

B&NES planning department reference 19/03133/SCOPE

Comments by Pulteney Estate Residents' Association (PERA) on the EIA Scoping Report submitted by Arena1865 in July 2019

PART I – EIA PROCESS & GENERAL ISSUES

1. Consultation

We have previously indicated our intention to comment on the EIA Scoping Report of July 2019 (“the EIA Report”) submitted by Turley on behalf of Arena 1865. The B&NES planning consultant (Gwilym Jones 01.08.19) has suggested that it is not B&NES policy to consult non-statutory consultees on the submitted EIA Report. However, there is nothing in the EIA Regs 2017 that excludes the consultation of individuals or bodies that will be affected by a proposed development. The EIA process has the overriding aim to provide an EIA which will meet the objectives of the EIA regulations. It is clear that:

- (i) The proposed development on the Recreation Ground, within the Bath World Heritage Site, is of major local, national and international significance and requires a comprehensive and thorough review of EIA criteria in full consultation with statutory bodies AND local groups. If B&NES has a policy on EIA consultation which excludes local groups and individuals it needs to be changed to allow proper consultation on the EIA. This is a unique situation. No development proposals in Bath have taken place under the current EIA regulations in a location which so affects the historic Georgian centre of the city and its green setting.
- (ii) The major development being proposed has the potential to have far-reaching impacts on the environment and thus on the economic and human health of Bath and its citizens, B&NES has a special duty to the public to ensure that EIA is effective and gives due regard to all the complex and often exceptional features of the environment in the World Heritage Site where development is proposed.
- (iii) The B&NES scoping ‘outline’ of 2013 is now out of date in terms of coverage and recent legislation. It is in the interests of all parties to ensure that the EIA scoping opinion is up to date and comprehensive, not least to ensure that it will stand up to any future legal challenge.

In all the circumstances it is suggested that B&NES councillors and officers would be failing in their duty if they did not consider reasoned comments on the EIA Scoping Report. It is suggested that any decision to take PERA’s considered comments into account is taken at the highest level in the Planning Department and with consultations with local councillors.

2. General

The EIA Scoping Report is generally deficient in various respects including at least the following:

- (i) It fails to adequately describe the nature and purpose of the development as required under S15(2)(ii) EIA Regs 2017. *Inter alia* the description is inadequate in failing to identify the nature or purpose of the development or adequately set out the main environmental consequences. It is apparent from the report that the proposed development is not a sports stadium with relatively less significant ancillary uses. **On the contrary, the proposed development is a large complex of commercial facilities (retail, hospitality, leisure – see para 5.16**

of EIA Report) and extensive car park, incorporating an essentially ancillary sports stadium. This is clear from the fact that usage as a sports stadium is apparently envisaged for perhaps about 15 to 20 days a year, whilst the commercial facilities and car park may apparently be envisaged for use 7 days a week, 52 weeks a year.

- (ii) The EIA Scoping Report does not adequately explain the likely significant effects of the development on the environment as required by S15(2)(iii) EIA Regs. 2017. This is applicable in all of the headings within the report. The EIA Report refers only to rugby matches and does not define or consider events other than this. It should define and be specific about other uses as both usage patterns and clientele will vary according to the nature of event. “Cultural” events cover a wide range so traffic, noise, nuisance, lighting, spending patterns will differ and cannot be extrapolated from 15 rugby matches and an online-survey of rugby attendees. The obviously extensive impacts of the proposed car park element are not explained in any detail. A number of further specific examples will be given in Part II of these comments.
- (iii) The EIA Scoping Report does not include any material to identify any reasonable alternatives as required pursuant to Schedule 4 of the EIA Regs 2017 and specifically does not contain “an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects”.
- (iv) The EIA scoping process as set out in the EIA Report, and as confirmed by the B&NES email of 01.08.19, is deficient in failing to include the Highways Agency as a Statutory Consultee. Schedule 4 Para (g) EIA Regs 2017 states that consultation with Highways England is required when “Development other than minor development that is likely to result in an adverse impact on the safety of, **or queuing**, on trunk roads.” [Emphasis added]
The proposals for 680 car parking spaces is likely at busy times to impact on the North Parade Road junction and will likely cause tail-backs to the junction at Bathwick Street/Beckford Road/A36. This makes Highways England a Statutory Consultee.
- (v) The EIA Report Chapter 2 erroneously identifies the baseline for assessments as the current West Stand and the current East Stand. **This is incorrect.** The East Stand, North Stand and the West Stand are the subject of temporary planning consents (referred to herein as the “2016 consents”) which permitted increases in their heights only on a temporary basis pending the proposal of new development plans for replacements. These applications were allowed on the basis that they were temporary and as a result full EIA was not carried out. Treating the baseline as the current stand heights would leave EIA fatally flawed because the element of development (in particular effects of changes allowed by the 2016 consents) would not have been part of any EIA – the EIA process for these parts of the changes would have been circumvented. It follows that the baselines for assessments are as follows:

Winter: The West Stand as it was before 2016 and the North and East Stands as they were before 2016 (hereafter the “2015 heights”).

