

BRIEFING PAPERS

Planning Application: R18/0186 (revised July 2021)

- 1) A brief history and the sale of the stadium
- 2) The Local Plan
- 3) Opposition to redevelopment of the stadium
- 4) National Planning Policy Framework (NPPF)
- 5) Green Belt Policy
- 6) The shameful tactics employed by the applicant
- 7) Does honesty matter?
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* Planning Officer's report published on 6th September for the Planning Committee meeting scheduled for 14th September 2022

Save Coventry Speedway & Stox Campaign Group

October 2022

BRIEFING PAPER 1 – A BRIEF HISTORY AND THE SALE OF THE STADIUM

A very brief history of the iconic stadium

- Coventry Stadium opened in 1928 and apart from the war year, speedway racing, at the highest level, was staged every year until the stadium was closed by the current owners, Brandon Estates (BE) at the end of 2016.
- Stock Car racing was introduced in 1954 and that too, was staged every year right up until the forced closure. Staged on the first Saturday of each month during the season, Stock Car racing drew large crowds and was highly profitable.
- At various times, the stadium has staged many other forms of motorsport, such as Banger Racing, midget cars, sidecars, and go-karts. In addition it has been used for dog racing, as the base for Rugby Riders Training courses and community uses such as computer training.
- The venue has staged 2052 speedway meetings including 31 British Finals, 2 World Cup Finals, 3 Grands Prix and 21 International Test Matches. Formula 1 Stock Car meetings have been staged there 508 times, including 12 British Finals and 21 World Stock Car Finals.
- It was regarded as the finest oval motorsports stadium in the country with a magnificent grandstand housing bars, food outlets, a 230 seat restaurant and hospitality suites, all with panoramic views of the track. Grandstand seating accommodated 1800 people. The stadium, situated in a small village of some 200 houses in the Borough of Rugby, was at the heart of the community and famous worldwide. It put Brandon, 'on the map'.

The sale of the stadium

The Narrative

- The narrative pursued by BE from the outset was that the stadium was '*not viable and surplus to requirements*'. On the first few pages of their original planning application (Section 2 Site Description) it states '*The site is currently occupied by a disused stadium*' and goes on to say '*The site is not currently operational*'.
- It is '*disused*' and '*not currently operational*' because BE evicted the sports. They claimed in their January 2018 Planning Application '*New lease / licence terms were offered*' to the previous owner which '*remained unsigned*', resulting in the stadium closing in November 2016. Despite the previous owner saying this was categorically untrue, they repeated the claim in further documents submitted in October 2018 and only following a letter threatening legal action by the previous owner did they acknowledge this to be untrue and on 7th November 2018, sent a letter of apology (copied to the Planning Officer). The letter claimed it was "an error in the instructions received". By this time of course, consultee responses had been completed and were based on this and countless other untruth's which litter the applicant's original and revised application.
- These untruth's are deliberate attempts to mislead Planning Officers and Consultees as the applicant sought to make the case for development under Paragraph 97a (now 99a), that the stadium is '*surplus to requirements*', with no proposals for replacement or alternative provision put forward.
- The issue of 'Errors, untruths and deliberate attempts to mislead' will be discussed later.

The Facts

- Prior to the sale to the current owner, it was owned by Birmingham based businessman Mr Avtar Sandhu, who bought the stadium in 2003 following the death of the previous promoter Charles Ochiltree MBE (who ran the stadium for more than 50 years). He invested more than £1m to upgrade the stadium and ran it very successfully from both a commercial perspective and 'on track' with the speedway team winning numerous trophies
- Mr Sandhu had the promoting rights for both speedway racing and stock car racing but in 2011, sold the rights for speedway to Mick Horton for £200k (+VAT). He retained the highly profitable stock car rights and overall control of the stadium, including all catering / bar sales and rented the stadium to Mr Horton for £3k per meeting, to run speedway events (circa 20-25 meetings a year).
- Mr Sandhu used the stadium as headquarters and registered offices for all of his businesses (he had approximately 12 different businesses).
- As mentioned above, BE were pursuing the narrative that non-viability forced the sale of the stadium. In a meeting with council officers on 16th December 2018, SCS were told that Mr Sandhu's inability to repay a £10k loan to the bank, forced the sale of the stadium. Presumably, this is what the officer had been told by the developers.
- Finding this difficult to believe, SCS contacted Mr Sandhu direct to ask him the question. His response was to laugh at the suggestion it was £10k and explained the real reason, which he later sent to SCS in the form of an email.
- During a subsequent meeting between SCS and RBC (including Council Leader Michael Stokes, Principal Planning Officer Erica Buchanan and Head of Growth & Investment Stephanie Chettle-Gibrat) on 9th January 2019, a copy of Mr Sandhu's email was presented to them. It revealed:
 - Mr Sandhu had taken out loans (giving the stadium as security) and those loans were called in at short notice by Royal Bank of Scotland (RBS).
 - The loans were nothing to do with the stadium and were taken out to fund projects related to his other business interests.
 - The email from Mr Sandhu indicated the loan was not £10k – it was in fact £4.5m.
 - Unable to repay those loans at the time, it resulted in Mr Sandhu being forced by RBS to sell the stadium.
- RBS were heavily criticised by the government for the way they had acted. Mr Sandhu was a victim of the RBS scandal along with 5,000 other small businesses across the country, many of which were forced into bankruptcy. This scandal is very well documented.
- This was the reason the stadium was sold. This evidence destroyed the narrative set out by BE in their planning application that the stadium was sold because it was not viable.
- With no access to the accounts of Mr Sandhu and unable to provide a shred of evidence of unviability, the applicant instead made reference to Mr Horton's accounts, claiming he had not made a profit in any of his four years running Coventry Speedway Ltd.
- A cursory glance at Companies House records show this to be untrue. Over the four years on record, he made profit in year 3 and 4. The losses in years 1 and 2 result from the arrangement

for the purchase of the promoting rights which enabled him to pay the £200k purchase price over a two year period.

- More to the point, Mr Horton was merely a tenant at the stadium and his financial circumstances were irrelevant as it was Mr Sandhu's accounts as overall owner of the stadium which were significant.
- Evidence shows Mr Horton, who had "*willingly co-operated*" with Turley Consultants (who prepared the Financial Analysis document on behalf of the applicant), received a payment of £50k from the applicant to enable him to transfer a Coventry Bees team to race at Leicester.
- This payment was made to enable the applicant to state in their planning application that they had "*satisfactorily demonstrated that there was alternative provision for the previous speedway use on the site*".
- The team, racing in the lowest tier of speedway (after being in the top flight throughout its history at Brandon) and racing 30 miles away, inevitably failed part way through its first season. Coventry Speedway Ltd was eventually dissolved in January 2019.
- As a direct consequence of the RBS scandal, the Stadium was advertised for sale by agents GVA in April 2013.
 - It was not marketed in the sporting sector as it should have been. Had it been so, it would almost certainly have been bought by a consortium of British Speedway Promoters (based incidentally in Wood Street Rugby) or indeed another third party who wished to retain it as a sports venue.
 - Instead, it was advertised as a '*residential development opportunity*'. The advert also stated it was being sold '*with vacant possession*' and '*no trade is being sold or warranted*'
- The stadium was sold to a business acquaintance of Mr Sandhu named Tony Copeland and in a contemporaneous sale, it changed hands again within 24 hours to John Gary Downer.
- Mr Downer, a tax exile who lived in Monaco, is the 'Person with significant control' of Investin plc and was known to Mr Sandhu.
- Under the umbrella of Investin, ownership has been registered by the name of Investin Brandon and more recently, Brandon Estates. Originally registered at Companies House in the UK, it was re-registered in the secretive jurisdiction of Jersey.
- It was a purely speculative purchase, given the venue has always been designated for sporting use (with an unrivalled 90 year history) and it lies within the green belt.
- Racing continued until the end of 2016 as the developers tried unsuccessfully to get their plans to redevelop the site, included in Rugby Local Plan.
- Evidence, in the form a letter from Mr Sandhu explaining the circumstances of the sale and the size of the loan, a letter from Mr Sandhu's accountants which disproves the applicants claims that the stadium was not viable and a copy of the GVA sale document, were all submitted to RBC by SCS in January 2018.

In Summary

The above account of the circumstances of the sale of the stadium are the facts.

The narrative pursued by the applicant that the stadium was not viable are without foundation and just as their description of Brandon being a 'disused stadium', these claims were a deliberate attempt by the applicant to mislead.

In any other walk of life, the large sum of money paid to Mr Horton to enable the applicant to claim Coventry Bees had been successfully relocated, would be called a bribe.

Save Coventry Speedway & Stox Campaign Group

September 2022

BRIEFING PAPER 2 – THE LOCAL PLAN

- The applicant attempted to promote the site for redevelopment through the review of the local plan, including attendance at the public examination before an independent, Government appointed Planning Inspector. Their case failed.
- The Hearing took place in April 2018 and SCS successfully argued that RBC policies did not adequately safeguard existing sports and recreational buildings from redevelopment.
- The Inspector visited the stadium 28th April 2018, accompanied, at the request of the Inspector by representatives of SCS and BE.
- The Inspector issued his Interim Report on 16th May 2018
- The Report states that RBC had '*comfortably exceeded*' (by 17%) the overall provision for housing in Policy DS1 (including an element in support for Coventry which was unable to meet its plan). This means there is no pressing need to approve the redevelopment of Coventry Stadium.
- Key Findings of the report (related to Coventry Stadium):
 - Inspector Mike Hayden declared the Local Plan as '***Unsound***' as Rugby Policy '***does not safeguard existing sports and recreational buildings being built on unless surplus to requirements or replaced elsewhere, in line with Paragraph 74***'.
 - The Inspector also provided comment to Rugby Council on how to deal with the (BE) application, saying '***it needed to start from the basis of safeguarding provision, in line with the general policy for sport and recreation buildings, and assess the application in the context of the National Planning Policy Framework (NPPF), which seeks to ensure decision making is based on an assessment of need***'. He went on to say '***The key criteria for decision making in respect of Brandon Stadium were evidence of need, viability and alternative provision***'.
- Modifications were duly made to RBC Policies but SCS believe they did not properly address the concerns identified during discussion at the Examination and failed to fully reflect the Inspector's findings set out in his Interim Report of 16th May
- Representations were sent by SCS on 13th Aug 2018 to Rugby Council highlighting these concerns.
- The Portfolio Holder for Growth & Investment at this time was Cllr Heather Timms. As a resident of Speedway Lane, Cllr Timms was / is clearly conflicted.
- As Portfolio Holder, her role was to oversee changes to Policies to accurately reflect the Inspector's findings.
- **In May 2019 the Local Plan was adopted and did not include the redevelopment of the stadium.**

BRIEFING PAPER 3 – OPPOSITION TO REDEVELOPMENT OF THE STADIUM

- **Public Consultation**

The original public exhibition staged at Binley Woods Village Hall in October 2014 drew the following response to proposals (to build 250 dwellings):

- 7.8% were in support of the proposals
- 1.7% were neutral
- 90.5% were opposed to the proposals.

