not provide a significant flood flow. Accordingly, in agreement with the Environment Agency (EA) this area was reclassified from Flood Zone 3b (Functional Floodplain) to Flood Zone 3a.
- 7.179 Government guidance states that a sequential test is required for major (and non-major) development if any proposed building, access and escape route, land-raising or other vulnerable element will be in Flood Zone 2 or 3. In this case the application site is within Flood Zone 3, includes access and escape routes within Zone 3 and the pitch level is being raised. The guidance goes on to state that development is exempt from the sequential test if it is a development on a site allocated in the development plan through the sequential test and a) the proposal is consistent with site's allocated use; and b) there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.
- 7.180 The Recreation Ground is identified in Local Plan Policy B1 8(b) as the location for a sporting, cultural and leisure stadium. Based on the Flood Risk Vulnerability Classification in the NPPF (Annex 3), buildings used for amongst other purposes assembly and leisure (as well as shops, restaurants and offices that form part of the proposed use of the stadium) are classified as 'less vulnerable'. Less vulnerable uses are, in principle, acceptable within Flood Zone 3a and without requiring the preparation of an exception text to establish whether the use is acceptable. Outdoor sports and recreation and essential facilities such as changing rooms are classified as 'water compatible'. In light of the Local Plan policy, it is considered that a further sequential test in respect of the current application is not required. Similarly, given the proposed uses are classified as less vulnerable an exception test is not required.
- 7.181 Along the riverside edge of the application site is an earth bund that extends approximately 160m from North Parade Road towards the northern boundary of the application site, but not the entire length of the existing stadium. The top of the bund is approximately 1-1.5m above the level of the adjacent riverside path and the section from North Parade Road to the southern end of the West Stand is identified on EA maps as 'flood defence'. The bund is continuous other than two breaks providing access to the rear of the West Stand, with steps over the bund at its southern end. There are a number of mature trees and shrubs growing in the bund.

The application proposes that the existing central gap in the bund is widened and that a new gap is created to provide an accessible route to the stadium and leisure centre as well as adjacent to the existing steps over the bund. Flood gates are to be installed at these locations and will be closed when required in accordance with the submitted Flood Response Plan.

- 7.182 A Flood Risk Assessment (FRA) was submitted with the original application and an amended FRA was submitted with the amended proposals. Key observations from all modelled flood events identified in the FRA include i) there is no direct fluvial flooding to the Recreation Ground until water levels start to overtop the defence line provided by the flood bund/existing levels; ii) the first area likely to be overtopped is the North West corner of the stadium with water entering the Recreation Ground once the flood level in this location exceeds 19.4mAOD; iii) given levels within the concourses (and raised pitch level) water will initially divert around the pitch, flow through the stadium concourse and enter the Recreation Ground before spreading across the pitch and onto the remainder of the Recreation Ground; iv) overtopping will next occur over the bund at the south west corner of the stadium, and alongside the Leisure Centre with water passing around both sides of the Leisure Centre into the Recreation Ground; v) over the majority of its length the West Stand forms a barrier to the passage of water into the ground, the exception being the central entrance where there are flood boards to be installed prior to a flood event and overtopped in events in excess of 19.4mAOD; vi) in very extreme events there will be passage of flood water from and to the Cricket Ground to the south, through the arches under North Parade Road, and eventually over the road.
- 7.183 The total available flood storage in the Recreation ground is in the order of 150,000m³ and the FRA notes that flow paths from the River Avon to the Recreation Ground will be maintained within the proposed development. It is proposed to raise the pitch from its current level of around 17.74m to 18.25mAOD to 18.4mAOD. This will result in a small loss of floodplain storage and some areas of the concourse would also be raised in the South Stand and the hospitality lobby and retail area in the West Stand. Elsewhere the concourse levels would be lowered to 18mAOD. To compensate for the loss of flood storage within the stadium it is proposed that an area within the Recreation Ground to the north east of the stadium would be lowered.
- 7.184 The original FRA was reviewed by the EA who objected to the application on the grounds that the assessment failed to demonstrate that the site will be safe for its lifetime without increasing flood risk elsewhere. Having reviewed the FRA submitted with the amended proposals the EA maintained its objection on the grounds that the model outputs showed that there were significant areas of increased flood extent outside of the red line boundary (with depths of over 30mm) in the design flood event. Any increase in flood depth or extent over the agreed model tolerance (+/- 30mm) would not be acceptable. They also noted that the model outputs showed that there are existing buildings and infrastructure impacted by this increase and in some cases the increase in depths appeared to be over 1m which would create hazardous flooding. The FRA had not explained these increases.

- 7.185 In the light of the EA objection the Applicant submitted a more detailed breakdown of the modelling results. This included an examination of the cells across the affected area (based on a 4m x 4m grid) where the model identified increased flood risk when comparing the baseline condition and proposed development in the 1 in 100 year event including 26% climate change. Of the affected cells (31.7% of the total) 97% were within the model tolerances agreed with the Environment Agency during the application process. Of the remaining cells, where a significant change in the level of flood risk was identified requiring further investigation (40 cells, 0.037%) it was concluded that the within-cell changes illustrated were not fully reflective of the overall change in flood risk i.e. the change in flood risk was more clearly illustrated by levels in adjacent cells and the outputs across each of the wider flood plain areas.
- 7.186 Given the sensitivities of the modelling, the Applicant has proposed that at the detailed design stage, and prior to commencement of development, updated flood risk modelling will be undertaken to refine flow paths and on-site storage to provide additional flood risk betterment. This would include using the hydraulic model to explore the sensitivity of upstream increases in flood depth to on-site flood storage, options to redesign the existing site bund, and adjustments to the onset of on-site flooding to prevent a change in how the peak flood flows interact with the site. Subject to the cost and complexity of any changes or additional on-site works being reasonable, these would be implemented as part of the wider flood mitigation measures.
- 7.187 The EA has reviewed the modelling outputs and the proposal for further modelling with the potential for additional on-site works to achieve flood risk betterment. Subject to this undertaking being secured by planning condition the EA have withdrawn their objection on flood risk grounds.
- 7.188 A Flood Warning and Evacuation Plan (FWEP) was submitted with the original application and the EA raised concerns regarding the adequacy of the document on a number of points including triggers and procedures. The FWEP has been revised and expanded as part of the amended proposals to address the EA concerns. Although the Council's Emergency Planning Team is not a statutory consultee, they have also reviewed the document. It is considered that the updated FWEP is acceptable and would be secured by condition.
- 7.189 The EA also sought assurances regarding the flood resilience of the proposed stadium structure and that the structures have been designed to withstand flood depths of up to 4m and regular inundation. The Applicant has provided further information regarding the structure and the EA have not raised this issue in their final response.
- 7.190 Subject to the imposition of a number of planning conditions the EA has withdrawn its objection and it is considered that the proposed development complies with relevant Local Plan policies and national guidance.

9. ECOLOGY AND BIODIVERSITY

- 7.191 The application site is located adjacent to the River Avon corridor, a designated Site of Nature Conservation Importance (SNCI) and within the Bath & Bradford-on-Avon Special Area of Conservation (SAC). A number of species of bat have been recorded at or around the site and the river is an important dark corridor. The existing trees within the application site contribute to the site's biodiversity.
- 7.192 NPPF (para. 193) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Para. 195 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Para. 198 states that new development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 7.193 Local Plan Policy NE3 seeks to protect designated sites and other important habitat and adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible. Development that would adversely affect, directly or indirectly, sites within the National Sites Network (including SACs) or nationally protected species and/or their habitats will not be permitted other than in exceptional circumstances. Policy NE3a states that development will only be permitted for major developments where a Biodiversity Net Gain (BNG) of a minimum of 10% is demonstrated and secured in perpetuity (at least 30 years). In respect of trees, Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; it includes the appropriate retention and new planting of trees and woodlands; and if it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made. Policy D8 provides guidance in respect of lighting of new development, noting that 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.
- 7.194 The location, scale and design of the stadium as well as the proposed use of parts of the building during non-match days will have an impact on protected species as well as on biodiversity. The proposed pedestrian access to the stadium requires the removal of a number of trees and the enlarged footprint of the stadium would occupy a currently grassed area of the existing outfield. The main access to the West Stand would require the removal of a section of the existing bund and the removal of five Category C trees (four Silver Birch and one Tulip tree) and an additional cut through the bund by the south west corner of the West Stand would require the removal of two Category B and one Category C trees (two Tulip trees and one Crack Willow). In addition to accommodate a lift from the Leisure Centre access bridge (from North Parade Road) to ground level would require the removal of a Category A tree (Silver Birch).

- 7.195 The trees that are proposed to be removed are generally mature and contribute to the existing biodiversity of the site. Whilst the existing grass area of the Recreation Ground that will be lost has relatively low biodiversity value in comparison, the combined effect will be to reduce biodiversity on the site by around 20%. The opportunities for on-site biodiversity gain through replacement tree or other planting are limited, although it is proposed to provide insect boxes, bat roost features in the West Stand elevation and a range of bird boxes in the East Stand elevation. In the absence of on-site biodiversity (re)provision or replacement tree planting, off-site compensation will be required in accordance with Policy NE3a and NE6.
- 7.196 Policy NE3a does not require that the 10% BNG must be provided on site and allows for off-site provision to be secured by condition or planning obligation. The Applicant has proposed that biodiversity enhancements would be achieved at the Club's Farleigh training ground in Somerset. Farleigh is not currently a registered BNG site but the Club are in the process of registering the site so it could be considered as site for BNG mitigation as well as identifying potential biodiversity enhancements at the site. If the site is not registered in time for enhancement works to be carried out, or the Club decides to achieve the enhancements elsewhere, then an alternative registered site would need to be identified and 'credits' purchased. It is proposed that BNG is secured by a condition.
- 7.197 The river corridor is a flight path for bats including horseshoe bats associated with the SAC and the Eurasian beaver is now known to be present on the River Avon with the Bath area and Pulteney Gate being directly on a main dispersal route for the species.
- 7.198 The river corridor and wider area are currently affected by glare and light spillage from floodlights during evening matches. The application proposes that floodlighting in the proposed stadium is located in the leading edge of the roof of the West and East Stands and fixed to the underside of the South Stand roof. For the North Stand it is proposed that retractable floodlights are used. Light spillage from the stadium towards the river would be mitigated by a 'light shield' in the north west corner of the stand that would be deployed when the floodlights are in use. The submitted lighting assessment describes two different evening match day lighting conditions – 'TV' mode when floodlights will be at 900lux sufficient for full TV broadcast and 'Non-TV' mode for other evening matches when the floodlights will be at 500lux.
- 7.199 The Applicant has submitted a Shadow Habitat Regulations Assessment (SHRA) that has been reviewed by the Council's Ecologist and Natural England. Having reviewed the SHRA, Natural England raise no objection to the proposals. They note that the expected light spill onto the river corridor during evening matches will be lower than that caused by the existing stadium with a high degree of lighting containment within the application site and consider it likely that the application can avoid harm to the Bath and Bradford on Avon Bats SAC. They also acknowledge that in this case achieving full compliance with the Council's WaterSpace Design Guidance during evening matches is unrealistic. In their opinion, the Council have the ability to control the frequency of these events and therefore an informed judgment based on the overall changes to the river corridor can be justified.

- 7.200 Notwithstanding their overall conclusion of no objection, Natural England recommend that before adopting the HRA (and prior to any planning approval) that the Council reach agreement with the Applicant regarding lighting from the West Stand hospitality areas during non-match day use. The Bath Water Space Design Guidance identifies a number of zones from river channel to the development with target lux levels for each zone: <0.1 lux on the river channel and banks, unlit and with no glare impact from the development; <0.5 lux in the bank top zone/riverside walkway; < 3.0 lux in the transition zone; and no limit within the development zone. The Guidance notes that the width of these zones is not fixed and must be applied according to the end land-use of the scheme taking into account the site's topography, habitats, connectivity and existing development. The existing riverside path in this location (between Pulteney Bridge and North Parade Bridge) is lit by street lamps and there are other sources that cast light toward the river channel. However, when not in use for rugby matches the stadium and wider Recreation Ground is unlit other than a limited number of security lights.
- 7.201 The application proposes that the intermediate and upper levels of the West Stand are available for public or private use throughout the year when the stadium is not hosting a Premiership rugby match or other (non-rugby) major event. The application seeks permission for these spaces to be available for use until 23.00-24.00 i.e. at night (and from late afternoon in the winter) with light from the building will be cast onto the river. The WaterSpace Guidance identifies louvres as a potential method of mitigating light spill from interior lighting and notes that the design and depth of window reveals and reduced transparency of glazing can substantially reduce light spill. The submitted design has the glazing set back approximately 500mm behind the Bath Stone ashlar frame (and 400mm behind the vertical 'fins' located between each 'column' of the frame) and 240mm behind the exposed steel frame to the upper level above the frame.
- 7.202 At this stage, the detailed specification of the glazing has not been finalised, nor the internal lighting and fit out of the spaces within the stadium. For the purposes of the ES alternative methods to reduce light emittance from the building have been explored by the Applicant based on theoretical internal lighting and differing visible light transmission levels for the glazing. The submitted lighting assessment shows that with glazing limiting light transmittance to 50% of internal levels but with no other mitigation measures, the lux levels set out in the Water Space Design Guidance (0.1lux in the river channel and banks, 0.5 lux in the bank top zone) cannot be achieved. Therefore to reduce light levels to those set out in the Guidance, the Applicant considered louvres (300mm deep, angled at 60 degrees) and blackout blinds (that would lower automatically at dusk and remain lowered until dawn).
- 7.203 The lighting assessment concludes that louvres would achieve <0.1 lux in the river channel and the relevant lux levels for the majority of the length of the stadium, with exceedances limited to a small number of number of places on the bank top zone/riverside walkway. However the Applicant has rejected louvres on the basis of minimal views out of the building and instead proposes automatic blackout blinds. This is notwithstanding that the Water Space Design Guidance states the use of automated dimming circuits and automated blinds on windows to attenuate light spill is unacceptable due to concerns regarding their long term maintenance.