Summer: The 2015 heights of the West Stand and North Stand, with the East stand removed and replaced by reseeded grass as per the applicable planning decision.

This is discussed further in Part II under chapter 2.

Use of a baseline other than the 2015 heights and capacity would clearly be procedurally defective. See under chapter 5 in Part II for further comments.

- (vi) The EIA Report should include a detailed demolition and construction appraisal and timetable schedule.
- (vii) A local impact management plan should be in the EIA Report – not currently mentioned.
- (viii) The EIA Report should in each chapter identify clearly the relevant legislation and standards rather than referring vaguely to unspecified “relevant ...legislation”.
- (ix) The EIA Report should also specify the methodology to be used for technical assessments.
- (x) There is no mention anywhere in the EIA Report of the management of coach traffic to the Site, whether daily sight-seeing coach traffic, coach traffic to specific non-rugby events or coach traffic to rugby matches. This is an omission and should be covered in the EIA Report, together if appropriate with any cumulative impacts.
- (xi) The EIA Report makes various references to the radial gate but does not address this issue adequately. Because (a) the gate represents a flood risk to much local property if the gate becomes stuck in the shut position and (b) the Proposed Development will permanently obstruct current Environment Agency right of access for heavy machinery across the Rec, it is essential that the radial gate is thoroughly addressed in the EIA Report and also that a development management plan is devised which is not able to leave the radial gate in position without the Environment Agency access being available across the Rec. In other words, any proposal in which the proposed development at the Rec takes place without first removing the radial gate will be legally flawed because it increases the flood risk to receptors upstream of Pulteney Bridge.
- (xii) Temporary arrangements for displaced activity during the period when the proposed development is in construction, including any cumulative effects, need to be included.
- (xiii) The assumption that the proposed development will be for 100 years is not realistic and the EIA Report should address the issues associated with replacement of major parts, including replacement and disposal of the proposed pitch, and demolition at end of usable life.
- (xiv) The following aspects are missing and should be covered in the EIA Report:
 - a. Daylight, Sunlight and overshadowing – particularly relevant in view of proximity of development to properties on Johnstone Street, Great Pulteney Street and Pulteney Mews
 - b. Wind microclimate – in view of the introduction of a tall structure into this previously open space.

[By way of example these items are included in the EIA Report relating to the development of the stadium at Stamford Bridge, Chelsea, London, which is similarly a site within a city location having nearby residential properties – although not with the huge heritage significance of the Recreation Ground and Bath.]

- (xv) It is noted that references are made in more than one place to pre-existing agreements between the applicant and B&NES. Transparency of the planning process requires that all such agreements – whether mentioned in the EIA Report or not and whether currently existing or agreed in future - are fully disclosed to the public. In the interests of transparency agreements with other public bodies involved should also be disclosed.

In particular: reference to agreement with Environment Agency in para 3.7 of the EIA Report); reference to an agreement with B&NES on noise levels (para 14.1); and reference to agreement with B&NES on a town centre uses assessment (para 2.27).

- (xvi) It is noted that the documents on file do not explain Arena 1865's status with regard to any right to or in the Site and thus with regard to their ability to direct and control the organisations or individuals who would perform EIA assessments and/or be responsible for implementation of mitigation measures, site control etc.
- (xvii) PERA strongly supports the proposal by Heritage England that the applicant should as part of EIA erect a structure illustrating the mass of the proposed development and its impact. This would greatly assist all parties and the public in understanding the potential impact of the proposed development.

PART II – SPECIFIC ISSUES

Chapter 2 – Approach to EIA

With reference to paras 2.34 to 2.38 it does not follow from the temporary 2016 Consents that the baseline for assessments is the current site conditions. It is clear from the temporary consents that they were not being considered in any way as “permanent” structures and that they were being allowed merely to allow a little more time for a full stadium application to be submitted. Comments by consultees leading to the 2016 consents were given on the basis only of temporary consent and the reinstatement of the 2015 heights at the end of the term of the temporary consents. It was clearly understood by consultees at the time that consultation comments were made on the basis that the consent was for a fixed period of time. For example, Historic England (21/01/2016) comments explicitly noted that the 2016 proposal for the West Stand *“is for a temporary period of 4 years and at the end of this period the smaller capacity stand will be reinstated”*.

