

<b>Schedule of Complaints :</b>		<b>Section One – The Environment.</b>
<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>Environmental Impact Screening Process, letter Emma McMillan, ref F/84, dated 11<sup>th</sup> May 2006.</b></p> <p><b>See Appendix A.</b></p> <p><b><u>Location of Development</u></b></p> <p>Having Regard to the criteria set out in (a) to (c) of this part of Schedule 3 it is considered that the proposal is sited in such a location as not to have a significant impact on the environment.</p> <p>This refers to the environmental sensitivity of the geographical area likely to be affected by the development. However it is noted that the existing land use will be retained following redevelopment; and it is considered that the absorption capacity of the environment in this fairly densely populated area is such that the location of development would not give rise to significant effects.</p> <p><b><u>Characteristics of the Potential Impact</u></b></p> <p>Having regard to the above, and in particular (a) to (e) of this part of Schedule 3 it is considered that the proposal would not have an impact that can be regarded as 'significant' under the terms of EIA.</p> <p>The Transport Assessment Report September 2006, Page59, Section 10, Forecast Enabling Development Travel.</p> <p>Forecast trips associated with the proposed enabling development at the Stadium have been derived using survey information contained within the TRICS 2006(b) database for similar sites. The TRICS database provides trip rate information based on existing development traffic generation observed at similar sites throughout the United Kingdom.</p> <p>This section of the report provides the following information :</p>	<p><b>Circular 02/99: Environmental impact assessment Establishing Whether EIA is Required</b></p> <p><i>Development in environmentally sensitive locations</i></p> <p>39. In certain cases other statutory and non-statutory designations which are not included in the definition of 'sensitive areas', but which are nonetheless environmentally sensitive, may also be relevant in determining whether EIA is required. Where relevant, Local Biodiversity Action Plans will be of assistance in determining the sensitivity of a location. Urban locations may also be considered sensitive as a result of their heavier concentrations of population.</p> <p>40. In considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards are already being approached or exceeded. An example is where a proposed development might affect air quality in a designated Air Quality Management Area. Where there are local standards (for bathing water for example) consideration should be given to whether the proposed development would affect the standards or levels in those plans.</p> <p><i>Urban development projects (including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas)</i></p> <p>A18. In addition to the physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination (paragraph 41)</p> <p>Annex B: Selection Criteria for Screening Schedule 2 Development</p> <p>This is a reproduction of Schedule 3 of the Regulations (paragraphs 20 and 33)</p> <p>1. Characteristics of development The characteristics of development must be considered having regard. in particular, to</p>	<p><b><u>Complaint Number 1.</u></b></p> <p>Requests have been made for documentation supporting the decision that an EIA is not required. Bristol City Council has failed to provide such information.</p> <p><b><u>Complaint Number 2.</u></b></p> <p>Bristol City Council advised RPS Planning that an Environmental Impact Assessment (EIA) is not required for the proposed re-development (Letter F/84, 11th May 2006 refers). Bristol City Council concluded the screening process without ascertaining more details of the development proposals, or giving consideration to environmental issues as listed below :</p> <p>a) The planned re-development is slightly within a designated Air Quality Management Area (AQMA), the A38 Gloucester Road, as defined by Bristol City Council Air Quality Action Plan 2004.</p> <p>b) The geographical area around the Memorial Ground has not been adequately reviewed when considering an EIA. The area is a fairly densely populated residential area, with many narrow streets and some difficult to navigate road junctions.</p> <p>c) The parking surveys, as detailed in the Transport Assessments carried out on behalf of Bristol Rovers, shows the area affected by non-residential car parking to be quite extensive, even during low attendance matches.</p> <p>d) The re-development of the stadium increases capacity by 50%, with the potential to double traffic to/from the stadium.</p> <p>e) The daily traffic relating to the enabling developments has not been factored into the screening process.</p> <p>f) The one-way system for on-site traffic (over 1000 vehicles a day predicted) cuts the Air Quality Management Area and brings pollution to the rear of properties adjacent to the stadium.</p>

<p>Forecast Traffic Attraction</p> <table border="0"> <tr><td>Hotel</td><td>470 Trips Daily</td></tr> <tr><td>Restaurant</td><td>764 Trips Daily</td></tr> <tr><td>Retail</td><td>528 Trips Daily</td></tr> <tr><td>Offices</td><td>205 Trips Daily</td></tr> <tr><td>Nursery</td><td>134 Trips Daily</td></tr> </table> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Summary, Planning Policies :</p> <p>Policy L8 of the Bristol Local Plan is the key policy to be considered. The policy states that 'on land at, adjoining or associated with the stadia, development which supports the principal activity will be permitted, provided that:</p> <p>(i) Where development would not otherwise be permitted under the policies and proposals of this plan, there exists a need to undertake improvements to the principal facility,</p> <p>(ii) The amenity of the neighbouring uses would not be affected to an unacceptable degree by virtue of noise, or other disturbance,</p> <p>(iii) There would be no unacceptable impact due to additional traffic,</p> <p>(iv) The existing level of car parking serving the stadium would be maintained'.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Summary, Key Issues (B) Transport And Movement Issues :</p> <p>A Transport Assessment has been submitted supporting the application. This summarises the existing transport situation in the area, carries out detailed surveys of supporters travel habits, predicts the impact of the development and proposes detailed measures aimed at mitigating the impact to an acceptable level.</p>	Hotel	470 Trips Daily	Restaurant	764 Trips Daily	Retail	528 Trips Daily	Offices	205 Trips Daily	Nursery	134 Trips Daily	<p>a. the size of the development; b. the cumulation with other development; c. the use of natural resources; d. the production of waste; e. pollution and nuisances; f. the risk of accidents, having regard in particular to substances or technologies used.</p> <p>2. Location of development The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to-</p> <p>a. the existing land use; b. the relative abundance, quality and regenerative capacity of natural resources in the area; c. the absorption capacity of the natural environment, paying particular attention to the following areas -</p> <p>i. wetlands; ii. coastal zones; iii. mountain and forest areas; iv. nature reserves and parks; v. areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; vi. areas in which the environmental quality standards laid down in Community legislation have already been exceeded; vii. densely populated areas; viii. landscapes of historical, cultural or archaeological significance.</p> <p>3. Characteristics of the potential impact The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to-</p> <p>a. the extent of the impact (geographical area and size of the affected population); b. the transfrontier nature of the impact; c. the magnitude and complexity of the impact; d. the probability of the impact; e. the duration, frequency and reversibility of the impact.</p>	<p><b><u>Complaint Number 3.</u></b></p> <p>There is considerable information available on the Bristol City Website, and elsewhere, about the adverse effects of pollution on Health. For example, research carried out in North Bristol a few years ago by Southampton University with the support 21 local GPs, found a small, but significant number of residents with un-diagnosed asthma in a survey of 4800 people.</p> <p>Whilst the EEC has not drawn up regulations yet on carrying out 'Health Impact Assessment', Bristol City Council has a clear duty to obtain information on the 'Health of North Bristol Residents', especially those in the Air Quality Management Area. Bristol City Council has failed to meet it's obligations over health issues.</p>
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<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Summary, Key Issues (I) Environmental Issues :</p> <p>The proposal addresses issues of contaminated land, flood risk and air quality management (caused by increased vehicle trips and construction activities).</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report - Internal Comments BCC Air Quality Team :</p> <p>The Council's Air Quality team have assessed on the Air Quality Statement. The Air Quality Data has been questioned (the NO2 concentrations seemed a bit on the low side) but it has been concluded that otherwise there was nothing fundamentally wrong the information.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report - Environmental Impact Assessment.</p> <p>In this instance it was determined that as it is proposed to redevelop the existing stadium site within a built up area, provided that the key environmental impacts (traffic generation, noise, light pollution, residents amenity and visual impact) are addressed in supporting information, a formal EIA is not required.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report – Key Issue (C) : Air Quality. An Air Quality Impact Statement has been produced and the Councils Air Management Team endorses the</p>	<p><b>Bristol City Councils' Air Quality Action Plan for Bristol 2004.</b></p> <p>Appendix 2. Health Effects of Pollutants Regulated by the National Air Quality Strategy. <i>"Road transport is responsible for 70% of emissions of NOx (the pollutant that causes NO2) in Bristol. It can affect the lungs and airways when exposed over long periods or at high concentrations over a short period. NO2 causes inflammation of the airways at relatively high concentrations. There is evidence to show that long-term exposure to nitrogen dioxide may affect lung function, and that exposure to nitrogen dioxide enhances the response to allergens in sensitised individuals. The level of NO2 in outside air is probably causally related to cardiovascular deaths and emergency hospital admissions in older people, (etc)."</i></p> <p>Appendix 3. Summary of Air Quality Assessment and AQAP Assessment Methodology. <i>"The Stage 4 work led to some modifications to the AQMA with some minor boundary amendments and the extension of the AQMA along the A38 North. This extension, 50m wide on either side of the A38, was based on diffusion tube measurements and the likely exceedence of the annual mean NO2 objective."</i></p> <p><b>Bristol City Council : Road Traffic and the Environment</b></p> <p>Air pollution and climate change are the most harmful environmental impacts of increasing levels of road traffic.</p> <p>Poor air quality presents direct health risks. Over 200,000 people in Bristol live, work or go to school in areas where air pollution targets are not being met. Climate change is believed to be one of the most serious threats facing the world. Noise pollution is also becoming an issue of growing concern, as traffic continues to increase.</p> <p>The council is developing policies to tackle Bristol's three largest environmental threats:</p> <ol style="list-style-type: none"> <li>1. Air pollution – the council regularly monitors air quality and has developed an Air Quality Action Plan for Bristol.</li> <li>2. Climate change – more information on climate change and what is being done nationally to tackle its effects can be found at the Defra website. At a local level, the council aims to address climate change through its Climate Protection and Sustainable Energy Strategy.</li> <li>3. Noise pollution - the main source of noise in Bristol is road traffic.</li> </ol>	<p><b><u>Complaint Number 4.</u></b></p> <p>The Air Quality Impact Assessment report concentrated on air pollution from Traffic, and in particular, the overall levels of Nitrogen Dioxide (NO2). The Temple group used the methodology in Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3 to complete their calculations, but they did not adjust their calculations to the prevailing conditions.</p> <p>For example, traffic data and pollution figures used in their calculations were based on an average traffic speed of 50km per hour. Emissions from vehicles at 50km/hr is significantly less per kilometre traveled than those from vehicles at much lower speeds.</p> <p>Also, recommended correction factors as specified in the DMRB (such as canyon effects in residential areas) were not factored in. Bristol City Councils' own pollution monitoring results were ignored.</p> <p>Bristol City Council recognized that the NO2 concentrations appeared to be 'on the low side', but failed to investigate further.</p>
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<p>conclusions of this study. It has been concluded that traffic generation from the additional capacity would be sufficiently small when averaged over a week that its impact on the nearby Air Quality Management Area should be acceptable. The mitigation measures that have been agreed will further reduce potential increases in air pollution concentrations.</p>	<p><b>NSCA Website : Local Air Quality Management</b>  The Environment Act 1995, which covers England, Scotland and Wales, and the Environment (Northern Ireland) Order 2002, requires all local authorities in the UK to review and assess air quality in their area. If any standards are being exceeded or are unlikely to be met by the required date, that area should be designated an Air Quality Management Area (AQMA) and the local authority must draw up and implement an action plan aimed at reducing levels of the pollutant. Local authorities are required to make copies of their reviews and assessments of local air quality available to the public, as well as any orders designating an AQMA, and to consult locally on the action plan. In many areas, traffic is likely to be the main contributor to excessive levels of pollution.</p>	
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**Section Two – Noise, Disturbance and loss of Daylight.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>										
<p><b>The Transport Assessment Report September 2006, Page59, Section 10, Forecast Enabling Development Travel.</b></p> <p>Forecast trips associated with the proposed enabling development at the Stadium have been derived using survey information contained within the TRICS 2006(b) database for similar sites. The TRICS database provides trip rate information based on existing development traffic generation observed at similar sites throughout the United Kingdom.</p> <p>A summation of this section of the report provides the following information :</p> <p>Forecast Traffic Attraction</p> <table border="0"> <tr> <td>Hotel</td> <td>470 Trips Daily</td> </tr> <tr> <td>Restaurant</td> <td>764 Trips Daily</td> </tr> <tr> <td>Retail</td> <td>528 Trips Daily</td> </tr> <tr> <td>Offices</td> <td>205 Trips Daily</td> </tr> <tr> <td>Nursery</td> <td>134 Trips Daily</td> </tr> </table> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services.  Main Report – Key Issue (A) :The Office Accomodation.</p>	Hotel	470 Trips Daily	Restaurant	764 Trips Daily	Retail	528 Trips Daily	Offices	205 Trips Daily	Nursery	134 Trips Daily	<p><b>Policy L8</b>  The following sites, as defined on the Proposals Map, will be protected from development which would erode the community’s opportunity to participate in sport and will be promoted for the use as sports stadia:–  (a) Ashton Gate  (b) County Ground  (c) Memorial Ground  On land at, adjoining or associated with the stadia, development which supports the principal activity will be permitted, provided that:–  (i)Where development would not otherwise be permitted under the policies and proposals of this Plan, there exists a need to undertake improvements to the principal facility;  (ii) The amenity of the neighbouring uses would not be affected to an unacceptable degree by virtue of noise, or other disturbance;  (iii) There would be no unacceptable impact due to additional traffic;  (iv) The existing level of car parking serving the stadium would be maintained.  Implementation: Through the development control process.</p>	<p><b><u>Complaint Number 5.</u></b></p> <p>A perimeter road (one way) around the development site is part of the proposals for the stadium. The transport assessment specifies that over 1000 vehicles are expected to visit the site every day, and this estimate excludes delivery vehicles. Bristol City Council has failed to take into account the noise, air pollution, light pollution, and general disturbance from this traffic circulating the stadium.</p> <p><b><i>See Appendix E.</i></b></p> <p><b><u>Complaint Number 6.</u></b></p> <p>Bristol City Council has failed to conform with its’ policy L8 in that, due to the significant level of perimeter road traffic associated with the Hotel, Restaurant, etc. there would be unacceptable impact to the neighbouring residents (points (ii) and (iii)) and, the existing level of car parking will be significantly reduced (iv).</p>
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Policy EC1 is applicable. This policy seeks to promote economic growth but to reconcile necessary development with environmental protection and to assess the environmental costs and benefits of a proposal. The policy only allows industrial and commercial developments to be permitted where:- there is no unacceptable impact on the environmental amenity of the surrounding area; the site is easily accessible by public transport, cycling and walking; the level and type of traffic generated will not be detrimental to road safety, local accessibility and the environment in terms of noise and pollution; and there is no unacceptable impact on residential amenity.

**DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007**

Agenda Item 4 – Report of the Head of Planning Services. Summary, Key Issues (C) Impact on Residential Amenity (excluding traffic impacts) :

The proposed stadium and the enabling developments are to be built in close proximity to all four boundaries of the site with residential properties. An analysis of the likely environmental impacts upon all neighbouring properties is included in the report.

Impact On Daylight:- The applicant, following discussions with Officers, has carried out a survey from a sample of adjoining residential properties on all 4 boundaries of the site to measure the impact that the stadium will have on daylight receipt at adjoining properties. This process has shown that there will be an adverse impact to some of the properties on Strathmore Road. The extent of the impacts is detailed in the report.

Overshadowing:- Sun path analysis have been prepared. These show that in winter some of the gardens in Filton Avenue are in the stadium's shadow until late afternoon and many of the nearest properties in Trubshaw gardens are in shadow in the afternoons. In summer, some of the properties in Strathmore Road have shadow impact in the early morning and then in the evenings the properties in Alton Road and Downend Road at the south western corner of the stadium fall into the shadow.

Noise And Other Disturbance:- A noise report has been submitted with the planning application. The submitted report

**Environmental Protection Act 1990**  
Part III Statutory Nuisances and Clean Air

Statutory nuisances and inspections therefor.

79.—(1) Subject to subsections (2) to (6) below, the following matters constitute "statutory nuisances" for the purposes of this Part, that is to say—

- (a) any premises in such a state as to be prejudicial to health or a nuisance;
  - (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;
  - (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
  - (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
  - (e) any accumulation or deposit which is prejudicial to health or a nuisance;
  - (f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
  - (g) noise emitted from premises so as to be prejudicial to health or a nuisance;
  - (h) any other matter declared by any enactment to be a statutory nuisance;
- and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.

**Case Law** : Allen and Another -v- Greenwood and Another  
Court: Court of Appeal  
Date: 16 October 1978  
Coram: Buckley, Orr and Goff L.JJ  
References: [1979] 2 WLR 187

**Extracts from ruling :**

"Such being the facts, the first question which arises is whether a greenhouse is a "building" within the meaning of section 3 of the Prescription Act 1832, and Clifford v. Holt [1899] 1 Ch. 698 is an express decision that it is."  
"If the building be a dwelling house, the measure must be related to reasonable standards of comfort as a dwelling house. If it be a warehouse, a shop or a factory. the

**Complaint Number 7.**

As seen by the communication between Kit Stokes and Mark Curtis, the impact of noise on residents by traffic on the perimeter road was not identified until the 10<sup>th</sup> January. Whilst conditions were recommended on the report amendment sheet to committee to deal with this noise, the timescale did not allow further investigation. The communication also suggests the acoustic report was not complete. Bristol City Council has therefore failed to Complete a vital test against policy L8. See also Complaint Number 2.

**See Appendix E.**

**Complaint Number 8.**

There have been many complaints about the loss of light , or daylight, relating to planning applications submitted to many Local Authorities over the years, and some of these complaints have become legal cases which followed due process.  
An example has been shown in the centre column. Bristol City Council has recognized that there is a problem with loss of daylight and overshadowing but still insists that Policy L8 is the over-riding consideration. Bristol City Council has acquired some (last minute) changes to the stadium profile, but admits there is still loss of daylight and overshadowing problems with selected properties. Bristol City Council has therefore failed to ensure local residents adjacent to the stadium site have not lost residential amenity in terms of daylight, and have therefore ensured some overshadowing of their property.