- 7.204 It is relevant to note that the use of blinds has been accepted at other riverside developments. However, this is as a 'last resort' following the consideration of reasonable alternatives to achieve the target light levels. Although blackout blinds or louvres could achieve an acceptable lighting environment, given that details of the glazing, lighting and internal fit outs have not been specified and alternative mitigation measures have not been assessed it is considered that a further assessment of lighting impacts (and mitigation measures) should be undertaken prior to commencement. This would be secured by condition.
- 7.205 The presence of beaver in the Avon has been considered by the Applicant, noting that (as with otter) the section of river alongside the application site is particularly highly engineered comprising of concrete banks. With less foraging opportunities for beaver than otter plus the level of disturbance in the centre of Bath they conclude that the river is likely to be used for commuting only. Accordingly the impact of the development on the beaver (and otter) populations is assessed as negligible.
- 7.206 The proposed development proposes the removal of a number of trees along the riverside. This will reduce the tree cover along this section of the river. However, a more or less continuous tree canopy will remain. Two trees on the riverside path i.e. Council land (adjacent to the north west entrance to the Recreation Ground) were felled by the Council, leaving the stumps in place. The application proposes their removal for safety reasons but not their replacement. Given their current location there is limited space for replanting and therefore off-site compensatory planting is required. The Council's Arboriculturist raises no in principle objection to the removal of the trees however they advise that based on the formula in Section 3.5 of the Planning Obligations SPD there would need to be 25 trees planted for the 10 trees that would be removed. This would be by new tree planting (including a maintenance contribution) or a financial contribution. This would need to be secured through a s.106 planning obligation.
- 7.207 The proposed North Stand extends further into the Recreation Ground than the existing and is also located closer to the properties in Johnstone Street. As a consequence the proposed development encroaches into the Root Protection Area (RPA) of a large, mature Copper Beech tree in the rear garden of the end terrace property in Johnstone Street. In May 2024 this tree was registered on the Woodland Trust Ancient Tree Inventory as a 'Notable veteran' tree. In the 2023 Arboricultural Report submitted with the application the tree was categorised as A1, 2 i.e. of 'high' quality (with 40+ years life expectancy) and having arboricultural and landscape qualities. A reassessment in April 2025 concluded that given the tree's current position, structural and physiological condition and developing decay it had an estimated safe, useful life expectancy of 20-40 years and categorised as moderate Grade 'B'.
- 7.208 Construction work and excavation or soil compaction within the RPA of the Copper Beech could potentially lead to root severance or damage. A 'Proposed Drainage General Arrangement' drawing submitted with the Flood Risk Assessment (and based on the original 2023 design and layout for the stadium) also shows the diversion of an existing combined sewer to within the RPA of the Copper Beech

tree. To safeguard the tree during construction and operation of the stadium, the updated Arboricultural Method Statement states that existing hard surfacing within the RPA will be retained throughout the construction stage. On completion, the existing surface and sub-base would be removed, soil remediated and a new surface installed sub-base using a cellular confinement system and porous top surface. A staircase to the North Stand within the RPA will be cantilevered off the primary structural grid with pile foundations and ground beam located outside the RPA. A sketch showing the omission of the sewer diversion has also been submitted. Approval of changes to sub-surface drainage are the responsibility of the relevant drainage authority but would need to reflect this amendment.

- 7.209 The Council's Arboriculturist has considered the updated Arboricultural Report and Method Statement. They note the various measures to protect the tree during the construction stage as well as the constructional details for the North Stand and surface treatment within the RPA. Whilst they raise no objection to this aspect of the proposals, they require strict compliance with the submitted documents, including ongoing maintenance to retain porosity of the new surface. This would be secured by condition. They also note the requirement to prune the Copper Beech where it overhangs the North Stand and whilst expressing disappointment that the design has not been amended to avoid this, they do not raise objection to the principle of the works.

10. ACCESS AND HIGHWAYS (INCLUDING PUBLIC SAFETY)

- 7.210 The NPPF (para. 109) states that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (para. 110).
- 7.211 Local Plan Policy ST1 seeks to ensure the delivery of well-connected places, accessible by sustainable means of transport. This is to be achieved via various measures to reduce car dependency and the active support of travel by sustainable modes; reducing the growth and overall level of traffic and congestion by measures which encourage movement by public transport, bicycle and on foot; and mitigating for traffic impacts by maximising opportunities to achieve mode shift towards sustainable transport modes before proposing traffic capacity enhancements. Policy ST7 sets out a range of transport requirements for managing development including the requirement for Transport Assessments and Travel Plans for developments that generate significant levels of movement. Development Requirement and Design Principle 4 of Local Plan Policy SB2 states that the safety and convenience of access to and from the Recreation Ground will be improved.
- 7.212 Situated close to the heart of the city and within walking distance of a number of bus services (including Park and Ride stops) and rail services the site is considered to be a highly accessible and sustainable location. The nature of the current use of the stadium, principally for Bath Rugby home games, means that impacts on the city transport network and systems are dependent on the fixture list (generally fortnightly but including some Friday evening fixtures) but are not year round

(generally early September to late May/early June) and this will change in the future.

- 7.213 The application proposes an increase from the current 14,500 spectators to 18,000, an increase of 3,500 or 24.1% on a rugby matchday. There are also a range of other uses proposed for the stadium with variable attendance up to 10,000 (for up to 3 Music or E-Sport events) as well as non-match day uses of the stadium such as offices and hospitality/events. It is anticipated that the existing travel patterns would continue for future Premiership rugby matches at an enlarged stadium. For the other proposed uses of the stadium on non-match days there may be differences due to unfamiliarity with travel and access arrangements compared to regular rugby supporters, of whom around 7,000 are Season Ticket holders. However, the number of spectators and other visitors is considerably lower and for non-match day events of more than 5,000 spectators a bespoke Travel Plan will need to be submitted for approval by the Council.
- 7.214 Currently, when there are home games there is a clear impact on the local highway networks, parking availability and public transport systems. There is also a significant impact on the immediate environs of the stadium as spectators arrive and depart. Whilst this is relatively short-lived i.e. in the lead-up to and after a game, during those times pedestrian routes around the site can be congested and event management is required.

Travel to Bath

- 7.215 The application is supported by a Transport Assessment with supplementary Notes (collectively the TA) and proposed terms for a match day Travel Plan. The TA includes a summary of existing travel patterns associated with the current stadium, both travel to Bath by different modes and routes spectators take to/from the Recreation Ground itself. This is based on surveys undertaken over several years including a review of traffic on key highway links within Bath and car parking trends.
- 7.216 Survey data in the TA indicates that travel to the city on match days is predominately by various sustainable modes (approximately 60% of surveyed spectators). However, driving by car (to the city or Park & Ride sites) is the single largest travel choice. The following is taken from the most recent spectator survey for a Rugby Premiership match, although caution is needed in extrapolating these patterns to other uses of the stadium as visitors to music or other non-rugby events are unlikely to be as familiar with transport options.

Travel to Bath (Saturday Match 2024)	%	Number based on 14,500 spectators
Coach	2.7%	392
Motorcycle	0.3%	44
Other	0.5%	73
Taxi	1.0%	145
Bicycle	0.7%	102
Bus	13.9%	2,016
Walk	16.6%	2,407
Train	23.7%	3,437
Car Driver (Park & Ride)	6.5%	943

Car Diver (City)	22.3%	3,234
Total Car Driver	28.8%	4,176
Car Passenger	11.8%	1,711
Total	100%	14,500

- 7.217 In terms of car travel to the city as a whole, National Highways (responsible for operating, maintaining and improving the strategic road network (SRN) which includes the A4/A46 Batheaston bypass and A36) have reviewed the TA. Given the scale and occasional nature of the impact, particularly in the weekday peak, they do not consider the development represents a risk to the safety or operation of the SRN and raise no objection to the application.
- 7.218 At the more local level, city centre parking is constrained. If future travel patterns remain the same, for a weekend match at an expanded 18,000 spectator stadium there is unlikely to be any spare city centre car parking capacity for the additional spectators. Whilst there is likely to be capacity for weekday evening matches, parking availability would be reduced when games are played at the same time as other major events in the city such as the Christmas Market (for which additional Park & Ride spaces are currently made available at Lansdown when the Market is taking place). Given the very limited spare city centre parking capacity on weekends, if the existing patterns of travel mode were to be applied then the new stadium this would require additional parking capacity at Lansdown Park & Ride site or elsewhere.
- 7.219 Bath Rugby Club currently funds some additional bus services from Lansdown Park & Ride and, weather permitting, there is the potential to use some overspill parking at the site (as currently happens during the period of the Christmas Market). The availability of and funding of additional capacity and services would need to be secured through s.106 planning obligations with operational details set out in the Travel Plan.
- 7.220 As well as additional capacity at Lansdown Park & Ride, it is also proposed to utilise the car park at the Bath University Claverton Down campus where there are around 270 spaces proposed to be made available. A bus service would operate between the campus and the bottom of Bathwick Hill, with spectators then walking to the Recreation Ground. The University have agreed to the use of these spaces on match days (subject to no events taking place on the campus) and First Bus has indicated that it would operate the service on a commercial basis (with the cost underwritten by Bath Rugby as necessary). Whilst this would not relieve or address capacity issues at Lansdown Park & Ride it would provide an alternative destination for spectators travelling from the south/A36 Warminster Road direction who would not need to travel along North Road to reach the Odd Down Park and Ride or try to find alternative parking within the city.
- 7.221 To avoid additional car travel into the city centre for major events there is a need to ensure that Park & Ride car parking opportunities are used efficiently. To support this objective there is a commitment for Bath Rugby to access the existing signing system (that advises of capacity at car parks in the city) and to fund the delivery of the signing strategy. Together with the provision of additional capacity at

Lansdown Park & Ride, this would be secured through s.106 planning obligations and the Travel Plan.

- 7.222 Although Park & Ride sites offer the potential to reduce car travel into the city centre, in line with the Council's objective of promoting sustainable travel modes the Travel Plan should be promoting the use of sustainable travel options rather than relying on parking capacity. These include designated coach services, local buses, rail and walking/cycling. On its website, the Club identifies non-car modes of travel to the Recreation Ground although it is considered that there is scope to promote this further for example with combined ticket/travel packages. The Club also currently operates coach services linking with Warminster, Westbury, Trowbridge, Frome, Midsomer Norton and Devizes and it is proposed that this is expanded and that a service is also provided from Radstock.
- 7.223 In terms of rail travel, the Club currently liaises with local train operating companies regarding rail services on match days and how crowds are managed at Bath Spa station. The TA identifies how travel information to spectators (including routes from the station to the Recreation Ground) could be improved in the future and any measures would need to be secured within a Travel Plan and/or planning obligations.
- 7.224 Achieving changes in travel mode choice, rather than a continuation of existing patterns, needs to be linked to targets and further measures if they are not met. In this regard the application sets a target of reducing the number of car drivers to the city centre by a percentage point each season and assuming a start date of 2026, by the 2029/30 season the percentage of match day spectators driving to the city centre would be 15.8% compared to 22.3% in 2024. Whilst it is acknowledged there is some reliance on how the Council's own city centre car parking stock is managed over this period, under this scenario and even with the increased capacity of the stadium this equates to 2,844 cars being driven into the city compared with the current baseline of 3,233.
- 7.225 In addition to a Travel Plan for Premiership rugby fixture, Travel Plans would be needed for other major events and activities being hosted at the stadium. Given that people attending other events may be unfamiliar with travel to Bath and travel options, bespoke Travel Plans for other major events are likely to require alternative measures.
- 7.226 It is proposed that the Travel Plan measures start before any part of the new stadium is occupied, including partial occupation through the construction phases of the development. This is considered to be a pragmatic approach and should allow Bath Rugby to more fully develop strategies that would be required in advance of any full stadium occupation. It is noted however that the proposed Travel Plan relies on a number of measures and actions that are not fully in control of the applicant, including the ability for the scheduling of the rugby fixtures to avoid the regular Christmas Market and other events that take place within the city. This will need to be addressed when assessing initiatives and targets to be included within the Travel Plan.

7.227 It is also proposed that the timescale for implementing and operating the Travel Plan would be for a minimum of five years. Given the proposed three year construction of the new stadium it is considered that the Travel Plan would need to be a live document for as long as the stadium is operational and that monitoring and reporting should continue beyond the suggested timescales.

7.228 PERA raise wider concerns about stadium-related traffic on Great Pulteney Street and adjoining streets including coach drop-off and on-street parking. They recommend these matters are controlled by various measures including restricting access by condition or planning obligation however these are considered to be relate to enforcing existing controls.

Cycle Parking

7.229 A travel survey conducted on a Saturday match in 2024 found that 0.7% of spectators travelled to the Recreation Ground by bike i.e. 101 people based on a capacity of 14,500. There is currently very limited dedicated cycle parking at the Recreation Ground with 8 spaces located close to the William Street gate although survey results on a match day indicate that 23 cycles have been parked in this area with the remainder chained to railings.

7.230 Cycle stands are available on surrounding streets; however these are already used by other people cycling into the city centre for other activities. A survey of cycle parking in the wider area recorded 188 spaces, a maximum of 119 of these being occupied by bikes during a matchday. Compared to 74 being used on a non-matchday this would suggest that spectators already use cycle parking in the city.

7.231 The Applicant proposes that the current 0.7% cycle share is used as a baseline for the Travel Plan, with a target of 1% in 5 years. This would mean a target demand of 180 spaces based on a capacity of 18,000. The application proposes a total of 76 on-site spaces (8 existing spaces at William Street; 10 new stands (20 spaces) at William Street and 48 spaces in a new cycle store in the southwest corner of the stadium next to the Leisure Centre). This would still leave a shortfall of a 104 spaces, 81 if the observed informal parking is included.

7.232 Active Travel England have raised concerns regarding the proposed level of cycle parking and recommend the Council seeks a financial contribution towards increases (and improvements where necessary) to the provision of public cycle parking within areas of public realm surrounding the Recreation Ground and within the city centre. Following discussions with the Applicant on-site provision has been increased by a further 10 stands (20 spaces) and whilst it would appear there is currently some spare capacity in the wider area, on-site provision may need to be supplemented in the future if there is evidence of demand. It is therefore recommended that cycle parking use is monitored and additional spaces provided within the Recreation Ground if required. This would be secured through the Travel Plan and s.106 planning obligations.