Contrary to the suggestion in EIA Report para 2.37 the proper baseline of the 2015 heights does not create an “unrealistic and purely hypothetical scenario” but is exactly what was foreseen by the temporary permission at the time. With reference to para 2.38, it was known at the time that the consent was only temporary and this is set out clearly even in the passage quoted by the applicant in para 2.35. It always has been obvious that the baseline was the 2015 heights. They were not required to carry out full EIA in 2016 on the basis that the consent was only temporary – carrying out EIA on the basis of the current stand heights rather than the 2015 stand heights would clearly be an abuse of process since EIA on the proportion of development carried out in 2015 would have been evaded. **Following that irrefutable logic, it is not open to the LPA to allow use of the current stand heights as baseline or as a proxy for the baseline for ‘occupancy’ capacity.**

Chapter 4 – Description of Proposed Scheme

The description of the proposals is in vague generalities which do not provide a suitable basis for considering the appropriate EIA criteria. The EIA Report should include a detailed description of the physical characteristics of the whole development, including requisite demolition works, and the land-use requirements during the construction and operational phases, and a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; and an estimate, by type and quantity, of expected residues and

emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases. This information required pursuant to the EIA Regs 2017 is specified with the statutory objective of achieving the necessary robust EIA process – it is not optional.

The number of EIA Report omissions is too many to mention but by way of example a fundamental area is the complete absence of any description of the main characteristics of the operational phase including use by Bath Rugby and other events winter and summer and especially with reference to the proposed car park, proposed retail/restaurant/commercial premises, hospitality facilities etc.

The same inadequacies apply to the requirement to describe reasonable alternatives with reasons for selecting the chosen option; the relevant facts about the demolition stage; and the cumulative effects with any temporary arrangements.

There are no details of the proposed artificial playing surface. These should include environmental impact/cost of construction, transport, installation, maintenance, life expectancy and end of life disposal.

Chapter 5 Landscape and Visual Amenity (including Arboricultural considerations)

The entirety of this chapter lacks the necessary detail for carrying out effective EIA and much more detail is required.

Para 5.4 is worded in vague generalities, but a major omission is the category of views from outside the city in to certain key heritage buildings (especially Pulteney Bridge, the Abbey and Johnstone Street) – see also comments below on Chapter 6.

This is a chapter where the defects of the baseline proposed by the applicants are particularly apparent. Before the temporary upward extension of the West Stand in 2016, the colonnades under Grand Parade could be seen quite well from various locations on nearby parts of the setting of the WHS at Bathwick Fields. Currently, the colonnades are virtually obscured by the temporary upward extension, and yet this impact will never have been considered in EIA if the applicant's proposed baseline is adopted. **This example clearly demonstrates how the adoption of the applicant's proposed baseline would potentially leave the EIA process fatally flawed.**

The use of desk-based studies for work relating to LVIA is inappropriate in the context of the significance to the City's WHS listing of the city's setting and its relationship with the historic city and more substantive methods should be required.

Chapter 6 – Built Heritage

This chapter lacks much detail necessary for carrying out an effective EIA and much more detail is required. This is even more important when seen in light of the national and international importance of the Built Heritage impacted.

The associated Appendices 6A to 6C are defective in defining much of the eastern and southern parts of Bath's WHS setting as not being significant whereas in fact they are very significant. For example wide swathes of Bathwick Fields are whited out whereas much of this area affords the best views of Pulteney Bridge from the entire WHS setting. See also comments on Chapter 5 with regard to the Colonnades much of which was visible from Bathwick Fields before the temporary 2016 extensions were added.

Examples of relevant areas that are currently ruled out but should clearly be included are:

- the parts of Widcombe Hill above Smallcombe Lane (views into the centre of Bath; important location due to Skyline path extending up from Smallcombe Lane and diagonally across the upper field to the stile at Widcombe Hill. This area is mostly within the 500m radius but is whited out in Appendix 6.
- Locations around North Road, Cleveland Walk that are currently whited out in Appendix 6 but which have views of the Site (within the 500m radius).
- Views to/from Sham Castle – slightly outside the 500m radius, but of enormous significance in view of its 18th century construction and existence as a structure viewed continuously from central Bath for 250 years.

Para 6.5 attempts to suggest that views from outside 500m are not relevant. The topography of Bath and its setting and the overwhelming national and international importance of the WHS of Bath and its setting make this approach unacceptable. All locations from which the Site itself can be seen or which will have views impacted upon should be considered, and the arbitrary 500m radius should be extended to include these viewpoints, buildings and features.

Para 6.8: we strongly disagree with the statement that only “limited weight” should be given to the draft designation of the Great Spas of Europe (including Bath). The draft designation is based on extensively and carefully researched documentation prepared by Heritage specialists – failure of Bath to achieve designation as a result of the proposed development would be severely detrimental to Bath’s reputation and economy (on a scale out of all proportion to the economic relevance of Bath Rugby to the city), and the draft designation and underlying documentation should be weighted accordingly in the EIA process (as well as the eventual application process).