<p>identifies that by fully enclosing the stadium, noise levels at the boundary will be reduced. A series of conditions are proposed to restrict activities and hours of use to protect the amenity of neighbouring residents. This extends to controls over construction activities and concerts.</p>	<p>measure must be related to reasonable standards of comfort or beneficial use (for comfort may not be the most appropriate test in the case of such a building) as a warehouse, a shop or a factory as the case may be. These may very probably differ from the standards which would apply to a dwelling house. If the building be a greenhouse, the measure must, in my opinion, be related to its reasonably satisfactory use as a greenhouse.”</p> <p>The case (at appeal) was concerned with the loss of light to a greenhouse.</p>	
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**Section Three – Park and Ride Scheme.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report - Update.</p> <ul style="list-style-type: none"> <li>• The provision of a transport measures to discourage spectators travelling by private car including:- discounted bus tickets to All match ticket holders; a Park and Ride scheme (potentially from UWE or similar); and dedicated supporters coaches from key locations within the city;</li> </ul> <p>RECOMMENDED Section (A) 2. Provision of a Park and Ride service:- The applicant shall agree to provide a four bus Park and Ride service when average attendances for the previous season for either rugby or football crowds reaches 8,000 no. An additional bus will be provided when average attendance reaches 12,000 no, and for every additional 1,000 no. supporters up to 18,000 no. (unless an alternative programme of provision is agreed in writing by the Local Planning Authority).</p>	<p><b>Christmas Park and Ride</b></p> <p>The return trip costs just £2 and there are over 1,000 parking spaces on the UWE site. The bus runs along the M32 and drops off and picks up passengers in the city centre from stops at Bond Street, Haymarket and Lewins Mead - making it ideal for every part of the Broadmead shopping area.</p> <p>The Car Park is also used by students during term time, the University applying a permit scheme to ensure the number of cars using the car park does not exceed the total number of parking bays.</p>	<p><b><u>Complaint Number 9.</u></b></p> <p>Bristol City Council has included in the report a park and ride scheme, possibly at UWE, the arrangement not yet being agreed. The car park site at UWE (just over 1000 spaces) is in use by students, lecturers, etc., and has been used as a Christmas Park and Ride to Broadmead whilst Cabot Circus is being built.</p> <p>Bristol City Council should not have given such a positive impression in the Officers Report that the Park and Ride scheme would mitigate traffic problems, as the Park and Ride Scheme is not finalized, and may not be as effective as the report suggests due to other demands on the site. Also its use by attendees to the stadium may not be agreed by the Park and Ride site owner.</p>

**Section Four – Consultations between Bristol City Council, Bristol Rovers, and the Developers.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>18<sup>th</sup> November 2005 - Presentation by Bristol Rovers stadium regeneration team to Development Control North Councillors followed by a site visit.</b></p> <p>The presentation also included an introduction to Bristol Rovers playing for success scheme for the younger generation, a scheme which was only one month old.</p> <p><b>Bristol Rovers' Statement of Community Involvement. Second Phase of Consultation (June to September 2006)</b></p> <p>3.5.3 The exhibitions for those residents living adjacent to the stadium were held over two evenings – 12th and 13th July. Immediately prior to the first of these two exhibitions we briefed two of the leaders of the main parties on the Council – Helen Holland (Labour) and Richard Eddy (Conservative). Barbara Janke (Liberal Democrat) was unavailable on the day and was briefed later (see paragraphs 3.5.18 to 3.5.20 below). Both Councillors Holland and Eddy were supportive of the proposals in general terms particularly in relation to the potential improvement in the sporting image of Bristol as a whole but were concerned to ensure that local impacts were properly addressed.</p> <p>3.5.4 Immediately prior to the second of the two exhibitions, we invited local councillors and members of the Development Control Committee (previously known as the North Area Planning Committee) for a briefing. In the event only two councillors (David Kitson and Bev Knott) were able to attend although apologies were received from several others and one of the local councillors, Emma Bagley, was able to attend the exhibition itself later in the evening.</p> <p>3.5.17 Between the two exhibitions to supporters a presentation was given on 9 August to the Development Control Committee members.... Members were prevented from offering an opinion given their position on the Committee but in discussing the main areas of concern already being expressed in the public domain the main focus was on traffic and parking. It was</p>	<p><b>Bristol City Council Code of Conduct Part 5</b></p> <p>1.5 Whilst the Code deals primarily with planning applications, the principles it endorses apply with equal vigour to consideration of enforcement cases and all other planning matters dealt with by the committees, Executive Councillors, or officers.</p> <p><b>4. LOBBYING OF AND BY COUNCILLORS, AND ATTENDANCE AT PUBLIC MEETINGS</b></p> <p>4.1 If councillors are to undertake fully their democratic role as a local, elected representative, it is inevitable that they may, or will be, subject to lobbying on planning matters and specific planning applications. Lobbying is a normal and perfectly proper part of the political process. Local concerns need to be adequately aired. However, in the context of deciding on a planning application, great care is required of councillors in order to maintain both the council's and the councillor's own integrity, as well as the public perception of the impartiality of the planning process. In addition, a failure to follow the advice in this section may result in legal liability for the council as a result of the Human Rights Act 1998.</p> <p>4.2 As a result of the legal requirement to make planning decisions impartially, councillors should not consciously favour, or appear to favour, any person, company, group or locality. As a matter of general principle, a councillor who fully commits him/herself to a particular view on a planning application, prior to its consideration at Committee, should not take part in the formal decision making process. A previously declared view must raise the presumption that the councillor has prejudiced his/her position, cannot objectively assess the full facts before the Committee, and is unable to contribute fully to the debate in accordance with the legal and ethical framework. Accordingly, where a councillor has publicly declared or otherwise made known a conclusive view on a planning matter or application before the meeting, then he/she should not take part in the debate on, or vote on the issue.</p> <p>4.3 Where the Monitoring Officer believes that a councillor has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer will advise the councillor that it would be inappropriate for him/her to take part in the debate, or vote on the application.</p> <p>4.4 In order to avoid such action, councillors who will be involved in the determination of a planning matter should, prior to the meeting, listen</p>	<p><b><u>Complaint Number 10.</u></b></p> <p>No Planning Department Officers were present to monitor the November 2005 presentation and visit, and no record of the presentation/visit produced.</p> <p><b><u>Complaint Number 11.</u></b></p> <p>Bristol Rovers statement of community involvement records that Councillors' Holland and Eddy were supportive of the development proposals. Whilst these two Councillors did not take part in the 17<sup>th</sup> January meeting, they are leaders of their respective political parties and are therefore in a position of influence. Pre-application discussions with developers, paragraph 5.5, therefore applies, but was not adhered to in this case. Constitution code of conduct OCR17 may also apply, and this matter should be investigated by Bristol City Council. (Also note that Councillor Holland also received the papers for the Development Control Committee meeting of the 17<sup>th</sup> January, presumably by special request <b>See Appendix F</b>)</p> <p><b><u>Complaint Number 12.</u></b></p> <p>Councillors were also invited to other briefings but, again contrary to Codes of Conduct, there is no record of Planning Officers being in attendance, and no written record of the briefings.</p> <p><b>See Appendix B.</b></p> <p><b><u>Complaint Number 13.</u></b></p> <p>Further, more formal, presentations were held on the 9<sup>th</sup> August and the 31<sup>st</sup> August, and again no written record of these meetings was produced, contrary to current Codes of Conduct. Planning Officers were present at the first meeting, but there is no record of planning officers being present at the second to monitor proceedings.</p>

explained that although the traffic figures didn't justify it per se the Football Club was proposing a Residents' Parking Zone to address the concerns of local residents.

3.5.18 It was noted in paragraph 3.5.3 above that only two of the main party leaders was able to attend the special briefing given on 12th July. The Leader of the Council and of the Liberal Democrat party, Barbara Janke, was unable to attend and so subsequently invited the Football Club to give a presentation to the full City Council Cabinet on 31st August and this was duly given.

#### **DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007**

Agenda Item 4 – Report of the Head of Planning Services. Main Report - Statement of Community Involvement.

At the pre-application stage, it was requested that the applicant undertake a Community Engagement Process with a view to submitting a Statement of Community Involvement. This is a process that is advocated to ensure that the local community understand the implications of a development from the earliest stage and that prospective applicants have a detailed understanding of potential concerns that a community may have, and then takes action where possible to address these issues.

to points of view about a planning proposal. Where an applicant requires planning or procedural advice, the applicant should be referred to the appropriate officer. In most cases, particularly for matters which are likely to be controversial, councillors should not indicate (or give the impression of) clear support or opposition to a proposal in a manner which suggests he/she has a closed mind to any other views or further information which may be available at the meeting at which the planning matter is discussed. In particular, councillors should not declare their voting intention before the meeting at which a decision is to be taken. To do so, without all relevant information and views, would be unfair and prejudicial, and may amount to mal-administration. The system must be seen to be fair to all parties.

4.5 Accusations of partiality can be avoided if a councillor has not openly declared, before a meeting, the way he/she intends to vote. Short of high profile lobbying for a particular outcome, it should be possible for a councillor to indicate broad understanding of a particular body of opinion, whilst waiting until the Development Control Committee and hearing all the evidence presented, before making a final decision. This is important because of the councillor's overriding duty to the whole local community.

4.6 Whilst councillors involved in making decisions on planning matters will begin to form a view as more information and options become available, a decision can only be taken by the Committee when all available information is to hand and has been duly considered. Individual councillors should reach their own conclusions on an application or other planning matter rather than follow the lead of another councillor or their political group. Any political group/party meetings, should not be used to decide how councillors should vote. There can be no group decisions. Decisions can only be taken after full consideration of the officer's report, and information and discussion at the Committee.

4.7 It follows that councillors involved in the decision-making on planning matters should not organise support or opposition to a proposal, lobby other councillors, act as an advocate, or put pressure on an officer for a particular recommendation. However, other councillors (who are not part of the decision-making process) within a ward, can make representations and address the relevant Committee, pursuant to the council's standing orders.

4.8 Similarly, councillors involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such

#### **Complaint Number 14.**

The Codes of Conduct for pre-application discussions stipulates that all discussions between Councillors and the developers should have a written record, these records being produced by the planning officer(s) in attendance. These records should then be referred to in the officers report to committee. Bristol City Council failed to acknowledge any such meetings in the officers report to committee.