Pedestrian Routes to the Recreation Ground

7.233 Pedestrian access into the ground on match days is from Great Pulteney Street (via William Street); Pulteney Bridge to the riverside (via Spring Gardens or steps down from Pulteney Bridge); North Parade Road (via steps and through the Leisure

Centre car park) and North Parade Road (via steps to the riverside). Current ticketing arrangements on match days seek to guide spectators to particular access points into the ground closest to where their seats are located. Survey data shows the following pattern:

Route into Stadium (Saturday Match 2023)	%	Number based on 14,500 Spectators
Sports Centre Gate	25.7%	3,727
William Street Gate	30.5%	4,423
Riverside Gates	43.8%	6,351
Total	100%	14,500
Riverside Gate (South)	11.5%	1,668
Riverside Gate (Centre)	8.7%	1,262
Riverside Gate (North)	23.7%	3,437

- 7.234 The TA suggests that there will be a shift in arrival patterns with more spectators using William Street and fewer using Riverside gates, in particular the northern gate adjacent to the Beazer Maze. The change in the total number of spectators compared to the 2023 survey are shown below.

Route to Stadium	Arrivals		Arrivals	
	Saturday Match 2023 (Capacity 14,500)		Projected Total (Capacity 17,975)	
	%	Spectators	%	Spectators
Sports Centre	25.7%	3,727	24%	4,390
William Street	30.5%	4,423	40%	7,200
Riverside Gates	43.8%	6,351	36%	6,385
Total	100%	14,500	100%	17,975
Riverside Gate (S)	11.5%	1,668	15%	2,745
Riverside Gate (C)	8.7%	1,262	9%	1,600
Riverside Gate (N)	23.7%	3,437	11%	2,040

* Numbers may not total due to rounding

- 7.235 In terms of the timing of spectators arriving at the stadium, based on ticket counts at the entrances to the existing ground around 50% arrive in the 30 minutes leading up to kick off (26% 0-15 minutes before kick-off and 25% 15-30 minutes before), although some spectators arrive over an hour before kick-off. With new in-stadium facilities the TA assumes that a peak of 42% of spectators will arrive 15-30 minutes before kick-off with fewer in the 0-15 minute period prior to kick-off.
- 7.236 Detailed figures on departure times from the existing stadium are not available. However, a 2022 survey found that 73% of spectators left within 30 minutes of the final whistle, with 48% leaving within 15 minutes. For the purposes of providing robust pedestrian modelling at the proposed stadium the TA assumes 84% of spectators (most of the non-hospitality ticket holders) will leave within 20 minutes of the final whistle, with the majority (67%) leaving within 15 minutes. The balance i.e.

those with hospitality tickets (1,630), accessible and accompanying spectators (248), and those using the food and beverage facilities in the stadium (assumed to be 1,000) are expected to remain at the stadium and leave after the peak.

- 7.237 The TA also suggests a different routing for spectators after a game compared with arrivals, with an increase in spectators using the William Street gate at the end of a match. The following table applies the assumed distribution based on the full capacity of the stadium (17,975) and also for general sale ticket holders and those not staying at the ground after the match (84% of all spectators).

Route from Stadium	Departures		
	Projected Total (Capacity 17,975)		General Sale (15,097)
	%	Spectators	Spectators
Sports Centre	22%	4,003	3,362
William Street	44%	7,975	6,698
Riverside Gates	34%	5,997	5,037
Total	100%	17,975	15,097
Riverside Gate (S)	14%	2,497	2,097
Riverside Gate (C)	10%	1,786	1,500
Riverside Gate (N)	10%	1,715	1,440

- 7.238 The suggested re-allocation of routes that spectators would take when arriving at and departing the stadium would result in an increase in the number of people using William Street from 4,423 currently, to 7,200 before a match and 6,698 in the peak 20 minutes after a match (assuming not all spectators leave immediately). This relates only to Premiership matches and, subject to how the stadium was utilised for other events, there could be a similar proportion (but lower number) using William Street when arriving at/departing the stadium.
- 7.239 In addition to the routes spectators take to/from the stadium the Applicant has modelled post-match crowd movement and crowd density (referred to as 'level of service' – LOS). The assessment being on post-match pedestrian movement reflects the more concentrated nature of the departure crowds i.e. 80% leaving within 15 minutes of the final whistle compared with arrivals being over a more extended time period. This study also focussed on movement south along the riverside and at North Parade Road on the basis that the majority of departures to the north would be via William Street which is much wider and much less constrained than routes to the south. Riverside routes to the north are constrained by the steps up to Pulteney Bridge but there is also the less constrained alternative of Spring Gardens.
- 7.240 The pedestrian comfort modelling assumes that spectators with hospitality tickets, and a proportion of general sale spectators, will remain at the stadium post-match. This already occurs, including general sale spectators using the external bar (the 'Swift Half') that generally remains open after the end of a game and the departure assumptions in the modelling are considered to be reasonable.

- 7.241 Applying the number, distribution by route and timing summarised above, the analysis indicates that comfort levels along the riverside are generally LOS A (described as free flow, easy overtaking, avoidable crossing conflict) to C (restricted walking, restricted over-taking, busy but comfortable). In some locations the LOS is D (difficulty in avoiding conflicts, sporadic stoppages of flow) and E (unavoidable physical contact, restricted circulation, long queuing not sustainable). Modelling shows that restrictions on the route around the Leisure Centre and the Pavilion result in LOS E with pinch points on that route and at the bottom of the stairs leading from the riverside level to North Parade Road where the service level is LOS F (progress is severely restricted and frequent contact unavoidable).
- 7.242 The amended stadium layout has been designed to allow for safe circulation and dispersal of spectators before and after a match. Nonetheless, the pedestrian modelling indicates that there are a number of locations outside the stadium where crowd density is becoming less comfortable. Whilst this is not atypical of crowds at any large event, the report makes a number of operational recommendations to improve the crowd flow and that with marshalling pedestrian safety can be maintained. Measures include providing sufficient signs and information inside the stadium to encourage spectators to use exit doors closer to their destination; providing stewards to manage the spectator egress flow at the new stair and the Leisure Centre bridge; and directing spectators to use the ramp to North Parade Road to improve the comfort level on existing stairs and Leisure Centre bridge. These operational measures will need to be reviewed and agreed with SAG.
- 7.243 Based on the projections in the TA, the number of spectators using William Street will increase from around 4,400 to around 7,000 and Pulteney Estates Residents Association (PERA) have objected to the proposed increased use of William Street (and Great Pulteney Street) because of the additional noise and disturbance to residents. This increase is partly due to the increased capacity (predominately in the North Stand) and a projected shift in the proportion of spectators currently using the riverside to access the stadium to using William Street in the future.
- 7.244 It is expected that there will be an increase in spectators using William Street, not least because this is the least restricted route in contrast to other routes, and mechanisms to control its use are limited. The choice of route will however be influenced by a number of factors and as a consequence the pattern of movement is likely to vary from that assumed in the TA. For example, the application includes a number of measures to improve access from the riverside. To the south there will be new steps from the Leisure Centre bridge and gaps are being created in the bund to allow for easier access to the western side of the stadium. The entrances to the West Stand are also enlarged, in particular the central entrance from the riverside, with improvements to the riverside path also making this an attractive route to and from the ground.

Accessibility

- 7.245 The internal and external spaces of the stadium have been designed in accordance with Part M of the Building Regulations. Ramps from external spaces into the stadium such as from the riverside do not exceed 1:20 and internally the main concourse area is a consistent +18.0m AOD. The levels across the external area to the north of the North Stand vary along its length however the changes are

limited and graded rather than stepped. A new passenger lift is proposed at the southern end of the stadium (connecting to the Leisure Centre bridge). 218 wheelchair and companion spaces are provided in the stadium. These are located at the upper and pitch level in the West, North and East Stands and at the intermediate and upper level in the South Stand with lift access and accessible toilets. All lifts are sized to accommodate a wheelchair user and companion.

Public Safety

- 7.246 NPPF (para. 102) states that planning decisions should promote public safety and take into account wider security and defence requirements by anticipating and addressing possible malicious threats and other hazards, especially in locations where large numbers of people are expected to congregate. Sports stadia are specifically mentioned in this context, along with other types of development, and the layout and design of developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
- 7.247 The Safety of Sports Grounds Act (1975, as amended) makes provision for the Secretary of State (for Culture, Media and Sport) to designate any sports ground with accommodation for more than 10,000 spectators as requiring a safety certificate to admit spectators. Local authorities are responsible for issuing safety certificates, confirming the designated grounds meet the relevant safety standards. The certificate must contain such terms and conditions as are considered necessary or expedient to secure reasonable safety at the venue. Local authorities also have the power to issue, amend, or revoke safety certificates. Under Section 10 of the Safety of Sports Ground Act 1975 the local authority has the ability to prohibit or restrict the admission of spectators to the whole or part of the ground if it is satisfied that there is a risk to spectators, and until such steps are taken to reduce the risk to an acceptable level. The safety certificate issued under the Safety of Sports Ground Act has to be renewed each year in consultation with the Safety Advisory Group for Events (SAGE). SAGE includes representatives of the Council, Avon and Somerset Police, Avon Fire and Rescue, and South Western Ambulance Service Foundation Trust.
- 7.248 Also of relevance is the Guide to Safety at Sports Grounds (the 'Green Guide') which provides detailed guidance on meeting safety requirements. The Green Guide details the assessment of a ground's safe capacity and outlines how to calculate the entry, holding, exit and emergency exit capacities. It also details the requirements for the safe movement of people in, out and around the stadium. It covers, amongst other matters, circulation (including ingress, egress, vertical circulation and concourses); structures and installations (including barriers and separating elements and spectator accommodation both seated and standing); the importance of effective systems (including communications and control issues and mechanical and electrical installations); and specific issues (including fire safety, medical and first aid provision, and media provision). Compliance with the Green Guide is a key part of the local authority certification process and the Applicant has advised that the design of the stadium has been drawn up in compliance with Green Guide.

- 7.249 In addition to the powers relating to the safe operation of the stadium, the Terrorism (Protection of Premises) Act 2025 (Martyn's Law) will extend the provisions relating to public safety at events. This includes considering security in 'Zone Ex', the area outside the stadium footprint that is still critical to the safe ingress and egress of spectators. This includes public spaces such as access routes (roads, bridges, footpaths); transport hubs (including train stations and bus stops); gathering points (such as fan zones and car parks); and any area where crowd movement to/from the venue occurs. A Zone Ex Co-ordination Plan must be detailed and integrated with the other safety documents such as traffic, security and communications that form part of the operational manual for the stadium. The area surrounding the stadium, as well as its immediate environs, must therefore be considered as part of the Club's Operational Planning procedures and they must coordinate with the Safety Advisory Group and other relevant stakeholders to ensure safety and service plans are agreed.
- 7.250 The requirement for safety certificates under the Safety of Sports Grounds Act, and in due course the Terrorism (Protection of Premises) Act, as well as approval under the Building Regulations are not material to the determination of this planning application beyond the guidance set out in the NPPF set out above. At this stage, no applications have been submitted for a safety certificate or approval under the Building Regulations. However, notwithstanding the powers regarding public safety that are in place under other legislation, the proposals have been reviewed by Avon and Somerset Police and the B&NES Public Protection and Highways team.
- 7.251 One issue that has been raised relates to public safety on the immediate approaches to the Recreation Ground, although it is relevant to note that between 2018 and 2024 no personal injury incidents were recorded on the roads surrounding the stadium associated with movement to and from rugby fixtures. Spectators wishing to access the riverside entrances from the north have to either negotiate the steep and narrow steps from Pulteney Bridge or use Grove Street and Spring Gardens. Access from the south is either via the stairs or road leading to the Sports Centre or the steep and narrow steps in the stair tower from North Parade Road bridge. As there is no restriction on the general public using any of these routes adds to the congestion and potential safety risks.
- 7.252 As noted above, access at the southern end of the stadium will be improved with the provision of a new staircase and lift from the Leisure Centre bridge down to the riverside. At riverside level, a route through the bund, rather the existing stairs over, is also proposed. Existing pinch points (at both Pulteney Bridge and North Parade Road bridge) will though remain and this can lead to severe congestion at peak times, with people queueing and walking in the road at both locations. More generally, The Abbey Residents' Association (TARA) have raised concerns regarding access to the stadium and pedestrian safety.
- 7.253 North Parade Road is open to all traffic and, on completion of the stadium, modelling indicates that, post-match, 5,200 spectators would be walking along North Parade Road towards Manvers Street. Given the pavement width, the Club has recently trialled a traffic management scheme to provide a safer route for spectators taking this route to the city centre or the station/bus stops. This involves

the east-bound lane of North Parade Road being closed and coned off (providing extra space for pedestrians), with temporary traffic lights installed to control vehicle movement. The route and operation of the lights is staffed, with marshals also providing guidance for pedestrians. Active Travel England suggest a requirement for a financial contribution towards more permanent traffic management features along and in the vicinity of North Parade Road however this is considered to be beyond the scope and impact of the current application. The continued operation of this temporary measure will be reviewed by the Safety Advisory Group, with future implementation and review secured through s.106 planning obligations.

- 7.254 Unlike North Parade Road, Pulteney Bridge is not open to all traffic. Travel across the bridge other than for pedestrians is limited to bicycles, buses, taxis and 'authorised vehicles' (Emergency Service vehicles, refuse vehicles, Post Office vans and delivery vehicles to commercial units on the bridge). Whilst there is anecdotal evidence that other (unauthorised) vehicles drive over Pulteney Bridge, there are cameras on the approach to the bridge and owners of these vehicles are subject to a fine. Given the lower number of movements, the Applicant is not proposing measures to control crowd movement on Pulteney Bridge other than stewarding to direct people to alternative access routes (such as Grove Street and Spring Gardens rather than using the steps from Pulteney Bridge). These arrangements will be reviewed with the SAGE as part of the operational planning for the 2025/26 season and, if required, additional pedestrian/traffic management measures agreed with and implemented by the Club. In the event that planning permission is granted for the new stadium, with construction projected to take 3 years, there is also an opportunity to refine and develop measures to address pedestrian movement issues as well as the implementation of Travel Plan measures.
- 7.255 A specific plan will also be needed in the event of a Premiership rugby match taking place on the same day as the Christmas Market due to the volume of visitors to the city and mix of spectators and those visiting the market. There is already coordination between the Club and Council on these days and continued liaison will be managed through the Travel Plan.