The LVIA Baseline Summary referenced in Chapter 6 and given in Appendix 5 requires extensive revision. It is clear that the selection of Susceptibility and Sensitivity levels has been carried out without reference to the context and particular significance of the Site location. Whilst in terms of area the size of the Site may be smaller than the city, appropriate account must be taken of the overriding significance of the location and its impact, being in and around a part of the historic centre where by far the greatest number of tourists visit and with the most significant and closest link between the City and its green setting. Both a leading location underpinning the reason for the listing of Bath within its setting, and a leading location in terms of visitors appreciating the significance of the relationship of the city to its setting. Specifically, at least these Receptors require review and correction:

- Overall city: The stated “Site contribution” is understated (“Small element of open landscape east of city centre, with some built form”). When properly weighted according to significance within the historic city the Value should clearly be Very High, the Sensitivity should be High to Very High, and the Susceptibility should clearly be Very High
- Open landscape south east/ east of city: For the same reasons (being the counterpart to the view from the Abbey, Pulteney Bridge and the Colonnades at Grand Parade) the Value should clearly be Very High, the Sensitivity should be High to Very High, and the Susceptibility should clearly be Very High. The sensitivity and susceptibility are immediately apparent if the relevant component parts (Georgian terrace on the hillside; visible green hillside, and Sham Castle at the top – a view relatively unchanged for 250 years) are considered. Further comments under Chapter 5.

- Recreation Ground and River Corridor: again, significance is understated. These are green infrastructure that is an integral part of the WHS listing. The “poor existing built form” is apparently weighted disproportionately relative to the far more significant favourable points.
- Eastern edge of city centre: This includes views to Pinch’s church at St Mary Bathwick as well as to the Grade I listed buildings close to the Recreation Ground. It is abundantly clear from the discussion in Chapter 6 that the Value should clearly be Very High, the Sensitivity should be Very High, and the Susceptibility should clearly be Very High. These are significant elements of the WHS listing which under NPPF are worthy of the highest level of protection.
- Parade Gardens: Once again, Value, Sensitivity and Susceptibility all incorrectly understated.
- East of city centre and eastern suburbs: Although this is not clearly defined in the table, this appears to be the area in which Pinch’s church at St Mary Bathwick and the Grade I listed buildings at Johnstone Street and Great Pulteney Street are actually located (in contrast to E “Eastern edge of city centre”). In view of the heritage significance of these buildings per se and also their significance to the Conservation Area and the WHS listing, the Value should clearly be Very High, the Sensitivity should be Very High, and the Susceptibility should be Very High.

Lighting: the effect of current lighting (page 4 of LVIA Baseline Summary) is exaggerated in some locations and it should be pointed out that the number of times and hours the Rec is currently lit may be relatively low compared to the proposed future uses (eg apparently proposed daily lighting of premises along the river front. The area lit would also presumably be different. However, the absence of adequate information about the nature and extent of proposed lighting of the car park, hours of usage, number of other events etc currently makes EIA unachievable in any meaningful way.

Highways department are currently fitting street lighting with baffles to reduce spillage and being made more wildlife-friendly as older lighting is replaced. Generally light levels in the eastern part of the city are lower than stated.

The table entitled “Visual context identifying zones of visibility” is full of errors, all of which appear to result in understatement of the nature of the views. This table has perhaps been prepared using a desk-based assessment – it should be carefully reviewed and revised through site visits to the locations in question to ensure that EIA can be done effectively taking proper account of all the locations.

The table entitled “Representative viewpoints – baseline summary table” in the LVIA Baseline Summary is similarly full of errors, many of which appear to result in understatement of the Value, Susceptibility, Sensitivity and Nature of the views at the key locations. Lines 1 to 8, 14 to 20, 22 to 25 appear particularly inaccurate with regard to Value, Susceptibility, Sensitivity and Nature of the views. This table has perhaps relied too much on desk-based assessment – it should be carefully reviewed and revised through site visits to the locations in question to ensure that EIA can be done effectively taking proper account of all the locations.

The table entitled “CITY OF BATH WORLD HERITAGE SITE SETTING - SUPPLEMENTARY PLANNING DOCUMENT - Site: Bath Recreation Ground” overstates the impact of topography – in many of the locations the topography enables relevant parts of the historic city to be seen. Also, in various locations the effect of vegetation is overstated whilst in other locations vegetation is relevant only in the summer months and there are wider views from Autumn to Spring – this should be taken into account in the EIA. **By way of**

example, Sham Castle is listed only as “High”, Mod, Mod/high, when clearly this is one of the most important linked views to/from the city and should be “Very High” for all.

As mentioned in Chapter 5, additional representative views are required to take account of key heritage buildings within the city, rather than simply panoramic views of the city itself. Specifically this should include at least views from the setting (Bathwick Fields, Widcombe Hill) to Pulteney Bridge, the Abbey, the Colonnades at Grand Parade, and grade I listed buildings at Johnstone Street/Great Pulteney Street, and EIA should separately assess impact with specific reference to these heritage assets. This should be additional to and independent of a general view from Bathwick Fields (View 24) and should include parts of the Skyline Walk remote from the location of View 24 which is right at the edge of Bathwick Fields.