Plans were revised (for 137 dwellings) and a further exhibition took place at the Brandon Hall Hotel in October 2017 and drew the following response:

- 10.83% were in favour of the proposals
- 3.82% were neutral
- 85.35% were opposed to the proposals

(Source of the above figures: BE Planning Application)

When the application (for 137 dwellings) was submitted to RBC in January 2018, there was a huge response, unprecedented in RBC history. There is no mention of this in the revised application (for 124 dwellings) by the applicant but in a meeting with the Planning Officer on 14th March 2018, SCS were told the public response to the application was:

- 1800 Letters / emails objecting to the application
- 7 Letters / emails were supporting the application.

- **Members of Parliament**

On 23rd April 2018 the Member of Parliament for Rugby & Bulkington, Mark Pawsey sent a letter to the Head of Growth and Investment at RBC (at the time) Rob Back and copied to the Planning Officer. The letter was also presented to the Local Plan Inspector during the Hearings.

The letter (overleaf), jointly signed by Mr Pawsey and 10 other Members of Parliament, urged RBC to ***“reject the Planning Application”*** and asked that they ***“actively support the return of Brandon Stadium to its former long-established use as a motorsports stadium, providing family entertainment for future generation”***.

- **Brandon & Bretford Neighbourhood Plan**

In April 2018 Brandon and Bretford Parish Council submitted the draft of their Neighbourhood Plan to Rugby Council which revealed their own survey of residents ***‘overwhelmingly oppose’*** redevelopment of the stadium

The Plan was adopted on 2nd May 2019. Regarding the stadium, it states: ***“There is a community wish that the site should be retained as a celebrated sports facility for speedway and stock car racing,”*** and goes on to say: ***“The community is not persuaded by the arguments that it is not or cannot be made viable at its location”***.

Save Coventry Speedway & Stox Campaign Group

September 2022



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Rob Back
Head of Growth & Investment
Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

23rd April 2018
RE:YD/Brandon/23418

Dear Mr Back,

RE: Support for return of motorsports to Brandon Stadium

A Planning Application is currently before Rugby Borough Council which seeks to demolish the iconic Brandon Stadium and replace it with housing. The stadium, with an unrivalled heritage, has been the home of the Coventry Bees speedway team since 1928 as well as stock car racing.

This is a facility which is much loved by speedway and stock car fans and significantly, by the vast majority of residents who live near the stadium.

This is borne out by the unprecedented number of objections to the proposed redevelopment, as well as a recent survey of residents by Brandon and Bretford Parish Council, which showed an overwhelming majority of local residents want the stadium to remain.

We, the undersigned Members of Parliament and Members of the House of Lords, who are members and supporters of the All Party Parliamentary Group for Motorcycle Speedway, urge Rugby Borough Council to reject the Planning Application. We would also ask that the Council actively support the return of Brandon Stadium to its former long-established use as a motorsports stadium, providing family entertainment for future generations.

Your sincerely,

Mark Pawsey MP
(Rugby)

Rt Hon Nick Brown MP
(Newcastle under Lyme East)

Marcus Jones MP
(Nuneaton)

Jim Cunningham MP
(Coventry South)

Colleen Fletcher MP
(Coventry North East)

Sir Henry Bellingham MP
(North West Norfolk)

Nic Dakin MP
(Scunthorpe)

Anna Turley MP
(Redcar)

Paul Sweeney MP
(Glasgow North East)

Paul Farrelly MP
(Newcastle-under-Lyme)

Anneliese Dodds MP
(Oxford East)

BRIEFING PAPER 4 – NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- Paragraph 99 (Previously known as Paragraph 97)

Members will know, Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a. *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b. *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c. *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- BE's original decision to evict the stadium users, propose housing and submit the original planning application 100% failed to take account of this national policy. Their subsequent efforts were never going to set out a reasonable and realistic assessment of the position because to have done so would have required them to withdraw their redevelopment proposals.
 - The original submission, for 137 houses, failed following publication of the report by Independent Consultant (WYG) commissioned by RBC. His report (which is outlined in a separate Briefing Paper) concluded with the following statement: “**We are not convinced that the case has been made that Coventry Stadium is surplus to requirements as argued by the applicant.**”
 - A full two years elapsed before the applicant submitted a revised application, this time aimed at Paragraph 99c with the inclusion of a 3G floodlit football pitch in their plans.
 - **The key word in Para 99c is the word ‘FOR’ and quite clearly, this is a misinterpretation of Paragraph 99 by suggesting the proposals are ‘FOR’ an appropriate alternative sport or recreation development when the reality is the proposed sports development is ancillary to the main purpose of the development which is, and has been from the outset, housing.**
- Does it ‘outweigh the loss’ and is it viable?
 - The second part of Paragraph 99c states the need for the alternative provision to ‘**clearly outweigh the loss**’ (of what was there previously) and the **applicant has failed to make that case**. Whilst they attempt to quantify usage and participation of their proposed facility, they are unable to quantify and have absolutely no idea how many participants or the diverse nature of those participants, that used the stadium.
 - Consultants KKP who prepared the Study on behalf of BE state “*Sport England could still object to the development if it does not consider the proposal to be sufficient mitigation for the loss of the speedway track, as per NPPF point C*” and “*support is not guaranteed from either the FA or the Football Foundation given that the project was not identified as part of the Rugby Council Local Football Facility Plan (LFFP) process*”. They go on to say, with

reference to the LFFP, that *“Sustainability may be somewhat impacted upon, if the pitches that are in the LFFP are delivered over its ten-year lifespan”*

These two statements appear to indicate that consultants KKP, themselves believe the case for the creation of a 3G pitch in an urban setting, on the site of a venue with a rich sporting history, which is not identified in the LFFP, is weak.

- The 3G Artificial Pitch Feasibility Study is fundamentally flawed and both the Football Foundation and Birmingham FA *“believe the proposed location may be too rural to attract sufficient demand”*.
- 9 clubs were initially approached (only two of which are in Rugby Borough) and of those 9, 2 did not respond and 5 said they were not interested, with principle reasons being they already had access to suitable pitches, they intend establishing their own 3G pitch and not being prepared to travel to Brandon (supporting the view of the Football Foundation and Fa referred to above).
- Despite the inference in the Study, no contracts or agreements are in place for the 2 remaining users who expressed an interest and more importantly, the operator of the facility (this is discussed in a separate Briefing Paper).
- Both the Programme of Use and the Financial Projections are unrealistic and the projected marginal profit of less than £3k per year, is highly likely in reality to be a significant loss.
- The application is **not** supported by Sport England
- Should this application be approved and a 3G pitch installed, there would be a detrimental impact on other clubs offering similar facilities, in particular the nearby Wolston Leisure and Community Centre.
 - Wolston has a 3G floodlit pitch is predominantly used during weekday evenings between 6.00pm and 9.00pm with little demand for slots prior to 6.00pm A 9.00pm curfew is in place because of the close proximity to nearby houses. (The BE programme of usage indicates their proposed facility would be booked 7 days a week from 4.00pm and up until 10.00pm on 4 days a week, emphasising unrealistic financial projections).
 - Hire of the 3G pitch is the second highest generator of funds for the centre. Research by SCS into their accounts shows that in 7 of the last 10 years, the centre has made losses and the net losses over that 10 year period is £32,718.
 - BE approached 9 local football clubs including Binley Woods Juniors who currently use the Wolston facility.
 - It demonstrates the fragility of their financial position and if they were to lose business to the newly proposed pitch, it would threaten the future of the community facility, including the full time jobs of three people.
 - The trustees of Wolston Leisure and Community Centre, which is a registered charity, have objected to the application.

Page 28 of the Rugby Playing Pitch Strategy suggest the cost of a pitch is £965k (at 2015 prices). Given that these prices do not include provision of changing rooms or a 'pavilion' as is proposed for Brandon, the cost of the Brandon facility must therefore far exceed £1m.

It is not clear whether Brandon Estates are proposing to 'gift' the facility to an operator.

What is clear however that given the financial projections in their revenue model – even if realistic - with annual profit of <£3k per year there will **never** be a return on the investment.

- Summary and Conclusions

- The applicant's proposals represent a misinterpretation of NPPF Paragraph 99c as the development is very evidently not 'FOR' alternative sports and recreational facilities as they are ancillary to housing
- The applicant has failed to make the case that the proposed facilities in any way 'clearly outweigh the loss' and in fact their own analysis indicates the profit projections for the proposed facility are so marginal that restrictions on operating hours, a minimal drop in usage or an unexpected cost arising will throw it into loss making.
- The consultant's KKP themselves cast doubt on the sustainability of the project.
- This Revised Application is an ill judged, desperate and cynical attempt to comply with the NPPF.

BRIEFING PAPER 5 – GREEN BELT POLICY

- The site lies within confirmed Green Belt and Save Coventry Speedway & Stox Campaign Group (SCS) believe that a development of 124 new dwellings cannot possibly be regarded as being compatible with this designation
- BE claim their proposal is consistent with para 145 of the NPPF. We disagree for the reasons set out below but would also point out that their approach towards advancing the development is incompatible with the suite of policies comprising the Green Belt section of the NPPF including paragraphs 137, 138, 140, 141, 142, 143, 144, 147, 148 and 149 as well as paragraph 145. (2021 version of the NPPF)
- SCS disputes BE's contention that the site is brownfield. We accept that parts of the site are brownfield but most of the site should be considered greenfield.

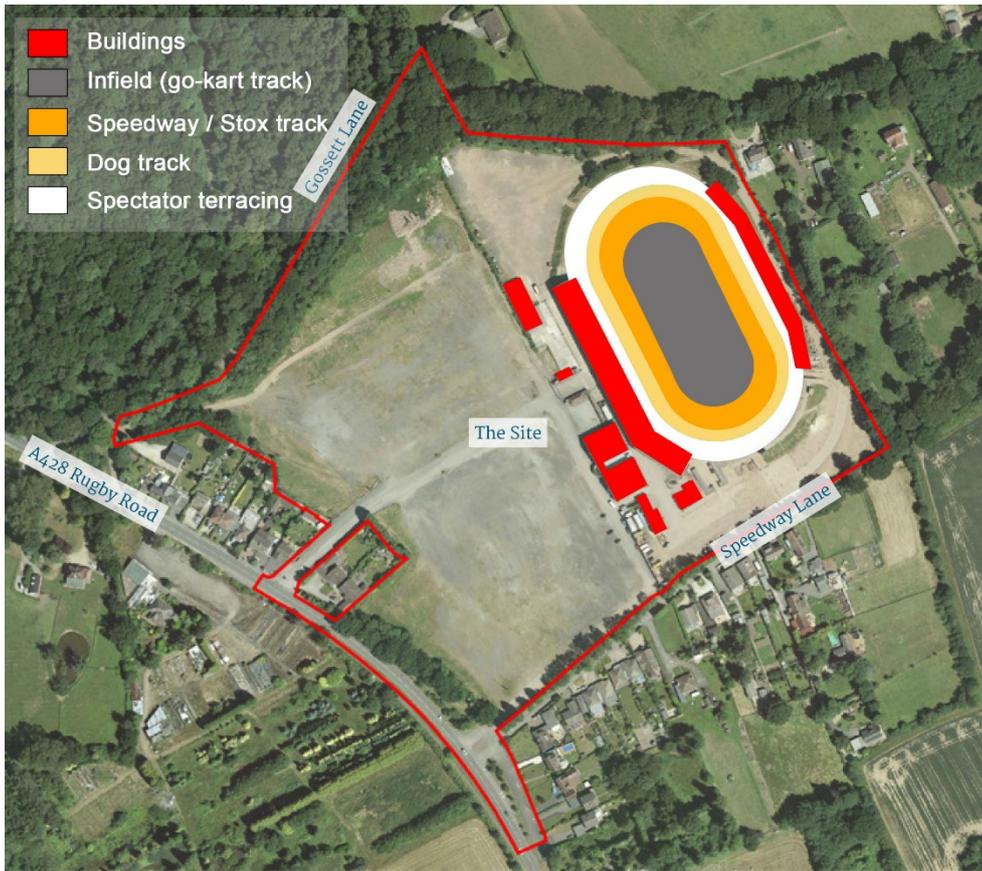
The car park occupies more than 50% of the site. Other than for access roads, at no stage has this area been surfaced with concrete or tarmac. The extent of any type of covering on this area was in 2003 when clinker was laid to fill in pot holes. The photograph overleaf, taken in August 2022, shows the car park to be completely overgrown with vegetation emphasising this point.