#### **Complaint Number 15.**

Whilst a presentation was given to the full Bristol City Council Cabinet on the 31<sup>st</sup> August, no reciprocal arrangement was made for local residents. Bristol City Council therefore failed to ensure the pre-application consultations were open and balanced.

meetings, it is preferable for no view on the merits or otherwise of a proposal to be given. If a view is expressed, it should be made clear that this view will be reconsidered in the light of all the information at the Committee.

4.9 Where a member of a development control Committee finds him/herself in a lobbying situation, the councillor should actively take steps to explain that, whilst he/she can listen to what is said, it prejudices his/her impartiality to express a firm point of view or an intention to vote one way or another.

4.10 If a councillor involved in determining planning matters has responded to lobbying by openly advocating a particular course of action prior to a Committee meeting, that councillor should declare a prejudicial interest and not take any part in the decision-making process. In this connection, attention is drawn to paragraph 4.2 above. It is acknowledged that this requirement may well cause practical difficulties for councillors with regard to planning proposals in their own wards. There is, however, the compelling requirement to ensure that a planning application is processed and determined in a transparently open and fair manner.

4.11 Officers involved in the processing or determination of planning applications should not attend public meetings in connection with development proposals (ie pre-application ) or submitted planning applications), unless those meetings have been arranged by, or with the express agreement of this council, or the Head of Planning Services has given his/her consent to the attendance. When attending such meetings, extreme caution should be exercised in giving any views on the proposal. Officers should only provide information by way of explaining background, policy, and the issues under consideration, and give no view on the merits or otherwise of the proposal.

4.12 If councillors consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will in turn advise the appropriate officers.

#### **5. PRE-APPLICATION DISCUSSIONS WITH APPLICANTS**

5.1 In any discussions on planning issues, it will always be made clear at the outset that such discussions will not bind the council to make a particular decision, and that any views expressed are based on the officers' professional judgement, but do not commit the council to any particular decision.

5.2 Advice given will be consistent and based upon the Development Plan and other material considerations. Every effort will be made to ensure that there are no significant differences of interpretation of planning policies between planning officers. However, it is recognised that the relative importance given to apparently similar issues can vary, in different circumstances/ locations.

	<p>Explaining how balances of judgement are arrived at is an important part of the decision-making process.</p> <p>5.3 A written note will be made of pre-application discussions, where appropriate, and two or more officers will attend meetings on major planning proposals.</p> <p>As a matter of standard good practice, a follow-up letter will be sent, particularly when material has been left with the council.</p> <p>5.4 Every effort will be made to ensure that advice is impartial. To maintain impartiality, it is preferable that councillors do not take part in the officers' pre-application discussions with applicants. Should there be occasions when councillors are involved, they will be advised by the appropriate professional officers of the council, which will always include a senior planning officer. The involvement of councillors in such discussions will be recorded as a written file record and should be referred to in the committee/delegated officer report.</p> <p>5.5 From time to time, on major applications/proposals, members will be given the opportunity to be briefed on progress directly by developers. Officers should always be in attendance. Members should listen and ask questions, but not pass opinions, so as not to prejudice their position. Although it is perfectly reasonable for such briefings not to be in public session, it is advisable for developers, in such a situation, to also offer a briefing for members of the public, so that the process can be seen to be open and balanced.</p>	
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**Section Five – Consultations with the Community.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>Bristol Rovers' Statement of Community Involvement. Second Phase of Consultation (June to September 2006)</b></p> <p>In total the four evening exhibitions attracted over 100 residents and all appeared to be appreciative of the Football Club's efforts to explain the proposals and listen to their views.</p> <p><b>Agenda Item 4 – Report of the Head of Planning Services. Main Report - Response to Publicity and Consultation.</b></p> <p>Altogether the Local Planning Authority initially sent out over 800 letters of notification to people who live in the streets adjacent to the Ground, or to those people who have previously expressed an interest in planning applications at the Memorial Ground. Furthermore 5 site notices were posted</p>	<p><b>B r i s t o l Local Development Framework Statement of Community Involvement Consultation Draft September 2005</b></p> <p>Page 21 - How you can participate in the new planning system</p> <p>TYPE A 300 dwellings and above Above 10,000sq meters of non-residential development whether it be change of use, new development or demolition. Development involving significant loss of any open space. Employment/Business development within predominantly residential areas e.g Hengrove Park New public park and managed habitat area (48 hectares),</p>	<p><b><u>Complaint Number 16.</u></b></p> <p>It is encumbant on Bristol City Council to prepare a statement of community Involvement, and this should be done at the start of the Consultation process. Bristol City Council failed to prepare such a statement.</p> <p><b>See Appendix G.</b></p>

<p>advertising the planning application at key street junctions near the ground.</p> <p>In addition, a statutory notice has been posted in the Press and a webpage created on the City Councils website created explaining that the application has been received and enabling the plans to be viewed on the Internet. There has also been extensive coverage in the local press and media, and a large stakeholder consultation exercise was carried out by BRFC before the application was submitted. 21/11/06 was the target date for the receipt of representations.</p> <p>More recently, on receipt of amended plans, the City Council has carried out a second round of consultation, writing to all those who were originally notified in writing and to those who have submitted representations. This amounts to in excess of 1800 individual letters. A target date for the submission of representation was set for 10/01/07</p> <p>Case Officer Note:- There have been claims that all residents who live within 1.5km of the ground should be sent a letter notifying them of the planning application. This is incorrect; the requirement is for the Local Planning Authority to post a site notice or to notify by letter to residents who live directly adjoining a site.</p>	<p>10,000 sq m, health facility  9,576 sq m pool and dry sports facility  690 dwellings  30,000 sq m of offices and light industry  10,000 sq m storage and distribution  1,000 sq m retail  1,000 sq m food and drink  10,200 sq m commercial leisure including hotel uses  e.g Broadmead Expansion  1.5m sq ft of mixed-use space  Including 1m sq ft of retail and leisure.  Provide residential apartments, offices and public spaces in the heart of Bristol.</p> <p>TYPE B  Above 50 but below 300 dwellings  More than 5000 sq meters and up to 10,000sq meters of non-residential development whether it be change of use, new development or demolition.  Development involving significant loss of any open space.  Employment/Business development within predominantly residential areas  Applications which are slightly below these thresholds but which raise significant policy issues</p> <p>TYPE C  10 dwellings or more  Site area of 0.5 hectares or more (when dwelling numbers not known)  Application affecting 1000 sq metres or more non-residential development, whether it be change of use, new development or demolition.  Development involving significant loss of any open space.  Small employment/Business development within predominantly residential areas</p> <p>TYPE D  Listed building applications  Householder development  Telecommunications  Small commercial development  Any other application which does not fall within the definitions of the other three categories or applications.</p> <p>TABLE D  Application Type  Type A (Consultation Techniques 1 – 9 below applicable)  Type B (Consultation Techniques 3 – 9 below applicable)</p>	<p><b><u>Complaint Number 17.</u></b></p> <p>The applicant was requested to undertake a Community Engagement Process (CEP). However, with newsletters originally being sent to the residents immediately adjacent to the ground, and other newsletters being delivered badly printed or at the wrong time, the Engagement Process did not meet the necessary standards of Consultation. The statement opposite “In total the four evening exhibitions attracted over 100 residents” confirms that the CEP failed to attract the numbers of Residents such a development proposal should have attracted. Bristol City Council failed to ensure adequate Consultation with Residents by the stadium developers.</p> <p><b><u>Complaint Number 18.</u></b></p> <p>a) Letters to residents were sent out with incorrect ‘comments to be returned by’ dates.  b) Plans were late being sent to local libraries.  c) Letters detailing amendments were sent over the Christmas period, so were delayed, and in many cases, badly photocopied.  d) Revised drawings were placed on the Bristol City Council Website on the 8<sup>th</sup> January, but no further consultation was possible due to the closeness of the Development Control Meeting.</p> <p>The above examples demonstrates the failure of Bristol City Council to meet it’s Consultation obligations.</p>
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	<p>Type C (Consultation Techniques 6 - 9 below applicable) Type D (Consultation Techniques 7 - 9 below applicable)</p> <p>Suggested Consultation Techniques (applicant unless indicated)</p> <ol style="list-style-type: none"> <li>1. Consider employing specialist community involvement consultant to devise overall strategy and run specific events.</li> <li>2. Provide professional independent facilitator to host forum, workshop or debate on controversial issues</li> <li>3. Development workshops e.g. planning for real events. To shape proposals involving targeted sections of local community.</li> <li>4. Mail drop to communities e.g. questionnaire and or information on proposed future consultation events.</li> <li>5. Questionnaire e.g. postal, street survey (web-based questionnaires might also be considered, but these should be run alongside other styles of questionnaire) with subsequent feedback exhibitions.</li> <li>6. Public Forums to debate and discuss proposals - open to a wide audience.</li> <li>7. Tailored Media events publicising future application, any consultation events taking place and how local communities can become involved.</li> <li>8. Exhibitions/displays, questionnaires, information at local community centres or at accessible locations, important and prominent to local communities likely to be affected by the application.</li> <li>9. Dedicated web pages (applicant and or Council), setting out proposals, any consultation events/initiatives how to get involved on commenting at the pre-application stage.</li> </ol>	<p><b><u>Complaint Number 19.</u></b></p> <p>Bistol City Councils' Statement of Community Involvement (SCI) was withdrawn following review by a Secretary of State appointed Inspector.</p> <p>From the Bristol City Council Website: "The Statement of Community Involvement (SCI) sets out how and when the public will be involved in planning Bristol's future development, through the preparation of documents in the Bristol Development Framework (BDF) and consultation on planning applications in the City.</p> <p>Unfortunately the first SCI produced by the council was withdrawn to comply with the recommendations of a Planning Inspectors 'binding report'. This recommendation to withdraw was to ensure the council improved the readability and clarity of the SCI."</p> <p>Whilst Bristol City Council has no formal Statement of Community Involvement, the Councils' commitment to community consultation is well demonstrated in the Consultation draft September 2005.</p> <p>The size of the redevelopment, the complexity, and the associated impact on the surrounding residential areas, puts the new stadium proposal firmly in the TYPE A category development.</p> <p>The commitment of Bristol City Council to consult fully with the Community is detailed by the proposed SCI opposite.</p> <p>In the case of the Memorial Stadium proposals, Bristol City Council failed to meet these commitments.</p>
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**Section Six – Consultation Process and the Residents Parking Zone.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>The Transport Assessment Report September 2006</b></p> <p>Paragraph 8.2 However, should local objections frustrate the implementation of the RPZ, this will not prevent the proposed regeneration from proceeding. It is proposed for the benefit local residents, but is not considered necessary by BRFC, as explained further below.</p>	<p><b>Road Traffic Act, 1988, Section 22.</b></p> <p>If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he is guilty of an offence.</p>	<p><b><u>Complaint Number20.</u></b></p> <p>The Transport Assessment report produced by Pinnacle is misleading in terms of the number of available parking spaces in the area around the Memorial Ground. The report lists all spaces, both legal and illegal, and is giving the impression there is more parking space available than there actually is.</p>

