

Exeter City Planning Department
Civic Centre
Parish Street
Exeter
EX1 1JN

Our ref: 2936

18 July 2023

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990

SANDY PARK, EXETER

PLANNING APPLICATION FOR THE VARIATION OF CONDITION 7 OF PLANNING APPLICATION 12/1030/03 (REDEVELOPMENT TO INCREASE CAPACITY FROM 10750 TO 20600 BY THREE NEW GRANDSTANDS, ADDITIONAL PARKING, BUS/COACH DROP OFF AND EXTENSION TO WEST STAND INCLUDING CONFERENCE CENTRE TO THE SOUTH STAND) TO ALLOW UP TO 6 CONCERTS PER YEAR ON WEEKENDS ONLY FOR AN ATTENDANCE OF UP TO 15,500 PEOPLE PER CONCERT AND SMALL EVENTS (NOT INCLUDING CONCERTS) OF NO MORE THAN 5000 PEOPLE PER EVENT TO TAKE PLACE BETWEEN THE 1ST MAY TO THE THIRD WEEK OF JULY AVOIDING LOCAL SCHOOL HOLIDAYS

On behalf of our client, Exeter Chiefs Rugby Club ("the Club"), we hereby submit a planning application for the variation of condition seven of planning permission 12/1030/03 to allow six concerts per calendar year to be held at Sandy Park (Planning Portal reference **PP- 12301310**).

In addition to this covering letter, which should be read as the Planning Statement, this application comprises the following:

- Application form, which has been duly completed and signed;
- Application Forms duly completed and signed;
- Decision Notice 12/1030/03;
- Acoustic Report by Clarke Saunders;
- Highways Note by WSP;
- Planning Statement by Bell-Cornwell LLP.

The statutory planning application fee is being paid direct via the Planning Portal.



THE SITE AND ITS CONTEXT

Sandy Park is the home of Exeter Chiefs Rugby Club. It is sited directly adjacent to junction 30 and the M5 motorway. The playing stadium is dominated by the two large, covered Grandstands that sit on the East and West side of the playing pitch, and they have a capacity of 11,000. At the North end of the pitch is a

large, covered Terrace which offers a covered standing for 2,500 people, and at the South end is a covered seated area which has a capacity of 2,500 covered seats. The complex at Sandy Park includes a large conference centre, and a 250-room hotel which has been constructed directly to the south. At the Northwest of the site is David Lloyd Leisure centre.

To the northwest, southwest and southeast, are residential dwellings, separated by the A379, Old Rydon Lane and the M5. It is a very well-connected facility to a verity of transport, being close to Digby and Sowton train station, bus routes, footpaths, and Exeter Airport.

In June 2023, the Club held four highly successful concerts with artists including Ronan Keating, Blue, East 17, Gabrielle, and Rick Astley.



Figure 1: Sandy Park © Google Maps

THE PROPOSAL

In 2012 planning approval was granted, subject to conditions, for the redevelopment of Sandy Park and the capacity of the stadium was raised from 10750 to 20600 (reference 12/1030/03).

As part of the approval, condition seven of the approval states that:



“Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events.”

Following supportive conversations with Ian Collinson -Director of City Development at Exeter City Council – the Club sought to diversify their commercial offer to include concerts to be held at Sandy Park.

In May 2023, a section 73 application was approved to vary the condition to allow musical concerts to happen across two weekends in June. These operated as ‘trial events’ to assess the capacity of the stadium to hold concerts, the impact of noise and the impact on the highway network.

These events ran very successfully with comments on social media saying that:

“Fabulous evening – really well organised and staffed by Sandy Park. East17 were great but Blue and Ronan stole the show. Please say you’ll continue to do more after this.”

“Really well organised event which I hope continues to be a success and a regular event.”

“Brilliant night, superb venue, great organisation and Ronan was out of this world.”

“It was a fabulous night. Well organised and well-staffed at food/bars. Hopefully, it will continue to build numbers over time. will definitely support events like this in the future.”

“Brilliant night, great organisation by Sandy Park and the perfect venue.”

As was identified as part of the previous submission diversification is important following the economic impact of the Covid pandemic in 2020 which has seen other rugby clubs including Worcester and Wasps going into administration.

The holding of events, and their demonstrated success, will enable the Club to generate additional income outside of the rugby season and allow for significant investment back into the Club. The concerts have therefore been ‘tested on the ground’ and used to inform this proposal.

The Club now propose, considering the experiences and findings of the events that have been carried out, to make the use of the stadium permanent in the off season between the months of May and end of July avoiding school holidays for six events only. The events would be held on three separate weekends across Saturday and Sunday and would run to 10.30pm. There would also be some smaller events such as films or graduation to make use of the staging area whilst they are in place.

There would not be any changes to the original application description and would therefore fall within the remit of a section 73 application, bearing in mind relevant caselaw that has been established under “Finney vs Welsh Ministers”.

TECHNICAL MATTERS

To support this planning application, a stand-alone report has been provided covering the technical matter of noise.