- Within the perimeter of the stadium itself there are a number of buildings such as the main grandstand, the back straight covered area, the hangars, the dog kennels and a number of smaller outbuildings. In addition, concrete terracing surrounds the racing circuit. These areas we do not dispute could be considered brownfield.
- **Then there are the racing surfaces – the dog track, the speedway / stock car track and the infield which was used for go-kart racing. We dispute the notion that these areas should be considered brownfield and instead, should be considered effectively as ‘sports pitches’**, in the same way for example, a tennis court, or indeed, a 3G sports pitch is. For the avoidance of doubt if the 3G football pitch is regarded as greenfield as BE contend, then the dog track, speedway / stock car track and infield cannot possibly be counted as brownfield as there is no practical difference in their status. In effect, the number of dwellings would therefore have to be substantially reduced.
- Taking this into account, the proposed extent and scale of housing proposed would extend well beyond and far exceed the existing footprint as the diagrams overleaf show.
- BE attempt to construct an argument that the proposed development would have limited impact on the openness of Green Belt.
- It is important to consider the context of Green Belt designation which followed on many years after the stadium became established. SCS understands that detailed Green Belt boundaries were established many years after the stadium in its current form had been largely completed. The only significant exception being the greyhound kennels. The washing over of the site reflected its use for outdoor sports which are acceptable within the Green Belt.
- The applicant claims the openness of the Green Belt will not be affected by housing as the site is completely obscured by hedgerows and trees (in Speedway Lane). That is simply not true as pictures on subsequent pages of this Paper shows those hedgerows and trees are sparse, allowing views across the site to the distant woodland beyond the car park.

- And the purpose of the Green Belt and this concept of 'Openness' is not restricted to the visual aspect as described below:
- Paragraph 137 of the NPPF states that, '*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.
- Paragraph 138 of the NPPF provides the purposes of the Green Belt.
 - (a) *to check the unrestricted sprawl of large built-up areas;*
 - (b) *to prevent neighbouring towns merging into one another;*
 - (c) *to assist in safeguarding the countryside from encroachment;*
 - (d) *to preserve the setting and special character of historic towns; and*
 - (e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- A planning application submitted in 2007 (Ref: R07/1268/PLN) for a 'change of use of the car park to use for a Sunday market' was refused for 6 reasons. The first 3 reasons listed were:
 - 1) *'The site is in the Green Belt' and would have 'an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt'.*
 - 2) *'It would be out of keeping with the character of the area and would have a detrimental impact on visual amenity'.*
 - 3) *'It would have a detrimental impact on nearby residents due to noise and vehicular activity'.*
- Another application (R14/2122) submitted in 2014 for the erection of a new detached dwelling adjacent to Highlands, Rugby Road, Brandon, was refused for 3 reasons:
 - 1) *'The site is in the Green Belt and the proposed dwelling is inappropriate development which is, by definition, harmful to the Green Belt and would have an impact on the openness of the Green Belt'.*
 - 2) *It would be 'unsympathetic to the appearance and character of the street scene and if approved would constitute a prominent and obtrusive feature within the street scene which would be detrimental to the visual amenities ... and openness of the Green Belt'.*
 - 3) *'No local need for affordable housing has been demonstrated'.*

It is difficult to understand how redeveloping Brandon Stadium with 124 houses, in the Green Belt, which would have a detrimental impact on the openness of the Green Belt and introduce very significant increases to vehicular activity, whilst being incompatible with a suite of other NPPF policies, would not be refused for similar reasons, not least because its impact would far exceed the other examples cited.

- **The extensive nature of built development would undeniably have a significant and detrimental impact on the openness of Green Belt. The floodlit 3G pitch, fencing, floodlighting, additional car park (for 100+ vehicles) and associated pavilion building simply add to the proposed urbanisation of what is currently a site falling within the defined countryside.**



This view shows the footprint of the stadium buildings, terracing, dog track, speedway / stox track and the infield / go-kart track.

SCS argue the dog track, speedway / stox track and the infield / go-kart track should be considered 'sports pitches' and therefore NOT brownfield.



This view shows footprint of the proposed housing, access roads, floodlit football pitch and car parking.

Note the close proximity of the floodlit football pitch and associated car parking to the rear of the housing on Rugby Road.



The diagram top, shows the stadium footprint overlaid on the applicant's plans for housing, football pitch and car parking etc. It clearly extends well beyond the stadium footprint and would have an undeniable, significant and detrimental impact on the openness of the Green Belt.

The pictures of the car park, from two different perspectives, show how it is completely overgrown and emphasise the fact that it cannot possibly be considered as brownfield.



The applicant claims the views from Speedway Lane are obscured by trees and hedgerows and housing will therefore not impact on the openness of the Green Belt. These pictures were taken whilst walking down Speedway Lane (in the direction of the arrows) and show the views across the stadium car park to the distant woodlands. The claims are simply not true - housing on the site WILL impact on the openness of the Green Belt.

BRIEFING PAPER 6 – THE SHAMEFUL TACTICS EMPLOYED BY THE APPLICANT

- Condition of the stadium
 - Since the applicant took possession of the stadium on 1st January 2017, the once magnificent stadium has been absolutely trashed following 6 traveller incursions, 8 cases of arson resulting in major fires and daily cases of vandalism.
 - All of this has been enabled by the applicant's failure to secure the site, with large vehicle gates and doorways being left open for several weeks at a time and access points in fencing remaining unrepaired for several months at a time.
 - Following the third incursion by travellers, on 15th September 2017 RBC served the applicant with a Warning Notice (to secure the site and tidy it up) which they failed to comply with. They were subsequently served with a Community Protection Notice (CPN) on 26th September 2017 which they chose to challenge in court. Between the CPN being served and the case going to court five months later, there were 2 further traveller incursions and the first major fire at the stadium which destroyed a turnstile building. It eventually went to court in February 2018 where they applicant settled outside of court and agreed to pay RBC expenses.
 - Their continued failure to comply with the CPN resulted in RBC taking further court action against the owners in October 2019 but as a result of Covid and the backlog in the judicial system, it has taken three years to get to court.
 - A trial date has now been set and **on 14th November 2022, BE will face trial in a Birmingham court for repeated breaches of the CPN.** The trial is scheduled to last for 6 days and SCS has provided 160 photographs which will be used by RBC's legal team as evidence at the trial.
 - During this long wait for the case to go to trial, further cases of arson, resulting in major incidents have occurred on:
 - 10th March 2020 (fire in one of the hangars)
 - 17th April 2020 (a major fire in the restaurant area of the main grandstand, necessitating 6 fire appliances including a turntable ladder)
 - 29th April 2021 (fire in the tunnel area of the main grandstand)
 - 7th August 2021 (fire in the second hangar)
 - 12th February 2022 (major fire in the roof of the grandstand destroying the referee / stadium announcer's box necessitating 4 fire appliances)
 - 13th May 2022 (the biggest fire of all, necessitating 8 fire appliances, the closure of the main Rugby Road as the crew drew water from the hydrant in the road, right across the car park. The fire was at the right hand end of the grandstand in close proximity to housing and completely destroyed the office areas and hospitality boxes)

- In addition, and literally on a daily basis, vandals have entered the stadium, through open gates and doorways and smashed everything in sight. There is not a door in the stadium still on its hinges and not a window that hasn't been smashed. Electrical cabling has been stolen by travellers and the whole stadium is covered in graffiti.
- Photographic evidence gathered by SCS show there is hardly a single day since the applicant took possession of the site, when people were unable to simply walk into the stadium through open gates and doorways and remain there uninterrupted for as long as they wished.
- Residents, particularly those in Speedway Lane, have been subjected to the most horrendous ordeal for almost 6 years. Some have set up video cameras on the front of their houses for security reasons and they have established a Speedway Lane 'Whats App' group enabling them to alert each other of suspicious activity.
- The applicant has failed in their duty of care under the Occupiers Liability Act 1984 to secure the site and therefore protect trespassers from injury.
- **SCS contend this has been a deliberate tactic on the part of the owners aimed at 'grinding down' local residents who they know are largely opposed to their redevelopment plans and secondly to enable the stadium to be so badly damaged to the point of being beyond reinstatement. At a meeting between SCS and Senior Officers on 3rd September 2021, a member of the Senior Team concurred with this view.**
- Despite the costly court case being pursued against the applicant, RBC Planning Department insist this is a separate issue to the planning application. We would respectfully disagree with this viewpoint because the applicant introduces the condition of the stadium in their planning application. They disgracefully attempt to use the vandalised condition of the stadium, for which they are wholly responsible, to their advantage, by claiming the cost of reinstatement is a factor in their flawed argument regarding viability.
- **It is the most shameful and despicable tactic, deployed without any consideration what-so-ever to the stress caused for local residents, particularly those in closest proximity to the stadium who have had to endure numerous serious incidents and daily cases of vandalism for almost six years.**

BRIEFING PAPER 7 – DOES HONESTY MATTER?

- Deliberate attempts by the applicant to mislead
 - There were countless ‘errors and untruths’ in the original planning application (submitted in January 2018). These could have been made through either incompetence, poor research or because the applicant did not expect the level of scrutiny the application was subjected to by SCS.
 - Despite these ‘errors and untruths’ being highlighted in the response to the application by SCS, many of those ‘errors and untruths’ were repeated in documents subsequently submitted, including the Sports Needs Assessment (Oct 2018) and the Revised Planning Application submitted in July 2021.
 - The independent Consultant commissioned by RBC specifically to look at the applicant’s claims and SCS counter claims, diplomatically referred to some of these ‘errors and untruths’ in his report with comments such as:
 - “It does (the SNA) fall short in certain areas and there are inaccuracies which impact on the findings and the narrative set out by the applicant”
 - The applicant stated the stadium (prior to closure) was in a “generally poor state of repair” and needed “significant sums of money spending on it” but the consultant disagreed, saying “The stadium was evidently fit for purpose” and went on to say “Brandon could reasonably be considered a quality venue...with no major investment required”
 - Regarding the developers’ list of existing speedway and stock car venues, WYG observed that “*there are inaccuracies within the detail of the audit, which make the quantitative claims within the SNA less robust*”.