<p>Paragraph 8.20 The implementation of an event day RPZ such as this is likely to require its own TRO process and Cabinet approval, irrespective of any planning consent or S106 agreement for the Stadium. Therefore, whilst BRFC is prepared to provide funding for Bristol City Council to implement, administer and enforce the RPZ, it is not considered essential to implement the RPZ.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Summary, Key Issues (B) Transport And Movement Issues :</p> <p>A Residents Parking Zone is proposed because it will diffuse these problems away from the immediate vicinity of the ground and will reduce the environmental impact for those local residents who are most affected by the stadium. The creation of the zone around the stadium will also help to reduce traffic conflict and to control traffic in the case of emergencies or disorder.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Internal Comments BCC Transport (Development Control) :</p> <p>have commented on the application and support the proposal subject to significant mitigation being achieved that mitigates against the serious parking problems that would arise. The full details of the comments are incorporated in key issue B of this report.</p>	<p><b>Planning Policy Guidance 13: Transport (PPG13)</b></p> <p>66. Well designed traffic management measures can contribute to planning objectives in a number of ways, including:</p> <ol style="list-style-type: none"> <li>1. reducing community severance, noise, local air pollution and traffic accidents;</li> <li>2. promoting safe walking, cycling and public transport across the whole journey;</li> <li>3. improving the attractiveness of urban areas and allowing efficient use of land;</li> <li>4. helping to avoid or manage congestion pressures which might arise in central areas from locational policies;</li> <li>5. resident parking schemes and other controls to avoid on-street parking in areas adjacent to developments with limited on-site parking; and</li> <li>6. producing better and safer local road conditions in rural areas and reducing the impacts of traffic in sensitive locations, while facilitating the access that is important to maintaining a vibrant rural economy.</li> </ol> <p><b>Bristol Local Transport Plan. - 2000</b></p> <p>21. The strategy set out in this document reflects the following key issues:</p> <ul style="list-style-type: none"> <li>• Controlled Parking Zones can have a role to play in managing the parking problems in residential areas and will only be introduced where there is local support for them, and will be tailored to local circumstances.</li> </ul> <p><b><u>Controlled Parking Zones (CPZ)</u></b></p> <p>68. Parking for residents in large parts of the inner suburbs of Bristol has become increasingly difficult as commuters occupy free road space for long-stay parking in these areas. The city centre is presently covered by a CPZ that allows only short-stay parking, except for vehicles displaying a valid resident's parking permit.</p> <p>69. The Council has undertaken consultation on the introduction of a CPZ to the north of the existing zone. As a result of this consultation, implementation of a CPZ is being considered for the Kingsdown area where support for a scheme exists. Other areas where the residents views did not support the introduction of a CPZ have not been included. The Council has received requests for the introduction of further CPZs in areas such as The Dings, around football and cricket grounds, Southville and Windmill Hill. Schemes will be tailored to local circumstances and will only be introduced where there is a clear local majority in favour.</p>	<p>Pinnacle failed to define what they considered to be illegal parking (other than in coned areas around corners, etc). The Road Traffic Act is clear on this point. Bristol City Council failed to identify this issue and report accordingly to the members of the Development Control Committee.</p> <p><b><u>Complaint Number 21.</u></b></p> <p>Contrary to PPG13, the authors of the Transport Assessment Report suggest that the RPZ is not an essential part of the Planning application and indeed suggests that the regeneration will proceed without it. This issue should have been identified by Bristol City Council, and a more robust approach taken to have this issue resolved through full consultation with residents and the developers.</p> <p><b><u>Complaint Number 22.</u></b></p> <p>Bristol City Council has clear procedures for the introduction of Residents (or Controlled) Parking Zones (RPZ). These procedures have not been followed in the case of this planning application, and a solution imposed on Residents without due and proper consultation.</p> <p><b><u>Complaint Number 23.</u></b></p> <p>The Officers report to Committee suggests that traffic conflict will be reduced due to the introduction of the RPZ. This has not been substantiated in the report, or elsewhere, and is misleading.</p>
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**DEVELOPMENT CONTROL (NORTH)  
COMMITTEE – 17 January 2007**

Agenda Item 4 – Report of the Head of Planning Services.  
Main Report – Key Issue (B) : Stadium Parking and Cycling implications.

Since the initial consultation on the planning application, the Residents Parking Zone has been expanded and the following streets have been included in the CPZ; Churchways Avenue, Churchways Crescent, Wellington Hill, Weston Crescent. A wider zone was considered however survey information included with the planning application indicated that if the zone were expanded much more than this it would start to have an unacceptable impact on fans' ability to reach the ground.

**Amendment Sheet  
Development Control (North) Committee 17  
January 2007**

49. Heads of Terms 3:- Residents Parking Zone

Change this Clause to:-  
Prior to the Stadium use commencing the applicants shall pay £100,000 to Bristol City Council for the implementation of a Residents Parking Zone. The applicant shall pay to Bristol City Council, £20,000 per year for the enforcement of the zone and £20,000 per year for the administration of the zone. The payments for enforcement and administration shall be paid to the City Council for each year that the average attendances for either football or rugby crowds reaches 4,950 no. The Council shall agree to carry out the implementation, enforcement and administration of the RPZ.

**Figure 6.31 Traffic Management - Toolkit (Issue 6)**

Parking Zones

Controlled Parking Zones (CPZ) (Residents Parking)	£50k- £200k	Controls/restricts every metre of kerbside space in each street possibly giving preference to residents and the local community.	Requires a TRO and detailed parking and street study, and comprehensive consultation. Requires significant enforcement.
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**Complaint Number 24.**

The Officers report states that expanding the RPZ would have an unacceptable impact on fans' ability to reach the ground. This is contrary to Bristol City Councils' policy on moving the traveling public to alternative forms of Transport, and contrary to the Match day Bus transport system being promoted elsewhere in the report.

**Complaint Number 25.**

The Amendment Sheet states that the applicant will pay for the enforcement and administration of the Residents Parking Zone when "average season attendances for either football or rugby reaches 4,950". On the same amendment sheet the S106 Planning obligations says that "the applicant has agreed to fund the enforcement and administration of the zone in perpetuity".  
These two statements appear to contradict each other. Also, should enforcement and administration funding stop for a season, does enforcement activities also stop for that season? Bristol City Council has failed to make this situation clear and un-ambiguous.

