

Examination of B&NES Placemaking Plan

Matter 13 – Bath’s Universities

Issue – Whether the approach to Bath’s Universities is sound

Representor: Beech Avenue Residents’ Association, Bath

Representor Reference Number: 7237

September 2016

Q7. Is there tension between Policy SB.19 and LCR5 in relation to the safeguarding of playing fields and recreational space?

1. In response to B&NES’ Clarification Statement BNES/PMP/003 dated 6th September 2016, Beech Avenue Residents’ Association (BARA) wishes to bring the following to the Inspector’s attention as a supplement to its original pre-hearing statement Rep-7237-001.
2. Rep-7237-001 discusses (at paras. 15 to 17) a potential threat, in contravention of Policy LCR5, to the openness and community value of St John’s Field (part of the University of Bath Campus) resulting from proposed SB.19 development associated with the provision of 3G pitches and ancillary lighting to compensate for the loss of sports pitches elsewhere on campus. St John’s Field was therefore nominated by BARA as a candidate for Local Green Space (LGS) designation.
3. The University of Bath originally submitted statement Rep-304-001 in relation to the Inspector’s Matter 5 (Building Strong and Vibrant Communities). This claims that St John’s Field does not meet the criteria for designation as a Local Green Space.
4. Evidence is appended to this note that directly contradicts all of the reasons claimed to preclude such LGS designation and shows document Rep-304-001 to be fundamentally flawed.
5. On 6th September 2016, Clarification Statement BNES/PMP/003 was issued having been prepared jointly by B&NES and the University of Bath. This points out that the University and B&NES failed to consider a further campus site that is being promoted for LGS designation (the North Car Park).
6. Appended to the Clarification Statement is a second University of Bath statement (relating to Matter 5) which claims that the North Car Park does not meet the criteria for LGS designation.
7. This second statement includes (at para.1) the following:

“The Council consulted the University in relation to the nomination of St Johns Field in the southern part of the campus as a potential Local Green Space (LGS) in September 2015. The University objected to the nomination for the reasons set out in their original statement submitted in relation to Matter 5, and subsequently the Council determined not to include that part of the campus as a LGS in the Placemaking Plan (PMP)”.

In other words, the decision not to include St John's Field as a Local Green Space in the Placemaking Plan was based on the flawed information contained in statement Rep-304-001 and is a further example of tension between Policies SB.19 and LCR5.

C J Beezley
Chairman, Beech Avenue Residents' Association

8th September 2016

Appendix

1. The University of Bath's original pre-Hearing statement Reference Rep-304-001 claims that St John's Field fails to meet the NPPF criteria for designation as a Local Green Space since:

- it is not in reasonably close proximity to the community it serves (para.2);
- it is not demonstrably special to the local community (para.2);
- it does not hold a particular local significance, for example because of its recreational value (including as a playing field) (para.2);
- it is not local in character and is not an extensive tract of land (para.2); and
- it does not have largely unrestricted public access (para.4),

and that:

- St John's Field accommodates a large area of playing fields that are for the **exclusive use** of the University (para.4);
- public access is normally only obtainable through **prior arrangement** with the University (para.4);
- the University has **tolerated the sporadic use** of the area by local residents for informal recreation activities which the University has **continuously sought to regulate** (para.5); and
- St John's Field is of **no particular local significance** in terms of **public recreational value** (para.6).

2. Evidence that contradicts all of these claims can be found in Government Inspector Ian Dove QC's 2007 Public Inquiry report "Application for Registration of Land at St John's Field as a New Town or Village Green"¹. The Village Green application, made by the Chairman of a local residents' Association, was supported by 115 evidence proformas and numerous witness statements, and was objected to only by the University. These are the application and public inquiry alluded to by the University at para.5 of its statement Rep-304-001.

3. In summary, for land to be registered as a Village Green it has to be proved that a significant number of local people have used the land without secrecy, force or permission for at least 20 years for lawful sports and pastimes.

4. The following are excerpts from the Inspector's Report (paras.26 & 27):

- *"I am satisfied on the evidence that I heard that **many people**, including those who gave evidence to the Public Inquiry before me and who completed the forms which were provided with the application, **have partaken in qualifying sports and pastimes on the land**. Those sports and pastimes have included, not exhaustively, walking, jogging, dogwalking, playing kick-about games of football, snowballing, and flying kites";*
- *"From the evidence I have heard and read I am satisfied that **most days some activity of the sort which I have described has taken place**. It does not appear to me that that*

¹ The Inspector's report can be viewed at

[https://democracy.bathnes.gov.uk/Data/Regulatory%20\(Access\)%20Committee/20070710/Agenda/10zAppendix%203%20-%20Inspector%27s%20Report.pdf](https://democracy.bathnes.gov.uk/Data/Regulatory%20(Access)%20Committee/20070710/Agenda/10zAppendix%203%20-%20Inspector%27s%20Report.pdf)

would be likely to be disputed by the University's witnesses who were most commonly present on the land";

- *"I am therefore satisfied... that there has been an extent of usage that does give rise to consideration as to whether or not the necessary criteria have been met to amount to registration. In other words, I am satisfied that **the use has not been merely sporadic or minimal but has been significant and extensive over the years**, and has embraced a wide variety of activities of a recreational nature";*
- *"I find as a fact that **there has been regular use by residents** for the activities which I have set out above";*
- *"The Applicant's witnesses accepted that, if they saw a part of the land fenced off either because it had been treated by chemicals or for some other reason, they would respect that fencing and not seek to use that part of the land";*
- *"**The University has not objected** to people coming across the land provided that it does not interfere with the sporting use of the facilities; the people from whom I heard at the Public Inquiry who have used the land have done so in a way which has been consciously consistent with its status as an important sporting facility".*

5. The Public Inquiry Inspector accordingly recommended that the Village Green application should be refused on a technicality, not on any grounds that the local community were generally prevented from enjoying free access, but that such access could not, technically, be considered to be available to **all** of the field **all** of the time. There would be occasions when a relatively small area could be roped off for re-seeding or chemical treatment and that, of course, members of the public would not walk across any pitch that was being used for sport. Such infrequent activities have a negligible effect on the local community's general enjoyment of the land.
6. Contrary to the University's claims, it is the strong contention of local residents that their enjoyment and recreational usage of St John's Field discussed at the 2007 Public Inquiry (i.e. for at least the preceding 20 years) continues to the present day and that the University's claims in support of Rep-304-001 are disproved by evidence presented at that Inquiry (summarised above). If required, local residents' written statements dated September 2016 are available which confirm their ongoing usage and enjoyment of St John's Field in the manner described by the Inspector at para.4 above. Rep-304-001 is therefore fundamentally flawed.