The ‘errors and untruths’ were so many in number, it prompted SCS to produce a 20 page report, supported by 31 appendices of evidence which was presented to RBC on 11th January 2019. There are literally too many to mention in this document but just a few examples are described below.

Example 1 – Parties interested in buying or leasing the stadium

In their original application the applicant stated “The applicant has received several enquiries from parties interested in either acquiring or operating Coventry Stadium since its original purchase. The applicant has willingly engaged with these parties. Based on correspondence provided by the applicant, to date none of the parties seeking to re-use the facilities have demonstrated a credible business case or professional team to operate the stadium or have failed to provide suitable evidence of funds to either operate or acquire the subject site and premises”.

In May 2017, a Rugby businessman, Garry Townsend (Townsend Vehicle Hire), made enquiries about leasing the stadium. He received a reply from solicitor James Crocker (now deceased), acting for Brandon Estates which stated:

"I have now taken instruction from Brandon Estates Ltd. Whilst they thank you for your interest, there is no point at the present time in entering into any discussion. Under no circumstances will Brandon Estates permit Stock Car Racing to return to Brandon Stadium".

A second enquiry by Mr Townsend in January 2018, met with the response that:

"As previously intimated, and for the avoidance of doubt: Stock car racing will never be allowed to return to the Stadium".

The emails from Mr Crocker were submitted to RBC as evidence as appendices in the SCS document 'Summary of Errors and untruths'.

This example indicates they did not 'willingly engage' as they claim.

Another enquiry was made by an individual named Warren Hunter which further emphasises the BE statement to be untrue.

In March 2017 Mr Hunter made enquiries about buying the stadium. He was asked to submit his company accounts for a two year period which he duly did. He eventually received a response, once again from Mr Crocker which stated:

"Our Clients are experienced enough and certainly pragmatic enough to know that the most likely outcome of a planning application is that it will be recommended for approval by the Planning Officers but then rejected by the Planning Committee. On Appeal to the Secretary of State it is almost certain that the application will be granted. I hope that this information helps you assess a value for the site. Our clients will carefully consider any offer that you make."

This rather arrogant statement of course implied any offer would need to be at or near to housing value and Mr Hunter understandably did not pursue it further at that stage.

However, SCS met with BE in March 2020 (as recommended by the Independent Consultant). During discussions, BE denied any knowledge of knowing of the enquiry by Mr Hunter but at SCS's request reluctantly agreed to make contact with him.

Following an initial 'phone conversation a representative of Brandon Estates (Alastair Burgwin) met Mr Hunter at the stadium on 20th May 2020. Mr Burgwin showed Mr Hunter around the badly vandalised stadium and the meeting concluded with Mr Hunter saying he would give it some thought and get back to them.

On 27th May Mr Hunter submitted a formal offer to buy the stadium. He received a reply on 7th July 2020 which stated:

"As we have confirmed twice since your offer came in we are still considering your proposal and will get back to you when a decision has been made. We would appreciate your patience in this matter and we will get back to you as soon as we can. To either agree or to refuse your offer."

Despite this, in the revised Planning Application submitted by BE in July 2021, they make no reference of the meeting with Mr Hunter or the offer he made but instead state:

"As explained in the original submission package, the applicant fielded a number of enquiries from parties interested in either acquiring or operating Coventry Stadium since its original purchase. However, none of the parties in question were able to demonstrate a credible business plan, nor indeed the funds required to acquire the stadium outright."

As to whether Mr Hunter is 'credible' or not, the fact that they were considering his offer (and have still not turned it down), suggests they accept his credibility.

For information, Mr Hunter is a highly respected businessman and Managing Director of his family business Huntapac Ltd. Established in 1942, they farm 2,400 acres of land, growing root vegetables. They process and distribute those vegetables to major UK supermarkets with their biggest customers being Tesco and Marks & Spencer. They employ 520 people and Companies House records show they turnover >£54m per year.

These examples demonstrate fundamental dishonesty and a most blatant attempt to mislead planning officers and by implication, RBC Members.

Example 2 – The 3G Artificial Pitch Feasibility Study

In a misguided attempt to comply with NPPF Paragraph 99, the applicant has, as an afterthought, included a 3G floodlit football pitch in their revised application.

As stated in an earlier briefing paper, SCS believe this a complete misinterpretation of the NPPF.

SCS were informed the applicant had originally approached Coventry City Football Club to ascertain whether they would be interested in managing the facility. They declined and in fact, produced an article in their match day programme in December 2020, quoting Chief Executive of the club, Dave Boddy, referring to the Bees having *"a rich sporting heritage"* and having been a patron of the stadium saying *"Speedway is a thrilling sport for all generations and if the sport can return to Brandon it will be a massive boost to thousands of people throughout the region"*.

Having drawn a blank, the applicant turned to the charitable arm of the football club, Sky Blues in the Community (SBitC). They spoke to David Busst, Head of Community and he showed an interest.

The applicant then prepared the study, trawling the area looking for clubs that might be interested in using the proposed facility and preparing a 'Programme of Use' for the facility with a high utilisation 7 days a week late into the evening. Combined with all the costing's associated with establishing and running this proposed facility they created a business plan.

As detailed in an earlier Briefing Paper, the business plan projected an annual profit of just £3k per year for an outlay in excess of £1m.

The application is dependent on a suitable operator being in place to manage the facility. The application suggests that SBitC will be that operator. It makes 29 mentions of SBit and infers they have been involved in the details discussed in the remainder of the 3G Feasibility Study, including the development of the Programme of Use and Financial Projections.

A meeting between SCS and David Busst on 26th July 2021 revealed this was completely untrue.

The meeting highlighted the fact that discussions between BE and SBitC had been very brief, that despite the inference in the application, Mr Busst had had no involvement at all, and in fact, had not even seen the Programme of Use or Financial Projections prior to it being shown to him by SCS. Nor had anything been agreed or signed.

When asked whether the facility was going to be 'gifted' to SBitC by BE and thereafter SBitC would be responsible for ongoing management including long term financial responsibility, Mr Busst shrugged his shoulders and said none of that had been discussed.

The planning application does not make clear who would be responsible for the ongoing financial accountability for the proposed facility.

Subsequent to that meeting Mr Busst has sent an email to the Principle Planning Officer at RBC, Erica Buchanan on 29th July 2021 to clarify the position of SBitC. It states:

"Discussions regarding the management of the proposed pitch have been very brief, with no agreement in place and we have had no input into the programme of use or the cost projections outlined in that business plan." He went on to say *"Our letter was intended to state that if a facility of this nature was in existence in the area, we would consider managing it as part of our charitable work in the region."*

These two examples show how BE have deliberately attempted to mislead planning officers. There are many, many more examples – far too many to describe in a short briefing document.

SCS believe they reflect an essentially dishonest approach by the applicant, which combined with their shameful tactics resulting in them facing a trial in a court of law, should not be tolerated by RBC.

BRIEFING PAPER 8 – THE ALTERNATIVE APPLICATION

SCS Planning Application

- Earlier this year (23rd January), SCS submitted a Planning Application for Coventry Stadium. We were encouraged to submit it by senior officers at RBC (who even asked in one email ‘why it was taking so long to submit it’). RBC Leader Cllr Lowe and his Deputy Cllr Poole also urged us to submit the application during a meeting with them (5th October 2021) and committed to publicly support it once it had been registered and was in the public domain. (Cllr Lowe at a later stage sent a text to say he was unable to publicly support it and included a screenshot of an email from Aftab Razzaq which said that “under no circumstances should they publicly support the application”)
- After making some amendments requested by the Planning Officer it was registered and went ‘live’ on RBC Planning Portal on 3rd April 2022. The acknowledgement document indicated the consultation period would run until 6th May and the determination date was no later than 31st May 2022.
- The application sought a change of use to three of the building on the site as part of a Masterplan which would see the stadium reinstated with enhanced facilities for community use including cycling facilities, a gymnasium with a climbing wall and physiotherapy rooms, a museum of speedway and stock cars and a new bar and catering facility open to the local community. The longer term vision included plans to convert the track infield to stage equine events, the creation of a cycle speedway track and to open up rooms within the grandstand for various wellbeing activities. The proposals were all endorsed by the individual who had submitted and offer to buy the stadium, Warren Hunter.
- It was submitted in line with the Planning Officer’s advice that it was a ‘change of use application’. A key aspect of the application was that it was submitted, registered and went right the way through the consultation process, on the clearly stated and accepted principle of a **structural survey and an ecology report being reserved matters** to be carried out at an appropriate point in time (ie. If and when the owners sold the stadium).

Why the application was submitted

- The application was submitted to demonstrate there was a clear and well thought through vision for the stadium as RBC officers had expressed concerns that in the event of the BE application being refused, SCS had no ‘end game’ and the site could lie idle for years.
- The application could only become a reality in the event of the BE application being refused and their willingness to sell the site to Mr Hunter (bear in mind they had not refused his offer which suggested they may consider selling).

Current status of the application

- Whilst we had heard nothing from the Officer, it appeared the application was set to go to Committee as at the Planning Committee Meeting on 25th May, there was a request from Cllr Timms for a site visit and an indication from Richard Holt that it was likely to go to Committee in the ‘next couple of months’.

- However, on 1st July 2022 (8 weeks after the consultation period closed and more than 4 weeks after the application should have been determined) SCS received an email and formal notification stating there was 'insufficient information to give a positive outcome' and stated we therefore had two options
:
 - "Withdraw the application and resubmit for a change of use and construction work. This would then be a full application rather than a change of use application which is why you would be unable to simply amend the description of your current application".
 - "Alternatively, we can determine the application as it currently stands which would be refused on insufficient information".
- It was subsequently clarified that insufficient information referred to the absence of a structural survey and ecology report. It was also indicated that to pursue the first of those two options would require both a survey and ecology report to be included. This officer knew that as SCS did not have access (and would not be granted access), this first option was not possible.
- As we were told the second option would result in the application being refused, it left SCS no route by which the application could be progressed other than to appeal on the grounds of non-determination.
- On 9th August SCS advised Mannie Ketley, Nicola Smith, Richard Holt, Cllr Lowe, Cllr Picker and Cllr Gillias of our decision to pursue an appeal.
- One other very interesting and disappointing aspect, is that despite repeated requests, we have not been afforded the opportunity to see the public response regarding our application. We have been told there were approximately 1000 responses and believe the vast majority are supportive of the application.
- This issue has been raised a number of times, including with Nicola Smith and Sarah Chapman, but as at 5th September (18 weeks after the consultation period ended and 14 weeks after the application should have been determined), we have still not seen it nor even provided with any analysis of the response.
- After being encouraged to submit this application and being advised it was a 'change of use' category, the application being submitted, registered, the consultation completed, there was a long delay in any feedback from RBC and when it came, the 'goal posts had been well and truly moved'.