By comparison to other cities, Bath cannot be regarded as “highly lit” (Night time views). The relatively low light levels of the city, and especially the eastern suburbs, are a feature of the Conservation Area – proper determination of baseline and impact must be covered.

All viewpoints should be shown without the East Stand in place as well and of course the baseline for impact assessment should be the 2015 heights.

Chapter 7 Archaeology

This chapter omits important background and detail. One example is provided here, but this is merely illustrative.

Para 7.21 refers to the nearest Romano-British archaeology as being 250m away. This underplays the records of Roman activity in the area. It doesn't take account of various wider context facts – tessellated Roman floor found about 200m from site (see KYP 1872/3)- clearly residential activity; Site of Roman ford north of Pulteney Bridge and likely Roman road – about 150m from Site (Somerset HER 60211 and 60212). Site of Ferry from Boat Stall Key ca. 100m from Site (Somerset HER 61638) shown on 1832 Map as “Roman Ferry”) to opposite side landing at location on or close to the site. Roman urn and skeleton found in Henrietta Park (Somerset HER 60223) 200m away from Site 1815; Roman coin found in Henrietta Park ca 150m from Site (Somerset HER 62038) 1964; Roman Burial Sydney Wharf Somerset HER 66574 1819; Roman sarcophagus in wall of St Mary's churchyard found at bottom of Bathwick Hill ca. 100 m from Site (report of Rev HM Scarth to Somerset Archaeology Society, 1854).

The proposed extensive reliance on desk-based assessment is excessive in view of the fact that the Site is a previously largely undisturbed area within a few meters of multiple significant Romano-British remains at the Baths and around the Abbey.

Chapter 8 Ecology and Nature Conservation

This chapter lacks important detail that is particularly important in carrying out the EIA. Illustrative examples are provided below but a much more comprehensive approach is required across this important EIA aspect. Once again it appears that information about the background has been generated by desk-based assessments - because of the already-known ecology of the area, including protected species, proper surveys should be carried out by appropriate specialists. It appears that bats on the Recreation Ground away from the riverside have been largely involved. In fact there are bats of various species (Common and Soprano Pipistrelles, Serotines at least) around the Rec including near the Cricket Pavilion

and evidence is available of brown long-eared bats roosting in a vault on the south side of Great Pulteney Street close to the Site.

Receptors should be properly identified in order that impact can properly be assessed in EIA. With reference to para 8.4 of the EIA Report, noting comments by Canal and River Trust (CRT), the River Avon should be designated as a pollution receptor. CRT require that there should be no increase in microplastic and heavy metal concentrations in the River Avon. This should be included and addressed with reference to plastic fibre content of the hybrid pitch and the particulate production of the planned car park. The Applicant should state how base level testing will be carried out, what mitigation attempts will be attempted and how future monitoring will be achieved.

The Applicant should also include an estimation of the ecological damage to be caused by both construction and operation of the planned scheme to soils and grass ecology and all associated biological systems. This should include the removal from use of the entire Recreation Ground, for a minimum period of two years, by a temporary pitch which it has been suggested may be used during construction. The cumulative effect of construction phase with any temporary use of another part of the Recreation Ground would need to be covered in any EIA process, if the process is to be valid.

In view of the special important of the Bat SAC and the narrowness of the foraging corridor adjacent to the site, the impact assessment should evaluate the risk of potential severing of the corridor along the river due to the lighting and human activity/noise (bars, cafes etc) and propose mitigating measures to avoid this.

The EIA process should include an assessment of the cumulative effect on ecology of all of the impacts of the proposed development, including construction, operational phase, traffic, air quality, interruption of nocturnal corridors (river corridor; also Rec/Henrietta Park/Sydney Gardens)

The EIA Report should include proper detail of the scope and methodology of further surveys to be carried out in EIA, and there should be surveys relating to all the relevant receptor wildlife species on or near the Site. The EIA Report should include a clear framework for reporting, including requirements for detailed proposals for the humane methods and timings to be used to displace wildlife from the Site, especially protected species such as house martins nesting on Site and on the Leisure Centre wall immediately overlooking the Site, and any roosting bats. Alternatives and mitigation methods should be addressed.

General references to guidelines which may include multiple alternatives are not sufficient and more detail should be provided.

Chapter 9 Hydrology, Flood Risk and Surface Water Drainage

This chapter is of great importance in view of the location of the Site immediately adjacent to a major river, the fact that the Site is at risk of flooding, and the potential for any development to impact on the fragile and sensitive local area and heritage architecture.

Relevant legislation and other guidance to be complied with must be identified.