Noise

Clarke Saunders Acoustics (CSA) have been appointed to provide acoustic support for the previous and the current submissions. A Noise Management Plan for the temporary events was agreed with Exeter City Council. Noise monitoring was conducted at locations around Sandy Park – this included a noise monitor at the Front of House and three site monitors which were in place during the events. Furthermore, a number of off-site spot measurements were conducted as part of the general monitoring to ensure noise levels were not exceeded.

Noise consultants attended the event along with the Environmental Health Officer of Exeter City Council. The results showed that there were no exceedances of the permitted noise limits from the four events and all noise levels met the event noise limits.

A dedicated noise complaint line was provided, and a total of seventeen complaints across the four events were received. Each of these were investigated and there was found to be no breaches of noise levels emanating from the events. There were some recordings which came close to the noise limits, but on investigation it was found that this was down to individual amplified music and a separate live band rather than the concerts.

The noise compliance levels set as part of the application were always adhered to, as they would with this application. As part of this submission the previous noise report has been submitted, which will be updated following consultation with the Environmental Health Officer.

Highways

The planning application is accompanied by a technical note from WSP who have carried out highway survey work. This involved interviewing attendees for three hours (17.30 to 20.30) on Saturday 17th June to ascertain modes of travel and consisted of the following:

- Interviews of spectators arriving at the event – this was carried out by survey staff, and asked questions regarding journey origin, mode of transport use, parking location, group size etc in order to obtain detailed information about individual journeys.
- Counts of arrivals bus, including shuttle buses from the off-site car parks and bus services from Exeter City Centre. These were carried out by survey staff;
- Car park occupancy counts at the off-site car park (recorded by camera);
- Vehicle drop-off count (recorded by camera);
- Train arrival counts (recorded by camera);
- Cycle parking.

A high-level analysis of the data has been undertaken to date, which has shown that the level of use of different travel modes to the stadium is broadly in line with the target breakdown set out in the Event Access Strategy, and that good access to the site by sustainable travel modes has been achieved. This Strategy will be updated.

Following discussions with Highways England, in recognition of the school summer holidays it is proposed that the events would run between May and the first three weekends in July. This will avoid the August period.



RELEVANT PLANNING POLICY AND GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. In this case, the key development plan documents of most relevance are as follows:

- Exeter Core Strategy (2010);
- ‘Saved’ policies from the Exeter City Local Plan First Review (1996).

In accordance with the NPPF, the ‘saved’ policies contained in the adopted development plan should be given weight in the decision-making process to the extent that they are consistent with the principles set out in the Framework.

Exeter Core Strategy

The Core Strategy sets out the vision for the City, and says that Exeter will embrace its role in the region as an area for growth by delivering development to enhance Exeter’s position as a premier retail and cultural destination.

Objective 2 is to develop the potential for economic and commercial investment within the City.

Policy CP11 – says that development should be located and designed to minimise and if necessary, mitigate against environmental impacts.

Exeter Local Plan First Review 1995-2011

The Exeter Local Plan First Review sets key theme and aims for the City Council which includes, amongst other aims, “creating a prosperous City, and a cultural and fun place to be.” The relevant policies are:

Policy EN1 says that development must consider the amenity of users of the site and surrounding area.

Policy EN5 says that noise generating development will not be permitted if it would increase adversely the noise experienced by the users of existing or proposed noise sensitive development nearby.

Policy T1 – says that Development should facilitate the most sustainable and environmentally acceptable modes of transport.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan making and decision taking.

Paragraph 81 supports the creation of a strong economy considering business needs and wider opportunities for development.

Paragraph 188 advises that planning policies and decisions should be based on the use of land rather than the control of processes where these are subject to separate pollution control regimes.



The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

NATIONAL PLANNING POLICY GUIDANCE

The NPPG advises that noise needs to be considered when development may create additional noise. It is important to look at noise in the context of the wider characteristics of a development proposal, its users, and its surroundings as these can have an important effect on whether noise is likely to pose a concern.

When proposed developments could include activities that would be covered by the licensing regime, local planning authorities will need to consider whether the potential for adverse noise impacts will be addressed through licensing controls (including licence conditions).

JUSTIFICATION FOR THE PROPOSAL

Principle

The principle of using the stadium for events has previously been accepted through the previous approval. It was recognised that the proposal would give rise to economic benefits for the rugby club and the wider area, including the provision of employment opportunities and this carried substantial weight in the planning balance.

The trial runs have proven that the location is a first-rate facility, able to offer first class event coordination, and benefits from excellent transport links.

Concerts within stadiums are now a common feature of many top sporting venues. Using a sports stadium for a different use is appropriate as it uses an existing facility without needing to construct another building, especially when the 'pitch' elements of many stadia are only used on a limited number of occasions per year. Furthermore, it introduces another income stream and huge wider benefits for the economy in attracting visitors to the city and consequent benefits to local businesses such as shops, cafes, and hotels.