It's almost like there are other issues at play.

Planning Application: R18/0186 (revised July 2021)

SAVE COVENTRY SPEEDWAY & STOX – A CRITIQUE OF THE OFFICER’S REPORT

This document has also been sent to Planning Committee Members as ‘Briefing Paper No9’

Explanatory Note

Eight Briefing Papers have already been sent to Members of the Planning Committee and were intended to provide background information to the Coventry Stadium situation and in particular, a summary of events since the current owners took possession of the stadium. They were prepared prior to the Planning Officer’s report published for the Planning Committee meeting scheduled for 14th September 2022 and recommendation going into the public domain. Copies of these papers have been sent to Rugby Council so they can be added to the documentation relating to the planning application.

This report (and 9th Briefing Paper) has been prepared following publication of the Planning Committee report and makes references to some of the report content.

A reminder of acronyms and other references referred to in this Paper:

- RBC - Rugby Borough Council
- BE – Brandon Estates
- SCS – Save Coventry Speedway & Stox Campaign Group
- Framptons – Brandon Estates’ Planning Agents for the Local Plan process and original (2018) Application.
- KKP – Consultants Knight, Kavanagh & Page, commissioned by Brandon Estates and authors of the 3G Pitch and Speedway Feasibility studies
- DPP – Brandon Estates’ Planning Agents for the revised (2021) application
- Officer – The Principle Planning Officer dealing with this application (and the Alternative Application)
- Alternative Application – A separate application submitted by SCS
- NPPF – National Planning Policy Framework

CONTENTS

1. Summary
2. Local Plan
3. Brandon & Bretford Neighbourhood Plan
4. Green Belt Policy
5. NPPF
6. Opposition to the application
7. Comparison of Coventry Stadium to Oxford Stadium
8. What is not in the Officer’s Report
 - Documents missing from the Officers Report (not referenced anywhere in the Report)
 - Examples of other omissions from the Officer’s Report

1. SUMMARY

1.1. In recommending approval of the planning application the Officer has concocted a report which:

- a) clearly conflicts with both local and national policies;
- b) ignores advice from a Government Inspector;
- c) has effectively condoned a gross misinterpretation of Paragraph 99c of the NPPF;
- d) dismisses speedway and stock car racing as minority spectator sports, and;
- e) has swept aside overwhelming and unprecedented opposition from every quarter of society at every stage in the process.

1.2. The Officer's report is unbalanced to the point of being biased. This is highlighted in several ways:

- The applicant commissioned several 'independent' consultants and presents their findings in the planning application. These consultants are not genuinely independent as they prepare reports to a brief that is to justify a predetermined conclusion required by their paymasters. That is not an unusual situation but the Officer has been all too prepared to accept the content of these reports as fact and reproduces swathes of text from these reports, despite being in possession of compelling evidence setting out the contrary position, of which there is no mention in the report.
- In response to submissions from BE, SCS produced extensive, well researched and presented representations, which were sent to the Officer:

- 80 page response to the original planning application sent on 28th February 2018
- 65 page response to the Sports Needs Assessment sent on 6th November 2018
- 51 page document entitled 'Errors and Untruths' (in BE documents) sent on 8th January 2019
- 82 page document in response to the Revised Application sent on 18th August 2021
- These documents included 66 appendices of evidence in support.

Whilst swathes of text from the various documents submitted by, or on behalf of BE, are reproduced in the Officer's Report, in contrast there is barely any reference at all to the counter arguments and evidence put forward by SCS.

In addition RBC have only made one of those comprehensive documents available on the Planning Portal, thus failing to provide statutory consultees or any other interested parties, with a balanced view. RBC acceded to a request to place this document on the Portal after SCS raised the issue at a meeting with Executive Director and first line team members on 3rd September 2021, which was long after the consultation period ended.

- A number of documents have been omitted from the Report and not referred to in any way:
 - A letter of objection (dated 6th Aug 2021) from the Chairman of the British Speedway Promoters Ltd. This letter included an offer to meet the Officer but was not responded to.

- A letter of objection (dated 9th Aug 2021) from the Governing Body of Speedway (Speedway Control Bureau)
 - A letter of objection (dated 10th Aug 2021) from the Governing Body of Stock Car Racing (BriSCA) and the Oval Racing Council International (ORCi).
 - The three omissions referred to above are all the more remarkable given that the initial response from Sport England concluded that the Council should have regard to the comments of the sports' governing bodies before reaching a position over whether it considers the proposal would meet NPPF paragraph 99c.
 - A letter of objection (dated 23rd April 2018) jointly signed by 10 Members of Parliament / Members of the House of Lords (copied to Members in Briefing Paper No3).
 - A letter of apology (dated 7th Nov 2018) sent by BE Planning Agents (Framptons) to the previous owner of the site (and copied to the Officer) for falsely claiming an offer had been made to extend their lease beyond the end of 2016, thus enabling motorsports to continue at the venue. The author asked that this letter be copied to statutory consultees. The Officer failed to do this.
 - A letter from Sky Blues in the Community (dated 29th July 2021) which pointed out, despite inferences in the application, that they had not signed any agreement, had had no input into the development of the Business Plan and Programme of Use (for the 3G football pitch) and had not even seen it before it was shown to them by SCS. (A more detailed explanation of this is described in Briefing Paper No7).
- In addition, the Officer, in making the case for approval of the application, makes no reference to key evidence which, if disclosed, would paint an entirely different picture to many statements made by both the applicant and the Officer. Examples of evidence not referred to are outlined on subsequent pages.
 - Amongst sections from the application which have been copied and pasted in the Officer's Report, is a section which claims that due to substantial damage to the stadium since the end of 2016 and the cost of reinstating the stadium, there is no plausible commercial basis upon which Coventry Stadium would now be reopened. For the Officer to accept this argument, when the applicants themselves are wholly responsible for the stadium being absolutely trashed and in full knowledge of the fact they will stand trial in November in a case brought against them by RBC is astonishing.

In accepting this argument, the Officer, and by inference RBC, is condoning this shameful tactic.

- 1.3. SCS are also very concerned that a separate, alternative application seeking changes to three buildings as part of a masterplan for the reinstatement of the stadium with enhanced facilities for community use, was delayed just prior to it going to Planning Committee by fundamentally 'shifting the goalposts'.
- 1.4. SCS believe this was a deliberate tactic on the part of RBC Officers in order to ease the passage of the BE application, which if approved, would 'kill off' this separate application. In addition, should the BE application be approved, the most likely outcome regarding the court case, would be that there would be an out of court settlement and it would therefore not proceed.

Whilst SCS understand and support the need to bring this long running saga to a conclusion, concocting a report which ‘drives a coach and horses’ through local and national policies, sweeps aside unprecedented opposition, places too much reliance on findings of reports commissioned by the applicant which purport to be independent, omitting vital evidence and effectively condoning the shameful tactics of the applicant, is not the way to achieve that objective. To approve this application would send a very dangerous message to other would-be developers seeking planning approval in the Borough of Rugby.

1.5. Alternative resolution to refuse the planning application

SCS propose the following for consideration by Members

That application R18/0186 be refused on the following grounds:

The proposed demolition of the stadium is contrary to the provisions of Policies HS3: Protection and Provision of Local Shops, Community Facilities and Services and HS4: Open Space, Sports Facilities and Recreation of the Rugby Local Plan, the provisions of the Brandon and Bretford Neighbourhood Plan and Paragraph 99 of the Government’s National Planning Policy Framework.

The proposed development would have a significant adverse effect on the Green Belt contrary to the General Principles and Development Strategy set out in the Rugby Local Plan and provisions of the Government’s NPPF (Paragraphs 137, 138, 140, 141, 142, 143, 144, 145, 147, 148 and 149)

The provision of housing on the application site would undermine the delivery of housing allocated in accordance with the development strategy outlined in the Rugby Local Plan.

The applicants have sought to improve the chances of a successful outcome not only by evicting the stadium users with no respect for the heritage of the site and the sports it accommodates, but also by an abject failure to secure the site thereby enabling unauthorised access and vandalism.

We have suggested the last reason because we believe the Planning Committee needs to recognise that by rewarding such tactics, they will send a message to developers that this approach is acceptable within the Borough. We plead that you send a message that such behaviours will not be tolerated by RBC.

The following pages of this Briefing Paper expand on points made in this summary.

2. THE APPLICATION CONFLICTS WITH THE LOCAL PLAN

2.1. Briefing Paper No2 described how the applicant put forward the site for redevelopment through the current Local Plan but the site was rejected by Rugby Council, a decision supported by the independent Government appointed Inspector.

2.2. During that process, the Government Inspector provided guidance to RBC on how to deal with this application, saying “*it needed to start from the basis of safeguarding provision*” and

went on to say *“The key criteria for decision making in respect of Brandon Stadium were evidence of need, viability and alternative provision”*.

- 2.3. SCS contend the Officer has not followed the clear guidance from the Inspector and whilst acknowledging the site has not been allocated for housing in the Local Plan, the Officer justifies the recommendation for approval by stating, *“housing on this site is acceptable due to the site being previously developed”*.
- 2.4. This argument is highly contentious. Briefing Paper No5 shows pictorially that more than half the site is a car park which, other than for access roads, has never been surfaced and is now overgrown with vegetation. Additionally, SCS assert the racing tracks, infield and associated pits areas should be designated as ‘sports pitches’, which the Officer has ignored. Acceptance of this assertion would mean the footprint of the housing proposed far exceeding what should be considered as Brownfield.
- 2.5. Regarding the key criteria referred to by the Inspector, there is clear evidence of continuing need for the sports that took place at the stadium (as concluded by WYG independent consultant’s commissioned by RBC), there is absolutely no evidence of the site being unviable, and as far as alternative provision is concerned, the applicant clearly stated in a meeting with SCS on 12th March 2020, they would not consider this as it would *‘impact adversely on their profit’*.
- 2.6. Policy HS4 of the Local Plan seeks to protect and recreational facilities in line with National Policy and the application clearly conflicts with this policy.
- 2.7. Following the Local Plan Public Examination, Policy HS4 was subject to main modifications to ensure, amongst other things, that the approach to the protection of sports and recreational facilities is reflected in the Local Plan.
- 2.8. Policy HS3 of the Local Plan states:

*“Proposals that would result in a significant or total loss of a site and/or premises currently or last used for a local shop, post office, public house, **community** or cultural **facility** or other service that contributes towards the sustainability of a local settlement or the urban area will not be permitted except where the applicant demonstrates that:*

- *alternative provision of equivalent or better quality, that is accessible to that local community, is available within the settlement or will be provided and made available prior to commencement of redevelopment; or*
- *there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment and all reasonable efforts to secure suitable alternative business or community re-use been made for a minimum of 12 months or a period agreed by the Local Planning Authority prior to application submission.*

Supporting text in Section 8.11 states:

- *“Current inadequate profitability of a facility will not, however, be considered a sufficient reason in itself to merit its loss as the future potential of the premises as a local service or community facility could be made more viable or run in an alternative manner such as a social enterprise. On this basis, **the Council must also be satisfied that there is no other interested party prepared to re-open the facility or that there is no scope for an alternative community use”**.*

Section 8.12 states:

- *“In terms of demonstrating that all reasonable efforts to secure a suitable alternative community re-use has been explored, applicants will firstly be expected to demonstrate that they have consulted the Parish and the Borough Council. **The applicant will be expected to demonstrate that the premises has been marketed for a period of 12 months or a period agreed by the Local Planning Authority prior to application submission, before the Council will consider a change of use and the valuation attributed to the property should properly reflect its current use**”.*

The Neighbourhood Plan is an integral part of the Development Plan and the Brandon & Bretford Parish Council Neighbourhood Plan and lists several facilities they wish to be protected. Along with the Village Hall and local Pubs, they list Brandon Stadium as one of those **Community Facilities**.