The relevance of relative timing of the Proposed Development with removal of the radial gate should be covered. Developing a permanent structure at the Site which blocked the Environment Agency's current right of access to the radial gate across the Rec would prevent access of large machinery to the radial gate. If the radial gate fails in the closed position, this could impede river flow when the river is at flood levels, which could increase

flood risk to homes upstream of Pulteney Bridge. It follows that restriction of EA access across the Recreation Ground would impermissibly increase the risk of flooding. It should be noted that the area immediately upstream includes three facilities housing the vulnerable elderly which are at high risk of flooding, as well as hundreds of homes.

There is inadequate detail on methodology and scope, and there is excessive reliance on desk-based assessments.

There is a complete absence of necessary detail in relation to drainage, and this is particularly important bearing in mind the enormous increase in usage of the Site, the change in the type of usage, and the introduction of multiple sources of potential pollution of various kinds onto the Site.

The relevant legislation and guidance relating to drainage should be identified, and appropriate scope and methodology of assessments provided.

The Kennet and Avon Canal and Navigation continue from the confluence of river and canal to Hanham Lock. Pollutants from the scheme will affect both river and canal. Illustrative examples relate to particulates and heavy metals. The applicant should study both construction and operation phase for production of microplastic particulates and heavy metal pollution and state how these will be prevented from entering the river/canal environment.

Chapter 10 Hydrogeology and Hot Springs

The Hydrological and Hydrogeological studies should include a detailed examination of the Groundwater flows through the site. The scheme intends to introduce highly invasive structures and construction techniques into an area in very close proximity to Historical, Heritage assets of World importance. These are extremely sensitive structures which show signs that the subsoil has been subject to subsidence. The developers must be required to carry out appropriate assessments in the EIA process to show that the disturbances of construction and the long term disruption of groundwater flows by the scheme will not affect these sensitive and irreplaceable structures.

At present it is clear that methodology has not yet been decided (para 10.3). The extensive use of desk-based assessments to establish baseline conditions is not appropriate given that (a) there is historical evidence of water courses across the Rec and (b) there is clear potential for disruption of footings of Grade I listed buildings adjacent to the site if hydrogeology studies are not done to sufficient standard. For the EIA process to be compliant, relevant legislation should be identified, proper surveys should be done to establish baseline conditions, and details should be given of scope and methodology to be used.

The receptors should be identified and the most sensitive ones highlighted. Those that are most sensitive in this unusually sensitive heritage location will require additional evaluation of impact and require extra mitigation – a suitable framework for this should be set out in the EIA Report.

In general this chapter seems to give more attention to the possibility of hot springs than it does to the possible impact on the exceptional heritage architecture adjacent to the Site, and greater attention is required to the built environment.

Chapter 11 Traffic and Access

Traffic and Access will likely be the most significant impact of all environmental impacts caused by the proposed development in view of the inclusion of a 680 space car park. The EIA requires far more information than currently provided. Relevant legislation, policies and guidance should be identified and its relevance indicated. Methodologies should be identified rather than being referred to in broad terms leaving them to be selected later.

With reference to paras 11.30 and 11.35, the transport analysis should include the planned “Cultural” use beyond the use as a rugby stadium as well as usage as a public car park per se. The patterns of travel and demographic spectrum of those attending will be quite different according to the event being staged. The operating hours of the car park should be stated and whether it will continue to be available to the public attending both matches and events. If closed during events, then consideration should be given to the mitigation of the impact of 18,000 attendees, several thousand more than the capacity with the 2015 heights which are being suggested as the baseline. The developers will be inviting a very large number of extra cars into an area already suffering poor parking provision and access. The EIA should include studies of particulate pollution, heavy metal production nitrogen oxides and the long-term health risks to residents and attendees.

Similar considerations apply to the use of the car park as a public car park per se. Since this will likely be the prevalent use of the car park, full detail must be provided on operating hours, parking arrangements, access arrangements, type and hours of lighting, security arrangements to name but a few.

Details should be provided on access and management of coaches – not just for rugby matches but also for all other uses.

Overall, Chapter 11 is lacking in much essential detail about how appropriate baselines would be determined, how impact will be assessed, and how the impacts can be mitigated. There is a complete absence of any clear proposal as to how the effects on flows of traffic on key roads will be assessed. The closest and likely most impacted junctions and roads (especially Junction of North Parade Road and Pulteney Road but also Pulteney Road; Darlington Street/Sydney Place) require separate and much more detailed consideration than currently suggested. As noted above, it would appear that Highways England should be a statutory consultee in view of impact on queuing traffic on Pulteney Road and on Bathwick Street/Beckford Road junction.

Impacts on residential streets around the main routes, for example rat-running and parking on match days when public car park may not be available, must be included in the EIA assessments.