**Section Seven – The Enabling Development.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report – Key Issue (A) : The Enabling Development.</p> <p>Enabling development is development that is contrary to established planning policy – national or local - but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused.</p> <p>The Council has appointed independent expertise to validate these figures. At the time of writing this report, further information to justify the extent of the works proposed, and the reasonableness of the projected costs, the profit levels, and final values is being verified. Feedback from this process will be reported to Members at the Committee.</p> <p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Summary, Key Issues A (ii) : The Enabling Development :</p> <p>In order to demonstrate that the Enabling Development is essential (including the mix of uses and the scale of floorspace proposed) the applicant has been required to submit financial information. The appraisal shows that funding from the enabling development, when added to available grants would achieve the funding requirement of £19,750,000 that is required to provide a new 18,000 seater stadium. The Council has appointed independent expertise to validate these figures.</p> <p>The Officers’ report concluded:</p> <p>“The high level of support and objection reflects the balance of considerations that is at the heart of the assessment of the planning application. The provision of a new stadium will secure citywide benefits, but it is acknowledged that there are adverse local impacts for those that live adjoining the site, partly due to the scale of the</p>	<p><b>Planning for Town Centres (PPS6)</b></p> <p>1.8 The main town centre uses to which this policy statement applies are:</p> <ul style="list-style-type: none"> <li>• retail (including warehouse clubs and factory outlet centres);</li> <li>• leisure, entertainment facilities, and the more intensive sport and recreation uses6 (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);</li> <li>• offices, both commercial and those of public bodies; and</li> <li>• arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities).</li> </ul> <p><b>Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17)</b></p> <p>Paragraph 22 - which says “planning permission for stadia and major sports developments which will accommodate large numbers of spectators, . . . , should only be granted when they are to be located in areas with good access to public transport.”</p> <p><b>Email to Planning Department 8<sup>th</sup> January 2007 :</b></p> <p>1) “I have (“back of fag packet”) calculated the cost of building 15,000 sq ft offices at £105 per sq ft to be f1,575,000 plus fees together with 5,000 sq ft of retail at £60 per sq ft to be in the order of £300,000, again plus fees. Basically I think we maybe losing £2million off the enabling development surplus unless they are contained elsewhere in the figures.”</p> <p>2) “Thanks. Its actually a nice change to be checking figures in the hope that we can prove them right. Its usually the other way.”</p> <p>3) “As you might see from the local press I have to present this application to the Committee Members on Wednesday 17th January. If you advise me of any inaccuracies I will have to reconsider the strategy.</p>	<p><b><u>Complaint Number 26.</u></b></p> <p>PPS6 establishes the Government’s objectives for the development and growth of town centres which includes focusing hotels and conference facilities at existing centres (PPS6, para 1.6). Only where growth cannot be accommodated in existing centres, will an extension to the centre be permitted. However, under no circumstances should the development of town centre uses in out of town locations be permitted. Bristol City Council has failed to meet these requirements.</p> <p><b><u>Complaint Number 27.</u></b></p> <p>There is no provision within Government policy for enabling development, it is intended for use in the context of the historic environment, not a commercial environment. The case for an enabling development in this application is based on commercial necessity and should not have been acceptable to Bristol City Council.</p> <p><b><u>Complaint Number 28.</u></b></p> <p>Whilst efforts are made through S106 agreement and planning conditions to mitigate against some of the local impacts from the new stadium, many aspects of the development have been missed. For example, the traffic using the perimeter road as shown in Section 2 above. Bristol City Council has therefore failed to identify all adverse local impacts associated with the redevelopment, and has therefore failed to comply with the definition of an enabling development as given in the officers report, notwithstanding complaints 23 and 24 above.</p>

<p>building and intensity of the uses proposed, but also the existing parking problems will be exacerbated. As outlined in this report, the applicant has agreed a number of measures to mitigate against the local impacts and it is proposed that these be secured through the S106 agreement and through planning conditions attached to any permission.”</p> <p><b>Minutes of the Development Control Meeting of the 17<sup>th</sup> January 2007</b></p> <p>“that Council had appointed independent experts to validate those figures, which have been validated. The cost of providing the stadium was seen to be a reasonable projection, whilst the values of the enabling development were supported by comparable information and were realistic.”</p>	<p>I'm sorry about the deadline. At the time of writing the proposal has been recommended for refusal but there is significant local objection and it could go either way at the committee.”</p> <p><b>See Appendix C</b></p> <p><b>Email 10<sup>th</sup> January 2007 :</b>  “Some Members may be concerned that the Scheme is not self-financing - but the site cannot support additional accommodation and if further funding has to come forward that must be raised by the Directors or through grants.”</p> <p><b>See Appendix D</b></p>	<p><b><u>Complaint Number 29.</u></b></p> <p>Whilst not accepting the premise that enabling development is acceptable in the case of the proposed stadium (see complaints 26 to 28 inclusive above), various emails between planning officers and the appointed financial experts shed doubt on the viability of the enabling developments. Also, presumably due to the financial figures not ‘adding up’, it appears the application was being recommended for refusal on the 8<sup>th</sup> January.</p> <p>There is also an indication that Bristol City Council was following a ‘strategy’ to ensure the application would be recommended for approval.</p> <p>The content of the emails therefore suggests that Bristol City Council has failed to meet its obligations as specified in the Councils’ Code of Conduct Part 5, and the Royal Town Planning Institute codes of conduct.</p>
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**Section Eight – The S106 Agreement**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services.</p> <p><b>APPLICANT:</b> Bristol Rovers Football Club</p> <p><b>Planning Obligations:-</b></p> <p>The applicant has agreed a package of S106 planning obligations. The key obligations include:-</p> <ul style="list-style-type: none"> <li>• The setting up of a Residents Parking Zone;</li> <li>• The provision of a transport measures to discourage spectators travelling by private car including:- discounted bus tickets to all ticket holders; a Park and Ride scheme (potentially from UWE or similar); and dedicated supporters coaches from key locations within the city;</li> <li>• Controls over car ownership amongst students;</li> <li>• The setting up a Memorial Stadium Monitoring Group (compromising Club Officials, BCC representatives, and local residents) to monitor parking and issues of anti-social behaviour;</li> </ul>	<p><b>ODPM Circular 05/2005</b> <b>Office of the Deputy Prime Minister</b></p> <p><b>Persons Interested in Land</b></p> <p>B54. Attention is drawn to the statutory requirement that a developer must be a person interested in land in the area of a local planning authority before he/she can enter into a planning obligation. This differs from the requirements for planning permission more generally where a developer does not need to have an interest in a piece of land in order to gain planning consent. Before accepting that a planning obligation resolves planning objections to a proposed development, local planning authorities should take care to ensure as early as possible in the process that all those who might need to be directly involved in complying with its provisions (e.g. all those interested in the land (where “interested” has a legal meaning), including the freeholder, any lessees, tenants and mortgagees and also guarantors etc.) have entered into it. The purchaser of the development site may also have an “interest”, for example where he/she is a party to a contract conditional upon obtaining planning permission for the land, or has a right under an option to purchase the land. At an appeal, the Inspector may seek evidence of title if it has not been demonstrated that the developer has the requisite interest.</p>	<p><b><u>Complaint Number 30.</u></b></p> <p>The current proprietor of the Memorial Ground is Bristol Rovers (1883) Ltd. The legal agreement should therefore be drawn up between Bristol City Council and this Company, the Memorial Stadium Company being merely a subsidiary company.</p> <p>Parties who sign the S106 agreement must have interest in the land, where, “interested” has a legal meaning. The parties usually include the freeholder, any lessee(s), and the purchaser of the development site with a contract conditional upon obtaining planning permission or an option for a period of time within which the developer may obtain planning permission and then decide whether or not to purchase the land.</p> <p>Whilst this issue has been raised on a number of occasions Bristol City Council has failed to clarify this matter. Moreover, it is not clear that all interested parties are in favour of the stadium redevelopment, and this point should also be clarified.</p>

**Section Nine – Provisions for Disabled Access.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p>Agenda Item 4 – Report of the Head of Planning Services. Main Report – Key Issue (B) : Disabled Access.</p> <p>Disabled Parking: Wheelchair users have 8 dedicated spaces on the north east side of the stadium and will allow ramped access on to the main concourse or a gentle gradient to the stadium. Holders of a disabled parking badge will be eligible to park within the RPZ.</p> <p><b>The Transport Assessment Report September 2006.</b></p> <p>3.3 A new 286 space car park plus six coach parking spaces has been provided on the northern side of the Stadium as part of the works associated with the adjacent residential development.</p> <p>The total parking provision for the Stadium is therefore currently six coach and 314 car parking spaces (comprising 32 disabled spaces, 31 crush spaces and 223 regular spaces in the main car park plus 28 regular spaces around the north stand area).</p> <p>There is currently no provision for casual spectator use of the car park on match days, as all spaces are allocated to specified users.</p>	<p><b>Bristol City Council - Environmental Access Standards 2006.</b></p> <p>Shopping Recreation and Leisure :- One bay for each employee who is a disabled motorist, 6% of total capacity for Visitors.</p> <p>Car Parking</p> <ul style="list-style-type: none"> <li>• Locate car parking as close as possible to the accessible entrance.</li> <li>• Maximum distance of 40m to principal entrance with a level route.</li> <li>• Parking must be provided on flat ground with a crossfall of not more than 1:50 (in one direction only)</li> <li>• Drop kerbs to be provided for access to footpath.</li> <li>• Where possible provide covered drop-off close to main entrance.</li> </ul> <p><b>(Building Regulation 1992)</b> Part M requires that parking bays designated for disabled people should be provided 'as close as feasible to the principal entrance of a building'. Because of the size and elongated layout of stadia it is recommended that designated parking bays should be as close as feasible to any entrance for disabled people. The design of kerbside and off-street parking bays is shown in BS 8300 Figs 1, 2 and 3.</p> <p>The Task Force recommended (Task Force Report p.28) that a fixed number of parking spaces for disabled spectators, as close to the ground as possible, should be allocated by the ticket office at Premier and Football League grounds. Although BS 8300 (para 4.1.2.3) states that at recreation and leisure facilities 6% of total car parking capacity should be allocated, it goes on to add that this requirement will need to be greater for stadia. Consultation with disabled supporters should allow a fair and reasonable provision at the stadium.</p>	<p><b><u>Complaint Number 31.</u></b></p> <p>The disabled parking proposals for the new stadium includes the provision of 8 parking bays. There are currently 32 disabled parking bays, so the proposals include a reduction in provision for disabled parking. Bristol City Council has therefore approved a condition where a larger capacity stadium, with an increase of wheelchair positions, from 22 to 147, but with a significant reduction in the facilities available to assist the disabled in reaching the stadium.</p> <p><b><u>Complaint Number 32.</u></b></p> <p>The proposed number of disabled parking bays is less than that recommended in the Guidelines and as such should have been rejected by Bristol City Council.</p> <p><b><u>Complaint Number 33.</u></b></p> <p>Disabled parking will be allowed in the RPZ, which will promote difficulties between residents and the disabled over limited parking space. Again this point should have been addressed by Bristol City Council.</p> <p><b><u>Complaint Number34.</u></b></p> <p>On-street Disabled parking away from the ground does not satisfy Bristol City Councils' Environmental Access Standards 2006, should not have been acceptable, and should have been rejected.</p>