With regard to Paragraph 8.11, the Officer is fully aware another interested party (Mr Warren Hunter) has made a formal written offer to buy the stadium. Evidence of this has been provided to the Officer, including a copy of the offer letter (Appendix 4 of the SCS response to the Revised Application), yet the Officer skirts around this issue in the Report by making brief reference to an SCS assertion that an offer has been made – when she has actually received the documentation.

And with regard to Paragraph 8.12, can RBC demonstrate that all reasonable efforts were explored by the applicant and that the Parish Council have been consulted? And neither the applicant nor the Officer can demonstrate the premises have been marketed for 12 months. The initial speculative approach made by Mr Hunter in March 2017 (to buy the stadium) met with a response from solicitors acting for the Applicant which clearly implied the cost of buying the site would be housing value rather than current use value (Appendix 1 of the SCS response of 18th August 2021). And two further approaches from local businessman Gary Townsend (to lease the stadium), met with responses from the same solicitor that *“Stock car racing will never be allowed to return to the stadium”* (Appendices 2 and 3 of the SCS response of 18th August 2021).

The Officer makes no reference to Policy HS3 or supporting text in Sections 8.11 and 8.12, and neither the Applicant nor the Officer can demonstrate the requirements of this policy have been met in any way.

3. THE APPLICATION CONFLICTS WITH BRANDON & BRETTFORD NEIGHBOURHOOD PLAN

- Paragraph 12 of the NPPF states *“Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted”.*

3.1. What the Officer included in the Report

- The Report makes reference to Brandon & Bretford Parish Council in Section 2.5 under ‘Third party comments’, simply stating they *“Object on visual amenities, open aspect and traffic issues”.*

3.2. What the Officer makes no reference to in the Report

- Page 44 of the Neighbourhood Plan refers to Policy LF1 related to Community Facilities. It states *“Proposals which assure the retention, enhancement or improvement of valued community facilities will be supported..... Proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use(s)”*. It goes on to state *“The survey of residents and businesses showed that the existing local facilities within Brandon and Bretford were valued and hence it is important to ensure that they are protected and, where possible, allowed to be enhanced to improve their community value”*. **Brandon Stadium is listed as one of those Community Facilities they wish to see protected.**
- As outlined in Briefing Paper No3, the Neighbourhood Plan makes further reference to Brandon Stadium (Section 4.4, Page 20) stating the Parish Council's own survey of the local community, reveals the residents *“overwhelmingly oppose”* redevelopment of the stadium and *“There is a community wish that the site should be retained as a celebrated sports facility for speedway and stock car racing. The community is not persuaded by the arguments that it is not or cannot be made viable at its location”*.
- Regarding Green Belt designation, the Neighbourhood Plan, referring to the BE Planning Application states, *The community is neither persuaded that this is an appropriate use for the location in an attractive landscape within the Green Belt nor that a need for this development within the Neighbourhood Area has been established.*

Why has the Officer misrepresented the requirements and the wishes of the Neighbourhood Plan, which makes it abundantly clear that this development is unwanted by the local community and, moreover, the community wish is that the stadium is retained?

4. THE APPLICATION CONFLICTS WITH GREEN BELT POLICY

- 4.1. The site is in the Green Belt and the stadium was already in place when that designation was made.
- 4.2. The site is outside the settlement boundaries of both Brandon and Binley Woods villages.
- 4.3. The Officer dismisses Green Belt Policy as *“it is considered the proposed development would not have a greater impact on the openness of the Green Belt than currently exists”*. This seems outrageous given the scale of housing proposed and even more so when this had been proposed and rejected through the local plan.
- 4.4. As the aerial views in Briefing Paper No5 show, the stadium is right at the rear of the site. The applicants claim the site is completely obscured by hedgerows and trees. They're not – the hedgerows and trees in Speedway Lane are sparse and allow open views across the site to see the woodlands beyond Gossett Lane as pictures in Briefing paper No5 shows.

Residents walk their dogs around this land and pedestrians access it en route to the woods. If this application were to be approved, that 'openness' and distant woodland would be obscured by houses, a pavilion, fencing and floodlighting, not to mention 300 vehicles accessing the proposed housing estate and football pitch 365 days of the year.

4.5. And the purpose of the Green Belt and this concept of 'Openness' is not restricted to the visual aspect as described below:

- Paragraph 137 of the NPPF states that, '*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.
- Paragraph 138 of the NPPF provides the purposes of the Green Belt.
 - (a) *to check the unrestricted sprawl of large built-up areas;*
 - (b) *to prevent neighbouring towns merging into one another;*
 - (c) *to assist in safeguarding the countryside from encroachment;*
 - (d) *to preserve the setting and special character of historic towns; and*
 - (e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- The Officer, in recommending approval of the application, has ignored Paragraph 138, in particular points (a), (c) and (e).

Briefing Paper No5 makes reference to previous applications either on, or near the stadium, which have been refused, citing sections of Paragraph 138 as reasons for refusal. What makes this application different?

4.6. Brownfield designation

- The Officer's Report in discussing the Green Belt states (section 5.4 page 15) "*The existing built form takes up approximately 4.35ha of the site and the proposed built form will cover approximately 4.1ha of the site*".
- Within the perimeter of the stadium itself there are a number of buildings such as the main grandstand, the back straight covered area, the hangars, the dog kennels and a number of smaller outbuildings. In addition, concrete terracing surrounds the racing circuit. These areas we do not dispute could be considered brownfield.
- Then there are the racing surfaces – the dog track, the speedway / stock car track, the infield (which is an integral part of the race track), the pits area and the changing rooms.
- **We dispute the notion that these areas should be considered brownfield and instead, should be considered as a 'sports pitch'**, in the same way for example, a tennis court, or indeed, a 3G sports pitch is.
- The proposed 3G football pitch / changing rooms / pavilion are clearly not included in the 4.1ha, so the race tracks and associated integral facilities should not be included in the 4.35ha.
- Taking this into account, the proposed extent and scale of housing proposed would extend well beyond and far exceed the existing built form.

- **This argument was put forward in the SCS response to the original (2018) planning application, but the Officer has overlooked this and provided no explanation for this inconsistency.**

5. THE APPLICATION CONFLICTS WITH THE NPPF (PARAGRAPH 99)

- 5.1. In one of the few references to any of the extensive representations made by SCS, the Officer's Report (Section 6.12, Page 17) states "*SCS&S contend that paragraph 99 I is not open to the applicant on the basis that the requirement is that the whole development should be for sports and recreation. Officers consider it is for the applicant to propose alternative provision. The Council will then make a planning judgment as to whether the alternative provision offers qualitative benefits that clearly outweigh that on offer previously, and if so then the requirements of paragraph 99 I can be met*".
- 5.2. The Officer has misunderstood the point SCS are making. The point being made is Paragraph 99c clearly states "*The development is **for** alternative sports and recreational provision....*". BE pursued their proposals through the Local Plan and then with a speculative application aimed at compliance with Paragraph 99a. They failed on both occasions. Neither of those failed attempts had any mention of any sports provision. This third attempt is a blatant attempt to get around Paragraph 99 by providing a 3G football pitch.
- 5.3. As described in Briefing paper No4, the application is not **for** alternative sports and recreational provision, the football pitch is ancillary to it. The application is and always has been **for** housing, as evidenced by the applicants first two failed attempts. If the NPPF condoned this approach, their Paragraph 99c would state "*The development **includes** alternative sports and recreational provision*".
- 5.4. In accepting this application is **for** alternative sports and recreational facilities, the Officer is condoning the misinterpretation of the NPPF whilst at the same time ignoring objections made by the trustees of the nearby Wolston Community Centre facility offering similar provision and the devastating impact it could have on that facility.
- 5.5. On 6th November 2018, SCS sent the Officer a response to the Sports Needs Assessment submitted by BE on 3rd October 2018. Reference was made to Wimbledon Speedway Stadium which was acquired by Galliard Homes (Section 2.37, Page 16). It made the point that the speedway stadium was replaced by a new 9,200 seat capacity football stadium (with an option to extend it to 20,000) for AFC Wimbledon. Whilst the development included provision of apartments, the main purpose was **for** alternative sports and recreational provision. That, SCS contend, is an example of a genuine compliance with Paragraph 99c, unlike the application put forward by BE.
- 5.6. The Report justifies a recommendation for approval by referring to the second part of Paragraph 99c (i.e. for replacement facilities to be provided) which states "*the needs for which clearly outweigh the loss*" but the case put forward by both the applicant and the Officer is very weak, subjective and vague, with no quantitative analysis provided.
- 5.7. In regard to this, the Applicant states (in the 3G Feasibility Study, Page 6) "*It is **believed** that the creation of the 3G provision will outweigh the loss...*" and the Officer (in Section

6.21, Page 18 of the Planning Committee report) states *“The former sporting provision on the site of speedway, greyhound racing and stock car racing were minority spectator sports. The alternative sports provision of a 3G pitch which would be available for a variety of sports for different ages ranges and groups would be provide a more universal sporting facility of participation sports that would deliver greater benefits for health and wellbeing of residents especially for young people along with the social and community aspect that the associated pavilion would provide”*.

Neither of these statements demonstrate the provision of the 3G pitch “clearly outweighs the loss” as is required in order to comply with Paragraph 99c.

5.8. The dismissal by the Officer of speedway racing and stock car racing being a ‘minority spectator sports’ is insulting, even more so considering the significance of these sports at this venue:

- The average attendance at Brandon in the final year prior to eviction was 2,111 spectators. Contrast that with Rugby Town Football Club whose average attendance in 2022 (based on first five home matches) is 236 people.
- How many other sporting events in Rugby were regularly televised? Former speedway rider Jack Parker, has a blue plaque in Rugby – how many other sportsmen/women can that be said of? The club’s most famous ever rider, Nigel Boocock, retired in 1980 and emigrated to Australia. When he died 35 years later, his ashes were flown back to the UK and were interred beneath the start line at Brandon with a crowd of 800 people in attendance.
- How many other venues or sports in Rugby Borough have staged World Cup Finals and World Championship events? How many other sports in Rugby have had six World Champions in their team or been represented by sportsmen from 14 different countries?
- Visit the local Brandon Club and a canvas-mounted picture of the stadium and framed pictures of speedway riders adorn the walls. Six years after BE closed the stadium, the Speedway Supporters’ Club continue to meet at the Brandon Club on Thursday evenings.
- The reference to the benefits of a 3G facility *“the social and community aspects that the associated pavilion would bring”* is ludicrous. To quote an article in the Mail on Sunday (11th Sept 2022), related to Brandon Stadium and this planning application, it said:

“Some people don’t understand about stadiums; the memories they hold and the history that resides in seats and steps of terracing that once provided vantage points, or the communities that are formed among fans”.