The proposed reliance on existing car park data (para 11.8) is inappropriate – this doesn't take account of the many other parking spaces (on-road bays; private residential parking; office/employer parking) in the city and the behaviour of those who use them. Camera locations used to collect ANPR data for CAZ investigations did not allow sufficiently granular detail to determine routes taken between road camera and car park camera. Any data that has been measured by B&NES should be made available on the public file identifying which data was used and how.

Cumulative assessments with reference to other car parks are irrelevant to the EIA – it is BANES policy to reduce car parking spaces in central Bath.

Assessments and methodologies should be properly identified and should include the impact on the access roads to the Site (from Cleveland Place/Bathwick Street/Beckford

Road/Sydney Place/Darlington Street/Pulteney Road/Bathwick Hill and roads through Widcombe).

Assessments of impact should include the uplift in rugby traffic resulting from the 2016 Consents.

Chapter 12 Socio-economics and human health

With reference to point 12.1, the Site is not in Abbey Ward but Bathwick Ward. At least paras 12.1 to 12.8 need to be re-written based on the corresponding conditions in Bathwick Ward, and other paras of Chapter 12 that have relied on Abbey Ward data require careful review and correction accordingly.

The suggestion (para 12.13) that a large car park operating 365 days a year and multiple commercial premises some licensed will not result in any increase in crime is completely implausible. A proper assessment of the crime baseline and likely impact should be required in the EIA process.

Chapter 13 Air Quality

This Chapter is of enormous importance given the poor air quality of Bath, which includes an AQMA. The access roads to the Site have NO_x levels which are close to or above the legal limits.

Reference should be made to the emerging evidence of microplastic particle production by transport (braking and tyre wear) and the frictional erosion of plastic fibres contained in the proposed hybrid playing surface. Both are specifically mentioned in E.U. SAM Report- Environmental and Health Risks of Microplastic Pollution (6/2019). The DEFRA AIR QUALITY EXPERT GROUP Non-Exhaust Emissions from Road Traffic should be consulted as an example.

Given the lack of data regarding the events outside of rugby matches and the lack of information about general use of the car park, closure times, parking periods etc, this section is unsound and should be expanded to include all relevant information, covering all proposed uses and taking account of the details of each use.

The list of proposed receptors para 13.3 is wholly inadequate. It should include Widcombe Junior School and Bathwick St Mary's Primary School in view of the exceptional sensitivity of children in the age groups attending these schools, potential life-threatening and life-limiting effects of poor air quality, and the elevated risk of long term health deficits to this group when exposed to poor air quality.

The proposals for methodology and assessment criteria should be made public (para 13.7).

At the very least, an evidence-based approach should be taken to determining baseline levels of PM and NO_x. Desk-based assessment using data collected for other purposes and computer-modelling using data from distant sites are insufficient. In the case of the two schools, there is no local data for particulates. It is submitted that for these school sites specific determinations of baselines should be obtained as follows:

The baseline roadside pollutant levels should be determined as the *de facto* NO_x and particulate levels during the times the school children are present at school, rather than annualised figures for comparison with EU annual limits. This will ensure that high pollution levels during the school day are not masked by low levels during the night (a defect of the diffuser tube data previously obtained outside Widcombe School for example). This is

necessary in order to reflect that EIA should determine the actual impact on these receptors, and not the impact as moderated by data from times when the children will not be present. That is:

- NO_x baseline should be determined in real-time for a substantial period, and schoolday exposure assessed
- PM_{2.5} and PM₁₀ should also be determined in real-time at both sites, not predicted from data determined from remote sites elsewhere in Bath. And, as above, schoolday exposure should be assessed.

The impact assessment on these receptors should similarly be calculated on the basis of actual schoolday exposure compared to this baseline. Methodology should be specified in the EIA Report.

The EIA should have regard not only to current EU thresholds for PM and NO_x but also to the WHO advice that the current PM_{2.5} limit is too high and that the limit annual mean should be no more than 10µg/m³.

Consideration should also be given to including as specific receptors requiring actual baseline measurements Grove Street/St John's Road, where it is to be anticipated that substantial increases in rat-running traffic would be caused by a large car park at the Recreation Ground, air quality is already anecdotally bad, and there are three key receptor sites with substantial numbers of elderly and/or vulnerable residents (St John's Court, Bridgemoor Nursing Home and Minerva Court) with statistically higher sensitivity than general population.

Para 13.4 suggests figures far too high as a threshold for study, when considered against the narrow main roads under consideration, the fragile Georgian terrace facades that front closely to the roadside on many of them, and the limitations on the options for soundproofing of listed buildings. The threshold in para 13.5 is likewise much too high. These roads include a number of areas where the distance of the nearest façade to the roadside is very small, and locations where the road is flanked on both sides by terraces so that they are susceptible to the "canyon" or "ravine" effect. Much more detail is required on the proposed methodologies, which should furthermore be carefully chosen to allow for the particular features of Bath Stone facades and their susceptibility to air pollution.