**Section Ten – Substitutions for the Development Control Meeting 17<sup>th</sup> January 2007.**

<u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u>	<u>Statute, Guidance Note, Code of Conduct, or other.</u>	<u>Complaints</u>
<p><b>Conduct of the meeting – Substitutions for the meeting</b></p> <p>Email (5<sup>th</sup> February) from Bristol City Council replying to request for further information on substitutes :</p> <p>1. Councillor M Sykes substituted for Cllr Cooper - member support services were informed by e-mail on the 15th January that this substitution was to be made - I will send you a hard copy of the e-mail.</p> <p>2. Cllr Lewis substituted for Cllr Kerry - Cllr Eddy informed the member support services officer verbally on the afternoon of the 17th January that this substitution was to be made at around 4.30pm .</p> <p>3. Cllr J White substituted for Cllr Malik - Cllr Elworthy informed the member support services officer that this substitution would be made a few moments before the start of the meeting.”</p>	<p><b>The Local Government Act 2000</b> does not allow for substitute or co-opted members of an executive but Councils may wish to consider the appointment of substitute members to other committees. The legal basis for substitute member schemes has been considered by a number of apparently conflicting counsels opinions over the years. A definitive view cannot be given until either the issues are tested in court or covered by legislation and Councils are advised to take their own legal advice on the issue.</p> <p>However, as Committees require to be appointed by full Council under Section 102 of the Local Government Act 1972, any scheme of appointment of substitutes which is not specifically approved by the full Council is likely to be vulnerable.</p> <p><b>CMR4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES</b>  <b>CMR4.1</b> In accordance with CPR4.1 the full Council will allocate seats for substitute members.  <b>CMR4.2</b> Powers and duties            Substitute councillors will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.  <b>CMR4.3</b> Substitution            Substitute councillors may attend meetings in that capacity only:            (i) to take the place of the ordinary councillor for whom they are the designated substitute;            (ii) where the ordinary councillor will be absent for the whole of the meeting; and            (iii) after notifying the proper officer by no later than one hour before the meeting of the intended substitution.            Notice required 1 hour</p> <p><b>CPR4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES (Including Regulatory)</b>  <b>CPR4.1</b> Allocation            As well as allocating seats on committees and sub-committees, the full Council will allocate seats for substitute members.  <b>CPR4.2</b> Number            For each committee or sub-committee, the full Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.</p>	<p><b><u>Complaint Number 35.</u></b></p> <p>The substitution of Councillor Cooper by Councillor Sykes was confirmed by the Liberal Party Members Support Officer. This procedure is not in accordance with CRM4 in that substitute members for all committees (except executive) are appointed by full council. This is confirmed by the minutes of the full council meeting of the 16<sup>th</sup> May.</p> <p><b><u>Complaint Number 36.</u></b></p> <p>The submission of a statement in Councillor Kerry’s name by the Conservative Group had precluded the said Councillor from taking part in the Development Control Meeting of the 17<sup>th</sup> January (Standards Committee 15<sup>th</sup> February. See also Complaint number 11). Councillor Kerry subsequently resigned from the DC Committee a few hours before the meeting. This was known to members and officers before the meeting, and a substitute should not have been allowed in such circumstances, as there could be doubt of impartiality and there are no constitutional rules to cover this situation. Also, the minutes of the meeting should not have received Apologies from Councillor Kerry, but should have noted his resignation.</p> <p><b><i>See Appendix F.</i></b></p> <p><b><u>Complaint Number 37.</u></b></p> <p>The third substitution, Councillor White substituting for Councillor Malik took place just ‘moments’ before the start of the meeting, and is contrary to CMR4. Again Bristol City Council failed to maintain its constitution in this case.</p> <p><b><u>Complaint Number 38.</u></b></p> <p>There is currently one substitute for the Development Control (Central) Committee, and none appointed to other Development Control Committees. The Development Control (North) meeting of the 17<sup>th</sup> January had three substitutes appointed by Party Groups for the meeting, which is contrary to CRM4. Bristol City Council has failed to ensure the method of member substitution for Development Control committees is clearly seen to be open and impartial.</p>

<p><b>(Start of) "MINUTES OF THE SPECIAL MEETING OF THE DEVELOPMENT CONTROL (NORTH) COMMITTEE HELD ON 17TH JANUARY 2007 AT 6.00 P.M.</b></p> <p>P Councillor J. Price (in the Chair)  P Councillor Campion-Smith  A Councillor I. Cooper  P Councillor M Sykes (sub for Cllr. Cooper)  P Councillor Crispin  P Councillor Elworthy  A Councillor Kerry  P Councillor B. Lewis (sub for Cllr. Kerry)  P Councillor Kitson  A Councillor Malik  P Councillor J White (sub for Cllr. Malik)  P Councillor Murphy  P Councillor Pickup  P Councillor C. Price</p> <p>DCN  37.01/07 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS  Apologies were received from Councillors Cooper, Kerry and Malik. Councillor Sykes, Lewis and J White substituted in their place respectively.</p>	<p>CPR4.3 Powers and duties  Substitute councillors will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.</p> <p>CPR4.4 Substitution  Substitute councillors may attend meetings in that capacity only:  (i) to take the place of the ordinary councillor for whom they are the designated substitute;  (ii) where the ordinary councillor will be absent for the whole of the meeting; and  (iii) after notifying the proper officer by no later than one hour before the meeting of the intended substitution.  Notice required 1 hour</p> <p><b>MINUTES OF THE MEETING OF BRISTOL CITY COUNCIL HELD ON 16TH MAY 2006 AT 2:00 P.M.</b>  Substitutes  17. In accordance with CPR1.2 (iii) and CPR4 in addition to deciding the allocation of seats to political groups, the city council is also required to decide substitute arrangements.  18. CPR4.2 provides:  "For each committee or sub-committee, the full Council will appoint the same number of substitutes in respect of each political group as that group hold ordinary seats on that committee or sub-committee.  RECOMMENDED - the city council is recommended:  (i) to approve the allocation of committee seats as set out above;  (ii) to nominate members (including substitutes) to serve on the committees (in accordance with the agreed political balance) for the 2006 / 2007 municipal year;</p> <p><b>BRISTOL CITY COUNCIL STANDARDS COMMITTEE  15 February 2007</b></p> <p>"The submission of the statement had precluded Councillor Kerry from taking part in the meeting of the Development Control Committee."</p>	<p>Quoting from the Bristol City Council constitution, part 5, section D: "The successful operation of the planning system relies on ensuring that councillors and officers involved in its operation act in a way that is not only lawful, fair and impartial, but is also clearly seen to be so. The council acknowledges that the public is entitled to expect the highest standards of conduct and probity by all persons holding public office."</p> <p><b>Complaint Number 39.</b></p> <p><b>CMR8 QUORUM</b> states that :  "The quorum for meetings will be as indicated on the table below. During any meeting if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.</p> <table border="1" data-bbox="1361 587 2128 821"> <thead> <tr> <th>Committee Size</th> <th>Quorum</th> </tr> </thead> <tbody> <tr> <td>25 - 30</td> <td>8</td> </tr> <tr> <td>21 - 24</td> <td>7</td> </tr> <tr> <td>16 - 20</td> <td>6</td> </tr> <tr> <td>13 - 15</td> <td>5</td> </tr> <tr> <td>10 - 12</td> <td>4</td> </tr> <tr> <td>7 - 9</td> <td>3</td> </tr> <tr> <td>3 - 6</td> <td>2</td> </tr> </tbody> </table> <p>"</p> <p>The Development Control Meeting (North) has a committee establishment of 11, so for a Committee meeting the number of Councillors attending could fall as low as 4, and the proceeding would still be valid. Bristol City Council, rather than allow the Committee to proceed with fewer Councillors present, thereby conforming with CMR8, proceeded to allow substitutions in breach of various CPR codes of conduct.</p>	Committee Size	Quorum	25 - 30	8	21 - 24	7	16 - 20	6	13 - 15	5	10 - 12	4	7 - 9	3	3 - 6	2
Committee Size	Quorum																	
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**Section Eleven – The Development Control Meeting 17<sup>th</sup> January 2007.**