Construction and Operational Vehicular Access

- 7.256 The submitted Transport Assessment identifies that construction vehicles will access the application site from North Parade Road. Construction vehicle access (including deliveries and contractor parking) would be set out in a Traffic Management Plan within the Construction/Demolition Environmental Management Plan to be submitted to and approved by the Council prior to commencement. This would be secured by condition.
- 7.257 Currently, operational vehicular access to the site includes access from William Street. The Transport Assessment locates a new service area in the south east corner of the proposed stadium adjacent to the Leisure Centre with access from North Parade Road. Other than Emergency vehicles and a Wessex Water tanker (to access manholes located beneath the North and West Stands) all service vehicle access to the proposed stadium would be from North Parade Road. This includes very occasional access to the Radial Gate for a 100 tonne crane. Vehicular routing outside the footprint of the stadium would be limited to occasional

Event Day articulated HGV access when temporary surfacing would be laid where vehicles are required to cross the Recreation Ground. The proposed service vehicle access arrangements would be secured by condition.

CCTV

- 7.258 The application proposes that the West Stand is used for commercial purposes on non-match days, potentially from 08.00-23.00/24.00. Subject to matches and events taking place in the stadium this could be 7 days a week. This will draw more people onto the riverside and together with enhancements to the riverside path will create a much improved environment for the general public using this space and activate this section of the river frontage. This is considered to be a positive aspect of the proposals however there is currently no CCTV along the riverside. Accordingly, Avon and Somerset Police and B&NES Community and Compliance Service have recommended that to improve pedestrian safety CCTV is installed and that this is connected to the Council's CCTV monitoring centre.
- 7.259 The Applicant is proposing to install CCTV in the stadium. This will monitor crowd movement and queue development at turnstiles and emergency gates during access and egress, providing the match day Safety Team with real time information and allowing for rapid detection and response of any incidents that occur. Existing trees, particularly when in leaf, and the need to minimise light levels to maintain a dark river corridor, will have an impact on the CCTV strategy for this space however the proposal is that cameras will be positioned to cover the area from North Parade Bridge to Pulteney Bridge steps. The Stadium CCTV system would integrate with the B&NES local CCTV system. Subject to details of the CCTV system and coverage of the riverside path, this proposal is welcomed and supported. The CCTV would be secured through s.106 planning obligations.

11. OTHER IMPACTS (including Environmental Impacts not considered elsewhere in the report)

Noise and Vibration

- 7.260 NPPF (para. 198) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, decisions should mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.261 Local Plan Policy PCS2 states that development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.
- 7.262 The application site is located immediately to the south of residential properties in Johnstone Street and close to properties in Great Pulteney Street and Pulteney Mews that back on to or face the Recreation Ground. A number of these properties

have windows that overlook the Recreation Ground. There are also a large number of residential properties in the local area including Edward Street/Vane Street as well as hotels on Pulteney Road. The Empire is located across the River Avon on Grand Parade. The majority of these buildings are listed, often with traditional single pane sash windows and with very limited scope for secondary glazing to provide improved noise insulation. As well as noise from the crowd during games, the public address system in the existing stadium is used for announcements as well as playing music before, during and after the match. This gives rise to significant disturbance to adjoining residential properties and is raised in objections from PERA, FOBRA and others.

- 7.263 The submitted ES includes an assessment of noise and vibration from the proposed development during construction and operation including the different types of events that could take place at the stadium. The survey methodology, identification of noise sensitive receptors and baseline conditions were agreed with the Council's Environmental Protection team prior to the assessment.
- 7.264 In terms of matchday noise, the assessment has considered noise from full capacity rugby matches, with public address announcements and half-time entertainment. Changes in noise level are predicted at most of the identified receptors, all of which are assessed as being of high sensitivity. Some receptors (Empire, Duke Street, Student Castle) are predicted to experience a reduction in noise level (-2dB) due in part to the screening effect of the roofs to the West and East Stands and this is assessed as 'minor beneficial'. However, increases in noise level are predicted at two of the identified receptors (residential properties in Great Pulteney Street and Johnstone Street) due to repositioning of the pitch and North Stand however the magnitude of change is considered to be small (+2dB). Accordingly the impact is assessed as 'minor adverse' rather than significant.
- 7.265 As these impacts are not evaluated as significant, they fall within the second aim of the 2010 Noise Policy Statement for England (NPSE) of 'mitigating and minimising adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise' that in this instance requires all reasonable steps should be taken to mitigate and minimise adverse effects.
- 7.266 The assessment also considers the impact of Music concerts and E-sports events. In determining the significance of impact, the assessment references the Noise Council's Code of Practice on Noise Control for Concerts and Outdoor events and the NPSE. The second aim of the NPSE states that impacts between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL) are permissible, where effects are reasonably practicably minimised but cannot be reduced below LOAEL. The predicted impact from such events is assessed to be significant at 4 of the receptors (two properties in Johnstone Street, Duke Street and Student Castle) where the SOAEL is exceeded and assessed as 'major adverse' and significant. No secondary mitigation or enhancement is identified in the ES and therefore the significant impacts are to be considered in the overall planning balance.
- 7.267 For other events, such as rugby matches where up to 5,000 spectators, properties to the north (Johnstone Street and Great Pulteney Street) are predicted to

experience minor increases in noise level due to the re-positioning of the pitch and North Stand. Properties to the east and west are predicted to experience a reduction in noise level due in part to the screening effect of the roofs to the West and East Stands.

- 7.268 The number and anticipated capacity of events is set out in the Development Specification and form the basis for the assessments reported in the ES. It is considered that these should provide the parameters for the use of the stadium for non-Premiership rugby matches and be secured by condition. The Council's Environment Protection team advise that further controls on timings, durations and noise levels can be addressed via the Licensing Act.
- 7.269 The application also proposes use of the intermediate and upper levels of the West and South Stand on non-match days. The intermediate level of the West Stand and intermediate and upper level of the South Stand would be available for private hire as a conference/meeting/banqueting space. The Development Specification that forms part of the ES proposes a limit on the number of events/attendees as well as hours of use. The upper level of the West Stand would be used as a public restaurant, other than match days or major events, with specified hours of use. The upper level terraces of the West Stand would be available for use in association with the restaurant. The Development Specification states that the terraces will not be used for other purposes or have live or amplified music. It is considered that controls on the use of these spaces can be secured by condition.
- 7.270 With improvements to the riverside path and activation of the river frontage, the principle of using the stadium on non-match days is considered to be a positive aspect of the proposals and controls on the use of these spaces such as opening hours and the number of events would be secured by condition. PERA, FOBRA and others have raised concerns regarding additional noise and disturbance to residents from these uses and PERA have proposed a number of planning conditions. These have been reviewed by B&NES Environmental Protection. A number of the conditions reflect those recommended in this report. However, others are not considered reasonable or are appropriately addressed under the Licensing Act such as Noise Management Plan including noise controls and monitoring.

Air Quality

- 7.271 Local Plan PCS3 states that development will only be permitted where the proposal does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities; or is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and/or other forms of air pollution. New development located within an Air Quality Management Area (AQMA) should be consistent with the local air quality action plan.
- 7.272 The application site is not located within the Bath AQMA, although routes leading to the Recreation Ground are within the AQMA and the site is located within the more widely drawn Bath Clean Air Zone. The application does not propose additional public car parking at the Recreation Ground and, given the very limited spare city

centre parking capacity on weekends, if the existing patterns of travel mode were to be applied the new stadium this would require additional parking capacity at Lansdown Park & Ride site or elsewhere. The Park and Ride sites to which the forecast additional car journeys would be accommodated are located outside both the AQMA and Clean Air Zone. Nonetheless, a proportion of the spectators travelling to the Recreation Ground will continue to travel through the AQMA to access city centre car parking. The TA indicates that in the 2024-25 season 22.3% of spectators (3,223 cars) used car parks in the city (as opposed to Park & Ride sites).

- 7.273 Extrapolating this to 18,000 spectators would amount to 4,014 (+791) cars travelling into the city centre along roads covered by the AQMA. However, as noted above, car parking capacity in the city centre is constrained, particularly on Saturdays. The Council's Variable Message Signs (VMS) located on key routes into the city already advise motorists on car parking capacity as well as directing vehicles to Park & Ride sites. The Applicant has committed to funding the Council's VMS system to support their strategy of encouraging car drivers to use the Park & Ride sites rather than drive into the city centre. This would be secured through a s.106 planning obligation.
- 7.274 In addition, the Travel Plan sets a mode share target of 15.8% of spectators using city centre car parks by 2029/30. This would amount to 2,923 cars being driven into the city, a marginal reduction on the existing situation and around 1,100 fewer cars than if the current mode share split remained unchanged. The Applicant has committed to the monitoring of travel patterns and mode share and to working with the Council to identify additional or different measures to achieve the stated targets should they not be achieved. Active Travel England recommend that there should be a bond or surety that could be called upon in the event of a failure to either undertake the Travel Plan properly or meet its mode share targets. It is considered that a range of measures, secured through s.106 planning obligations and formal monitoring procedures provide an appropriate mechanism to secure remedial action if deemed necessary.
- 7.275 The air quality modelling considers impacts at a number of locations along London Road (Cleveland Place junction), Warminster Road, Wells Road and Lower Bristol Road. The modelling indicates that at the majority of receptor locations the annual mean concentration of pollutants (PM10, PM25 or NO2) will not increase during the construction or operational stages of the development. Where there are increases these are at a very limited number of receptors and less than 1%. Objective levels (NO2: 40 µg/m3; PM10: 40 µg/m3; and PM2.5: 20 µg/m3) will not be exceeded at any receptors. The modelling also assesses the impact of the emergency (diesel) generator and the effects on ecological receptors. The ES concludes that the impact on air quality will be 'negligible'.
- 7.276 B&NES Environmental Monitoring raised some points of clarification regarding the highway surveys and modelling work. The Applicant has provided further information on these points and subject to any further observations from Environmental Monitoring it is considered that impacts can be managed through conditions. Issues of construction dust will also be dealt with through a

Construction Management and Environmental Management Plan secured by condition prior to commencement of work on site.

Socio-Economics

- 7.277 The ES reports on projected construction and operational jobs arising from the proposed development as well as the impacts on the local economy of the expenditure of spectators to games in the city before and after matches.
- 7.278 The assessment calculates employment effects taking account of leakage and displacement (i.e. benefits arising outside the target area or group and outputs/outcomes accounted for by reduced outputs/outcomes elsewhere in the target area). Adopting benchmarks set out in national guidance it is estimated that construction of the stadium will support approximately 660 'person-years' of direct employment within the construction sector. This is equivalent to a net additional 250 direct, indirect and induced full time equivalent (FTE) jobs during the 3-year construction programme. This includes 125 FTE in B&NES with the remainder across the south west. The s.106 includes provisions relating to Targeted Recruitment and Training in Construction including the employment of New Entrant Trainees in the construction workforce. Once the stadium is in operation it is estimated that there will be an additional 75 FTE jobs on the existing 200 FTE jobs at Bath Rugby Club and in event-day roles. Up to 380 event-day staff would be employed at matches and other events in roles such as stewarding and hospitality.
- 7.279 The ES also includes an assessment of the increased expenditure within the local and wider economy arising from the increased number of people visiting the stadium for rugby and other events. In addition to the ES, the Applicant has submitted an 'Economic and Social Value Study'. In 2017 the Club undertook an on-line survey of spectators to ascertain the level and type of expenditure when attending a match at the Recreation Ground. 2,387 people responded to the survey of whom 68% were Season Ticket Holders, 22% general sale spectators and 10% Bath Rugby Club members. The survey asked various questions including about spectator experience on match days as well as typical expenditure within the stadium and off-site on a match day. Of those responding to the question on expenditure (89%) an average of £15 was spent in the stadium and £24 outside (2017 prices).
- 7.280 Based on a total of 286,000 spectators annually at the existing stadium, the ES estimates a projected total expenditure of £11.2m, £4.3m on site and £6.9m off site. When the same levels of expenditure are applied to the new stadium, with additional matches and events (a total of 530,000 people annually), the expenditure is a total of £20.7m (£8.0m on site and £12.7m off site), reported as an uplift of £9.6m. At 2024 prices, expenditure per person would be around £18 on site and £30 off site on food, drink and other leisure activities the total additional annual expenditure would be £11.7m (£4.4m on-site and £7.3m off site). Whilst this is a small percentage of total visitor expenditure in Bath (£458.7m in 2019), and reported in the ES as minor beneficial and not significant, the continued and additional expenditure will contribute to the local economy.
- 7.281 In addition to the expenditure by spectators on and off site at matches, the Club purchases goods and services including from local suppliers and Bath Rugby

Foundation works with and supports local initiatives including volunteer activities with young disabled people. The Economic and Social Value Study identifies the Club's £3.1 million annual supply chain expenditure with opportunities for local small and medium enterprises (SMEs) and voluntary, community and social enterprise (VSCE) through Bath Rugby Foundation's expenditure of £780,000 within VSCE organisations.

- 7.282 The Club has also made a number of commitments, to be secured through s.106 obligations and a Community Use Agreement with the Council, for the access to facilities in the stadium for the use of the local community on a pre-booked basis for up to 15 hours per week. This includes a secure, dry, lockable storage facility in the new East Stand, directly accessible from the outfield of the Recreation Ground; changing rooms and accessible toilets; indoor meeting, work/co-work, presentation and educational spaces in the 1st and/or 2nd floors of the South Stand. Community use of the space would be priced at cost, a further reduced price and/or nil charge at the Club's discretion.
- 7.283 The economic and social impacts of the proposed development on the local economy and to the community are positive and represent public benefits arising from the proposed development.