Although not a specific policy, chapter 3 "employment" of the Local Plan says that the "City Council recognises the need to sustain a lively cultural sector because it enhances the quality of life and image of the City, it raises the profile of the City as a tourist destination, and it provides employment opportunities. The Council aims to promote the City as a regional centre for the arts..."

Given that this proposal would assist in achieving the aim of the Local Plan, the principle of concerts in this location which would bring significant prestige to the City and accords with the NPPF which advocates that planning policies and decision should help to create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity.



Noise

As before, the concerts would provide for attendance of up to 15,500 people. It should be noted that the planning approval for the ground allows up to 20600 and is capable of use for a variety of sports since the condition allows for rugby and “other sports”.

A robust plan will again be put in place including a schedule of resident communications informing them of noise windows both for the shows themselves and any production requirements such as soundchecks, and;

- Setting appropriate noise limits at noise sensitive locations to be agreed and set background noise limits.
- Noise management specialists being present to monitor with the Environmental Health Officer (EHO).
- Inviting the EHO to initial sound tests on production days.
- A resident hotline across event days. Details of this would be included with resident communications.

The Club has adhered to all of the limits which were agreed as part of the previous planning ‘trial run’ which illustrated that in noise the events run very successfully, and these would be adhered to again.

As has been illustrated the agreed noise levels, the small number of complaints and the proactive action taken by the Club to respond to these, demonstrate that the use of the Stadium for the concerts does not give rise to significant noise issues. At the concerts, the Council had Environmental Health Officers and licensing officers monitoring the events, and all of which found that the proposal was operating under the planning permission and did not give rise to a significant nuisance in noise terms.

However, whilst only seventeen people raised issues, the Club still seek to manage noise. It is proposed that the staging area will be move forward onto the pitch to give a greater level of containment. In recognising the benefit of the engagement, the Club had with the locality through the noise complaint line, the bass levels from the sound system will also be addressed.

Finally, in addition, the holding of concerts would not be a regular event as only up to six concerts would be held. The proposal would therefore comply with policy CP11 of the Exeter Core Strategy, policies EN1 and EN5 of the Local Plan, and the provisions of the National Planning Policy Framework.

Highways

As part of the approved planning application 12/1030/03, the highway network had to undergo road improvements to Junction 30 including works to the south bound slip road and upgrading the traffic management system to facilitate the new stadium. The improvement works have now been completed and enable Sandy Park to hold a capacity of over 20,000 people.

The traffic management plan was in place during the concert events in accordance with the Event Access Strategy, which ran very well. The Club had both a taxi and bus pick up and drop off operation before and after the event which ran successfully. The events were monitored by WSP consulting to actively find out how people had got to the event to provide ‘real life’ data.

Exeter Chiefs are already successful hosts of large events and operate a comprehensive Match Day Access Strategy, which controls the traffic management, car, and coach parking, stewarding and communication



arrangements in place on major event days to minimise the impact of the stadium on residents and businesses. This Strategy would be used for the operation of the concerts.

At the stadium parking is provided at the main Sandy Park car park. Access to this is via the main junction with the A379 and can accommodate 494 spaces, which is suitable for uses of the hotel, the Conference Centre, and the Sandy Park. However, given the benefits of the location, it should not therefore be assumed that everyone would arrive by car to a concert.

The site is well located to public transport, with the train station located directly to the west, along with bus stops that operate a frequent service to surrounding destinations. It is therefore very well located to ensure that a variety of modes of transport are available to attend a concert. It is a walkable destination, and given the nature of concerts, many concert goers will use hotels and travel by public transport to the event.

As is currently enforced through the Match Day Strategy, parking elsewhere in the surrounding roads will be monitored, and the Club will work with Devon County Council and Highways England to manage any issues that arise.

Given the road improvements, the location of the site to other modes of transport, the proposal would comply with policy T1 of the Local Plan which seeks development to make use of the most sustainable modes of transport. There would, therefore, be no reason in highway terms why concerts which would draw a comparative number of people to a rugby game, would result in any adverse highway impacts.

Conclusion

To make efficient use of the stadium, it is proposed that up to six concerts are held between May and first three weeks of July. The holding of concerts within venues like Sandy Park is now a frequent practice for large sporting venues, and it has been demonstrated that this is an appropriate use in this location.

Sandy Park offers first class event coordination and benefits from excellent transport links and is in an accessible location. It will bring significant benefits to the economy and the holding of concerts at the stadium have been tried and tested, and, backed up by evidence from both noise and highways consultants, has not led to any significant concerns.

We trust that this letter and the accompanying information provide you with the level of information required to assess the proposal and, for all the reasons set out above, we hope that the Council supports the application.

We look forward to discussing the proposal with you in due course. If you have any queries in the meantime, please do not hesitate to contact us.

Yours faithfully

BELL CORNWELL LLP

Peter Thomas

PETER THOMAS

Principal Planner

DD: 01392 576 257

pthomas@bell-cornwell.co.uk