<u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u>	<u>Statute, Guidance Note, Code of Conduct, or other.</u>	<u>Complaints</u>								
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 17 January 2007</b></p> <p><b>Minutes of the meeting</b></p> <p>1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</p> <p>2 DECLARATIONS OF INTEREST To receive and note any declarations of interest by Members</p> <p>3. <u>PUBLIC PARTICIPATION - STATEMENTS AND PETITIONS</u> Receipt Of Statements And Petitions Deadline for receipt: 12.00 noon on Tuesday 16<sup>th</sup> January 2007 PLEASE NOTE LATE PETITIONS AND STATEMENTS WILL NOT BE ACCEPTED</p> <p>4. <u>NORTH AREA PLANNING AND DEVELOPMENT</u> To consider the following matters for the north area:- NB The plans and drawings appended to the reports are for illustrative purposes only. The application drawings are those described in the conditions and advice applies to individual applications. REPORT OF THE HEAD OF PLANNING SERVICES PLANNING APPLICATIONS</p> <table border="1" data-bbox="136 858 846 1278"> <thead> <tr> <th>Item</th> <th>Ward</th> <th>Application No</th> <th>Address/Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Bishopston</td> <td>06/03850/F</td> <td>The Memorial Stadium Filton Avenue Bristol BS7 0AQ Regeneration of existing stadium to provide a new 18,000 seated (18,500 capacity) stadium and ancillary accommodation, hotel (84 rooms), 105 student flats (546 rooms), restaurant, convenience store, conference facilities, offices, associated car, coach and cycle parking, landscaping and associated works</td> </tr> </tbody> </table> <p>5. <u>AMENDMENT SHEET</u></p> <p><b>From the minutes :</b></p> <p>“The statements were heard before the agenda item and taken into</p>	Item	Ward	Application No	Address/Description	1	Bishopston	06/03850/F	The Memorial Stadium Filton Avenue Bristol BS7 0AQ Regeneration of existing stadium to provide a new 18,000 seated (18,500 capacity) stadium and ancillary accommodation, hotel (84 rooms), 105 student flats (546 rooms), restaurant, convenience store, conference facilities, offices, associated car, coach and cycle parking, landscaping and associated works	<p><b>CMR9 PETITIONS, QUESTIONS AND STATEMENTS</b> CMR9.1 General Petitions and statements</p> <p>(a) Save for the variations in (a) (i) (ii) below and the exceptions in CMR9.10, local residents and councillors, provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon of the working day before the meeting, may present a petition or submit a statement at ordinary meetings of the committee. The petition or statement must relate to the terms of reference and role and responsibility of the committee in question. Notice required - 12 noon on the working day before the meeting</p> <p><b>V. 21 February 2005 90</b> Variations - committees established to determine planning applications (development control committees): (i) the reference to 'local residents', may include persons who have an interest in the application, for example, the applicant, the applicant's agent, the owner of the property etc. (a) Save for committees established to determine planning applications, the total time allowed for dealing with petitions, statements (including questions under CMR 9.2 below) is thirty minutes. Time limit - 30 minutes (b) Persons presenting petitions may be required to read out the objectives of the petition. (c) Statements, provided they are of reasonable length, will be copied and circulated to all councillors and will be made available to the public attending the meeting by not later than one hour before the meeting. Time limit 1 hour before the meeting (d) Save for committees established to determine planning applications, there will be no debate but after receiving the petition / statement the committee will resolve; (1) "that the petition / statement be noted"; or (2) if the content relates to a matter on the agenda for</p>	<p><b><u>Complaint Number 40.</u></b></p> <p>CMR9 is very clear as to who can submit a statement to committee, and the variation for development control states that local residents in this context means the applicant, the applicant's agent, the owner of the property etc. Bristol City Council failed to enforce this section of its constitution by allowing statements from Sport England, Bristol Rugby Club (who just rents the ground for matches), and the supporters club, etc. to be read to the committee..</p> <p><b><u>Complaint Number 41.</u></b> Abusive emails remarks. If the Councillor made the statement about abusive emails in the public forum part of the meeting, then he was making a statement and should have been excluded from the meeting, If the Councillor made this statement during the Officers report section of the meeting, then the Councillor was making a remark outside the business of the committee. And if the Councillor made the statement between the public section of the meeting (DCN 39.01/07) and the Officers report (DCN 40.01/07) then it was outside the agenda, and he should have been prevented from making the statement, whether from a personal point of view or otherwise. There is some debate over exactly when the 'abusive email' remark was said, but in all cases the Councillors/Officers rule of 'need to know' should have been maintained at all times. Further, I'm sure a large proportion of people attending the meeting (both residents and rovers supporters) were stunned by the Councillors' remarks. It was totally unacceptable to make such a statement to a large public gathering of Bristol residents, who attended the committee meeting to witness due process of the application.</p> <p><b><u>Complaint Number 42.</u></b></p>
Item	Ward	Application No	Address/Description							
1	Bishopston	06/03850/F	The Memorial Stadium Filton Avenue Bristol BS7 0AQ Regeneration of existing stadium to provide a new 18,000 seated (18,500 capacity) stadium and ancillary accommodation, hotel (84 rooms), 105 student flats (546 rooms), restaurant, convenience store, conference facilities, offices, associated car, coach and cycle parking, landscaping and associated works							

consideration by the Committee when it made its decision. Due to the volume of statements the Committee limited the number of submissions to 10 from each side.”

“After the public forum Councillor C Price informed the Committee that he was concerned that there had been a number of abusive and threatening correspondence sent to officers dealing with the application, which were sent to undermine their credibility and intimidate them. He believed such acts should be investigated and followed up at as it was completely unacceptable. The Committee adjourned briefly and on their return the officers presented their report.”

**Email from Democratic Services Manager:**

“The issue about abusive e-mails which had been received by the Planning Dept was comment by a councillor (Cllr C Price) on the character of some of the correspondence which had been received and not on the application itself.

Moreover, the reference was made under the "public forum" item and not during the debate on the application itself. Councillor Price reserved his remarks on the application until after the officers had presented their report, when the meeting was opened up for general member debate.

With regard to the adjournment, the clerk assures me that there was an adjournment for about 10 minutes after the hearing of the public forum business and before consideration of the officer report - this is recorded in the minutes.”

the meeting:

“that the contents of the petition / statement be considered when the item is debated”; or

(3) “that the petition / statement be referred (as appropriate) to the:

- Leader of the Council; or the - relevant executive member for appropriate action.”

**The CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH DEVELOPMENT CONTROL AND OTHER APPROPRIATE PLANNING MATTERS.**

**6. OFFICER REPORTS TO COMMITTEE**

6.1 Reports to Committee on planning matters must be accurate and cover all relevant points. Where a planning application is subject to a full report, this will refer to the provisions of the Development Plan, all other relevant material planning considerations and, where appropriate, any relevant issues arising from the Human Rights Act 1998. Normally, the report will include a full description of the site and any related planning history. It will include the substance of objections and the views of people who have been consulted.

6.2 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.

6.3 All reports will contain a technical appraisal which clearly justifies the stated recommendation.

6.4 All reasons for refusal and conditions to be attached to permissions, must be clear, unambiguous, and in accordance with law and policy.

7.2 In discussing, and then determining, a planning application or other planning matter, councillors will confine themselves to the planning merits of the case. The reasons for making a final decision should be clear and convincing, and supported by planning evidence. If councillors wish to refuse to grant an application against officer advice or impose additional conditions on a permission, the reasons must be clearly stated at the time the propositions are moved at the meeting.

Due to the detail and extent of the Amendment Sheet, and other late information being made to Council Officers (see complaint 30 and **Appendix C, financial matters**), a large proportion of the Officers time (item 4 of the Agenda) was spent adding detail and new information over and above the written report. According to the code of conduct opposite, point 6.2 oral reports have to be carefully minuted. This Bristol City Council failed to do. (See also complaint Number 43 below).

**Complaint Number 43.**

Many of the Comments made by Councillors also failed to be included in the minutes. For Example, one Councillor made a fairly detailed examination of other football stadiums of approximately the same size as that of the proposed Memorial Stadium, but none of his remarks have appeared in the minutes. Again Bristol City Council has failed to ensure an accurate record of deliberations.

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**Section Twelve – The Development Control Meeting of the 14<sup>th</sup> February.**

<b><u>Planning Application Report, Bristol City Council Letter or Report to Committee.</u></b>	<b><u>Statute, Guidance Note, Code of Conduct, or other.</u></b>	<b><u>Complaints</u></b>
<p><b>DEVELOPMENT CONTROL (NORTH) COMMITTEE – 14<sup>th</sup> February 2007</b></p> <p>Conduct of the meeting :</p> <p>4. MINUTES</p> <p>The Committee is requested to approve the following minutes as a correct record:</p> <p>A) <u>Wednesday 13<sup>th</sup> December 2006</u></p> <p>B) <u>Wednesday 17<sup>th</sup> January 2007</u></p> <p>The minutes of the 17<sup>th</sup> January were agreed as accurate without discussion.</p>	<p><b>Email from Councillor 1 :</b>            “I agree with you that the wording does not tie up with my recollections of what took place, and indeed makes an absolute nonsense of much that was said at the Meeting. It will have to be changed. You may also recall that Cllr Charlie Price suggested a 24 hour, 7 day condition for the RPZ - which would, I believe, prevent any visitors from coming to see local residents without some sort of permit beforehand.</p> <p><b>Email from Councillor 2 :</b>            I think that you are right about Cllr Price speaking out at the beginning of the meeting. Also yes, I do recall the discussion about the parents having to sign a lease for the flat including the condition that the student should not own a car.</p> <p>I have just read the minutes in my papers for the next meeting on Feb 14th and they don't include these issues so I will forward your email to Bryan Cadman.</p> <p><b>Email from Councillor 3 :</b>            As regards the comments by Cllr B Price about the import of some of the e-mails and phone calls. I recall the situation to be as noted in the minutes. he then spoke again immediately after the break. I will raise the matter at committee and will look more closely at the minutes. I will also forward your e-mail to Bryan Cadman.</p>	<p><b><u>Complaint Number 44.</u></b></p> <p>There are many aspects of the Development Control Meeting of the 17<sup>th</sup> January which do not conform to Codes of Conduct. The Council has an obligation to ensure that a decision is made with due rigour, with a full and accurate record kept of all deliberations leading to the decision. Whilst many concerns were raised about the accuracy of the minutes, and the lack of detail on some points, no further action was taken by Bristol City Council or the Councillors attending the Development Control Meeting of the 14<sup>th</sup> February, to further detail or amend the record of the 17<sup>th</sup> January meeting.</p>

HorfieldRose – 19<sup>th</sup> March 2007