Climate Change

- 7.284 The ES assesses the effects of the proposed development on climate change in terms of the generation of greenhouse gases during the construction and operational stages. This includes the direct carbon dioxide (CO₂), nitrogen oxides (NO_x), and aerosol emissions from vehicles and plant during construction, operation; embodied carbon; and indirect CO₂ emissions arising from energy demand (e.g. electricity for heating, cooling, lighting, operational water use and wastewater treatment processes) during the operational stage.
- 7.285 During construction, the greatest emissions source is identified as the embodied carbon associated with production stage activities. This includes raw material extraction, the transport of materials, manufacturing processes, site work emissions, which are estimated to account for 97% of the total identified construction emissions. The balance arises from demolition works with the overall effect assessed as negligible and not significant. During the operational stage, emission sources are identified as energy use, water use and waste management. Transport emissions were not included in the construction or operational stage assessment due to the low number of additional vehicle movements relative to baseline traffic. The combined effect is assessed as negligible and not significant.
- 7.286 The ES also assesses climate change adaptation for each topic and also project resilience in terms of overheating, flooding and water scarcity. On all matters, the effects are assessed as negligible or minor adverse but not significant.

12. ENERGY AND SUSTAINABILITY

- 7.287 Local Plan Policy SCR7 states that new build non-residential major development will maximise carbon reduction through sustainable construction measures. Major development is to achieve a 100% regulated operational carbon emissions

reduction from Building Regulations Part L 2013 (or future equivalent legislation) based on the 'lean, clean, green' energy hierarchy. This means minimising energy use through the use of energy efficient fabric and services; connection to a low-or zero-carbon heat network if available; and maximising opportunities for renewable energy. Residual carbon emission that cannot be mitigated on site should be offset through a financial contribution to the council's carbon offset fund.

- 7.288 An energy assessment prepared in accordance with the Council's Sustainable Construction Checklist SPD has been submitted with the application. This identifies that a combination of energy efficiency measures and renewables can achieve a 59% reduction in CO2 emissions from the baseline. Renewable energy will be provided by photo voltaic cells integrated into the roof of the West and East stands and air source heat pumps for the heating, cooling and hot water generation of the occupied areas within the stadium, such as lounges and dining areas, boxes and staff areas.
- 7.289 The residual carbon not met by energy efficiency or renewable energy measures to be offset is 14.2 tonnes. Applying the formula in the adopted Planning Obligations SPD a financial contribution of £175,000 is required and would be secured through a s.106 planning obligations.
- 7.290 Local Plan Policy SU1 relates to the use of SuDs for the management of runoff from major developments. The application proposes various SuDs measures comprising improved drainage to the east of the site (along the boundary of the wider Recreation Ground) to deliver water quality improvements and facilitate infiltration; infiltration through tree pits and landscaping in the public realm; and surface water network draining to the River Avon instead of discharging into the existing surface water drainage network. Other options such as blue/green roofs have been discounted due to the large spans and architectural form of roof structure restricting loading; and soakaways due to groundwater levels being closely linked to the water level in the River Avon and the risk of flooding due to groundwater surcharging when river levels are high.

13. IMPLEMENTATION

- 7.291 The application documents include a programme and sequencing of the stages of development of the proposed stadium. For the purposes of undertaking the assessment of likely significant effects of the proposed development reported in the ES, a continuous three-year programme of construction is adopted. Works will be carried out throughout the year in order to enable Bath Rugby to remain at the Recreation Ground and to fulfil their home matches during construction of the new stadium. It is proposed that works will commence with the demolition of the West Stand, moving the pitch eastwards and construction of a new West and North Stands, extension of the South Stand and then construction of a new East Stand. To maintain capacity of the stadium during construction it is proposed that the existing temporary East Stand is retained but relocated to the location of the new permanent East Stand.
- 7.292 In summary, the stages comprise:
Stage 1/First Off-season

- May: Remove temporary East Stand
- May - Sept: Relocate and reconstruct pitch; flood alleviation works
- May - June: Remove existing North Stand
- June - July - Remove / demolish existing West Stand and temporary end of South
- July: Commence construction of new West Stand and new access from Leisure Centre bridge (approx. 12 months)
- Erection of temporary East Stand

Stage 2/Second Off-season:

- May: Remove temporary East Stand
- May - Sept: Construct new North Stand
- July: Removal of temporary extensions to existing South Stand
- July: Commence South Stand extension and construction of new south-east corner (approx. 12 months)
- Erection of temporary East Stand

Stage 3/Third Off-season

- June - July: Dismantle temporary East Stand
- July: Commence East Stand construction (approx. 12 months)

7.293 It is envisaged that by the end of the first non-playing season, approximately 50% of the seating and supporting concourse of the new West Stand will be built. It is also intended that parts of the West Stand will be utilised to host spectators during the rugby season. Accordingly, prior to an individual rugby match those areas where construction works are occurring will be secured by temporary solid hoarding to segregate spectators from the construction site and no works will be undertaken throughout the course of rugby matches. Where necessary, pedestrian diversions will be implemented to ensure spectators can safely enter / exit areas of the ground that are open. Following completion of the match the site will revert to being 'live' and construction works will recommence. A similar process will be followed during subsequent stages of the construction process.

7.294 The ES has been prepared on the basis of the sequence and programme outlined above and it is therefore considered appropriate that this is referenced in a planning condition. However, at this stage detailed construction drawings have yet to be prepared, a contractor has not been appointed, and therefore the construction methodology and detailed construction programme have not been finalised. Accordingly, as a long stop date it is proposed that the temporary East Stand is removed 4 years after commencement of the development. This is also considered appropriate given that the removal of the temporary structures from the site is identified by ICOMOS and Historic England as a positive outcome of the proposed scheme.

7.295 Measures to mitigate the impacts of the construction process and control matters such as hours of construction, noise levels, vehicle routing, tree protection and piling methods will be secured by condition.

14. PLANNING BALANCE: HERITAGE ASSESSMENT

- 7.296 NPPF (para. 212) states that great weight should be given to the conservation of a designated heritage asset (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. NPPF (para. 213) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.297 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that 'in considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' There is also a duty placed on the Council under Section 72 of the same Act when considering development within a conservation area to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area.'
- 7.298 The proposed development will cause some harm, assessed as being at the lower end of less than substantial, to a range of designated heritage assets. This includes assets of the highest significance, specifically both World Heritage Site designations and the setting of Grade 1 listed buildings, as well as to other designated assets (Grade II Parade Gardens Registered Park and Garden and Bath Conservation Area).
- 7.299 The proposed development will not affect the features of special architectural or historic interest of the Grade 1 listed buildings in Johnstone Street or Great Pulteney Street or Bath Abbey, or other designated heritage assets such as the Grade II Lime Kiln within the application site. However, the proposed stadium will affect the setting of these assets by locating built development in closer proximity to them and special regard has been had to the desirability of preserving the setting of the listed buildings.
- 7.300 In the case of the properties in Johnstone Street, the current ad hoc collection of buildings and temporary stands within the site will be replaced by a new North Stand of broadly similar height to the existing; however, the roofs of the West and East Stands will increase the overall height of the stands and will be visible in views towards and at the end of Johnstone Street. In views towards Johnstone Street, such as from within the Recreation Ground, the southern elevations will be partly obscured. However, given that the Recreation Ground is some 6m lower than Johnstone Street, when viewed from more elevated locations the truncated form of the terrace will remain visible. In the case of the Lime Kiln, the proposed North Stand will create a greater sense of enclosure of this heritage asset however it will remain visible as a separate structure from the stand.
- 7.301 Taking account of the duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development will preserve the listed buildings and any features of special architectural or historic interest which they possess. However, the development will change the setting of listed buildings by locating built development, of a larger scale than the existing and in closer proximity

to them. Accordingly, the setting of Johnstone Street and the Lime Kiln will change, and will therefore not be preserved. However, this is balanced by the removal of the existing ad hoc collection of buildings and structures that comprise the northern edge of the stadium and the construction of a more coherent ensemble using more appropriate and sympathetic materials.

- 7.302 In respect of development within a conservation area, the proposed development will impact on a key feature of the Character Area within which the site is located by encroaching into the existing undeveloped part of the Recreation Ground. Although the remainder of the Recreation Ground will remain open, the full extent of this feature of the Character Area will not be preserved. However, the Bath Conservation Area is widely drawn and as a whole, i.e. at the city scale, it is considered that its character and appearance will be preserved.
- 7.303 As noted above, the harm to the significance of the wide range and number of heritage assets (WHS and GSTE, the setting of listed buildings and Registered Park and Garden and the character and appearance of the conservation area) is assessed as less than substantial and at the lower end of the spectrum. The UNESCO Guidance allows for a low level of adverse impact (“minor” or “negligible” within its terminology) to be concluded as part of the HIA process provided it raises no concerns. As noted above, ICOMOS have no further objections to the revised scheme.
- 7.304 The NPPF (para. 215) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. National Planning Practice Guidance (NPPG) states that public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 7.305 The public benefits of the proposed development include the economic benefits of spectators visiting Bath to watch matches and contributing to the local hospitality economy; the environmental benefits of the removal of poor quality and unsightly buildings from the Conservation Area and wider World Heritage Site; improvements to the riverside; improvements to lighting conditions along the riverside and floodlighting with benefits to the wider city; and the social and community benefits of improvements to sporting facilities and services on site and in the wider area.
- 7.306 Cumulatively these public benefits are considered to outweigh the less than substantial harm to the designated heritage assets. In this case it is considered that the proposed development is in accordance with paragraph 215 of the NPPF and Policy HE1 of the Local Plan.
- 7.307 In their first Technical Review of the proposed development (January 2024) ICOMOS noted that “the replacement of an existing low key built form in poor condition with a high quality comprehensively designed stadium/facility (with associated external realm enhancements) represents an undoubted enrichment of

the city's architectural heritage, with the addition of a contemporary age structure of iconic value." However, despite the "undeniable benefits" of the proposed development, ICOMOS concluded that the originally submitted application "entails adverse effects on the OUVs of the World Heritage property ... and pose a serious threat to the OUVs of the property."

- 7.308 In their subsequent Technical Review (January 2025), ICOMOS noted the various design changes, in particular the extension of the bund and curvature of the West and East Stand roofs. In the case of the roof profile, ICOMOS noted that the curvilinear form "resonates with the curved forms of the hillsides beyond the roof and harmonises the new stadium with the natural setting of the city. Most importantly, the emerging scheme should result in the increased visibility of some parts of the landscape that in the previous proposal (the 2023 submitted Scheme) would have inevitably remained obscured by the new stands' greater height, as compared to the existing one." In their final Technical Review (June 2025), ICOMOS concluded that, taking into account all the constraints imposed by the standards with which new stadiums must comply, they note that its wish for a further reduction in the height of the roof cannot be accommodated, and therefore declares that it has no further objections to the revised proposal for the new Bath rugby stadium. Historic England identify that there will be less than substantial harm to heritage assets, at the lower end of the spectrum, and raise no objection to the application.
- 7.309 In conclusion, it is considered that the NPPF (para. 215) balancing exercise weighs in favour of the proposed development, that is that the public benefits outweigh the less than substantial harm to the significance of heritage assets, including the OUV of the Bath and GTSE WHSs. The integrity and authenticity of the two WHSs will be sustained.

15. OVERALL PLANNING BALANCE

- 7.310 The current planning application seeks to deliver the spatial strategy for Bath set out in Local Plan Policy B1 8(b), specifically the development of a sporting, cultural and leisure stadium at the Recreation Ground and in a form that is in accordance with the Development Requirements and Design Principles set out in Local Plan Policy SB2.
- 7.311 It is considered that the 'unique legal issues and constraints' referred to in Policy B1 8(b) (see para. 7.2-7.7 above) are not matters that limit or prevent the Council in its capacity as local planning authority from determining this application. In respect of the development requirements and design principles that apply to the consideration of development proposals in 'Riverside East' (The Rec, including Bath Rugby Club, Bath Sports and Leisure Centre, the Pavilion, and other associated areas), the application has been assessed against each of the Development Requirements and Design Principles listed in Policy SB2. It is considered that the proposed development is in general accordance with the policy, either wholly or, where they cannot be achieved in full, mitigation is identified or harm outweighed by public benefits.

- 7.312 The design of the stadium has been amended in response to comments from statutory and other consultees including ICOMOS, Historic England and the Council. It is considered that the amended proposals respond positively and creatively to the unique setting and historic significance of the site. However, the proposals are of a larger scale than the existing and will permanently occupy a larger part of the open area of the Recreation Ground than the existing stadium. The height of the West and East Stands and the inclusion of a roof over both these stands will impact on and diminish views out of and, to a lesser extent into the city that form part of the OUV of the World Heritage property. They will affect the setting of listed buildings and the open character of this part of the Conservation Area.
- 7.313 It is acknowledged therefore that the development will give rise to harm to a range of heritage assets. In the case of the OUV of the World Heritage property (the City of Bath WHS and the separate Bath component part of the transnational Great Spa Towns of Europe WHS), it is considered that its OUV will be maintained. ICOMOS raise no objection to the proposed development. In respect of listed buildings, Parade Gardens Registered Park and Garden and the Conservation Area as a whole it is considered that the harm is less than substantial and outweighed by the public benefits. Historic England consider that any adverse impact caused by the proposed development has been minimised as far as possible through thoughtful design and raise no objection to the proposed development.
- 7.314 The site is in a highly sustainable location and the Applicant proposes a range of measures to promote sustainable modes of travel to the site. Consideration has also been given to the appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The Police and other agencies have been consulted and commented on the application. Detailed matters of public safety and security will be controlled through other regimes including the Safety at Grounds Act 1975 and the Safety Advisory Group that includes representatives from the Council, Avon and Somerset Police, Avon Fire and Rescue, Great Western Ambulance Service NHS Trust and other statutory bodies. The licensing of events and the control of noise and other potential disturbance are separately managed through the Council's Environmental Protection teams.
- 7.315 The site is at risk of flooding however the EA has confirmed that, subject to conditions, they have no objection to the application. Natural England, National Highways, Cotswold National Landscape Board and Sport England have advised they have no objection to the application.
- 7.316 Active Travel England (ATE) are unable to support the application on the grounds of cycle provision, Travel Plan measures and pedestrian safety on adjoining roads on arrival at the stadium. These concerns have been taken considered in the assessment of the application. Measures have been included in the s.106 or secured by condition and will be incorporated into the Travel Plans. It is considered that the outstanding matters raised by ATE do not amount to strong reasons for refusal of planning permission.

