

This Note has been prepared to provide context for and to summarise the statutory provisions in respect of the proposed development of a permanent stadium at the Recreation Ground Bath. As a summary it does not purport to set out all aspects of the relevant statutory provisions and regulations.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') set out the statutory process in respect of the assessment and reporting of the likely significant effects of development on the environment, as well as associated timescales and notification procedures.

As a precursor to the preparation of an Environmental Statement there is a **Screening** process (to determine if the proposed development is likely to give rise to significant effects on the environment and therefore be 'EIA development' requiring an environmental impact assessment) and a **Scoping** process (to agree the range of topics to be covered in an environmental impact assessment and the methodologies for the relevant topics).

The purpose of the Scoping stage of the environmental impact assessment process is not to undertake the assessment or report on the nature, scale or extent of the likely significant environmental effects of the proposed development nor identify how any adverse impacts might be mitigated (or positive impacts maximised). That process forms part of the assessment of significant environmental effects which is reported in an Environmental Statement (ES) and submitted with the planning application. The Scoping process is also not an assessment or judgement on the planning merits (or otherwise) of the proposed development which will be considered when a planning application has been submitted to the Council.

In terms of the scoping of the EIA and identification of relevant topics to be assessed, whereas statutory or local designations and standards are relevant (for example international, national and locally designated heritage assets and air quality standards), matters relating to the interpretation and application of planning policy to the proposed development are not relevant. In addition, matters of land ownership and the person or organisation requesting the scoping opinion are not relevant in the Council's consideration of the Scoping Report

The EIA Regulations set out what information is to be included in Scoping Opinion request¹ as well as the timescale for the local planning authority to give its opinion. In the case of a Scoping Opinion request the local planning authority has 5 weeks from receipt of the request, or such other longer time period as is agreed with the applicant.

In preparing a Scoping Opinion the local planning authority must consult with a number of organisations (see Annex 1). The local planning authority may agree the proposed scope as submitted by the applicant or may identify additional topics to be included in the environmental impact assessment. The local planning authority may also state its opinion in respect of the proposed methodology including the baseline for any assessments.

¹ (i) a plan sufficient to identify the land;
(ii) a brief description of the nature and purpose of the development, including its location and technical capacity;
(iii) an explanation of the likely significant effects of the development on the environment; and
(iv) such other information or representations as the person making the request may wish to provide or make;

Proposed Permanent Stadium – Scoping Opinion Request 19/03133/SCOPE

The Scoping Report for the development of a permanent stadium at the Recreation Ground was submitted to B&NES on 11 July 2019. The 5 week period for the Council to issue a Scoping Opinion ended on 15 August. Given the scale and complexity of the issues raised by the proposed development the Council requested an extension to 29 August and this was agreed by the applicant. A further extension has been agreed to 12 September.

To date, four of the six statutory consultation bodies have commented on the Scoping Report. In addition comments have been received from a number of other organisations and individuals. All comments have been reviewed. A number of the points raised, including matters of planning policy, are beyond the remit of the EIA scoping process and will be addressed when a planning application has been submitted.

The Recreation Ground, Bath – Planning Application

There is currently no planning application for the development of a permanent stadium at the Recreation Ground.

When a planning application is submitted the Council will notify the relevant organisations as specified in The Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO 2015'). In addition, members of the public and local interest groups will be able to comment on the application.

Under the EIA Regulations the Council must not determine the application less than 30 days from receipt of the Environmental Statement or receipt of further information and any other information directly relevant to reaching a reasoned conclusion on the likely significant effects of the development.

The statutory time limit for determination of a planning application accompanied by an Environmental Statement is 16 weeks from receipt or such extended period as may be agreed in writing between the applicant and the local planning authority.

When determining the planning application, where regard is to be had to the development plan² the determination shall be made in accordance with the plan unless material consideration indicates otherwise³.

Officers will assess the planning application and all supporting information, including the Environmental Statement, and will prepare a report and recommendation on the application. So far as they relate to relevant planning matters, the views of consultees and third parties making representations will be taken into account in the assessment of the application and will be summarised in the Officer's report.

The report will be presented to the Council's Planning Committee for a decision unless the planning application is 'called in' for determination by the Secretary of State.

² Core Strategy (July 2014), Placemaking Plan (July 2017), West of England Joint Waste Core Strategy (2011), Saved Local Plan (2007) Policies not replaced by the Core Strategy or the Placemaking Plan

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

Annex 1: Consultation Bodies on Scoping Opinion

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') states - Regulation 15(4) - that "an authority must not adopt a scoping opinion in response to a request under paragraph (1) until it has consulted the consultation bodies ..."

In the EIA Regulations 'consultation bodies' is defined as:

"(a) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 18 (consultations before the grant of permission) of the Order [General Development Procedure Order 2015] or of any direction under that article;

(b) the Marine Management Organisation [in prescribed circumstances]

(c) the following bodies if not referred to in paragraph (a) or (b)-

- (i) any principal council for the area where the land is situated, if not the relevant planning authority;
- (ii) Natural England;
- (iii) the Environment Agency;
- (iv) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant planning authority or the Secretary of State, as the case may be, considers are likely to have an interest in the application"

The General Development Procedure Order includes in Schedule 4 a list of consultees. Applying that list (and that in the EIA Regulations) the following have been consulted for the Scoping Opinion request 19/03133/SCOPE:

- Environment Agency
- Natural England
- Gardens Trust
- Historic England
- Sport England
- Canal and River Trust

Given the existing volume of traffic on the local Trunk Road network (i.e. A46/A4 and A36) it is considered that the proposed development of a permanent stadium at the Recreation Ground is unlikely to give rise to significant effects on the Trunk Road network and accordingly Highways England were not consulted on the Scoping Report. Impacts of the proposed development on the relevant parts of the road network within Bath and on air quality will however be assessed as part of the EIA.