Chapter 14 Noise (and Disturbance) and Vibration

Para 14.1 suggests that there may be existing agreement with B&NES officers with regard to scope and methodology. If this is the case then any such agreement should be placed on the public record.

The details of the relevant legislation and guidance to be complied with are absent and should be specified as should be the locations proposed to be tested and the proposed times – currently little seems proposed other than some tests of PA noise during a rugby match. The objectives, the methodology for determining any changes in noise levels, the times and locations to be assessed all need to be covered.

It is a major defect that this chapter fails to cover in any meaningful way the question of how noise and disturbance will be predicted from the proposed car park, other vehicles such as coaches, and events other than rugby. These other uses will be for many more days per year than rugby.

As in other chapters, the baseline must be the 2015 capacity of the rugby stands and a lower baseline for summer events.

Cumulative impact of car park noise with event noise and disturbance must be covered.

There is insufficient about proposed assessments and methodologies for the construction phases and any cumulative effect with temporary displacement of any activities to neighbouring parts of the Recreation Ground during construction.

Chapter 15 Ground conditions, soils and contaminates land

This Chapter appears to imply intention to rely on various desk-based assessments. This is not appropriate and proper site surveys should be carried out in view of the nature and extent of the Proposed Development. It is noted that one of the Consultees has already highlighted a previous use that could give rise to heavy metal contamination. The surveys should cover a wide area – for example it is known that the Bath Pavilion was used as a factory for aircraft wings in WW2, whilst details of industrial or other potentially contaminating activities elsewhere on the Site including on the Spring Gardens Pleasure Gardens are sketchy and no assumption of lack of contamination should be made.

The relevant legislative background for Chapter 15 should be identified and proposed methodologies included in the EIA Report.

There is inadequate definition of receptors – these should be properly identified in order that EIA will properly consider each relevant receptor and can properly address mitigation.

A hybrid pitch would introduce a new and difficult-to-manage source of soil contaminant and potential pollution risk to receptors. This therefore needs to be addressed in the EIA Report.

Chapter 16 Lighting and Light Pollution

Relevant legislation, policies and guidance should be identified and its relevance indicated. Methodologies should be identified rather than being referred to in broad terms leaving them to be selected later.

Para 16.2 shows that only rugby use has been considered in the operational phase, whereas in fact rugby will be an infrequent occurrence compared to the daily impact of the car park. The impact of lighting during the operational stage both:

- For proposed car parking facility
- For events other than rugby

Is not addressed and this should be required before any EIA SO can be issued. This should include details of the use of the car park including hours of usage, turnover etc. Use for events other than rugby should also be included in the EIA Report.

Details of all assessments and methodologies should be provided for all uses in order to achieve compliant EIA.

Introduction/identification of receptors requires correction. Ecological receptors are not only along the river but also on the Site, and adjacent to it – eg around the Cricket Pavilion and Pulteney Mews (multiple bat species detected by echolocation frequencies in Summer 2019, and other wildlife); over the croquet area/old tennis courts/adjacent parts of Rec (almost certainly bat species of various kinds in line with most of Bathwick) and on the Leisure

Centre side facing the Site. Allowance should also be made for likely nesting/roosting on adjacent areas all around the Site.

In respect of lighting on the Site criteria should be required by EIA to be determined in accordance with Guidance Note 08/18 "Bats and Artificial Lighting in the UK". The "relevant standards" (para 16.6) should be specified otherwise the scoping opinion will be meaningless.

The significance of the river corridor as a foraging corridor for an important colony of rare bats at Bath and Bradford on Avon Bat SAC alone makes a far tighter definition of the objectives to be achieved essential.

Chapter 17 Waste

This chapter is virtually devoid of content and requires all relevant EIA aspects to be added in an appropriate level of detail.

Chapter 18 Climate Change

The absence of essential detail from every technical chapter has the result that Chapter 18 is unable to provide any meaningful content. It should be reviewed and made compliant with EIA Regs 2017 once defects in other Chapters have been remedied. As an illustration, an important omission from the list of contributions is the production, transport, installation, maintenance and end of life removal/recycling of a hybrid playing surface. This has a limited lifespan and replacement at intervals should be addressed. Microplastic particulates are known to have a contribution to climate change because of the effects on Marine ecology.

Chapter 19 Methodology for Assessment of Cumulative Effects

Once again, the absence of essential content for EIA in multiple other chapters results in the content of Chapter 19 lacking any concrete content. It should be reviewed and made compliant with EIA Regs 2017 once defects in other Chapters have been remedied.

Other headings

As mentioned in Part I above, the EIA should cover Daylight, Sunlight and Overshadowing; and Wind Microclimate.

Ian Herve – PERA Committee Member
Ceri Humphreys – PERA Committee Member
Peter Knight – PERA Committee Member

13 August 2019

For Pulteney Estate Residents' Association