7.317 Overall it is considered that the proposals are in accordance with development plan as a whole. Where the proposals are not in strict accordance with individual policies these matters are not considered to be of such weight as to amount to strong reasons for refusal. The NPPF and Local Plan Policy SD1 set out a presumption in favour of sustainable development and it is considered that the proposals will deliver development that improves the economic, social and environmental conditions in the area.

16. PLANNING OBLIGATIONS

7.318 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

7.319 The Applicant has proposed a range of measures that mitigate the impact of the development and necessary to make it acceptable in planning terms. It is considered that the obligations meet the CIL tests.

Topic	Key Terms
Riverside Path	<ul style="list-style-type: none"> • To undertake enhancements to the riverside path between Beazer Maze and North Parade Road Bridge including resurfacing, new lighting, street furniture • Contribution to maintenance for 5 years post completion of the works
Travel Plan Measures	<ul style="list-style-type: none"> • Provision of Park & Ride services (including funding if necessary) from Bath University Claverton Down campus to Raby Place • Funding of increased capacity at Lansdown Park & Ride on Saturday Rugby Premiership match days • Funding of additional Lansdown Park & Ride bus services • Provision of additional cycle parking spaces at the Recreation Ground (if required by surveys of useage) • Contribution to B&NES VMS system • Travel Plan surveys and monitoring • Contribution to B&NES Travel Plan monitoring
CCTV	<ul style="list-style-type: none"> • Provision of CCTV (to be operational at all times and connected to the Council's CCTV system) to cover the area from North Parade Road Bridge to Pulteney Bridge steps
Recruitment and Training	<ul style="list-style-type: none"> • Targeted training and recruitment in construction • Financial contribution to training and recruitment • Appointment of Sports Development Officer
Office Space	<ul style="list-style-type: none"> • Bath Rugby Foundation Office and Learning

Topic	Key Terms
	Space
Stadium Facilities	<ul style="list-style-type: none"> • Community Use Agreement • Use of changing rooms and storage in East Stand • Changing Places facility in North Stand • Power supply for activities on the Recreation Ground outfield • Enhancements to facilities at the Recreation Ground • Enhancements to facilities at Odd Down Sports Ground • Enhancements to facilities at Glasshouse Academy
WiFi	<ul style="list-style-type: none"> • Public WiFi
Carbon Offset Payment	<ul style="list-style-type: none"> • Payment to offset the residual carbon emissions from the development (or such other amount if an updated assessment is submitted prior to commencement)
s.106 Monitoring	<ul style="list-style-type: none"> • Contribution to monitoring of s.106 compliance

17. LOCAL FINANCE CONSIDERATIONS

- 7.320 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration means:
- i) a grant or other financial assistance that has been, or will or that could be, provided to a relevant authority by a Minister of the Crown; or
 - ii) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 7.321 The Council has identified particular types of development that are subject to CIL and charging zones where they apply. By virtue of the proposed uses of the stadium the development is not liable for CIL.

18. PUBLIC SECTOR EQUALITY DUTY

- 7.322 In reaching its decision on a planning application the Council is required to have regard to the duties contained in s.149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.323 Officers have had due regard to these matters when assessing this application and have concluded that granting permission for the proposed development would not

be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

RECOMMENDATION

1. To note the letter from the Secretary of State dated 26 August 2025 and the effect of the Article 31 direction.
2. To advise the Secretary of State of the Council's intended decision on the application if the Article 33 direction had not been issued.
3. To submit to the Secretary of State this report and any other papers requested by the Secretary of State.

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Construction Programme (Compliance)

The development hereby permitted shall be carried out in accordance with the construction sequence and programme shown on Drawing 121103 Rev.C6 and in any event the Temporary East Stand shall be permanently removed from the site within 4 years of first commencement of the approved development.

Reason: To ensure the timely and coordinated delivery of the development and associated infrastructure in accordance with the submitted Environmental Statement.

3. Conformity with Environmental Statement

The development is to be constructed in accordance with the specifications, standards and mitigation set out in the Environmental Statement and Environmental Supplement submitted with the planning application

Reason: To ensure the development complies with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has an acceptable impact on the environment.

4. Rugby Matches – Number of Matches and Attendance (Compliance)

The stadium hereby permitted shall not be used (including during construction) for more than the total number of games and the number of spectators at each game shall not exceed the capacity (by type of match) set out below.

Number Year	per	Maximum Attendance
18		18,000
2		7,000

28	5,000
6	2,000
6	1,000
4	500
Total 64	

Reason: To ensure that the building is used in accordance with the scope and definition of the development on which the scheme was assessed for the purposes of the Environmental Impact Assessment as set out in the Environmental Statement Supplement Development Specification (December 2024) and to protect neighbouring residents from the impacts of the development in accordance with Policies PCS2 of the Bath and North East Somerset Local Plan Partial Update.

5. Non-Rugby Uses – Number of Events and Attendance (Compliance)

The stadium hereby permitted shall not be used (including during construction) for more than the total number of Events and the number of spectators at each Event shall not exceed the capacity (by type of Event) set out below.

Event Type	Number per Year	Maximum Attendance
Theatre	2	3,000
Music and E-sport	3	10,000
Other Sport	4	5,000
Other	4	2,000
TOTAL	13	

No more than three large concerts shall be permitted in any calendar year, with no more than two occurring consecutively.

Reason: To ensure that the building is used in accordance with the scope and definition of the development on which the scheme was assessed for the purposes of the Environmental Impact Assessment as set out in the Environmental Statement Supplement Development Specification (December 2024) and to protect neighbouring residents from the impacts of the development in accordance with Policies PCS2 of the Bath and North East Somerset Local Plan Partial Update.

6. Non-Match Day Commercial Uses – Hours (Compliance)

The stadium hereby permitted shall not be used (including during construction) for more than the total number of days or outside the hours for the specified purpose and floorspace set out below.

Location	Use	Maximum Days per Year	Hours
		Up to 7 days per week	
West Stand (first floor)	Conference / meeting / banqueting	Small (86m ²) 48 Medium (150m ²) 36 Large (500m ²) 24 Full (994m ²) 6	08.00-24.00

West Stand (second floor)	Restaurant		10.00-23.00
South Stand (first floor)	Conference / meeting		08.00-23.00
South Stand (second floor)	Conference / meeting		08.00-23.00

Reason: To ensure that the building is used in accordance with the scope and definition of the development on which the scheme was assessed for the purposes of the Environmental Impact Assessment as set out in the Environmental Statement Supplement Development Specification (December 2024) and to protect neighbouring residents from the impacts of the development in accordance with Policies PCS2 of the Bath and North East Somerset Local Plan Partial Update.

7. Materials Samples/Panel

Prior to installation of external façade surfaces on each Stand, details and samples of all materials for that Stand shall be submitted to and approved in writing by the Local Planning Authority.

For the West Stand this shall include a physical mock-up of a typical bay showing full details of Bath stone ashlar frame; standing seam roof, metal fascia and soffit; exposed steel frame; capless curtain wall system; glazed aluminium curtain wall system and projecting fins; aluminium ventilation louvres; landscape retaining wall.

For the East Stand this shall include a physical mock-up of a typical bay showing full details of steel frame and railings; metal profiled fins; timber panels; standing seam roof, metal fascia and soffit; exposed brickwork; and planters.

The mock ups shall be erected on site (or alternative location agreed in writing with the Local Planning Authority at the time an application is made to discharge this condition) and shall be remain in situ for reference until the Stands are completed.

Prior to construction of the internal bowl and prior to the installation of internal seating, fencing, gates or other means of enclosure shall commence until a sample panel of all materials to be used in that Stand has been submitted to and approved in writing by the Local Planning Authority.

The development shall only be constructed and retained in accordance with the approved details.

Reason: In the interests of the appearance of the development and the character and appearance of the area in accordance with Policies D2 and D5 of the Bath and North East Somerset Local Plan Partial Update.

8. Photovoltaic Panels

Prior to the installation of any photovoltaic panels on any part of the proposed development, details of the specification and a sample panel shall be submitted to and approved by the Local Planning Authority. The panels shall be of monochrome, non-reflective materials.

Reason: In the interests of the appearance of the development and the character and appearance of the area in accordance with Policy SCR2 of the Bath and North East Somerset Local Plan Partial Update.

8. Landscaping Details

(a) No part of the hard landscaping in any Phase of the development shall commence until details of the surface treatments, materials and a programme of implementation for that Phase have been first submitted to and approved in writing by the Local Planning Authority.

(b) No part of the soft landscaping in any Phase shall commence until details of the soft landscape scheme (including where relevant green walls) and a programme of implementation for that Phase has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs.

The landscaping details shall be in general accordance with Drawings 0305-BDL-XX-XX-DR-L-0803 Rev. P07 (Hard Landscape Plan) and 0305-BDL-XX-XX-DR-L-0804 Rev. P06 (Soft Landscape Plan).

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2 and D4 of the Bath and North East Somerset Local Plan Partial Update.

9. Implementation of Landscaping Scheme

All hard and soft landscape works in respect of each Phase of the development shall be carried out in accordance with the approved details and implementation programme.

Any trees or plants in the approved landscape scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Local Plan Partial Update.

10. Lighting Impact Assessment

No above ground works on any part of the West Stand shall be commenced until an updated Lighting Impact Assessment has been submitted to and approved by the Local Planning Authority. The Lighting Impact Assessment shall specify the glazing system, the number, location and specification of internal luminaires and any other measures (including building management) to minimise light emitted from the building on a non-match day. The West Stand shall not be occupied until the mitigation measures for that stand have been implemented in full and shall remain for the duration of the development.

Reason: To ensure the habitat for horseshoe bats on the River Avon corridor is protected in accordance with Policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

11. External Lighting

Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage and comply with the Institution of Lighting Engineers Guidance Note on Light Pollution.

The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: To minimise light pollution in accordance with Policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

12. Lighting Compliance Plan

No internal or external lighting shall be installed or operated until full details of a Lighting Compliance Plan (LCP) have been submitted to and approved in writing by the Local Planning Authority. The LCP shall be produced by a suitably qualified professional and shall include a proposed scheme to monitor, report on and demonstrate compliance with the approved lighting design, lighting controls and operation, hours of use and predicted light spill levels, in particular compliance checks for light spill levels onto and above the River Avon and adjacent sensitive habitats, to demonstrate operational light spill levels fall within or below the approved and predicted thresholds. The LCP shall include proposed reporting to the LPA and proposed action and remediation measures that shall be applied where compliance is not demonstrated. The LCP shall be adhered to and implemented thereafter (as applicable) in accordance with the approved details and timescales.

Reason: To demonstrate compliance with approved lighting and light spill levels and to ensure the scheme remains in accordance with bat mitigation and the approved Habitats Regulations Assessment.

13. Ecological Enhancement

Details of the location and specification of bat roosting spaces and bird boxes to be installed on the West and East facades of the stadium and any other ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed prior to first use of the relevant Stand and maintained for the duration of the development.

Reason: To enhance the ecological value of the site in accordance with Policies NE3 and NE5 of the Bath and North East Somerset Local Plan Partial Update.

14. Landscape Management and Maintenance Plan (Green Wall)

No above ground works on any part of the East Stand shall be commenced until a Landscape Management Plan for the maintenance of the vertical planting to the stand has been submitted to and approved by the Local Planning Authority.

Reason: To ensure the long term maintenance of the proposed landscape feature in accordance with Policies NE2 of the Bath and North East Somerset Local Plan Partial Update.

15. Piling Method Statement

Prior to commencement of any piling work for the West, North and East Stands, details of the piling method to be used in the construction of the relevant Stand shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved Method Statement.

Reason: To avoid harm to designated heritage assets in accordance with Policy HE1 of the Bath and North East Somerset Local Plan Partial Update.

16. Flood Risk Assessment

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Buro Happold (S4B-BHE-ZZ-XX-RP-CW0001, revision P03 dated 09 July 2025) and in particular the following mitigation measures it details: -

- Finished ground levels within the concourse areas and external areas within the application site as shown on Drawing 4698-KE-XX-00-DR-A-22000-S2-P11
- External grading to the north-east of the stadium
- The additional flood risk modelling and potential design changes as detailed in section 4.3.7 of the referenced FRA.
- Flood resilient measures to concourse areas
- Flood resistant measures to plant areas.
- Safe access and egress routes have been maintained.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements (4698-KE-XX-XX-DR-A-12103-S2-C3-Construction Plan Overview). The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To maintain conveyance flows next to the River Avon during a flood, in the interests of flood risk management in accordance with Policies CP5 and SU1 of the Bath and North East Somerset Local Plan Partial Update.

17. Flood Risk Assessment: Construction Phase

Prior to commencement of the development a Construction Phase Flood Risk Assessment (Construction Phase FRA) shall be submitted to and approved by the local planning authority in consultation with the Environment Agency.

The measures shall be implemented in accordance with the Construction Phase FRA.

Reason: In the interests of flood risk management in accordance with Policies CP5 and SU1 of the Bath and North East Somerset Local Plan Partial Update.

18. Flood Risk Mitigation Works

Prior to occupation of any building on the site, written evidence confirming that the offsite mitigation measures outlined in section 4.3.7 of the Flood Risk Assessment (FRA) by Buro Happold (S4B-BHE-ZZ-XX-RP-CW-0001, revision P03 dated 09 July 2025), have been completed shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

Reason: In the interests of flood risk management, to reduce the risk of flooding to the proposed development and future occupants, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policies CP5 and SU1 of the Bath and North East Somerset Local Plan Partial Update.

19. Flood Warning and Evacuation Plan

The development hereby approved shall be operated and managed in accordance with the Flood Response Plan (Buro Happold 8 May 2025). The Flood Warning and Evacuation Plan shall be reviewed on an annual basis and submitted to the Local Planning Authority for its approval prior to the first use of the stadium for a rugby match with an attendance of more than 10,000 spectators.

Reason: To ensure the safe operation of the development in accordance with Policy CP5 of the Bath and North East Somerset Local Plan Partial Update.

20. Radial Gate Access

An unobstructed route through the stadium (as shown on Drawing IMA-23-023-011 Rev.H July 2025) shall be made available upon reasonable notification to enable a crane (up to 100T) to access Pulteney Radial Gate.

Reason: To ensure unimpeded access to the Pulteney Gate structure.