Does the Officer not realise the benefits to thousands of people, including many from the local community, the existing facility brings? Friends and families meet on the terracing or in the grandstand, they mingle in the bars after the racing concludes, getting autographs and taking pictures of their children with the riders and drivers. Parents name their children after riders and bereaved supporters scatter ashes of their spouse / parents on the Brandon shale.

- The Report shows letters of objection came from 11 different countries around the world yet the Officer fails to understand the international, let alone wider regional and national

significance of this stadium situated in the small village of Brandon in the Borough of Rugby.

5.9. With regard to participation in sport, the Officer states “*The alternative sports provision of a 3G pitch which would be available for a variety of sports for different ages ranges and groups would be provide a more universal sporting facility of participation sports that would deliver greater benefits for health and wellbeing of residents especially for young people*”

5.10. The Officer (nor the applicant) is unable to quantify this in any way, hence the vagueness of the statement.

5.11. The SCS response to the revised application included 14 pages related to the proposed 3G football pitch, plus 10 appendices. The appendices included analysis of sites within a 10 mile radius of Brandon Stadium offering similar facilities to the proposed provision at Brandon. The search criteria was for sites which have artificial pitches, floodlighting, changing rooms, car parking and open to public booking.

- It revealed there are 39 sites, with a combined total of 70 pitches, of which, 28 are full sized.
- Further analysis provided included screenshots of pitch availability and shows plenty of spare capacity already exists within the area, including at Wolston Community Centre just 1.9 miles from Brandon Stadium.
- The applicant and the Officer, make much of the fact that the pitch is full sized, yet analysis of the Programme of Use, shows it is only used as a full sized pitch for one game a week (on Saturdays) and the rest of the week is subdivided into smaller pitches for 5-a-side games, mini-soccer and training – precisely what the underutilised Wolston facility offers.

The applicant is providing a facility for which there is no need, in a desperate and misguided attempt to comply with Paragraph 99.

None of this has been considered by the Officer or mentioned in the report and in reality, the Officer, is recommending approval based on the applicant providing a 3G football pitch, ancillary to the main purpose of the application (housing), which duplicates provision elsewhere locally, for what is already the best catered for sport in the Borough and the Country, which in reality benefits just a handful of people playing just one game a week.

5.12. In doing so, the Officer appears to be happy to see the demolition of an iconic, almost 100 year old stadium for which there is a clear and proven ongoing need, is cherished by the local community and sports fans alike, which provides family entertainment and draws in more spectators than any other facility within Rugby Borough.

5.13. In suggesting the development would lead to increased sports participation, the Officer is ignoring the level of participation which already existed. The number of participants competing at Brandon in 2016 were *170 different* speedway riders, (from eight different countries), including senior (professional riders), Youth Development League riders and junior riders. Booking sheets also show *765 different* Stock car drivers competing in 12

different formulas. This included youngsters (11 years and upwards) in Mini-stox, ladies races and seniors. These riders and drivers competed multiple times throughout the season.

6. OPPOSITION HAS BEEN OVERWHELMING AT EVERY STAGE THROUGHOUT THE PROCESS

6.1. The response to the public consultation resulted almost unanimous opposition and numbers unprecedented in RBC history.

6.2. Opposition has come from every quarter:

- General Public (largest response in RBC history)
- Brandon & Bretford Parish Council
- Binley Woods Parish Council
- Governing bodies of the sports being displaced (though not all listed by the Officer)
- 10 Members of Parliament / Lords (though not all listed by the Officer)
- RBC Landscape Officer
- Trustees of Wolston Leisure & Community Centre
- Local community.
- With regard to Sport England's response, the Officer simply states '*No objection*' but has not addressed important issues raised within their response.

6.3. The Tables below show the result of the Public Consultation following the Exhibitions by the applicant in 2014 and 2017 and the response to the original (2108) application and the revised application in 2021. These are people who have taken the trouble to send emails or letters to the Applicant / RBC

	2014 Exhibition		2017 Exhibition	
Support	14	7.8%	17	10.8%
Neutral	3	1.7%	6	3.8%
Object	163	90.5%	134	85.4%

Source: BE Planning Application

Original (2018) Application.				
	Local (Brandon & Binley Woods)		All Responses	
Support	6	6%	6	0.4%
Object	93	94%	1490	99.6%

Source: RBC Officer's Report

Revised (2021) Application				
	Local (Brandon & Binley Woods)		All Responses	
Support	3	33.3%	3	0.3%
Object	6	66.7%	1006	99.7%

Source: RBC Officer's Report

In recommending approval of this application, the Officer has simply swept aside and ignored all this opposition and in doing so, sends a message that consultation exercises conducted by RBC are pointless exercises, as they will simply be ignored.

7. COMPARISON OF COVENTRY STADIUM TO OXFORD STADIUM

- 7.1. Like Coventry Stadium, the stadium at Oxford was purchased by developers (Galliard Homes). Speedway racing ceased in 2007 whilst greyhound racing continued until 2012.
- 7.2. In March 2022, the reinstated stadium reopened for speedway racing and has enjoyed capacity crowds throughout the season. Greyhound racing has recently been reintroduced too.
- 7.3. The Officer makes quite ludicrous comparisons (Section 17.4, Page 28) between the two venues, referring to Oxford as having *'historic links and greyhound racing being for the leisure of factory workers'*. The reality is, that whilst Oxford is a nice stadium, the history and heritage of the site does not compare to Brandon. It does not have the same international significance as Brandon. The independent consultant commissioned by RBC summed up Brandon saying *"Brandon was unquestionably still a significant motorsport venue up to its demise and was more than just a local track"*.

Oxford, in comparison to Brandon, is a 'local track'

- 7.4. SCS had conversations with the Deputy Leader of Oxford Council (Ed Turner), a Cabinet Member (Alex Hollingsworth) and Stadium Manager (David Lestrade). In addition, SCS met the new operator of the stadium Kevin Boothby and held face to face talks. These discussions revealed how, despite having no heritage status when Galliard Homes bought the stadium, Oxford Council pursued this, eventually achieving heritage status for two buildings on the site. They also recognised the affection people had for the stadium and commissioned reports to show the adverse impact on the wellbeing of former patrons and a Viability Assessment which was subsequently used in conjunction with specific written policies in its emerging Local Plan and how they were prepared to use compulsory purchase order powers as a last resort if the owners were not prepared to sell the site.

Interestingly, they also said they took exception to being 'lied to' and refused to be bullied by wealthy developers.

In short, Oxford Council were determined to retain the site for sport.

- 7.5. On 3rd September 2021, SCS met senior officers at RBC including Mannie Ketley, David Burrows and Richard Holt (the Planning Officer's manager). During that meeting and in a follow up email on 20th September 2021, SCS informed attendees of this process which resulted in Oxford Stadium being reinstated.

With the permission of Mr Hollingsworth, SCS provided attendees with his name, email address and mobile 'phone number as he was quite prepared to speak to RBC.

On 19th August 2022, during a 'phone conversation with the Officer, SCS were told that reference would be made to Oxford in the Report as the Officer had 'read up' on the situation.

Why, when SCS had met with senior officers and explained the process which enabled Oxford Stadium to be reinstated and followed this up with an email which

provided the contact details of Mr Hollingsworth, was all of this ignored and no-one made contact with him? And why is there such a fundamentally different approach between Oxford and Rugby Councils in terms of their attitudes towards development which is unwanted by the local community?

8. WHAT IS NOT IN THE OFFICER'S REPORT

8.1. What is omitted from reports is often more important than what is in them and can reveal an attempt to mislead readers. This Paper has already referred to some omissions, and this final section highlights further examples of documents that are missing and information, inconvenient to the Officer's case and recommendation, which is not referred to.

8.2. Documents missing from the Report (not referenced anywhere in the Officer's Report)

- Letter of Objection from the Chairman of British Speedway Promoters Ltd.
 - There is no reference whatsoever to a letter of objection from the Chairman of the British Speedway Promoters. The letter, sent on the Officer on 6th August 2021, refutes many claims made by consultants (KKP) on behalf of BE, regarding the health of speedway racing in the UK. In that letter, the Chairman offered to meet with the Officer to discuss the issues. The Officer did not respond to the offer despite the headquarters of the BSP being based in Wood Street, Rugby, and just a few hundred yards from the Town Hall.
- Letter of Objection from the Governing Body of Speedway (Speedway Control Bureau)
 - There is no reference whatsoever to a letter of objection from the governing body of speedway (Speedway Control Bureau). This letter, sent to the Officer on 9th August 2021, draws attention to the adverse impact on the sport following the forced closure of Brandon and the thriving Youth Development Programme within speedway. Again, it has been ignored by the Officer.
- Letter of Objection from the Governing Body of Stock Car Racing (BriSCA) and Oval Racing Council International (ORCi).
 - There is no reference whatsoever to a letter of objection from BriSCA and the ORCi, sent on 10th August 2021, in which the Chairman, Steve Rees refers to the void left following the closure of Brandon and the loss of the sport in the Midlands which caters for grass roots participation and families.

In failing to mention these highly significant responses, the Officer is implying that the governing bodies who objected to the original application in 2018, were not minded to do so again in 2021, and has therefore ignored their views completely.

- Joint Letter of Objection from 10 Members of Parliament / Members of House of Lords

- Whilst the Officer refers to objections from four individual Members of Parliament there is no reference whatsoever to a joint letter of objection sent on 23rd April 2018. This letter (included in Briefing Paper No3) urges RBC to “*reject the planning application and actively support the return of Brandon Stadium to its former long-established use*”.

8.3. Examples of other omissions from the Officer’s Report

The Report discusses the Loss of a Sporting Facility and refers to a number of ‘independent’ reports commissioned by the applicant and copies and pastes many sections from those reports to justify the recommendation for approval.

These reports are not independent. They are written to support a predetermined conclusion required by the applicant, their paymasters.

The Officer readily accepts them as fact, despite being provided with evidence which disproves the claims. Below are just a few of many examples.

Example 1

The Officer describes the site (Section 1.2 of the Planning Committee Report), just as the applicant had, as “*previously developed land and is currently occupied by a disused stadium*” and copied and pasted (Section 6.6) large sections from the application, which includes a statement that “*there are no licence holders willing to hold motor racing events at the stadium*”.

Bear in mind the sale of the stadium began early in 2013 and the Applicant first revealed their plans to build houses on the stadium site at an exhibition at Binley Woods Village Hall in October 2014. Whilst this was going on, both speedway and stock car racing was taking place at the stadium, with full seasons of racing right up until the end of 2016.

It was not a disused stadium until the Applicant engineered the situation by evicting the sports – the stadium is only disused because the Applicant closed it.

The Officer knows this is the case and has been provided with evidence of how the applicant engineered the situation to evict the sports and then attempted to untruthfully concoct a narrative that it was disused and that none of the licence holders were willing to stage events at the stadium.