21. Surface Water Drainage

Prior to the construction of any Stand details of the surface water drainage scheme for that Stand (and connection to the existing drainage system) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general accordance with the Drainage Strategy with Foul Sewage Assessment (Arup dated 20 July 2023) and include details of the phasing of surface water drainage infrastructure including plans, calculations demonstrating the performance of the completed scheme, a maintenance schedule demonstrating how the drainage system will be maintained for the duration of the development and access arrangements for undertaking maintenance activities. For the avoidance of doubt, Drawing SFB-ARP-XX-ZZ-DR-C-0400 Rev. P04 in the submitted Drainage Strategy with Foul Sewage Assessment is not approved.

Reason: In the interests of flood risk management in accordance with Policy SU1 of the Bath and North East Somerset Local Plan Partial Update.

22. Construction/Demolition Environmental Management Plan

No development shall take place until a site-specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Arrangements for liaison with the Council's Environmental Protection Team.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
- 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Steps and procedures that will be implemented to manage Heavy Goods Vehicle (HGV) access to the site to minimise the impact on air quality and to avoid vehicle idling.
- Procedures for monitoring sound levels.
- Measures to control noise from vehicle reversing alarms.
- A Traffic Management Plan identifying routes for construction vehicles, deliveries and contractor staff (including parking)

Reason: To protect neighbouring residents from the impacts of demolition/construction in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Local Plan Partial Update.

23. Fixed Building Services Plant

Prior to installation, details of fixed plant shall be submitted to, and approved by the local planning authority to demonstrate compliance with target noise levels of external fixed plant at receptors, as detailed in table 10.20 of chapter 10 of the Environmental Statement.

Reason: To protect neighbouring residents from exposure to environmental noise in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Local Plan Partial Update.

24. Noise Insulation: West Stand

Details of sound insulation required to achieve the noise breakout levels from all sources of internal noise of no more than 65 dB LAeq (measured externally at 1m from the façade of the stadium) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of any part of the West Stand.

Reason: To protect residential amenity in accordance with Policy PCS2 of the Bath and North East Somerset Local Plan Partial Update.

25. West Stand Terrace

There shall be no amplified or live music played on the West Stand (north) external terrace.

Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy PCS2 of the Bath and North East Somerset Local Plan Partial Update.

26. Gull Management Plan

Prior to the erection of any roof to the West, East or South Stands a Gull Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented prior to first use of any stand and shall be retained and implemented thereafter for the duration of the development.

Reason: To ensure that the amenities of future occupiers are protected and in accordance with Policy D5 of the Bath and North East Somerset Local Plan Partial Update.

27. Pitch Management Plan

Unless an alternative Pitch Management Plan has been submitted to and approved in writing by the Local Planning Authority prior to the installation of the pitch, the pitch shall be installed, maintained and removed in accordance with the submitted Pitch Management Plan (Ecosol 25 July 2023).

Reason: To minimise the risk of pollution in accordance with Policy LCR6 of the Bath and North East Somerset Local Plan Partial Update.

28. Arboricultural Method Statement

No works (including demolition or removal of existing structures of any Stand) shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan following the recommendations contained within BS 5837:2012 for that part of the site has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works including tree works schedule; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records within 5 working days of visits and compliance statements to the local planning authority. Wording for all measures required must state what will happen and use committal language that is enforceable (e.g. "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery including construction access points.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

29. Arboricultural Method Statement Compliance

No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed Arboriculturist to the local planning authority within 28 days of completion and prior to first occupation/use.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

30. Tree Protection Plan

Prior to any works (including pre-construction works) being carried out within the root protection area of the Copper Beech tree (ref. T05) the measures set out in the Addendum Arboricultural Implications Assessment and Arboricultural Method Statement (Tree Maintenance Limited dated April 2025) shall be implemented in full and shall remain in place until completion of the development including any associated landscaping works.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

31. Tree Replacement

No works above ground level shall be carried out to the West Stand until a scheme for the replacement of existing street trees in the riverside public footpath has been submitted to and approved by the Local Planning Authority.

Reason: To secure the replacement of existing street trees in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

32. Biodiversity Gain and Habitat Management Plans

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 23.06 habitat units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.

8. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings in “compost” heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).
9. Detailed monitoring strategy for habitats and species, particularly (mod/high distinctiveness) habitats, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests in accordance with Policies D5e, NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

33. Travel Plan (Match Day)

Prior to first use of any part of the development hereby approved for rugby matches with an attendance in excess of 14,500 spectators, a Match Day Travel Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include, but not be limited to, measures to promote sustainable modes of transport to rugby matches taking place at the stadium.

Reason: To support sustainable modes of transport and minimise the impacts of the development on the highway network in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and Transport and Development Supplementary Planning Document.

34. Travel Plan (Non-Rugby Major Events)

Prior to first use of any part of the development hereby approved, non-rugby Major Events with an attendance in excess of 5,000 spectators a Major Events Travel Plan shall be submitted to and approved by the Local Planning Authority. The Major Events Travel Plan shall include, but not be limited to, measures to promote sustainable modes of transport to events taking place at the stadium.

Reason: To support sustainable modes of transport and minimise the impacts of the development on the highway network in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and Transport and Development Supplementary Planning Document.

35. Cycle Parking

Prior to first use of any part of the development hereby approved a minimum of 96 cycle parking spaces shall be provided within the application site or the wider Recreation Ground.

Reason: To ensure adequate provision of cycle parking spaces in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

36. Blue Badge Parking

On each Match or Major Event Day a minimum of 27 Blue Badge parking spaces shall be made available for the exclusive use of visitors to the stadium.

Reason: To ensure adequate and accessible parking is available for Blue Badge Holders in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

37. Servicing Routes

On completion of the North and South Stands all service and maintenance vehicle access to the stadium (other than for Emergency Vehicles and Wessex Water Water Tanker) shall be from North Parade Road as shown on Drawing IMA-23-023-018 Rev.E.

Reason: To safeguard the amenities of adjoining occupiers in accordance with Policies PCS2 and PCS3 of the Bath and North East Somerset Local Plan Partial Update.

38. Contaminated Land: Investigation and Risk Assessment

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with the Environment Agency's 'Land contamination risk management' (LCRM) and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

39. Contaminated Land: Remediation Scheme

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;

- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

40. Contaminated Land: Verification Report

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

41. Contaminated Land: Unexpected Contamination

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

42. Emergency Generator

Prior to occupation of the development, the developer will confirm in writing that any emergency generator has a NO_x emission rate of less than 5mg/sec. The generator should have monitoring in place to ensure the emissions standard is met and records should be kept and made available for inspection if requested by an authorised officer. A testing and maintenance schedule should also be submitted to and approved in writing by the Local Planning Authority. This should include recommended best practice measures. Testing and maintenance shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing with the Local Planning Authority and shall be retained and implemented thereafter in perpetuity to ensure that the amenities of occupiers in the vicinity are protected

Reason: To protect the amenities of occupiers of other premises in the vicinity in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Local Plan Partial Update.

43. Electricity Generators

Any electricity generators located within or adjacent to the North Stand shall not be operated between the hours of 23:00 and 08:00 on any day, except in the case of emergency power restoration or other essential safety reasons.

Event organisers and site operators shall ensure generators are shut down by 23:00, and that any necessary overnight operations utilise silent-running or battery-based alternatives where emergency use is justified.

Reason: To minimise noise and vibration impacts on nearby residential properties during night-time hours and safeguard local amenity in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Local Plan Partial Update

44. Floodlighting

No main pitch floodlighting, balcony, or terrace lighting shall be used after 23:00.

Reason: To minimise light pollution and protect residential amenity and the river corridor ecology, in accordance with Policies D6, D8 and NE3 of the Bath and North East Somerset Local Plan Partial Update.

45. Archaeology Watching Brief

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Local Plan Partial Update. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

46. Archaeology Post Excavation and Publication

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Local Plan Partial Update.

Plans List

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

4698-KE-XX-XX-DR-A-10000 Rev. C6 - Location Plan
4698-KE-XX-XX-DR-A-10010 Rev. C6 - Site Location Plan - Temp East Stand
4698-KE-XX-00-DR-A-10020 Rev. C7 - Location Plan - Perm & Temp Works
4698-KE-XX-00-DR-A-11000 Rev. C6 - Existing Site Plan
4698-KE-XX-00-DR-A-12000 Rev. C6 - Proposed Site Plan
4698-KE-XX-00-DR-A-13000 Rev. C4 - Demolition Site Plan
4698-KE-XX-00-DR-A-11001 Rev. C2 - Topographic Survey
4698-KE-XX-XX-DR-A-12101 Rev. C5 - Recreational Areas Plan
4698-KE-XX-XX-DR-A-12102 Rev. C6 - Temporary East Stand - Site Plan
4698-KE-XX-XX-DR-A-12103 Rev. C6 - Construction Plan Overview
4698-KE-XX-XX-DR-A-12104 Rev. C4 - Construction Plan - Offseason 1
4698-KE-XX-XX-DR-A-12105 Rev. C4 - Construction Plan - Offseason 2
4698-KE-XX-XX-DR-A-12106 Rev. C4 - Construction Plan - Offseason 3
4698-KE-XX-XX-DR-A-20000 Rev. C3 - Existing South Stand Floor Plans
4698-KE-XX-XX-DR-A-20001 Rev. C5 - Existing North Stand Drawings
4698-KE-XX-00-DR-A-22000 Rev. C5 - Concourse Level - Matchday
4698-KE-XX-01-DR-A-22001 Rev. C5 - Intermediate Level - Matchday
4698-KE-XX-02-DR-A-22002 Rev. C5 - Box Level - Matchday
4698-KE-XX-03-DR-A-22003 Rev. C5 - Roof Level
4698-KE-XX-03-DR-A-22004 Rev. C5 - Seating Layout
4698-KE-XX-00-DR-A-22005 Rev. C5 - Secure Line and Building Entrances
4698-KE-XX-00-DR-A-22006 Rev. C5 - Concourse Level - Non-Matchday
4698-KE-XX-01-DR-A-22007 Rev. C5 - Intermediate Level - Non-Matchday
4698-KE-XX-02-DR-A-22008 Rev. C5 - Box Level - Non-Matchday
4698-KE-LC-XX-DR-A-22009 Rev. C5 - Leisure Centre Access
4698-KE-XX-XX-DR-A-30000 Rev. C6 - Existing South Stand Elevations & Section
4698-KE-XX-XX-DR-A-32000 Rev. C4 - In-bowl Elevations - North & South Stands
4698-KE-XX-XX-DR-A-32001 Rev. C4 - In-bowl Elevations - East & West Stands
4698-KE-XX-XX-DR-A-32002 Rev. C4 - Facade Elevations - North & South Stands
4698-KE-XX-XX-DR-A-32003 Rev. C4 - Facade Elevations - East & West Stands
4698-KE-XX-XX-DR-A-32005 Rev. C3 - Detailed Facade Elevations - West Stand

4698-KE-XX-XX-DR-A-32007 Rev. C1 - Detailed Facade Elevations - East Stand
 4698-KE-XX-XX-DR-A-32008 Rev. C1 - Detailed Facade Elevations NW & SW Corners
 4698-KE-XX-XX-DR-A-32009 Rev. C1 - Detailed Facade Elevations NE & SE Corners
 4698-KE-XX-XX-DR-A-32010 Rev. C1 - Facade Elevations - West Stand
 4698-KE-XX-XX-DR-A-32011 Rev. C1 - Facade Elevations - East Stand
 4698-KE-XX-XX-DR-A-32012 Rev. C1 - Facade Elevations - North Stand
 4698-KE-XX-XX-DR-A-32013 Rev. C1 - Facade Elevations - South Stand
 4698-KE-XX-XX-DR-A-32014 Rev. C1 - In Bowl Elevations - West Stand
 4698-KE-XX-XX-DR-A-32015 Rev. C1 - In Bowl Elevations - East Stand
 4698-KE-XX-XX-DR-A-32016 Rev. C1 - In Bowl Elevations - North Stand
 4698-KE-XX-XX-DR-A-32017 Rev. C1 - In Bowl Elevations - South Stand
 4698-KE-XX-XX-DR-A-32004 Rev. C5 - Detailed Façade Elevations - West Stand
 4698-KE-XX-XX-DR-A-32005 Rev. C3 - Detailed Facade Elevations - West Stand
 4698-KE-XX-XX-DR-A-32006 Rev. C5 - Detailed Façade Elevations - East Stand
 4698-KE-XX-XX-DR-A-32100 Rev. C4 - Section & Elev - Temp East Stand
 4698-KE-XX-XX-DR-A-40005 Rev. C6 - Existing Site Sections - Sheet 1
 4698-KE-XX-XX-DR-A-40006 Rev. C6 - Existing Site Sections - Sheet 2
 4698-KE-XX-XX-DR-A-40007 Rev. C7 - Existing Site Sections - Sheet 3
 4698-KE-XX-XX-DR-A-42002 Rev. C4 - West Stand Section
 4698-KE-XX-XX-DR-A-42003 Rev. C4 - North & East Stand Sections
 4698-KE-XX-XX-DR-A-42004 Rev. C4 - South Stand Sections
 4698-KE-XX-XX-DR-A-42005 Rev. C6 - Proposed Site Sections - Sheet 1
 4698-KE-XX-XX-DR-A-42006 Rev. C6 - Proposed Site Sections - Sheet 2
 4698-KE-XX-XX-DR-A-42007 Rev. C7 - Proposed Site Sections - Sheet 3
 4698-KE-XX-XX-DR-A-42008 Rev. C4 - North Elev Wall Adjoining Beazer Gdns
 4698-KE-XX-ZZ-DR-A-42100 Rev. C1 - East & West Stand Section 1
 4698-KE-XX-ZZ-DR-A-42101 Rev. C1 - East & West Stand Section 2
 4698-KE-XX-ZZ-DR-A-42102 Rev. C1 - East & West Stand Section 3
 4698-KE-XX-ZZ-DR-A-42103 Rev. C1 - North Stand Sections
 4698-F3A-XX-00-GA-A-0316 Rev. P1 - Non-Match Day Community Changing
 0305-BDL-XX-XX-DR-L-0001 Rev. P10 - Landscape GA and Levels Plan
 0305-BDL-XX-XX-DR-L-0007 Rev. P07 - Tree and Vegetation Retention and Removal
 0305-BDL-XX-XX-DR-L-0010 Rev. P08 - Detail Area: Radial Gate
 0305-BDL-XX-XX-DR-L-0011 Rev. P06 - Detail Area: Southern Gate
 0305-BDL-XX-XX-DR-L-0801 Rev. P12 - Landscape Masterplan
 0305-BDL-XX-XX-DR-L-0803 Rev. P07 - Hard Landscape Plan
 0305-BDL-XX-XX-DR-L-0804 Rev. P06 - Soft Landscape Plan

For Information

4698-KE-XX-00-DR-A-22006 Rev. C5 - Concourse Level - Non-Matchday Community Use
 4698-KE-XX-00-DR-A-22007 Rev. C5 - Intermediate Level - Non-Matchday Community Use
 4698-KE-XX-00-DR-A-22008 Rev. C5 - Box Level - Non-Matchday Community Use
 4698-KE-ZZ-ZZ-SH-A-83001 Rev. C5 - Room Schedule
 4698-KE-ZZ-ZZ-SH-A-83002 Rev. C5 - Room Schedule by Usability

Informatives

Construction Impacts on Adjoining Properties

In accordance with the 'Structural Stability of Adjoining Buildings Briefing Note' (Turley May 2025) the developer and/or contractor has undertaken to implement the following measures:

- Prior to commencement of the development, including any site preparation works
 - Establish a Communication Forum shall be established, including owners of adjoining properties, to ensure satisfactory communication with residents, businesses and local stakeholders throughout the construction of the development
 - Carry out Condition Surveys of adjoining properties in conjunction with property owners and identify existing faults/cracks. Thereafter to monitor any be identified faults/cracks then throughout construction by an experienced Engineer.
- The substructure design of the stadium shall recognise the sensitivity of neighbouring properties.
- The Main Contractor and Sub-Contractors shall be experienced in works adjacent to listed buildings.
- Insurance cover at requisite levels for any damage to the adjacent properties shall be obtained by the developer and shall remain in place for the duration of the construction of the stadium including landscaping works.
- The Construction Method Statement shall be available and communicated to all parties.
- Noise / Dust / Vibration monitors shall be installed and remain in operation for the duration of the construction of the stadium including landscaping works. The details of the monitoring shall be agreed with the B&NES Environmental protection and Monitoring teams
- Regular site inspections shall be undertaken by an experienced Engineer and Project Manager.
- A Building Control Inspector shall be engaged to review proposals and inspect site works.
- All provisions under the Party Wall Act (1996) shall be adhered to at all times.

Construction Environmental Management Plan (Environment Agency Recommendation)

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- consider presence of Beaver and Otter within the vicinity and mitigation measures
- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicle
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes
- silt management
- a method statement will need to be submitted on how it is intended to control site drainage/dewatering derived during construction
- a permit to discharge will be required if the construction period is greater than 3 months and the discharge is to the environment e.g., surface water. Any discharge will be governed by strict limits, normally <50 mg/l suspended solids, pH 6-9, and an iron or aluminium limit if required to use flocculants

County of Avon Act (1982)

The County of Avon Act (1982) gives Bath and North East Somerset Council (the Council) powers to protect the Hot Springs from damage that could result from excavations, piling operations or boreholes in the Bath area. The Hot Springs of Bath are protected under Section 33 of the Act, which defines a series of protection zones. The application site is located in Zone B where any penetrations to greater than 15m below existing ground level will require consent under the Act.

An application for consent under Section 33 of the County of Avon Act 1982 will need to be made to the Council's Principal Building Control Surveyor prior to commencement of any works. Following receipt of consent works are required to be undertaken in accordance with the conditions provided by the Council as part of the consent. Applications for final consent will need to be submitted by the relevant contractor who will be required to submit detailed works method statements as part of the final application for consent.

Archaeological Evaluation and Geoarchaeological Assessment

The archive of the Archaeological Evaluation and Geoarchaeological Assessment (Wessex Archaeology 2019) shall be prepared in line with the standard conditions for the acceptance of excavated archaeological material and made available to Roman Baths Museum and information relating to the project will be deposited with the Historic Environment Record.

Public Rights of Way

The Applicant is advised that the extent of the proposed development includes land on the riverside controlled by Bath and North East Somerset Council including a public right of way. There must be no change to the legal line of the public footpaths and the footpaths must not decrease in width as a result of any proposed changes. There must be no adverse changes to the gradient at any point.

If the legal line is not incorporated into the design, then the Applicant must seek a Public Path Diversion Order at the earliest opportunity. Full details regarding likely timescales and costs associated with Public Path Orders can be found on the Council's website under:

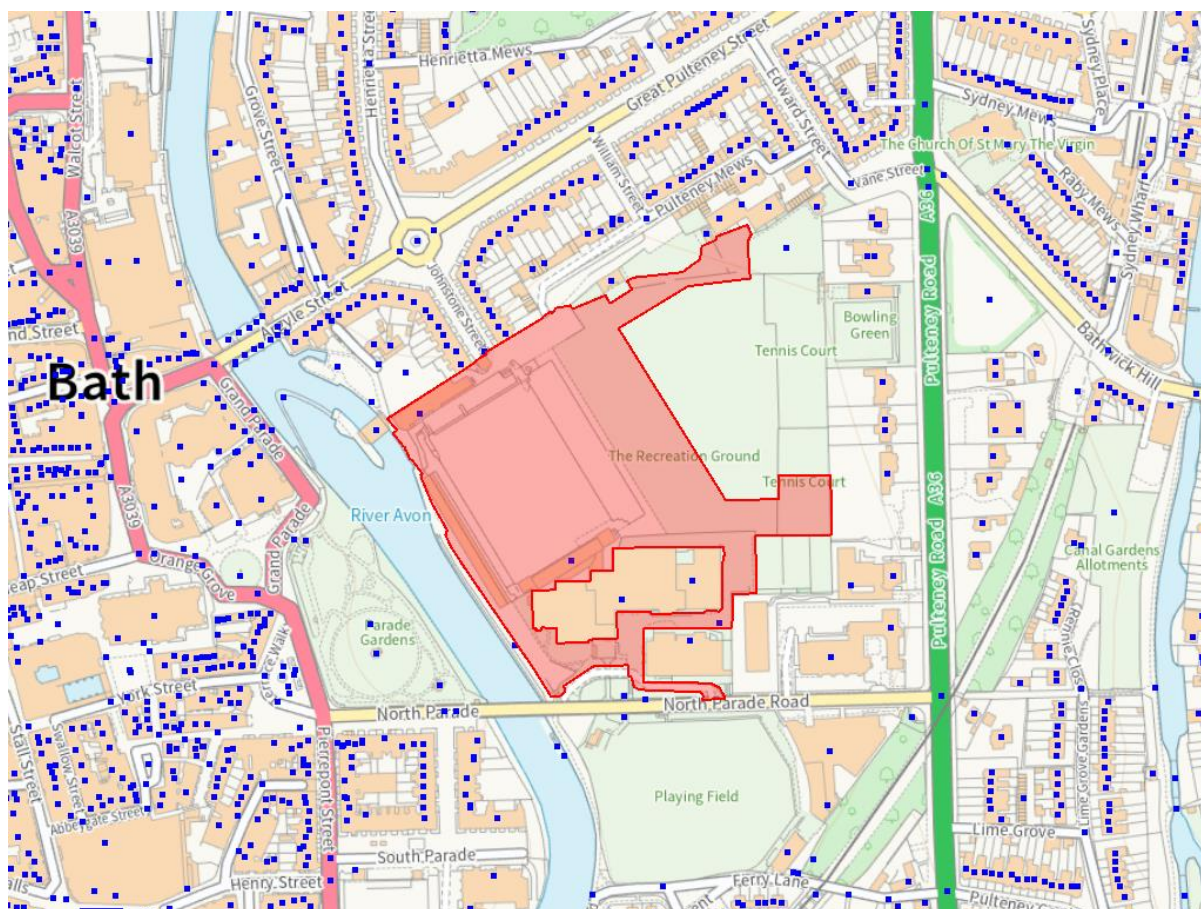
<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rightsway/public-path-orders/diverting-path>

The footpaths are adopted highway and are maintained by the Highway Maintenance Team. Any proposed changes to the surface of the footpaths must be agreed with the Highway Maintenance Team.

A temporary path closure may be required to facilitate development. Full details of the process and costs associated can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rightsway/public-path-orders/temporary-path>

Item No: 02
Application No: 23/03559/LBA
Site Location: Bath Recreation Ground Pulteney Mews Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Listed Building Consent (Alts/exts)

Proposal: Listed building consent for demolition of existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary), and construction of permanent North Stand within curtilage of listed wall structure and Presidents Lounge.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Arena 1865 Ltd. c/o Turley

Expiry Date: 17th November 2023

Case Officer: Gwilym Jones

To view the case click on the link [here](#).

REPORT

Reasons for referring the application to Committee

The associated planning application (23/03558/EFUL) is being reported to Committee.

Site Description and Proposal

The application site boundary covers a large part of the Recreation Ground. The boundary extends to include and is coincident with the footprint of the proposed new stadium and associated works (23/03558/EFUL). Notwithstanding the application site boundary, the scope of the works covered by this application for Listed Building Consent are limited to:

- o the demolition of the existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary)
- o construction of permanent North Stand within the curtilage of the listed wall structure and Presidents Lounge.

The listed wall structure is the boundary wall of the garden of 9 Johnstone Street (part of the Grade I terrace that forms the western side of Johnstone Street). The wall extends west from the rear of 9 Johnstone Street to Spring Walk and forms the southern boundary of the Beazer Maze.

The 'President's Lounge' refers to a Grade II listed former Lime Kiln located within the Recreation Ground and connected to Johnstone Street at the southern end of the street.

The application site as a whole forms the setting to a number of designated heritage assets including to the north Johnstone Street, Great Pulteney Street and Pulteney Bridge (all Grade I listed); to the west Grand Parade (Grade II listed) and, beyond, Bath Abbey (Grade I); to the south North Parade Road bridge (Grade II listed); to the east villas along Pulteney Road (Grade II listed); and Parade Gardens (Grade II listed Registered Park and Garden) on the west side of the River Avon. The Recreation Ground is located close to the centre of Bath, within the Bath and Great Spa Towns of Europe World Heritage Sites and within the City of Bath Conservation Area.

Planning History

There is no planning history relating to the erection of the Clubhouse building or works to the boundary wall. The Clubhouse was erected in the 1970's.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - no specific comments on this application

B&NES Historic Environment - no specific comments on this application

19 objections and 2 comments in support have been received.

POLICIES/LEGISLATION

National Policy

National Planning Policy Framework (December 2024) and the National Planning Practice Guidance are to be awarded significant weight in the determination of this application. Of particular relevance is chapter 16: Conserving and enhancing the historic environment.

Development Plan

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The Development Plan for Bath and North East Somerset comprises:

Bath & North East Somerset Core Strategy (July 2014)

Bath & North East Somerset Placemaking Plan (July 2017)

Bath & North East Somerset Local Plan Partial Update (2023)

West of England Joint Waste Core Strategy (2011)

Made Neighbourhood Plans

The West of England Joint Waste Core Strategy and Made Neighbourhood Plans are not relevant to the determination of this application.

The following policies in the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update of particular relevance to the determination of this planning application:

HE1 Historic Environment

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that 'in considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The NPPF (para. 207) states that, in respect of proposals affecting heritage assets, in determining applications local planning authorities should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para. 212). Any harm to, or loss of, the significance of a designated

heritage asset should require clear and convincing justification (para. 213). Substantial harm to or loss of assets of the highest significance (Grade I and II* listed buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites) should be wholly exceptional. Substantial harm to or loss of other designated heritage assets (Grade II listed buildings or Grade II Registered Parks and Gardens) should be exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal (para. 215).

Where it is attached to the wall it is proposed to remove the existing Clubhouse structure without demolishing the wall, and to make like-for-like repairs as and where necessary following its removal. The submitted Heritage Impact Assessment states that the boundary wall to which the Clubhouse is attached is heavily altered and sections were rebuilt in the late 20th century. The proposed scope of works are limited and subject to details of the methodology for the removal of the Clubhouse and any restoration/rebuilding works required to the retained wall, it is considered that they will not affect the significance of the Grade I listed terrace. By demolishing the existing Clubhouse and providing a clear separation of the new stadium from the adjoining heritage assets it is considered that this element of the setting of the curtilage listed boundary wall will be enhanced.

This application also includes the removal of the existing temporary North Stand and construction of a permanent North Stand. The proposed North Stand will be located closer than the existing Clubhouse and temporary stands, within 2.25m at its closest point (the upper tier of the stand) although at Concourse level this is 3.75m at its closest point (widening to 7.0m) to allow for pedestrians to walk around the Lime Kiln. The HIA identifies 'no harm' to this heritage asset however it is considered that the proximity of the new stand will affect its setting and accordingly there will be some limited harm to its significance and at the lower end of less than substantial. The removal of the temporary stands from the setting of the Lime Kiln is considered to be a benefit of the proposed development. Taken together with the other public benefits of the wider development (associated application 23/03558/EFUL) it is considered that the harm to the heritage asset is outweighed by the public benefits.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Method Statement (Bespoke Trigger)

Prior to the demolition of the existing Clubhouse building a Method Statement setting out the steps to be undertaken to remove the building without causing damage to the listed wall shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 and Policy HE1 of the Bath and North East Somerset Local Partial Plan Update.

3 Stone repairs and Mortar Mix (Bespoke Trigger)

No masonry repairs or re-pointing shall be carried out until a report setting out detailed plans, repair methodology and a specification for the stone, mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for inspection and retained for reference until the work has been completed. The report shall be submitted for approval in writing by the Local Planning Authority. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the Bath and North East Somerset Local Plan Partial Update.

4 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

4698-KE-XX-XX-DR-A-10000-S2-C6, 4698-KE-XX-00-DR-A-13000-S2-C4, 4698-KE-XX-XX-DR-A-20001-S2-C5, 4698-KE-XX-XX-DR-A-42003-S2-C4, 4698-KE-XX-XX-DR-A-42008-S2-C4