This evidence presented to the Officer includes two emails sent (on 11th May 2017 and 11th January 2018) from James Crocker of Howell Solicitors, acting on behalf of BE, which state “*As previously intimated, and for the avoidance of doubt: Stock car racing will never be allowed to return to the Stadium*”.

In addition, the Officer copied and pasted the Applicant’s claim that the stadium closed because no licence holders were willing to stage events at the stadium. In the Planning Application the Applicant falsely claimed that stock car licence holders Coventry Racing Club (and former stadium owners) had been offered an extension to the lease in mid-2016. A letter of apology was subsequently sent from the applicant’s previous planning agent, Framptons, (on 7th November 2018), to Coventry Racing Club for this false claim.

The Officer was copied into this letter of apology and in the letter, the author asked that statutory consultees be given copies of this letter. **The Officer failed to forward a copy to**

any consultees, leaving them to continue to believe none of the licence holders were interested in continuing to run events at the stadium.

Why does the Officer reproduce statements, which sets the context for the report, to justify the recommendation for approval of the application, despite being in possession of and making no reference to, evidence which clearly demonstrates those statements are blatantly untrue?

And why did the Officer fail to forward a copy of the letter of apology to statutory consultees as requested?

Example 2

BE stated in their original 2018 application that “*The applicant has received several enquiries from parties interested in either acquiring or operating Coventry Stadium*” and go on to say “*none of the parties seeking to re-use the facilities have demonstrated a credible business case or professional team to operate the stadium or have failed to provide suitable evidence of funds to either operate or acquire the subject site and premises*”.

The applicant repeated that statement in the revised 2021 application despite meeting, at the stadium, a very credible individual who followed this up with a formal offer to buy the stadium. The offer was an inconvenience to them and something they made no reference to in what can only be deemed to be an attempt to mislead.

Referring to this, the Officer states in the Report (Section 6.7) that “*Save Coventry Speedway & Stox have stated that a local businessman has offered to buy the stadium.....*”.

This implies SCS have ‘claimed’ an offer has been made.

The Officer (and members of RBC senior team) were provided with evidence which includes the name of the individual (Warren Hunter), details of his business (Huntapac Ltd) including how many people he employs (520), the nature of his business (farming and processing root vegetables), who his main customers are (Tesco and Marks & Spencer), a copy of his most recent annual accounts filed at Companies House (which show his turnover to be £55m pa) and a **copy of the actual offer letter** sent to BE on 27th May 2020. (The offer incidentally, has not been refused).

So why does the Officer not make reference to this and instead say SCS have *stated* this, as it tends to suggest it’s an unsubstantiated claim?

In addition, as described in Section 2 of this Critique, Section 8.12 of Policy HS3 states “*the Council must be satisfied that there is no other interested party prepared to re-open the facility*”, the Officer is aware of another interested party but has chosen to ignore this.

Example 3

The Officer refers to a separate planning application submitted by SCS (Application Ref: R22/0071) and states (in Section 6.7) that “*no compelling evidence has been presented by SCS or anyone else that shows that such a use would be likely to be implemented as a viable proposition*”. (the ‘use’ being the reopening of Brandon Stadium).

The onus is not on SCS to demonstrate the stadium was viable or would be viable in the event of it being reopened but rather on the applicant to prove the stadium was surplus to requirements and not viable. BE were unable to provide a shred of evidence to make this case when they submitted the original application. The *only* Independent Consultant (commissioned by RBC) in this entire process concluded “*viability of the former Coventry Stadium is difficult to establish*” and “*clarity surrounding the operation of the Stadium and the ultimate viability is still clouded*”.

Having said that, to counter unsubstantiated claims by the applicant in their planning application, SCS provided the Officer with:

- A letter from the previous owner explaining the reason for the sale (which was not related to viability)
- A letter from the previous owner’s accountant
- Detailed analysis of the profits made from just eight (F1) stock car meetings in 2016, the final year before the forced closure. Sent on 15th March 2018, the analysis showed, meeting by meeting, the number of attendees broken down in adults / children / students and OAP’s, total cash through the turnstiles, VAT paid, number of competitors, start money and prize money paid to those competitors and all expenses including staff wages etc). This detailed analysis is available on request should Members wish to see it. The net profit from just eight (F1) stock car meetings was £288,603. This excluded the very significant profit from catering and in particular, bar sales.

The Officer makes no reference to any of this in the Report.

Why does the Officer make this statement regarding viability when BE failed to provide any evidence of non-viability and despite never being asked for it, SCS provided evidence which demonstrates huge profits were made - yet this has been ignored and not referred to in any way?

The Officer goes on to say (in Section 6.7) “*Further information has been requested regarding the structural integrity of the buildings to enable the (SCS) application to be determined*”. Briefing Paper 8 describes how the application was submitted in accordance with advice from the Officer, how, after providing additional drawings and detail as requested, the application was registered (based on a structural survey being a reserved matter), went through the consultation process with no objections from any statutory consultees and to the best of our knowledge overwhelming support from the local community, yet a full two months after the consultation period ended, SCS were advised there was “*insufficient information to give a positive outcome*”.

Additionally, why does the Officer not provide Members with a fuller explanation of the situation regarding the status of the planning application submitted by SCS?

Two further points related to this planning application.

Repeated requests were made to the Officer to see the response to the SCS planning application. These requests were made in emails to the Officer on 16th May 2022, 7th June 2022 and 25th July 2022 as well as verbally in a ‘phone conversation 13th May. On 15th July, this issue, amongst others, was raised in an email to Senior Officers at RBC, including Nicola Smith, Head of Growth and Investment. On 4th August, SCS received a reply confirming “*You are correct that you are able to see third party comments and technical consultee responses on an application*” and went on to say “*I know Erica is working on pulling the relevant documents together for your perusal, so should be in contact with you shortly*”.

At the time of preparing this report (19th October), more than 23 weeks after the consultation period ended, SCS have still not been afforded the opportunity to see the public response to their planning application. We have reason to believe the response has indicated there is overwhelming support for the SCS proposals.

Secondly, a Freedom of Information Request related to the application was submitted by SCS on 3rd August 2022. An email of acknowledgement was received the same day allocating a Reference Number (4026383) and indicating a formal response would be received within 20 working days.

At the time of preparing this report (19th October), more than 50 working days later, SCS has yet to receive a response to the Freedom of Information request.

Both of these issues are clear failings of process on the part of RBC Officers.

Example 4

Both the BE application and the Officer's Report and recommendation relies heavily on the provision of, and need for a 3G football pitch.

What the Officer included in the Report

The Report refers to the 3G Feasibility Study prepared by consultants (commissioned by BE) KKP, and the Officer reproduces a number of paragraphs from this study.

The sections referred to by the Officer refer to Playing Pitch Strategy documents for both Rugby and Coventry. The Rugby version is 11 years out of date. It goes on to refer to Rugby Local Football Facility Plan (LFFP), saying it is more up to date. That is seven years out of date but indicates there is a need for local full size 3G pitches.

In reproducing another section from the consultant's study, the Officer refers to the demand for such facilities was "*reflected in the level of interest the prospective pitch has generated with **five** community clubs consisting of several teams expressed an interest in utilising a prospective pitch*".

What the Officer made no reference to in the Report

Briefing Paper No 4 details the local clubs who showed an initial interest in utilising a pitch at Brandon and describes that only two of the nine were in the Borough of Rugby and despite five of them showing an interest, three subsequently withdrew their interest leaving just two, not five as the Officer suggests.

The KKP 3G Feasibility Study was 19 pages long with the authors doing their best to demonstrate the need for and viability of the proposed facility.

Early in the Study however, on Page 3 under the section entitled 'Assessment of Need' the authors quote the Football Foundation and Birmingham FA saying "*they believe the proposed location may be too rural to attract sufficient demand*".

Right at the end of the Study on Page 18 in the section 'Conclusions' the following statements were made which cast real doubt about the need and support for and sustainability of the 3G pitch provision:

"Sport England could still object to the development if it does not consider the proposal to be sufficient mitigation for the loss of the speedway track, as per NPPF point C" and "support is not guaranteed from either the FA or the Football Foundation given that the project was not identified as part of the LFFP process".

“Sustainability may be somewhat impacted upon if the pitches that are in the LFFP are delivered over its ten-year lifespan”.

This proposed facility is obviously is not something they could sell to a would-be Operator as their own Business Plan shown in the Study projects a marginal profit of just £3k per year for an investment in excess of £1m. It would suggest therefore, the applicants are prepared to ‘gift’ this facility to anyone prepared to take it on, whilst writing off an investment of £1m, simply in a misguided and desperate attempt to comply with Paragraph 99 which in turn could enable them to make millions of pounds from housing.

Why, when KKP themselves cast real doubts about the need for and sustainability of this 3G pitch provision, does the Officer not make reference to any of these points in the Report or question the motives behind it?

Example 5

The second part of the study undertaken by KKP is entitled ‘Coventry Stadium Speedway Viability Appraisal’

What the Officer included in the Report

The Officer once again (Section 6.14) copies and pastes assertions made by consultants KKP, commissioned by the applicant, and accepts them as fact. These include assertions of *“significant reduction in attendance, declining viewership and TV revenue and less participation in the sport”*. The Report goes on to reproduce *“The decline in speedway, in tandem with the reduction in both greyhound and stock car events has resulted in the closure of several speedway stadiums in the UK”*.

The Officer also made reference (Section 6.15) to the new £7m speedway stadium in Manchester and its lack of profitability since it opened in 2016.

What the Officer made no reference to in the Report

SCS submitted a comprehensive response to this application. The response was 68 pages long and included a further 20 appendices. Of those 68 pages, 20 of them countered claims made in the KKP report related to the health of speedway.

As an example, one of the appendices within the SCS response included a chart showing official TV viewing figures over an 18 year period which clearly showed how KKP had manipulated data in a deliberate attempt to mislead.

It was also very noticeable that in a document entitled ‘Coventry Stadium Speedway Viability Appraisal’ there was a complete lack of any evidence relating to Coventry Stadium itself, with the report merely copying and pasting from other planning applications elsewhere in the country and seeking to extrapolate those claims into the Coventry situation.

Another appendix was a copy of three-page letter sent to the Officer from the Chief Executive of Belle Vue (Manchester) Speedway, clearly explaining the business model underpinning the stadium which had been misrepresented in the KKP report, and in which he invited the Officer to contact him.

As has already been mentioned, the letter of objection from the Chairman of the British Speedway Promoters Ltd also offered to meet the Officer to discuss this very topic.

Why has the Officer completely ignored compelling arguments made in the comprehensive response by SCS and not responded to invitations from two very senior figures in the sport to meet or discuss the KKP claims?

SCS could cite many more examples such as those referred to above but do not wish to make this critique too long. If however, Members would like further examples, SCS would be happy to provide them.

We trust Briefing Paper No9 supports the opinion stated at the beginning of this paper that the Officer's Report is unbalanced to the point of being biased and respectfully urge Members to vote for refusal of the application based on the facts and evidence presented.

Save Coventry Speedway & Stox Campaign Group

October 2022